

WATER PERMIT NO. 2718A-2

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

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

Phone: **605 685-5274**

Amount of Water Claimed: **no add'l**

Total Acres: **no add'l**

Source of Water Supply: **one existing well**

Water to be used for: **irrigation**

County: **Bennett**

Type of Waste Disposal System:

Location: **20 miles east of Martin SD**

PRIORITY

Date Received: **10-13-22**

Application/License Fee: **\$300**

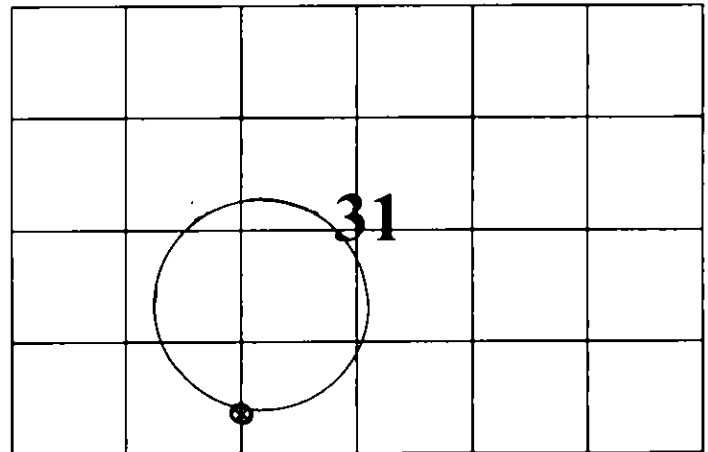
Corrected Application Received:

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

Remarks: **DOT Hwy 18 road plans will take an extra 25 feet of road right-of-way. Needs to move pivot approximately ¹⁶⁰~~130~~ feet north of current location**

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

Land to be Irrigated: **SW 1/4, S 1/2 NW 1/4 Sec 31-T38N-R34W**



Depth of Well: **242 feet deep**

Well Driller: **Grosch Irrigation Co**

Remarks:

Type of Map:

Prepared by:

Reviewed and the Number Assigned on: **10-13-22**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 2718A-2**

Date of first receipt of application October 13, 2022.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2718A-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. 2718A-2 amends Water Right No. 2718-2 due to a construction project and change of right-of-way along Highway 18. Water Right No. 2718-2 appropriates 2.0 cubic feet of water per second from one well completed into the Ogallala Aquifer (242 feet deep) located in the SE 1/4 SW 1/4 Section 31 for irrigation of 140 acres located in the SW 1/4, W 1/2 SE 1/4 Section 31; all in T38N-R34W. The permit holder is authorized to move the center pivot approximately 160 feet to the north. This change would include irrigation of a portion of the S 1/2 NW 1/4 Section 31-T38N-R34W. The location of the existing well will remain the same. No increase in the diversion rate or number of acres irrigated is authorized by this permit. This site is located approximately 20 miles east of Martin SD.
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 (established by Water Right No. 2718-2).
4. The date of approval of Permit No. 2718A-2 is November 21, 2022.
5. One-fifth of the construction is to be completed on or before May 21, 2025.
6. All construction is to be completed on or before November 21, 2027.
7. Water is to be put to beneficial use on or before November 21, 2031.
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 Water Right No. 2718-2 and Water Permit No. 2718A-2 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Eric Gronlund
Eric Gronlund, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

DEC 08 2022
date



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

PAID

OCT 13 2022

Ck# 11071

Rec't# _____

RECEIVED

OCT 13 2022

**OFFICE OF
WATER**

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>2718A-2</u> Hydrologic Unit <u>10140203</u> Basin <u>White River</u> Newspaper <u>Bennett Co Booster II</u> <u>Rapid City Journal</u> (office use only)
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Application for Permit to Appropriate Water for Irrigation

Type of Application: ☐ New ☐ Vested Right ☐ Amendment/Correction to Permit No. 2718-2
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)
Change of Acres on Water Right No. 2718-2

1. Name to Appear on Irrigation Permit Daniel & Paulette Fanning

Note: The "Name to Appear on Irrigation Permit" must be the name in which the property to be irrigated is held in.

Mailing Address 28885 237th Ave Martin SD 57551
(Address) (City) (State) (Zip Code)

X Phone (605) 685-6472 Mobile (605) 685-5274 Email butchtfanning@gmail.com

2. Amount of water claimed no add'l *CFS or _____ **GPM _____ ***AF Total Acreage no add'l
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply one existing well

4. Location of point of diversion SE 1/4 SW 1/4 Sec 31-T38N-R34W
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

County Bennett

5. County or counties where water will be used Bennett

6. Annual period during which water is to be used May 1 - September 30

7. List below each forty-acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
SW 1/4 Sec 31-T38N-R34W	140		
S 1/2 NW 1/4 Sec 31-T38N-R34W			
W 1/2 SE 1/4 "			

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

Move the center pivot approximately 130 to 160 feet to the north due to road construction on Hwy 18
Existing well will remain

X I. Daniel Fanning Owner, the applicant, certify under
Name of Person Title (if applicable)

penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

Amel Famine



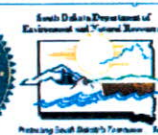
Legend

- 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



South Dakota DOT plans to take an extra 25 ft of Road Right Away on both sides of Highway 18.

I have an irrigation system on the SW $\frac{1}{4}$ of sec 31 T38N R34 west that will be effected by the Change of Right of Way.

In order for me to be able to irrigate the total 140 acres licensed under # 2718-2, I will have to move the center pivot north into the NE $\frac{1}{4}$ of sec 31 T38N R34 west about 130 feet or 160 feet.

The existing well and pump will remain in the current location.

The above DOT highway project is to be completed in 2025. I am trying to find out what I am required to do before moving my pivot.

I will be looking forward to your comments.

Thanks

"Butch" Daniel Lansing

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date October 13, 2022

RECEIVED OF Elm Grover Charolais/Butch or Paulette 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>2718A-2</u> to Appropriate Water, to construct and to put water to beneficial use	\$100.00
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>2718A-2</u>	\$200.00
Fee for Filing Transfer Form _____	\$ _____
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law) TOTAL.	\$300.00

By Eric Gronlund
Chief Engineer

EG



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

October 4, 2022

Daniel & Paulette Fanning
28885 237th Ave
Martin SD 57551

Dear Mr. Fanning:

We have reviewed the information you submitted regarding moving the pivot authorized by Water Right No. 2718-2 to the north and a permit application will need to be filed.

Enclosed is a partially completed *Application for a Permit to Appropriate Water* for this purpose. Please review the application, add your phone number and email address where indicated and sign at the bottom. The fee for this application will be \$300.00. The map you returned, and the explanation of your project will be sufficient.

You should be aware that you will be responsible for the cost of the publication notices in the Bennett County Booster and the nearest daily newspaper.

If you have any questions, please contact me.

Sincerely,

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

enclosure



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2718A-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 Agriculture and Natural Resources concerning Water Permit Application No. 2718A-2, Daniel and Paulette Fanning, 28885 237th Avenue, Martin SD 57551.

The Chief Engineer is recommending APPROVAL of Application No. 2718A-2 because 1) the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, 2) the proposed use is a beneficial use and 3) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board with the following qualifications:

1. The well approved under Water Right No. 2178-2 and Water Permit No. 2718A-2 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Eric Gronlund, Chief Engineer
October 28, 2022

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 2718A-2
DANIEL & PAULETTE FANNING
OCTOBER 28, 2022

Water Permit Application No. 2718A-2 requests to amend Water Right No. 2718-2 by changing the location of irrigated acres authorized under Water Right No. 2718-2 due to a construction project and change of right-of-way along Highway 18. Water Right No. 2718-2 authorizes irrigation of 140 acres located in the SW 1/4, W 1/2 SE 1/4 Section 31 at a maximum instantaneous diversion rate of 2.0 cubic feet of water per second (cfs) from one well (242 feet deep) completed into the Ogallala aquifer located in the SE 1/4 SW 1/4 Section 31; all in T38N-R34W. The applicant is proposing to move the center of the pivot approximately 160 feet north of its current location. This change would include irrigating acreage in the S 1/2 NW 1/4 Section 31-T38N-R34W. The location of the existing well is to remain the same. No increase in diversion rate or the total number of acres to be irrigated is authorized by this application. This site is located approximately 20 miles east of Martin, SD.

AQUIFER: Ogallala (OGLL)

Aquifer Characteristics:

The Ogallala Group is comprised of sand, silt, silty clay, sandstone, siltstone, and surficial gravel deposits (Filipovic, 2004 and 2011). The main body of the Ogallala aquifer in South Dakota underlies approximately one million acres (Filipovic, 2004 and 2011; Martin et al, 2004). Saturated aquifer thickness can be up to approximately 200 feet (Filipovic, 2004; Water Rights, 2022b). The general direction of ground water flow is generally toward the southeast, but locally is frequently toward the edge of the deposits or toward surface water bodies, such as the Keya Paha River, that have incised the aquifer and hydrologically connected sediments. The well completion report on file for Water Right No. 2718-2 indicates aquifer material was found at land surface to a depth of 228 feet and had a static water level of 39 feet in May, 2014 (Water Rights, 2022b). The Ogallala aquifer is unconfined at the well location (Water Rights, 2022b). The Ogallala aquifer in South Dakota is split into two portions, the main body west of Ponca Creek and the remnant body east of Ponca Creek. Ponca Creek has completely incised through the aquifer along its channel. The area of this application is in the area of the main body of the aquifer.

SOUTH DAKOTA CODIFIED LAW (SDCL) 46-5-34

Pursuant to SDCL 46-5-34 allows an irrigation water right to be severed from one parcel of land and simultaneously transferred to another parcel of land if it becomes impracticable to use all or any part of the water beneficially or economically for irrigation on the current land. The reason for this request to move parcels is due to a highway construction project and right-of-way change along Highway 18.

WATER AVAILABILITY:

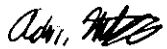
Since there is no change in irrigated acres or diversion rate proposed, the amount of water used under this application, if approved, is expected to be the same as it was under Water Right No. 2718-2. This proposed transfer of irrigated acres will not result in additional appropriation from the Ogallala aquifer.

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

SDCI 46-5-34 requires that an amendment of a water right/permit is requires consideration of the potential for unlawful impairment of existing appropriative and domestic water users. This application does not propose moving the well location or increasing diversion rate or irrigated acres. Water Right 2718-2 has been in place and presumably in use for several years without reported issue (Water Rights, 2022a). Therefore, there is a reasonable probability this application can be approved without unlawfully impairing existing appropriative users or domestic users with adequate wells as defined in Administrative Rule of South Dakota 74:02:04:20(7).

CONCLUSIONS:

1. Application No. 2718-2 proposes to transfer irrigated acres authorized under Water Right No. 2718-2 approximately 160 feet north due to a highway construction project and right-of-way change. The proposed acres to be irrigated are 140 acres located in SW 1/4 , W 1/2 SE 1/4, S 1/2 NW 1/4 Section 31-T38N-R34W. There is no increase of diversion rate, total acres irrigated, or change in well location proposed by this application.
2. Water Right No. 2718-2 authorizes the irrigation of 140 acres located in the SW 1/4 , W 1/2 SE 1/4 Section 31 at a maximum instantaneous diversion rate of 2.0 cfs from one well completed into the Ogallala aquifer located in the SE 1/4 SW 1/4 Section 31; all in T38N-R34W.
3. Since there is no change in total acres to be irrigated or diversion rate, there will be no change in appropriation.
4. This application does not propose to change diversion rate or move the location of the well. Therefore, there is a reasonable probability this application can be developed without unlawfully impairing existing appropriative users or domestic users with adequate wells.



Adam Mathiowetz, PE
SD DANR-Water Rights Program

REFERENCES:

- Filipovic, D. 2004. Hydrogeologic Assessment of the High Plains Aquifer in Tripp and Gregory Counties, South Dakota. Open File Report 90-UR. SD DANR-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 DANR-Geological Survey. Vermillion, South Dakota.
- Martin, J.E., Sawyer, J.F., Fahrenbach, M.D., Tomhave, D.W., and Schulz, L.D. 2004. Geologic Map of South Dakota. General Map. 10. SDDANR Geological Survey. Vermillion, SD.
- Water Rights. 2022a. County Files. SD DANR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2022b. Well Completion Reports. SD DANR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, November 1, 2022 8:36 AM
To: butchfanning@gmail.com
Subject: Water Permit Application No. 2718A-2
Attachments: 4344.pdf

Attached is a copy of the report, chief engineer recommendation and information regarding the public notice for your water permit application.

As stated in the letter, please contact the paper(s) as soon as possible to authorize publication and arrange for payment. This information is being mailed to you today.

Karen Schlaak

DANR - Water Rights Program

(605) 773-3352

Website: <https://danr.sd.gov>



DENR

Affidavit of Publication

State of South Dakota

County of Bennett

Taylor Risse, being, first duly sworn, on oath, says: That he/she is an employee of Scherer Publishing, LLC, 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:

November 9, 2022

That the full amount of the fee charged for the publication of the attached public notice, **\$53.29** 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 9 day of November, 2022.

Notary Public

Mandy K. Scherer
My Commission Expires
December 9, 2027



NOV 14 2022

OFFICE OF
WATER

Legal Notices

Notice of Public Hearing

The Bennett County School District 3-1 is having a public hearing at the Library Community Room to discuss Impact Aid, Title VII of PL 114-95.

The time and date of the meeting will be at 5:00 p.m. on November 14, 2022.

All programs for the 2022-2023 school year will be reviewed and recommendations for impact aid 2023-2024 school year will be discussed.

For further information contact Patrick Frederick, Superintendent, at 685-6997.

Published twice at the total approximate cost of \$20.96 and can be viewed free of charge at www.sdpublicnotices.com.

Published: November 2, 9, 2022

Notice of Hearing

STATE OF SOUTH DAKOTA) IN CIRCUIT COURT
COUNTY OF Bennett) SIXTH JUDICIAL CIRCUIT
In the Matter of the Estate of)
Albert Ray Mansfield,) 03PRO22-000004
Deceased.)

Notice of Hearing To Heirs, Devisees And Interested Parties
Notice hereby given that a Petition for Determination of Heirs and Confirmation of Appointment of Personal Representatives in the above entitled matter has been filed and will be scheduled for a hearing at the Bennett County Courthouse in Martin, South Dakota. YOU ARE HEREBY further notified that if you fail to file an objection to the Petition within thirty (30) days after the date of this publication, your objections may be barred. Objections may be filed with the personal representative or may be filed with the clerk of courts with a copy of the objection mailed to the personal representatives as follows:

John A. Mansfield
a/k/a Jack Mansfield
26148 K Street
Ord, NE 68562

Billy W. Mansfield
PO Box 116

Martin, SD 57551

Bennett County Clerk of Courts
Bennett County Courthouse
205 State Street
Martin, SD 57551

Dated this 12th day of October, 2022.
GUNDERSON, PALMER, NELSON & ASHMORE, LLP
By: /s/ Patrick G. Goetinger
Patrick G. Goetinger
Attorney for Plaintiff
P.O. Box 8045
Rapid City, SD 57709-8045
(605) 342-1078

Published four times at the total approximate cost of \$119.40 and can be viewed free of charge at www.sdpublicnotices.com.

Published: October 19, 26, November 2, 9, 2022

Notice Of Application No. 2718A-2

Notice is given that Daniel & Paulette Fanning, 28885 237th Ave, Martin, SD 57551 have filed an application to amend Water Right No. 2718-2 due to a construction project and change of right-of-way along Highway 18. Water Right No. 2718-2 appropriates 2.0 cubic feet of water per second from one well completed into the Ogallala Aquifer (242 feet deep) located in the SE 1/4 SW 1/4 Section 31 for irrigation of 140 acres located in the SW 1/4, W 1/2 SE 1/4 Section 31; all in T38N-R34W. The permit holder is proposing to move the center pivot approximately 160 feet to the north. This change would include irrigation of a portion of the S 1/2 NW 1/4 Section 31-T38N-R34W. The location of the existing well will remain the same. No increase in the diversion rate or number of acres irrigated is authorized by this application. This site is located approximately 20 miles east of Martin, SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2718A-2 with qualifications because 1) existing domestic water uses and water rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://dandr.sd.gov/public> or contact Ron Duval for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://dandr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by November 21, 2022.

The petition shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://dandr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by November 21, 2022.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with hearing held before the Water Management Board. 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.

Published once at the total approximate cost of \$53.29 and can be viewed free of charge at www.sdpublicnotices.com.

Published: November 9, 2022

Diabetes Often Goes Undiagnosed, Horizon Encourages Wellness Checkups and Screenings

It is estimated that 23 percent of all diabetics in the United States are undiagnosed. That population is at risk for a number of complications associated with diabetes.

Horizon Health Care encourages everyone to keep their regular wellness checkups and screenings. Doing so can identify those with diabetes or pre-diabetes and put them on the best path to treatment and wellness.

"Diabetes has such a lasting impact on families across South Dakota," said Horizon's Daniel J. Krole, MS, PA-C.

"But the real impact is when it goes undiagnosed. Keeping your checkups can dramatically improve your health and quality of life."

Besides diabetes, your Horizon primary care provider will explore other risk factors, medical history and any changes you and your family may be experiencing.

"Wellness is a word we use a lot," adds Kvale. "What it really means is caring for the whole person and developing a plan for all ages and stages of life."

John Thune U.S. Senator for South Dakota

A Salute to Veterans and Military Families

From war zones and disaster areas to cutting-edge research and unparalleled leadership, the men and women of the U.S. military continue to inspire through their selfless service. Throughout our nation's nearly 250-year history, the tasks we ask of our military heroes have changed considerably, but their commitment to defending our country and our national interests remains resolute.

On November 11, we recognize Veterans Day, and we celebrate Veterans and Military Families Month throughout November. I am proud to represent over 65,000 veterans and the thousands of military families who call South Dakota home. The men and women who have served and continue to serve our country are a special breed of patriots, and they and their families have made considerable sacrifices to secure the freedoms we hold dear.

Veterans have a lot to be proud of, but if you ask them about their service, you're much more likely to hear about the men and women they served with rather than their own achievements. I encountered this humility growing up. My dad, Harold Thune, was a Navy pilot who flew Hellcats off of the U.S.S. Intrepid in the Pacific theater during World War II. My dad won the Distinguished Flying Cross, but that's not what he talked about. He did, however, talk about Cecil Harris, among many others. Cecil was one of South Dakota's axes, whose advice for a debt maneuver saved my dad's life during a dogfight. Hearing those stories are among my fondest memories.

Earlier this year, we lost the last surviving World War II Medal of Honor recipient, Hershel W. "Woody" Williams, who said he wore the medal in honor of the men he served with who did not return home. These warriors who helped save the world didn't brag about their achievements. They deflected praise. This same humility was on display in the Webster Area High School gym last month, where I had the privilege of participating in a medal presentation for Vietnam veteran Wayne Wasilk of Grenville, who used the occasion to call attention not to himself, but to the heroic actions of the nurses he served with during the war.

While we can never fully repay the debt we owe our veterans, we have a responsibility to ensure they receive all of the benefits they're owed, which is something I take very seriously as a U.S. senator. I have successfully fought for over a decade to prevent closures or service reductions at VA facilities in South Dakota to ensure veterans can continue receiving the health care they need close to home. Veterans pledged their lives to the service of our country, and they took upon themselves the burden of defending liberty for the rest of us. We must stand behind our promise to care for them when they return home, which includes keeping our state's VA facilities open.

I am also deeply committed to ensuring that our military has everything it needs to deter threats and protect America. And, as always, Ellsworth Air Force Base is at the top of my priority list. I am currently working to continue making the needed investments in the facilities and other infrastructure that Ellsworth will need to host the future B-21 mission, as well as to ensure the influx of military families that will move to the area have adequate school capacity and housing access.

Veterans and military families have made tremendous sacrifices to secure our freedoms. We owe them, and the generations that came before them, our eternal gratitude. This month, let us take the opportunity to salute these great Americans and never forget the tremendous price they pay in their service.

What's your legacy? Create a plan for your family, don't leave it to chance.

Sustaining the Legacy
Estate Planning and Farm Transition for Farms and Ranches

Rapid City, South Dakota
December 7, 14, and 21, 2022

Early registration closes November 23, 2022

Register at extension.sdstate.edu/events

Other dates and locations available. Venues in Jan., Pierre in Feb., Aberdeen in Mar., Mitchell in Apr.

TOPICS COVERED

What should a will include? | What does probate really do? | Are trusts something I need? | Asset protection through LLC, LLP, FLP | Tax laws and changes | How titles can cause problems | Life insurance and long-term care insurance



SOUTH DAKOTA STATE
UNIVERSITY EXTENSION

ESTATE PLANNING
& FARM/RANCH
TRANSITIONS
SUSTAINING THE LEGACY

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Dusty Johnson
U.S. Representative of South Dakota

Less Talk, More Action

It's easy to focus on what isn't getting done in Washington—don't get me wrong, there is a lot to do—but I was recently reminded of a big win from earlier this year. Once a bill crosses that finish line and is signed into law or implemented, sometimes we forget to highlight the impact it's had on our economy and businesses.

Over the past few months, I have received feedback from industry leaders and government agencies on legislation I led—like the Ocean Shipping Reform Act and Butcher Block Act—and how they have impacted their respective industries. Spoiler alert, it's good news!

The Ocean Shipping Reform Act has paved the way for your packages to be on time this holiday season. In 2020 and 2021, shipping delays were more common than ever before. But this year, cargo for holiday shopping is arriving in time to beat the peak season.

Additionally, the average shipping rate has decreased by 60% since OSRA was signed into law. With record-high inflation, this savings is much needed for consumers and manufacturers.

My Butcher Block Act passed the House in June and has been implemented by the USDA through the Meat and Poultry Processing Expansion Program. A

new small beef and pork combination plant in Faulkton was recently awarded a grant through this program. The facility will have the capacity to process more than 100 animals per week. More grants of this kind will increase capacity in the market and provide greater stability in prices and supply for consumers.

Authorizing the year-round use of EIS is another priority I have supported which passed the House in June and has been implemented administratively to allow more fuel to enter the market with the goal of lowering gas prices. This reduces our dependence on Russia, Saudi Arabia, and Venezuela for oil. I'll continue to fight for American energy security and the reimplementation of policies that made our nation more energy secure under the last administration.

Addressing the supply chain crisis is just one area where I have seen many wins. There can be a lot of talk about what needs to be done, but without action, words don't hold much weight. I'm proud to work on behalf of South Dakotans and deliver results that will directly impact them in positive ways. I'm looking forward to more wins in the next Congress with my Republican colleagues and getting our country on the right track.

NEED HELP WITH YOUR RETIREMENT PLAN?

If you have questions about your pension, 401(k) or profit sharing plan, call the Trelis Pension and Retirement Rights Project at (866) 785-5021 to get free legal advice. Funded by the U.S. Administration on Aging, Trelis staff provides free legal assistance to anyone with a question about their retirement plan.

CALL US TODAY 1.866.783.5021



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electricity and advertising...
BUT WHY TRY?

Bennett County Booster II 685-6866
booster@gwctc.net

Partner with Native American children and families to educate for life - Mind, Body, Heart and Spirit.

Join our family at St. Joseph's Indian School

Following positions available:

SPED Teacher- Responsible for the instruction of students, organization of instructional lessons, and implementation of the education curriculum. The position is also responsible for paperwork specific to the SPED program. This is a full-time contract position.

Health Care Nurse-LPN- Responsible for providing general nursing services to clients of St. Joseph's Indian School including students, staff, and staff dependents. The position participates in all aspects of the Health Center's function and procedures. This is a full-time contract position.

Houseparent's- Create a family-oriented environment and care for children in our campus homes. This is a full-time contract position with summers off.

Software Developer Intern - Works on assigned technology projects over the term of the internship. Responsibilities include designing, developing, testing, deploying, maintaining, and documenting new software. This is a nonexempt position to be located in Sioux Falls, SD.

The Software Developer is part of a team that develops various technology-related projects in support of St. Joseph's Indian School. This is a full-time exempt position to be located in Sioux Falls, SD or Chamberlain, SD.

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Expectations & Competitive Pay!

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or email apply@stjo.org EOE



St. Joseph's Indian School
400 West 10th Street, Pierre, SD 57501

Email us your news & photos
booster@gwctc.net
Bennett County Booster II

*** Proof of Publication ***

STATE OF SOUTH DAKOTA)

County of Pennington)

SS:

S.D. DANR - GROUND WATER

523 E CAPITOL AVE
PIERRE SD 57501

ORDER NUMBER 52073

The undersigned, being duly sworn, upon his/her oath says: That he/she is now and was at all time hereinafter mentioned, a clerk of the RAPID CITY JOURNAL, a corporation of Rapid City, South Dakota, a legal and daily newspaper printed and published in Rapid City, in said County of Pennington, and has full and personal knowledge of all the facts herein stated as follows: that said newspaper is and at all of the times herein mentioned has been a legal and daily newspaper with a bonafide paid circulation of at least Two Hundred copies daily, and has been printed and published for at least one year prior to the first date of the published notice.

This affidavit is a true and corrected copy of notice which appeared

in said newspaper once each day for 1

successive day, the first publication there of being on the
9 day of November, 20 22

Section: Legal

Category: 0072 Public Notices

PUBLISHED ON: 11/09/2022

TOTAL AD COST: 75.97

FILED ON: 11/9/2022

Subscribed and sworn to before me this

9th day of November, 20 22

Kelly L. Kanaan Notary Public

My commission expires

Jan 17, 20 25

Kelly L. Kanaan

SEAL NOTARY PUBLIC SEAL
SOUTH DAKOTA

NOTICE OF APPLICATION NO.
2718A-2

Notice is given that Daniel & Paulette Fanning, 28885 237th Ave, Martin SD 57551 have filed an application to amend Water Right No. 2718-2 due to a construction project and change of right-of-way along Highway 18. Water Right No. 2718-2 appropriates 2.0 cubic feet of water per second from one well completed into the Ogallala Aquifer (242 feet deep) located in the SE 1/4 SW 1/4 Section 31 for irrigation of 140 acres located in the SW 1/4, W 1/2 SE 1/4 Section 31; all in T38N-R34W. The permit holder is proposing to move the center pivot approximately 160 feet to the north. This change would include irrigation of a portion of the S 1/2 NW 1/4 Section 31-T38N-R34W. The location of the existing well will remain the same. No increase in the diversion rate or number of acres irrigated is authorized by this application. This site is located approximately 20 miles east of Martin SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2718A-2 with qualifications because 1) existing domestic water uses and water rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duval for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by November 21, 2022.

The petition shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by November 21, 2022.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. 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.

(Published November 9, 2022 for a total approximate cost of \$75.97 and may be viewed for free at www.sdpublicnotices.com)
Legal No: 52073

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, November 1, 2022 8:28 AM
To: Rapid City Journal (legals@rapidcityjournal.com)
Subject: 2718A-2, Daniel & Paulette Fanning
Attachments: 2718A-2public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on November 9, 2022.

Daniel & Paulette Fanning, 28885 237th Ave, Martin SD 57551 (605 685-5274) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak

DANR - Water Rights Program

(605) 773-3352

Website: <https://danr.sd.gov>



Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, November 1, 2022 8:28 AM
To: 'booster@gwtc.net'
Subject: 2718A-2, Daniel & Paulette Fanning
Attachments: 2718A-2public.short_final.docx; FORM8.FRM.doc

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Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak

DANR - Water Rights Program
(605) 773-3352
Website: <https://danr.sd.gov>





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPERS RIGHT AWAY.**

November 1, 2022

Daniel & Paulette Fanning
28885 237th Ave
Martin SD 57551

Dear Mr. Fanning:

Water Permit Application No. 2718A-2 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Bennett Co. Booster II printed at Martin (Ph # 605 685-6866) and the Rapid City Journal printed at Rapid City (Ph # 605 394-8336). You will need to contact the newspapers 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 newspapers to authorize publication of your Notice and to arrange for payment. Early contact with the papers can eliminate delays. Upon receiving authorization from you, the publishers have been instructed to publish your notice. The newspapers have 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,

Karen Schlaak

Karen Schlaak
Water Rights Program
(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.

NOTICE OF APPLICATION NO. 2718A-2

Notice is given that Daniel & Paulette Fanning, 28885 237th Ave, Martin SD 57551 have filed an application to amend Water Right No. 2718-2 due to a construction project and change of right-of-way along Highway 18. Water Right No. 2718-2 appropriates 2.0 cubic feet of water per second from one well completed into the Ogallala Aquifer (242 feet deep) located in the SE 1/4 SW 1/4 Section 31 for irrigation of 140 acres located in the SW 1/4, W 1/2 SE 1/4 Section 31; all in T38N-R34W. The permit holder is proposing to move the center pivot approximately 160 feet to the north. This change would include irrigation of a portion of the S 1/2 NW 1/4 Section 31-T38N-R34W. The location of the existing well will remain the same. No increase in the diversion rate or number of acres irrigated is authorized by this application. This site is located approximately 20 miles east of Martin SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2718A-2 with qualifications because 1) existing domestic water uses and water rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by November 21, 2022.

The petition shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by November 21, 2022.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. 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.

Published once at the total approximate cost of_



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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PIERRE SD 57501-3182
danr.sd.gov

DEC 08 2022

Daniel & Paulette Fanning
28885 237th Ave
Martin SD 57551

Dear Mr. & Mrs. Fanning:

Enclosed is Water Permit No. 2718A-2 amending Water Right No. 2718-2 due to a construction project along Highway 18.

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 moving 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,

Eric Gronlund, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

**Affidavit of Public Notice
on DANR Website**

Pursuant to SDCL § 46-2A-4, public notice of the following application was posted on the DANR web site at <https://danr.sd.gov/public>. The posted public notice is the same notice as published in the pertinent newspaper(s) and a copy of the public notice is maintained in the application file. If the application is contested, the posting is moved to the DANR contested case website at <https://danr.sd.gov/public/ContestedCase.aspx> until final action is taken on the application pursuant to SDCL § 46-2A-4.

Application No.: 2718A-2

Name of Applicant: Daniel & Paulette Fanning

Date of Posting: 11/7/2022

Date of Removal: 12/8/2022



Ron Duvall, Water Rights Permitting Administrator

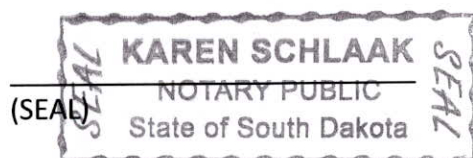
12/8/22

Date

Subscribed and sworn to before me, a notary public, this 8th day of dec, 2022.



Notary Public - South Dakota
My commission expires: 4/1/2025





**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