

WATER PERMIT NO. 2718-2

Name of Applicant: **Daniel and Paulette Fanning**

Address: **28885 237th Ave, Martin SD 57551** Phone: **605 685-5274**

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: **20 miles east of Martin**

PRIORITY Date Received: **10-7-13** Application/License Fee: **\$ 1050**

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

Remarks:

Diversion Point: **SE 1/4 SW 1/4 Sec 31-T38N-R34W**

Land to be Irrigated: **SW 1/4 Sec 31-T38N-R34W**

Depth of Well: **250 feet deep**

Well Driller: **Grosch Irrigation Co**

Remarks:

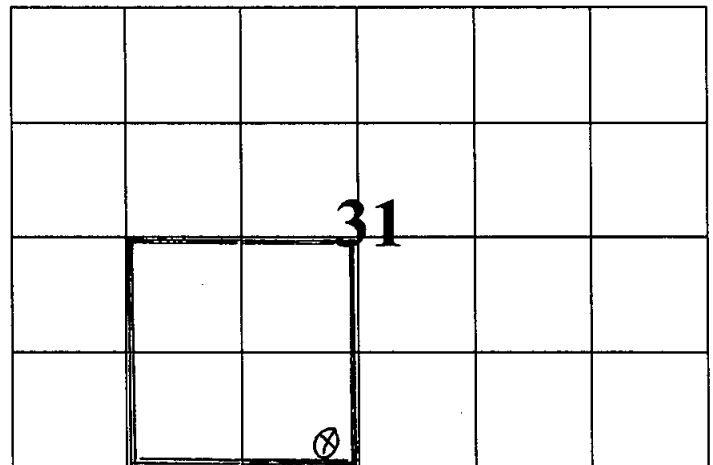
Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **10-7-13**

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	No. <u>2718-2</u> (office use only) Hydrologic Unit <u>10140203</u>
	Basin <u>White River</u> <u>605-685-6866</u>
	Newspaper <u>Bennett Co. Booster II Box 610 Martin</u> <u>57551</u>
	<u>Capital Journal Box 878 Pierre 57501 605-224-7301</u>

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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.)

- 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 S.D. 57551
Home Phone 605-685-6472 Cell 605-5274 Email daniel.fanning@fbfs.com
(Address) (City) (State) (Zip Code)
- 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
- Source of water supply Art Ground Water
- Location of point of diversion 1 well located SW 1/4 sect 31 Twp 38N Rng 34W
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)
(SE 1/4 SW 1/4) County Bennett, SD
- County or counties where water will be used Bennett
- Annual period during which water is to be used May 1 - Sept 30
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>Sec 31 Twp 38N Rng 34W</u>	<u>160</u>		
<u>SW 1/4 of SW 1/4 of 31-38-34</u>	<u>40</u>	<u>SE 1/4 of SW 1/4 of 31-38-34</u>	<u>40</u>
<u>NW 1/4 of SW 1/4 of 31-38-34</u>	<u>40</u>	<u>NE 1/4 of SW 1/4 of 31-38-34</u>	<u>40</u>

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

Daniel Fanning
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. 2718-2**

Date of first receipt of application October 7, 2013.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2718-2 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. 2718-2 appropriates 2.22 cubic feet of water per second from one well to be completed into the Ogallala Aquifer (250 feet deep) located in the SE 1/4 SW 1/4 Section 31 for irrigation of 160 acres located in the SW 1/4 Section 31; all in T38N-R34W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – September 30.
3. The date from which applicant may claim right is October 7, 2013.
4. The date of approval of Permit No. 2718-2 is December 16, 2013.
5. One-fifth of the construction is to be completed on or before June 16, 2016.
6. All construction is to be completed on or before December 16, 2018.
7. Water is to be put to beneficial use on or before December 16, 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. 2718-2 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*

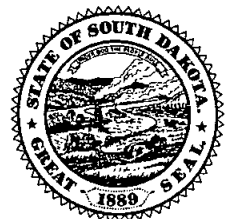
Jeanne Goodman, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

DEC 27 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 Groch Inc Co
(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 Depth to Top of Water Bearing Material Depth to Water from Surface

d) Distance to nearest existing domestic well: approx 2000ft
On applicant's property 2/5 of a mile On property owned by others 3/4 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)

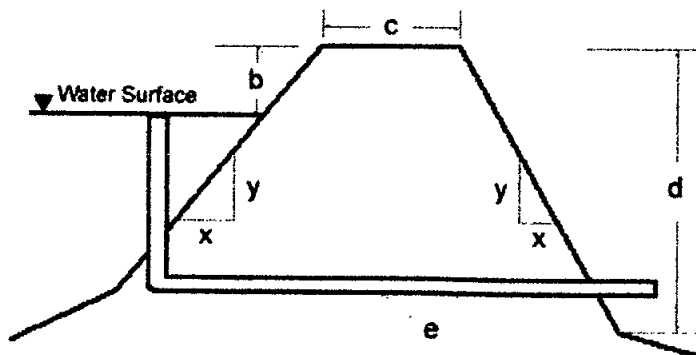
Upstream

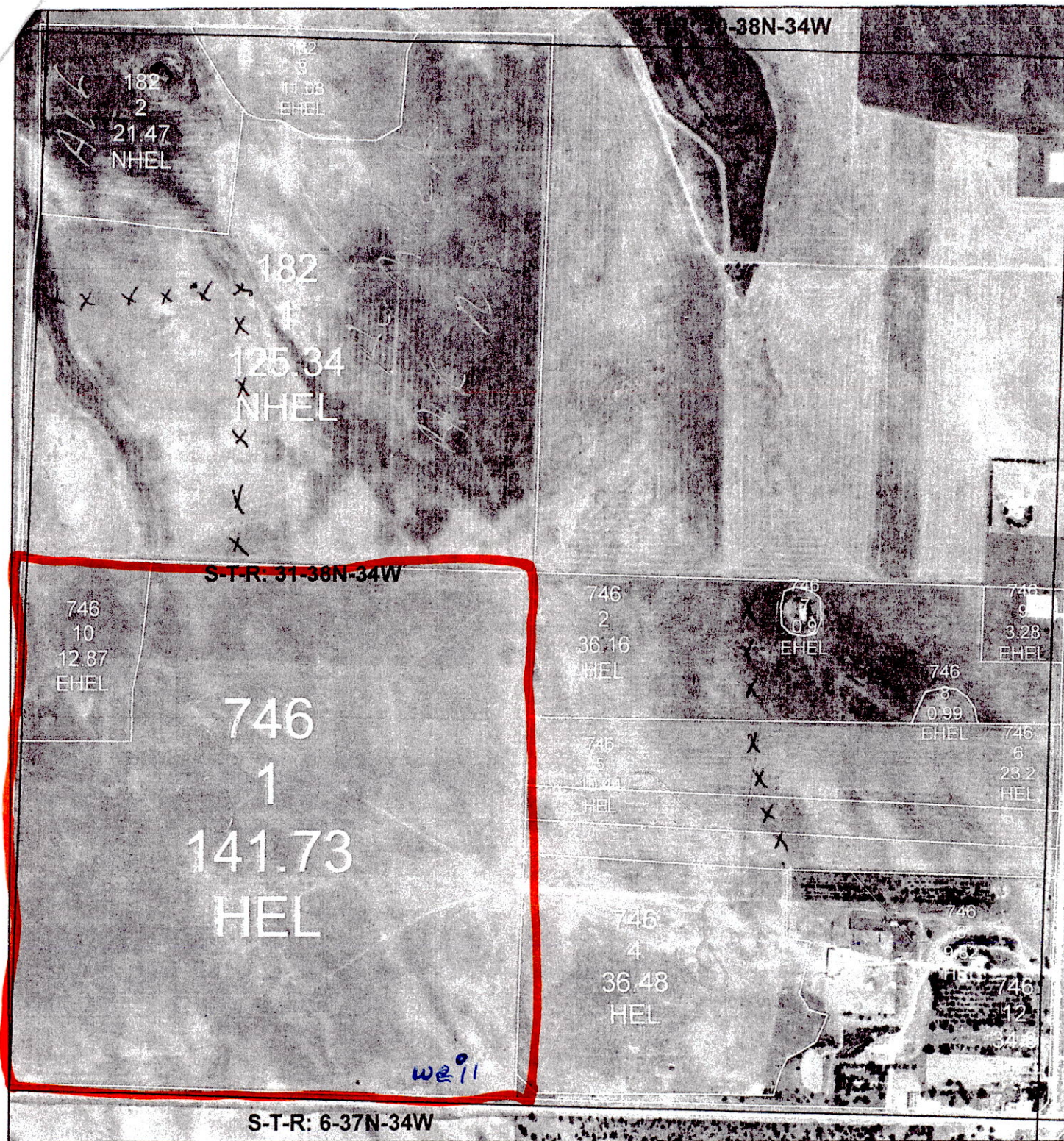
Downstream

h) Surface Area of Impoundment

i) Storage Acre Feet

j) Drainage Area Above Dam Acres





United States Department of Agriculture
Farm Service Agency

PLSS: 31_38N_34W
Farm: 2450

Bennett County, SD
1:8,088

March 23, 2010



Wetland Determination Identifiers

- Restricted Use
- ▽ Limited Restrictions
- Exempt from Conservation Compliance Provisions

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Common Land Units

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

2008 Ortho-Photography - Not to Scale

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Branch O'Neill, NE

Date **September 26, 2013**

2 - 13

Name BUTCH FANNING - #3

County **BENNETT CO**

NRD SOUTH DAKOTA SE SW 1/4 31 SEC 38 TN 35 RA

GPS

43D / 12 / 56.5

101D / 23 / 10.6

FEET FROM

FEET FROM

ELEVATION

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DRILLER

Thad Babutzke

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 10/7, 20 13

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

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

Fee for Application for Permit No. <u>2718-2</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>2718-2</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. **06456**

By Jeanne Goodman
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. 2718-2, 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. 2718-2, Daniel and Paulette Fanning, 28885 237th Avenue, Martin SD 57551.

The Chief Engineer is recommending APPROVAL of Application No. 2718-2 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. 2718-2 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
November 21, 2013

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 2718-2
DANIEL AND PAULETTE FANNING
NOVEMBER 20, 2013

Water Permit Application No. 2718-2 proposes to appropriate water at a maximum diversion rate of 2.22 cubic feet of water per second (cfs) from one well to be completed into the Ogallala aquifer. The well is expected to be approximately 250 feet deep and is to be located in the SE ¼ SW ¼ Section 31 for the irrigation of 160 acres located in the SW ¼ Section 31; all in T38N-R34W in Bennett County.

AQUIFER: Ogallala (OGLL)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The Ogallala aquifer is part of the High Plains aquifer that underlies 174,000 square miles of the United States, spanning eight states from Texas to South Dakota. In South Dakota, the High Plains aquifer underlies approximately 4,750 square miles, contains an estimated 700 million acre-feet (ac-ft) of water in storage, and is generally under water table conditions (Gutentag et. al, 1984). The entirety of Bennett County is underlain by the High Plains aquifer, which consists of hydraulically connected Arikaree Group, Batesland Formation, and Ogallala Group, with overlying Quaternary sediments that consist of alluvial and eolian deposits (Filipovic, 2011).

The Ogallala Formation consists of clays, silts, sands, and surface gravel deposits and is the most productive portion of the High Plains aquifer (Gutentag et. al, 1984). The Ogallala aquifer underlies approximately 1,140,360 acres and contains an estimate 19,929,600 ac-ft of recoverable water in storage in South Dakota with approximately 280,960 acres and 2,809,600 ac-ft of recoverable water in storage in Bennett County alone (Allen et.al, 1985). The thickness of the aquifer can vary greatly due to topography of the under lying, eroded pre- and post-Arikaree surface (Filipovic, 2011). In the area of this application, the aquifer thickness varies from approximately 150 to 300 feet (Filipovic, 2011).

The test hole report submitted with this application identified sand from two to 32 feet below ground surface, a streak of clay from 32 to 36 feet below grade, and more sand with sandstone layers from 36 to 250 feet below ground surface. The static water level was 28 feet below grade in September 2013.

SDCL 46-2A-9:

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

WATER AVAILABILITY:

This application proposes to appropriate water from the Ogallala aquifer. Actual water use, if this application is approved, will likely be less than 320 acre-feet annually (ac-ft/yr). The probability of unappropriated water available from an aquifer can be evaluated by considering SDCL 46-6-3.1 which requires “No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable 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 withdrawal/recharge issue must be considered.

Hydrologic Budget:

Recharge:

Recharge to the Ogallala aquifer in Bennett County occurs mainly through infiltration of precipitation (Filipovic, 2011). Kolm and Case (1983) estimated recharge to be 1.3 to 1.8 inches per year (in/yr) using a digital model. Hedges and Burch (1985) estimate recharge to be 2.2 to 3.4 in/yr using observation well data and 1.88 in/yr using a baseflow recession analysis. Table 1 shows the total estimated recharge to the Ogallala aquifer in Bennett County using the various recharge estimates.

		Recharge Rate (in/yr)	Min. Recharge (ac-ft/yr)	Max. Recharge (ac-ft/yr)
Kolm and Case, 1983		1.3 to 1.8	30,437	42,144
Hedges and Burch, 1985	Obs Well	2.2 to 3.4	51,509	79,605
	Baseflow	1.88	44,017	

Table 1- Estimated annual recharge to the Ogallala aquifer in Bennett County

Discharge:

Discharge from the Ogallala aquifer in Bennett County occurs through evapotranspiration, seepage to streams and rivers, outflow to the aquifer outside the county, and well withdrawals. Currently there are 52 South Dakota water rights/permits appropriating water from the Ogallala aquifer in Bennett County. One water right/permit is authorized for institutional use, Water Right No. 2621-2 for Tuthill Community Presbyterian Church, one is authorized for fish and wildlife propagation, Water Right No. 2455-2 for Martin Vanderploeg, and the remainder of the water rights/permits are authorized for irrigation use. There are currently no other SD water permit applications pending from the Ogallala aquifer in Bennett County (Water Rights, 2013b). The estimated average annual use by Water Right No. 2455-2 is 19.6 ac-ft/yr and Water Right No. 2621-2 is estimated to use 8.7 ac-ft/yr. Those estimates are based on pumping at the maximum allowed diversion rate for 60 percent of the time. The amount of water withdrawn for domestic purposes is not significant to the hydrologic budget.

The development of SD water rights/permits authorized for irrigation use from the Ogallala aquifer in Bennett County has held steady over most of the period of record, 1982 to 2012 (Water Rights, 1983-2013). Table 2 shows the historic irrigation water use from the Ogallala aquifer in Bennett County.

YEAR	NO. OF PERMITS REPORTING	APPROPRIATION (AC-FT/YR)	PUMPAGE REPORTED (AC-FT/YR)
2012	42	18881.9	13134.53
2011	45	19489.9	6289.23
2010	45	19157.9	7347.36
2009	45	19267.9	8283.03
2008	45	19267.9	9976.89
2007	45	19245.9	10468.27
2006	43	19529.9	10838.95
2005	44	19925.9	8563.55
2004	44	19529.9	9067.61
2003	44	19604.9	7164.72
2002	42	18950.9	8321.28
2001	43	18950.9	7149.91
2000	44	19697	6812.18
1999	44	19697	5745.8
1998	44	19697	5805.38
1997	44	19677	7069
1996	44	20204	6430.94
1995	42	20218	5936.46
1994	44	20500	7448.54
1993	43	19248	4447.5
1992	43	19248	5629
1991	43	19248	6270.2
1990	43	19248	7169
1989	41	18730	10212.6
1988	39	18063	6366.5
1987	40	19663	5624
1986	41	19935	4359.6
1985	42	19778	8022
1984	44	22288.2	4816.4
1983	37	18134.3	4259.07
1982	35	17457.3	2032.77
Min	35	17457.3	2032.8
Max	45	22288.2	13134.5
Avg	42.7	19436.6	7131.0

Table 2- Historic irrigation water use authorized under South Dakota water rights/permits from the Ogallala aquifer in Bennett County (Water Rights, 1983-2013)

Hydrologic Budget:

The estimated annual withdrawal of water from the Ogallala aquifer in Bennett County is 7,159 ac-ft/yr. This is much less than any of the estimates for annual recharge to the Ogallala aquifer in Bennett County. Therefore, there is a reasonable probability that unappropriated water is available for this proposed appropriation.

Observation Well Data:

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

The DENR-Water Rights Program monitors 78 observation wells completed into the Ogallala aquifer with 19 of the wells in Bennett County alone (Water Rights, 2013a). There are three observation wells within approximately 3.5 miles of the proposed well site. The observation

wells are BT-76A, 1.6 miles east, BT-76B, three miles southeast, and BT-78J, which is 3.4 miles south-southeast of the proposed well site. The hydrographs for the observation wells are shown in Figures 1, 2, and 3, respectively.

The hydrographs show that the water levels respond well to climatic conditions with rising water levels during wet periods and gradually declining water levels during dry conditions. The temporal impacts of well withdrawal are minimal compared to the effects of climate conditions on the water levels in the observation wells. Therefore, there is a reasonable probability that unappropriated water is available from the Ogallala aquifer in Bennett County for this proposed appropriation.

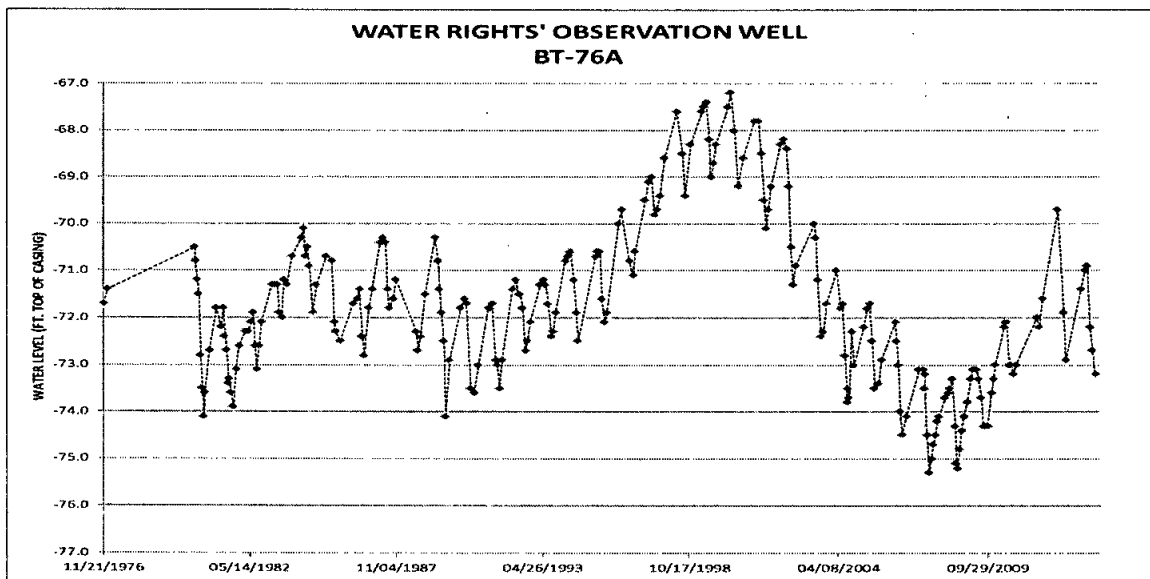


Figure 1- Hydrograph for observation well BT-76A (Water Rights, 2013a)

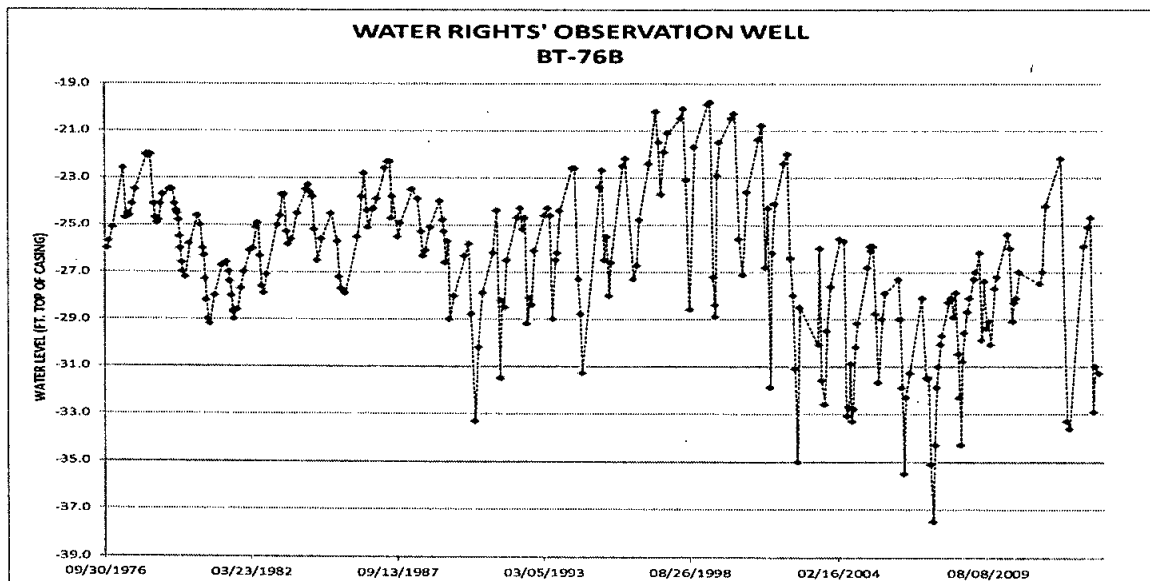


Figure 2- Hydrograph for observation well BT-76B (Water Rights, 2013a)

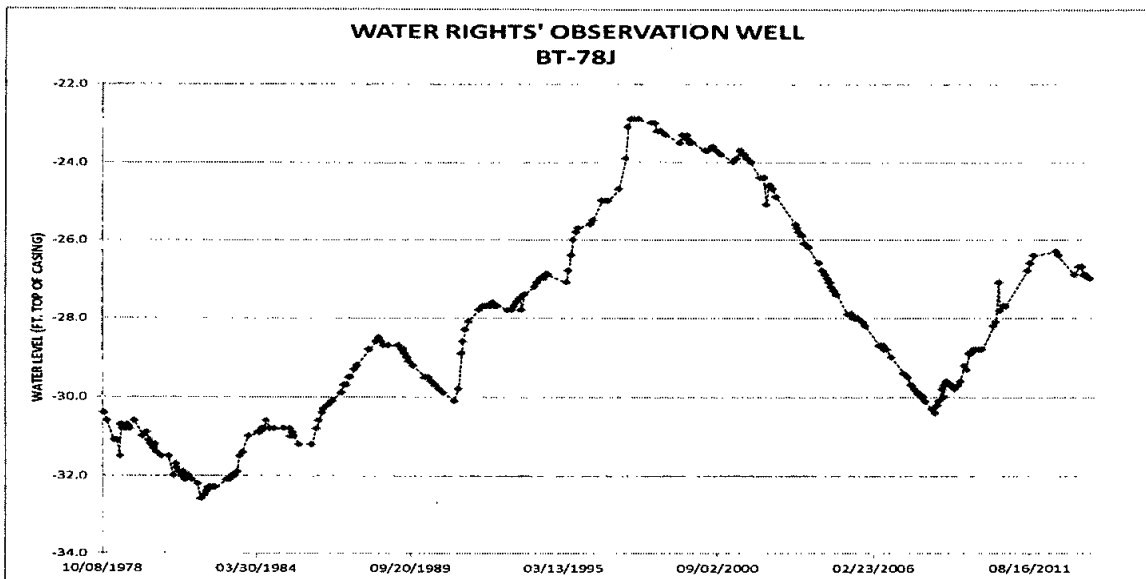


Figure 3- Hydrograph for observation well BT-78J (Water Rights, 2013a)

EXISTING WATER RIGHTS:

There are three water right/permits authorizing five wells within approximately one mile of the proposed well site, none are within approximately 0.75 miles of the proposed well site (Water Rights, 2013b). Water Permit Nos. 2697-2 and 2698-2 for Roberta L. Donovan Real Estate Trust and Daniel Fanning, respectively, were issued in 2012, Water Permit No. 2706-2 for Nick Risse was issued in 2013 (Water Rights, 2013b). There are three domestic wells on file with the SD DENR-Water Rights Program within approximately one mile of the proposed well site (Water Rights, 2013c). The nearest domestic well on file with the Water Rights Program is approximately one-half mile east of the proposed well site.

Approximately 1.5 miles east of the proposed well site, the Ogallala aquifer has been highly developed for irrigation. There are 15 quarter-section center pivots, one of which is slightly larger than a quarter-section, across four square miles all in adjacent sections. This highly developed area in the Ogallala aquifer indicates that drawdown from pumping this proposed diversion is unlikely to create adverse impacts to appropriators with senior water rights/permits or to domestic users. Also, the water table conditions of the aquifer dictate that any drawdown due to pumping would probably not extend far from the proposed well sites.

The Water Management Board has consistently recognized that to place water to maximum beneficial use a certain amount of drawdown must occur. The observation well data shows that at most there has generally only been six feet of drawdown across the entire irrigation season. This is clearly shown in the hydrograph for BT-76B, Figure 2. In general terms, the observation well data shows that even at distances of approximately one-quarter mile there is very little drawdown in the aquifer from irrigation pumping. Therefore, there is a reasonable probability that pumping at the proposed well site will not adversely impact existing domestic or appropriative well users with an adequate well as defined in ARSD 74:02:04:20(7). Administrative Rule of South Dakota 74:02:04:20(7) defines an adversely impacted domestic well as:

“A well in which the pump intake was set at least 20 feet below the top of the aquifer at the time of construction or, if the aquifer is less than 20 feet thick, is as near to the bottom of the aquifer as is practical and the water level of the aquifer has declined to a level that the pump will no longer deliver sufficient water for the well owner’s needs.”

CONCLUSIONS:

1. Water Permit Application No. 2718-2 proposes to appropriate water at a maximum diversion rate of 2.22 cfs from one well to be completed into the Ogallala aquifer for the irrigation of 160 acres in Bennett County.
2. There is a reasonable probability that unappropriated water is available from the Ogallala aquifer to supply this proposed appropriation.
3. There is a reasonable probability that the diversion rate requested by this application can be made without adversely impacting existing water rights/permits and domestic users.



Adam Mathiowetz
SD DENR-Water Rights Program

Approved by:



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- Allen, J.C., D.L. Iles, and A.K. Petres. 1985. Analysis of Groundwater and Streamflow Data, Western Dakotas Region of South Dakota, Task 3A.B.C. and 4A.B.: Groundwater Resource Inventory: Final Report. U.S. Army Corp of Engineers Contract DAWC 45-82-C-015. SD DENR-Geological Survey, Vermillion, South Dakota.
- Filipovic, D. 2011. Hydrogeologic Assessment of the High Plains Aquifer in Bennett County, South Dakota. Open-File Report 92-UR. SD DENR-Geological Survey, Vermillion, South Dakota.
- Gutentag, E.D., F.J. Hiemes, N.C. Krothe, R.R. Luckey, and J.B. Weeks. 1984. Geohydrology of the High Plains Aquifer in Parts of Colorado, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, and Wyoming. U.S. Geological Survey Professional Paper 1400-B, 63p.
- Hedges, L.S. and S.L. Burch. 1985. Analysis of Ground-Water and Streamflow Data Western Dakota Region of South Dakota, Task 3.D and 4.C: Ground-Water Recharge. SD DENR-Geological Survey, Vermillion, South Dakota.
- Kolm, K.E. and H.L. Case III. 1983. A Two-Dimensional, Finite-Difference Model of the High Plains aquifer in Southern South Dakota. Water-Resources Investigations Report 83-4175. U.S. Geological Survey, Lakewood, Colorado.
- Water Rights, 1983-2013. Annual Irrigation Summaries. 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 Right/Permit Files. SD DENR-Water Rights Program. Joe Foss Bldg., Pierre, SD.
- Water Rights. 2013c. Well Completion Reports. SD DENR-Water Rights Program. Joe Foss Bldg., Pierre, SD.

Affidavit of Publication - Display Advertisement

State of South Dakota

County of Bennett

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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:

December 4, 2013

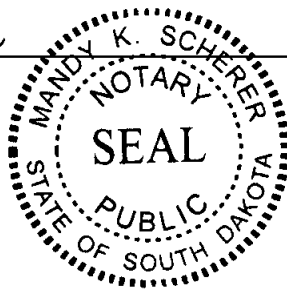
That the full amount of the fee charged for the publication of the attached public notice, **\$27.20** insures to the sole benefit of the publisher or publishers; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed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

Signed: _____

Subscribed and sworn to before me this 4th day of December, 2013.

Mandy Scherer
Notary Public

My Commission Expires



Legal Notices

Notice of Audit

of the Fiscal Affairs of the
Bennett County School District No. 3-1

Notice is hereby given that the Bennett County School District No. 3-1, Martin, South Dakota, has been audited by Wohlenberg, Ritzman and Co., LLC for the years ended June 30, 2013. A detailed report thereon is available for public inspection during normal business hours, at the business office of the School District, and also at the Department of Legislative Audit in Pierre, South Dakota or on the Department of Legislative Audit website at:

http://legislativeaudit.sd.gov/Reports/reports_all.htm

The following findings and recommendations provide a brief description of material weaknesses in internal control, legal noncompliance and other matters that are described in more detail in the audit report.

None reported.

The report also contains the auditor's finding and recommendations concerning less significant deficiencies in internal control at the District.

Wohlenberg, Ritzman and Co., LLC.

Published twice at the total approximate cost of \$34.44
Published: November 27 and December 4, 2013

Summons

STATE OF SOUTH CAROLINA

IN THE FAMILY COURT
NINTH JUDICIAL CIRCUIT
2013-DR-10-2451

COUNTY OF CHARLESTON

Lisa Smith Churchwell,

Plaintiff,

versus

SUMMONS

Thomas Michael Churchwell,

Defendant.

TO THE DEFENDANT, ABOVE NAMED: YOU ARE HEREBY SUMMONED, and required to answer the Complaint in the above captioned matter, a copy of which is herewith served upon you, within thirty (30) days after service hereof, exclusive of the day of such service, and serve a copy of your answer on the subscriber at his office at 3 Broad Street, Suite 250, Charleston, SC 29401, within said thirty (30) days, and if you fail to answer the Complaint within the time aforesaid, then judgment by default will be rendered against you for the relief demanded in the said Complaint.

NOTICE OF FILING: TAKE NOTICE that the Summons and Complaint in the aforementioned matter was filed in Charleston County, Family Court on July 2, 2013.

THEIRN LAW FIRM LLC
THERON W. SANITY II
3 Broad Street, Suite 250
Charleston, South Carolina 29401
(843) 641-0146
(803) 581-1010 fax
theron@theirn.com
Attorney for the Plaintiff

This 2nd day of July 2013
Charleston, South Carolina
Published three times at the total approximate cost of \$72.96
Published: December 4, 11 and 18, 2013

Notice Of Application No. 2718-2

To Daniel and Pauline Fanning

Notice is given that Daniel and Pauline 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 Opella Aquifer (250 feet deep) located in the SE 1/4 SW 1/4 Section 31 for irrigation of 160 acres located in the SW 1/4 Section 31; all in T38N-R34W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2718-2 because 1) unappropriated water is available; 2) existing rights will not be unduly 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, P.O. Box 1000, 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 December 16, 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. Pinner, Secretary, Department of Environment and Natural Resources.
Published once at the total approximate cost of \$27.20
Published: December 4, 2013

Bennett County
Booster
Martin • 685-6866

Classified and
thank you ad
Deadline

Monday,
5 p.m.

Bennett County
Booster
605-685-6866

Proceedings

BOARD OF BENNETT COUNTY COMMISSIONERS
MINUTES OF PROCEEDINGS
WEDNESDAY, NOVEMBER 20TH, 2013

MARTIN, SOUTH DAKOTA
The Bennett County Board of Commissioners met in regular session Wednesday, November 20th, 2013 in the Commissioner's meeting room.

The meeting was called to order at 9:30 a.m. by Chairman Rolf Kraft.

Commissioners present: Rolf Kraft, Dennis Gregg, Newton Cummings, Wayne Flood.
Absent: Jason Fanning.

Others present: Rayn Janis, Deputy Auditor; Tim Horster, Bennett County Booster; JoAnn Heath, Health Insurance Agency; Susan Williams, Auditor.

Minutes Approved
The minutes of the regular November 6th, 2013 meeting were approved with a motion by Wayne Flood and a second by Dennis Gregg.

All voted aye. Motion carried.
Claims
The Commissioners reviewed claims. Dennis Gregg made a motion to approve claims subject to delinquent taxes. Wayne Flood made a second.

All voted aye. Motion carried.
General 101: (mills and meals included) October Payroll: Commissioners: \$3,448.05; Auditor: \$5,025.57; Treasurer: \$2,951.07; States Attorney: \$5,480.76; Gov. Bldg: \$661.42; Director of Equalization: \$1,923.06; Register of Deeds: \$2,798.76; Veterans' Service Officer: \$612.06; Sheriff: \$2,913.40; County Wide Law: \$8,689.89; WIC: \$509.40; Library: \$3,988.34; Extension: \$1,561.60; Weed: \$1,342.24; Coroner: \$0.00; Election: \$411.66.

Highway: 201: \$8,728.57
Emergency & Disaster: 226: \$652.86
24/7 Program: 248: \$1,712.15
Security First Bank, Employer's share of OASD: \$3,868.69
Bennett County Medical & Retirement: \$14,547.14

HANTZ-GOSCH & CREMER, LLC, 140,000.00 SHERIFF'S LAND SALE; HENNETT CO HOSPITAL AND NH, 5,749.50, 20 OAHRETS, 4 TO ARRESTS, BENNETT COUNTY TREASURER, 839.22, ADV TAX & PARTIAL PAYMENTS, BENNETT COUNTY TREASURER, 11.45, ADVANCE TAX CONNIE CLAUSEN; GOLDEN WEST COMPANIES, 1,417.11, SEPTEMBER TELEPHONE BILL, JANLUK OFFICE PROF. LLC, 10,126.86, SHERIFF'S LAND SALE; LYNN JACKSON-SHULTZ & LEHRMAN PC, 200,000.00, SHERIFF'S LAND SALE; MARTIN VOLUNTIER FIRE DEPT, 5,793.10, 2013 FIRE PREMIUM REFUND, SECRETARY OF STATE, 7.00, PISTOL PERMIT R HYVINK, SECRETARY OF STATE, 14.00, PISTOL PERMIT IVAN SORRELL THOMAS JEANS, 745.99, 24/7 UA CUTS W/SHIPPING, TUTHILL FIRE DEPARTMENT, 1,456.55, 2013 FIRE PREMIUM REFUND, VITAL FIRE DEPARTMENT, 1,458.61, 2013 FIRE PREMIUM REFUND, AMERICA HEALTH PLANS, 5,618.92, COUNTY HEALTH INSURANCE; BENNETT COUNTY POSTER, 388.74, PROCEEDINGS 9/26/10/3/10/16; HENNETT CO HOSPITAL AND NH, 24.00, HWY EMPLOYEE DRUG TEST; HENNETT COUNTY LIBRARY, 29.99, REIMBURSEMENT FOR ORIENTAL TRAI; HC SCHOOL DIST #3-1, 292.973.00, OCTOBER 2013 APPOINTMENT; HENNETT COUNTY TREASURER, 319.25, ADV TAX CAMPBELL; SHIPMAN, ROY'S GAS SERVICE, 4,353.06, CRT HSE, SHEDCAP GAS, IRADLEY T. HORGE, 3,573.00, CRT APT ATTORNEY FEES; HENNETT COUNTY SHERIFF, 239.81, CRT APT ATTORNEY FEES; PAPER, CENTURYLINK, 123.15, 911 SERVICE UTILITIES; CITY OF MARTIN, 94.32, CRT HSE WATER & CAP WATER BILL; CITY OF MARTIN, 34,124.10, OCTOBER 2013 APPOINTMENT; COUNTRY PRIDE COOPERATIVE, 19,559.65, GAS & DIESEL; COLE PEST CONTROL, 70.00, COURT HOUSE PEST REMOVAL; CHARTER'S CHOICE BOOK CLUB, 38.96, LIBRARY BOOKS; CROSSINGS BOOK CLUB, 22.96, BOOKS; CULLIGAN WATER CONDITIONING, 16.50, CRT HSE WATER; DAKOTA PLAIN FIRE SERVICES, 1,764.51, CRT APT ATTORNEY FEES; DEMCO, 33.59, LIBRARY BOOKS; DEPARTMENT OF REVENUE, 22,190.52, OCT 2013 TRANSMITTAL; DUNDLEDAIR BOOK CLUB, 55.45, LIBRARY BOOKS; DTJ LLC, 89.17, OVERPAYMENT OF TAXES; FAMILY DOLLAR, 208.90, HWY LAW/JAIL SUPPLIES; POLLETT SOFTWARE COMPANY, 550.00, TECH SUPPORT; MARSHA FLYER, 37.00, MILEAGE TO E-RATE; WORKSHOP O.E. ASSOCIATES, 9.70, HWY REPAIRS, THE GENERAL STORE, 660.90, HWY SUPPLIES; GOLDEN WEST TECHNOLOGIES, 1,399.38, COMMS; AUDI, 408.00, EX-HWY, GOOD YEAR TIRES, 598.77, COP CAR REPAIR, BETSEY HARRIS, 729.70, CRT APT ATTORNEY FEES; HEARTLAND PAPER COMPANY, 196.08, COURT HOUSE SUPPLIES; INGRAM LIBRARY SERVICES, 257.36, LIBRARY BOOKS; JAMES SNOW, 234.70, STATES ATTORNEY'S FEE; JEFF SISCOE, 71.46, POSTAGE/MILEAGE; REMEDURMENT; JUNIOR LIBRARY GUILD, 198.00, LIBRARY SUBSCRIPTION; KENNEDY IMPLEMENT & AUTO, 710.91, HWY WINDSHIELD REPLACEMENT; KRAFTWILF TRUCK VALUE, 141.99, SUPPLIES; LAW/LIC/CRITSE/JAIL, KSL CORP, 2,149.00, CRT APT ATTORNEY FEES; LACKEYE ELECTRIC ASSOC., 2,994.42, HWY CRT HSE FIREWHISTLE; NEWBUI, LYNN'S DAKOTAMART, 187.40, CRT HSE A SHERIFF DEPT SUPPLY; MARCO, INC, 410.05, COURT LEASE; MARTIN AUTO PARTS II, INC, 429.43, HWY, LAW REPAIR/SUPPLIES; MARTIN DRUG AND MERCANTILE, 10.22, STICKERS, CARD, SUPPLIES; MARTIN QUICK LUBE, 33.33, COP CAR REPAIR; MATTHEW BENDER & CO, INC, 5.40, STATES ATTORNEY'S FEE; MCKINLEY, PROXIMITY CENTER, 140.30, LIBRARY BOOKS; JOSEPH ASILEY PARR, ESQUIRE, 9,752.19, CRT APT ATTORNEY'S FEES; JESSICA PAULSON, 190.00, CRT REPORTER FEES; PAULA PEDERSON, 545.00, CRT APT ATTORNEY'S FEE; PENNINGTON COUNTY STATES ATT, 315.00, MENTAL ILLNESS; PUG-SID GRAND ISLAND, 55.45, COUNTY LIFE INSURANCE; RICHARD HOLMES, 279.81, OVERPAYMENT OF TAXES REC 4826; SALOMON SANITATION, 452.00, COURT HOUSE GARAGE; REKAL, REKAL, SCHMIDT, SCHMIDT, SCHMIDT, 60.46, MENTAL ILLNESS BOARD; SCHREIBER LAW FIRM, 362.54, CRT APT ATTORNEY FEES, RD DEPARTMENT OF HEALTH,

141.09, BLOOD ALCOHOL; SIMCC, 373.57, CLERP PAYMENT; SDACO, 52.00, SDACO SHARE; SECRETARY OF STATE, 7.00, PISTOL PERMIT; SECRETARY OF STATE, 14.00, PISTOL PERMIT; SHERIFF, 171.50, CRT HSE HUG, MOPS, & SUPPLIES; SHERIDAN MACK SALES & EQUIP INC, 296.30, HWY REPAIRS & A SHIPPING; SHERIDAN COUNTY SHERIFFS DEPT, 50.00, SUBPOENA SERVICE; SUSAN WILLIAMS, 33.99, AVG SECURITY; UNITED STATES PORTAL SERVICE, 115.06, ROD POSTAGE; VALENTINE OFFICE SUPPLY, 398.52, OFFICE SUPPLIES; VOYAGER FLEET SYSTEMS INC, 1,391.65, LAW DEPT FUEL; WALKER REFUSE, INC, 108.23, GARBAGE PICKUP; WINNER POLICE DEPARTMENT, 31,546.80, INMATE HOUSING.

Public defender contract
There was discussion concerning a proposal from Attorney Kevin Lewis for a Public Defender contract. The Board will make a decision at the next meeting.

County Library
There was discussion concerning the process of the school district assuming operation of the Library. Rolf Kraft reported on a number of South Dakota Laws governing public libraries. There was consideration of extending the current contract until March 1, 2014. The Library Board of Trustees, School Board and County will need to agree to the extension.

Allen Road
There was discussion about snow removal on the Allen Road. Newton Cummings reported he had not been able to contact anyone to discuss the snow removal.

Letter to the Governor
Rolf Kraft reported he had sent a letter to the Governor about assisting the County in receiving payment in Lieu of Taxes for trust land in the federal government. Mr Kraft also reported he is still trying to get other counties involved.

County Health Insurance
JoAnn Heath, Health Insurance Agency, met with the Board to present insurance plans for County Health Insurance. The Board considered all the options they received from Ms. Heath and from Rolf Kraft. The Board agreed that at this point and with the Affordable Care Act going into effect they would stay with Rolf Kraft. Dennis Gregg made a motion to change their plan to \$750.00 deductible for the employee with \$2,500.00 deductible for the County, with a MHP plan effective December 1, 2013 through Rolf Kraft, Inc. Newton Cummings seconded.

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

All voted aye. Motion carried.
BOARD OF BENNETT COUNTY COMMISSION
Rolf Kraft, Chairman

ATTEST:
Susan Williams, Auditor
The next meeting will be Wednesday, December 4th, 2013 at 9:30 a.m. in the Commissioner's meeting room.

Published once at the total approximate cost of \$104.78
Published: December 4, 2013

Christmas in the great outdoors

A column by Gov. Dennis Daughard

Christmas is a time when all of us, young and old, are free to become children again, if only for a while.

Laura Ingalls Wilder, the author of the "Little House on the Prairie" series, said it this way: "Our hearts grow tender with childhood memories and love of kindred, and we are better throughout the year for having, in spirit, become a child again at Christmas-time."

Wilder, who spent a good part of her life in the De Smet area, used the term "kindred," which is an old-fashioned way of saying kinfolk or family. That's appropriate, because Christmas is all about family, the spirit of giving and the joy of being together.

As a child, I could hardly wait for Christmas to arrive and the gifts to be passed around and opened. Now that I've grown up, I find that my enjoyment of the season is more about watching others open their gifts.

My enjoyment of the season is also about the sights and sounds and smells that carry the Christmas message of peace and good will. I'll admit that on Christmas, I do become in spirit a child again, anticipating the expressions of surprise and joy on the faces of family and friends as we share gifts. It's a wonderful feeling, and it is meant to be shared.

You know, I'm one of the luckiest people in South Dakota these days. The annual Christmas tree display is ready for viewing in the Capitol. When I walk into the Capitol building each morning from now until after Christmas Day, I will be greeted by the rich aroma of pine trees and the sparkling reflection of Christmas lights on the ornaments that decorate those trees. Just walking down the hallway to my office is an opportunity to re-experience childhood memories of this joyful season.

In the spirit of the season, I very much would like to share that rich experience with each of you. This year's theme for Christmas at the Capitol is "Christmas in the Great Outdoors." Many volunteers have devoted precious hours to create the annual holiday display. As always, they have done a great job.

Each of you is invited to visit the capital city anytime during the Christmas season to enjoy Christmas in the Great Outdoors. The display, which includes nearly 100 trees, is open to the public from 8 a.m. to 10 p.m. daily from Wednesday, Nov. 27 through Saturday, Dec. 28.

I invite you to take the opportunity to visit your family this season. Bring your family or friends. Enjoy the display and, for a little while, become in spirit a child again.

Holiday Open House!
December 6, 11 a.m. to 2 p.m.

Many holiday ideas for all your upcoming parties and meals, plus gifts for that special someone who has everything!

Sampling some of our new items along with some old favorites. Serving Hot Coffee, Apple Cider and Cookies

Register for prizes to be given, including two \$50 Gas Certificates

Lynn's Dakotamart
201 West Bennett Ave. Martin, SD

8'x11' Stocking GIVERWAYS
Only \$90.00
IN CASH & FREE PLAY
DECEMBER 6TH-21ST
FRI & SAT 6PM-MIDNIGHT
Plus A CHANCE TO WIN AN 8 FOOT STOCKING FILLED WITH GAMES & TOYS.

SWAGG: YOU BET!
Just 12 miles east of Hwy 581 on Hwy 18, Brookings, SD
PRAIRIE WIND CASINO & LODGE

RECEIVED

DEC 11 2013

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Hughes) SS

I, Marylinn Baker

certify that the attached printed Notice was
taken

from the Capital Journal

printed and published in Pierre

County of Hughes and

state of South Dakota. The notice was
published

in the newspaper on the following date:

12-5-13

Cost of Printing

\$28.70

Marylinn Baker
(Signature)

Bookkeeper
(Title)

12-10-13

(Date Signed)

NOTICE OF
APPLICATION
NO. 2718-2 to
Appropriate
Water
Notice is given
that Daniel and
Paulette Fanning,
28866 237th Ave.
Martin SD 57551
have filed an ap-
plication for a wa-
ter permit to ap-
propriate 2.22 cu-
bic feet of water
per second from
one well to be

Public Notice
completed into the
Ogallala Aquifer
(250 feet deep) lo-
cated in the SE
1/4 SW 1/4 Sec-
tion 31 for irriga-
tion of 160 acres
located in the SW
1/4 Section 31; all
in T38N-R34W.

Pursuant to
SDCL 46-2A-2,
the Chief Engineer
recommends AP-
PROVAL of Appli-
cation No. 2718-2
because 1) unap-
propriated water is
available, 2) exist-
ing rights will not
be unlawfully im-
paired, 3) it is a
beneficial use of
water, and 4) it is
in the public inter-
est. In accordance
with SDCL
46-2A-23, the
Chief Engineer will
act on this applica-
tion, as recom-
mended, unless a
petition is filed op-
posing the appli-
cation or the appli-
cant files a petition
contesting the
Chief Engineer's
recommendation.
If a petition oppos-
ing the application
or contesting the
recommendation
is filed, then a
hearing will be
scheduled and the
Water Manage-
ment Board will
consider this ap-
plication. Notice of
the hearing will be
given to the appli-
cant and any per-
son filing a peti-
tion.

Any person inter-
ested in opposing
or supporting this
application or rec-
ommendation
must file a written
petition with
BOTH the appli-
cant and Chief En-
gineer. The appli-
cant must file a
petition if contest-
ing the Chief En-
gineer's recommen-
dation. The Chief
Engineer's ad-
dress 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 ei-
ther an interested
person or the ap-
plicant must be
filed by December
16, 2013.

The petition may
be informal, but
must include a
statement describ-
ing the petitioner's
interest in the ap-
plication, the peti-
tioner's reasons
for opposing or
supporting the ap-
plication, and the
signature and
mailing address of
the petitioner or
the petitioner's le-
gal counsel, if le-
gal counsel is ob-
tained. Contact
Eric Grontund at
the above Water
Rights Program
address to request
copies of informa-
tion pertaining to
this application.
Steven M. Pirner,
Secretary, Depart-
ment of Environ-
ment and Natural
Resources.

Published once at
the total approxi-
mate cost of
\$28.70.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

November 21, 2013

Bennett County Booster II
PO Box 610
Martin SD 57551

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 2718-2 to Appropriate Water. Please publish the notice once on December 4, 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

November 21, 2013

Capital Journal
PO Box 878
Pierre SD 57501

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 2718-2 to Appropriate Water. Please publish the notice once on December 4, 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).

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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.

November 21, 2013

Daniel & Paulette Fanning
28885 237th Ave
Martin SD 57551

Dear Sir:

Water Permit Application No. 2718-2 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 December 4, 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. 2718-2 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 (250 feet deep) located in the SE 1/4 SW 1/4 Section 31 for irrigation of 160 acres located in the SW 1/4 Section 31; all in T38N-R34W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2718-2 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 December 16, 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

DEC 27 2013

Daniel & Paulette Fanning
28885 237th Ave
Martin SD 57551

Dear Sir:

Enclosed is Water Permit No. 2718-2 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

11-02

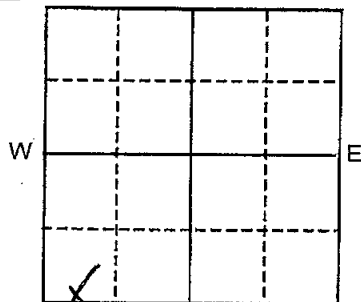
Location SW 1/4 SW 1/4 Sec 31 Twp 38 Rg 35

34

County BENNETT

North

Please mark well location with an "X"



Well Completion Date

05/17/14

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
ft. from _____ (identify source)

PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

REVERSE ROTARY

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
20.0 LB/FT	16.00 IN	1.0 FT	42.0 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 200.0 Feet

Material PVC

Slot Size .080 Set From 42.0 Feet to 242.0 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 fine - med,	0	16
sand med - coarse, sandstone & clay	16	64
sand med - coarse, sand fine - med	64	152
sand w/ clay, sand fine - med	152	170
sand w/ clay,	170	228
red rock	228	242

STATIC WATER LEVEL 39.0 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:

☐ Balled

☐ Other

Pumping Level Below Land Surface

82.0 Ft. After 2.0 Hrs. pumped 1,250.0 GPM

77.0 Ft. After 2.0 Hrs. pumped 1,100.0 GPM

If pump installed, pump rate: 900.0 GPM

REMARKS

RECEIVED

AUG 11 2014

WATER RIGHTS PROGRAM

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

Drilling firm: GROSCH IRRIGATION CO., INC.

Signature of License Representative:

[Signature] POA

Signature of Well Owner or Equitable Property Holder:

Date:

2718-2
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 57501-3181FROM: Daniel Lanning
(name)
28885 - 237th Ave
(address)
Martin, S.D. 57551 605-685-6472
(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.

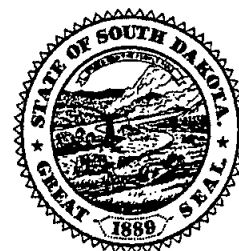
Water Permit No. 2718-2 states that the water use system is to be constructed by _____ , and water is to be put to beneficial use by _____ .
(date) (date)

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 Lanning
(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.



2718-2

**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.



2718-2

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

2718-2
RECEIVED
DEC 23 2014
WATER RIGHTS
PROGRAM

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

Date 12-22-2014

TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM: Daniel Lanning
(name)
28885 - 237th Ave
(address)
Martin, S.D. 57551 605-685-6472
(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. 2718-2 states that the water use system is to be constructed by

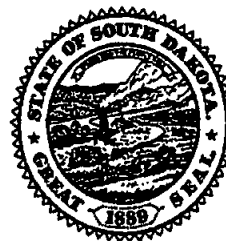
_____, and water is to be put to beneficial use by _____.
(date) (date)

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 Lanning
(signature)



FIELD INVESTIGATION REPORT FOR WATER PERMIT NO. 2718-2

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	400 feet north and 1,400 feet east of the southwest corner of Section 31, T38N-R34W. Lat 43.21623N Lon 101.39011W.

WELL INFORMATION:

- 1) Well Drilling Firm:
Grosch Irrigation Co., Inc.
- 2) Number of Wells: **1**
- 3) Depth: **242 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: **FlowServe**
- 2) Model:
- 3) Size:
- 4) Capacity: **900 gpm (2.0 cfs)**

Casing

- 1) Diameter: **16 inches**
- 2) Length: **42 feet**
- 3) Type: **Plastic**

Screen

- 1) Type: **Perforated Pipe**
- 2) Length: **200 feet**
- 3) Static Water Level: **39 feet**

Motor

- 1) Make: **US Electric**
- 2) Model No: **Unknown**
- 3) Power: **60 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, however chemigation pump had been removed for the winter at time of inspection and 20' hose was absent.**

PERMIT QUALIFICATIONS:

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

Licensing of Acreage Outside of Permitted Area

NAME: Daniel and Paulette Fanning

ADDRESS: Daniel and Paulette Fanning, 28885 237th Ave., Martin, SD 57551

DATE: December 16, 2015

COUNTY: Bennett

TELEPHONE: (605) 685 5274

AUTHORITY

Pursuant to SDCL 46-5-30.5, acreage developed for irrigation outside of the area described on the permit may be licensed provided the following conditions are met:

NO INCREASE IN PERMITTED ACREAGE OR WATER APPROPRIATED:

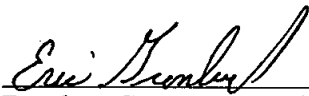
Water Permit No. 2718-2 authorizes the irrigation of 160 acres in the SW $\frac{1}{4}$ of Section 31, T38N-R34W. Although Daniel and Paulette Fanning have only developed 140 acres rather than the 160 acres that was initially applied for, four of these 140 acres are in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, and the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 31, T38N-R34W instead of the SW $\frac{1}{4}$ of that same Section.

UNPERMITTED ACREAGE:

- **Contiguous to Permitted Acreage**
Yes
- **Owned by Same Property Owner**
Yes
- **Developed Prior to Expiration of Construction Period**
Yes

RECOMMENDED ACTION

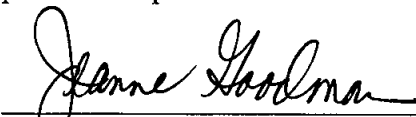
Based on the above criteria, it is recommended that the four acre area located in the W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 31, T38N-R34W (instead of in the SW $\frac{1}{4}$ of Section 31) be included in the water license.



Bracken Capen, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant to SDCL 46-5-30.5 that:

This acreage change does not impair existing water rights and the overall project, as developed, is consistent with the original application. Licensing of the unpermitted acreage may occur without application or publication pursuant to SDCL 46-2A-4.



Jeanne Goodman, Chief Engineer
Water Rights Program

Sec 25
T038N
R35W

Sec 30
T038N
R34W

Sec 29
T038N
R34W

Sec 31
T038N
R34W

Water Permit No. 2718-2

Sec 36
T038N
R35W

Sec 32
T038N
R34W

Bennett

NW 1/4 SW 1/4
Section 31
34 Acres

NE 1/4 SW 1/4
Section 31
34 Acres

NW 1/4 SE 1/4
Section 31
2 Acres

SW 1/4 SW 1/4
Section 31
34 Acres

SE 1/4 SW 1/4
Section 31
34 Acres

SW 1/4 SE 1/4
Section 31
2 Acres

36

31

1

6

Sec 1
T037N
R35W

Sec 6
T037N
R34W

Sec 5
T037N
R34W

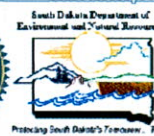
Legend

-  Irrigated_Acres
-  Section Boundaries - PLSS
-  Well Location



0 0.05 0.1 0.2 Miles


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



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2718-2

(1) Daniel and Paulette Fanning, 28885 237th Ave, Martin SD 57551 made Application No. 2718-2, October 7, 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. 2718-2, with a priority date of October 7, 2013 was approved December 16, 2013 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before December 16, 2018 and for the application to beneficial use of water on or before December 16, 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.

An investigation conducted for licensing purposes found acreage developed for irrigation outside of the area described on the permit. Pursuant to SDCL 46-5-30.5, the Chief Engineer makes a finding that existing water rights will not be impaired and the overall project, as developed, is consistent with the original application.

(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. 2718-2 are issued a license, bearing a priority date of October 7, 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: 400 feet north and 1,400 feet east of the SW corner of Section 31-T38N-R34W (SE 1/4 SW 1/4). The acres authorized for irrigation are as follows:

Section 31-T38N-R34W	NW 1/4 SW 1/4	34 acres	NE 1/4 SW 1/4	34 acres
	SE 1/4 SW 1/4	34 acres	SW 1/4 SW 1/4	34 acres
	SW 1/4 SE 1/4	2 acres	NW 1/4 SE 1/4	2 acres

Total 140 acres

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 2718-2 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. 2718-2 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 May 17, 2014. 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



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. 2718-2, bearing the priority date of October 7, 2013. Water Permit No. 2718-2 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 $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 31, 40 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 31, 40 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 31, 40 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 31, all in T38N-R34W.

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

- 1) Works used to divert water:
Ono pumps, manufactured by FlowServe.
- 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. 2718-2 are located in the S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 31 T38N-R34W. The exact location of the well is as follows:

- 1) **400 feet north and 1,400 feet east of the southwest corner of Section 31, T38N-R34W. Lat 43.21623N Lon 101.39011W.**

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

- 1) 34 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 31, T38N-R34W.
- 2) 34 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 31, T38N-R34W.
- 3) 34 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 31, T38N-R34W.
- 4) 34 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 31, T38N-R34W.
- 5) 2 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 31, T38N-R34W.
- 6) 2 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 31, T38N-R34W.

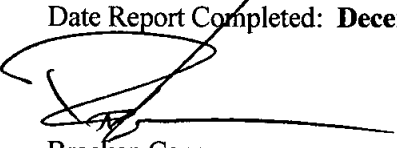
For a total of 140 acres irrigated.

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



2718-2
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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

November 4, 2024

2718-2, 2718A-2 & 2732-2

Daniel & Paulette Fanning
28885 237th Ave
Martin SD 57551

Dear Mr. & Ms. Fanning:

The South Dakota Water Rights Program is in receipt of the 2024 Irrigation Questionnaires submitted for Water Permit Nos. 2718-2, 2718A-2, and 2733-2. This letter is in regard to those submissions.

Water Permit No. 2718-2 (copy enclosed) authorized the diversion of 2.22 cubic feet of water per second (995 gpm) from one well completed into the Ogallala Aquifer for irrigation of 160 acres located in the SW ¼ Section 31, T38N, R34W.

Permit No. 2718-2 was amended by Water Permit No. 2718A-2 (copy enclosed) in November 2022, shifting the irrigation system north, based on the change in right-of-way location along SD HWY 18. With this year's irrigation questionnaire indicating that the amended irrigation project had been successfully developed and water placed to beneficial use, the original permit (2718-2) should be cancelled.

Water Permit No. 2732-2 (copy enclosed) authorized the diversion of 1.78 cubic feet of water per second (800 gpm) from one well completed into the Ogallala Aquifer for the irrigation of 100 acres located within portions of the SE ¼ Section 31, T38N, R34W. Permit No. 2732-3 was approved March 9, 2015, with all construction to be completed by March 9, 2020, and water placed to beneficial use by March 9, 2024. Unfortunately, since the system has not been developed within the permitted timeframe, Permit No. 2732-2 should be considered for cancellation.

Please contact me to discuss the cancellation of Water Permit Nos. 2718-2 & 2732-2.

Sincerely,

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

Cc: Jason Fanning, 28501 SD HWY 73, Martin SD 57551



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

May 23, 2025

No. 2718-2 & 2732-2

Daniel & Paulette Fanning
28885 237th Ave
Martin, SD 57551

Dear Mr. & Ms. Fanning:

I'm writing to you today in reference to Water Right No. 2718-2 & Water Permit No. 2732-2.

On November 4, 2024, Water Rights Program permitting administrator Amanda Dewell, sent you a letter informing you that the Water Rights Program will be considering cancellation of Water Right No. 2718-2, due to the amended Water Permit No. 2718A-2 being issued and constructed in its place. She also indicated in the letter that Water Permit No. 2732-2 should be considered for cancellation, due to non-construction. I have enclosed a copy of this letter.

We have not received correspondence from you in regard to the cancellations. Please contact the Water Rights Program to discuss cancellation of Water Right No. 2718-2 & Water Permit No. 2732-2.

Sincerely,

Miranda Smith
Water Rights Program
605 773-3352
Miranda.Smith@state.sd.us

Enclosure

Cc: Jason Fanning, 28501 SD Hwy 73, Martin, SD 57551