

WATER PERMIT NO. 2721-2

Name of Applicant: Neil and/or Lupita Fanning

Address: 220 Rangley Ct, Simi Valley CA 93065 Phone: 805 217-4300

Amount of Water Claimed: 4.44 cfs Total Acres: 320

Source of Water Supply: groundwater (2 wells)

Water to be used for: irrigation County: Bennett

Type of Waste Disposal System:

Location: 17 miles east of Martin

PRIORITY Date Received: 11-18-13

Application/License Fee: \$ 1350.00

Corrected Application Received: 11-22-13

Period of Annual Use: April 1 – October 31

Remarks:

Diversion Point: NE 1/4 NW 1/4 and NW 1/4 NE

1/4 Sec 7-T37N-R34W

Land to be Irrigated: N 1/2 Sec 7-T37N-R34W

Depth of Well: 220 feet deep

Well Driller: Grosch Irrigation Co

Remarks:

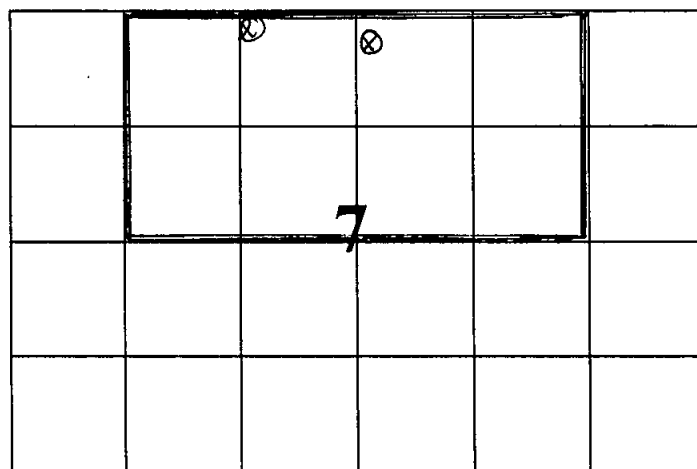
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 11-25-13

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



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Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>2721-2</u>	(office use only) Hydrologic Unit <u>10140203</u>
	Basin <u>White River</u>	
	Newspaper <u>Bennett Co Booster PO Box 610, Martin</u>	
	<u>Capitol Journal, PO Box 878, Pierre 224-7301</u>	<u>605 685-6866 (Wed) 57551</u>

Application For Permit To Appropriate Water For Irrigation

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

(Use predates Mar 2, 1955)

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

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

(name and complete address if different than above name)

Mailing Address 220 Rangely Ct Simi Valley Ca 93065

(Address)

(City)

(State)

(Zip Code)

Home Phone 805-584-0444 Cell 805-217-4300 Email fanning@packell.net2. Amount of water claimed 4.44 *CFS or 2000 **GPM ***AF Total Acreage 320

(*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Ground Water4. Location of point of diversion well NE NW 7 - 1 well NW NE 7 - 37 - 34

(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Bennett5. County or counties where water will be used Bennett Co6. Annual period during which water is to be used April to Oct.7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>NW 7 - 39 - 34</u>	<u>160</u>		
<u>NE 7 - 37 - 34</u>	<u>160</u>		

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

This project will allow more feed to be grown on the ranch. It will increase the predictability of feed quantity and quality.

I, Neil Fanning, the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true.

①

**SOUTH DAKOTA
WATER PERMIT NO. 2721-2**

Date of first receipt of application November 18, 2013.

Date of return to applicant for corrections, amendments or changes November 18, 2013.

Date of receipt of corrected application November 25, 2013.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2721-2 to Neil and/or Lupita Fanning, 220 Rangely Ct, Simi Valley CA 93065 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. 2721-2 appropriates 4.44 cubic feet of water per second from two wells to be completed into the Ogallala Aquifer (220 feet deep) located in the NE 1/4 NW 1/4 and NW 1/4 NE 1/4 Section 7 for irrigation of 320 acres located in the N 1/2 Section 7; all in T37N-R34W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The date from which applicant may claim right is November 18, 2013.
4. The date of approval of Permit No. 2721-2 is January 27, 2014.
5. One-fifth of the construction is to be completed on or before July 27, 2016.
6. All construction is to be completed on or before January 27, 2019.
7. Water is to be put to beneficial use on or before January 27, 2023.
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 wells 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 wells authorized by Permit No. 2721-2 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

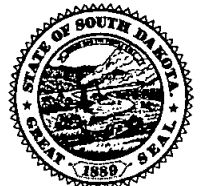
WATER MANAGEMENT BOARD

By: 

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

FEB 05 2014

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 _____ Have test holes been drilled ☒ Yes ☐ No Drilled by Grosch Irrigation / O'Neill
(if yes, please provide copies of logs) Nebr.

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

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

d) Distance to nearest existing domestic well:

On applicant's property .9 mile approx On property owned by others .65 approx 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)

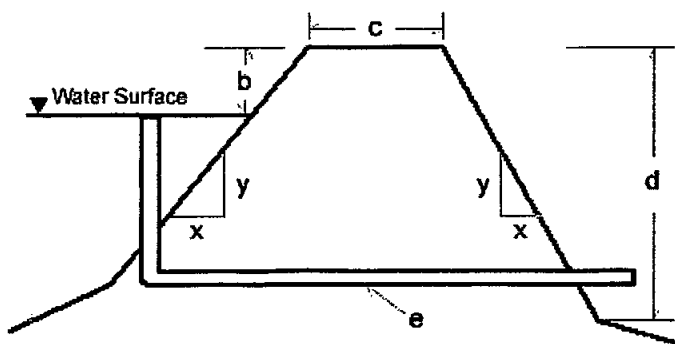
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



Sec 1
T037N
R35W

Sec 31
T038N
R34W

Sec 32
T038N
R34W

Sec 6
T037N
R34W

Sec 5
T037N
R34W

Sec 12
T037N
R35W

Sec 7
T037N
R34W

Sec 8
T037N
R34W

Sec 13
T037N
R35W

Sec 18
T037N
R34W

Sec 17
T037N
R34W

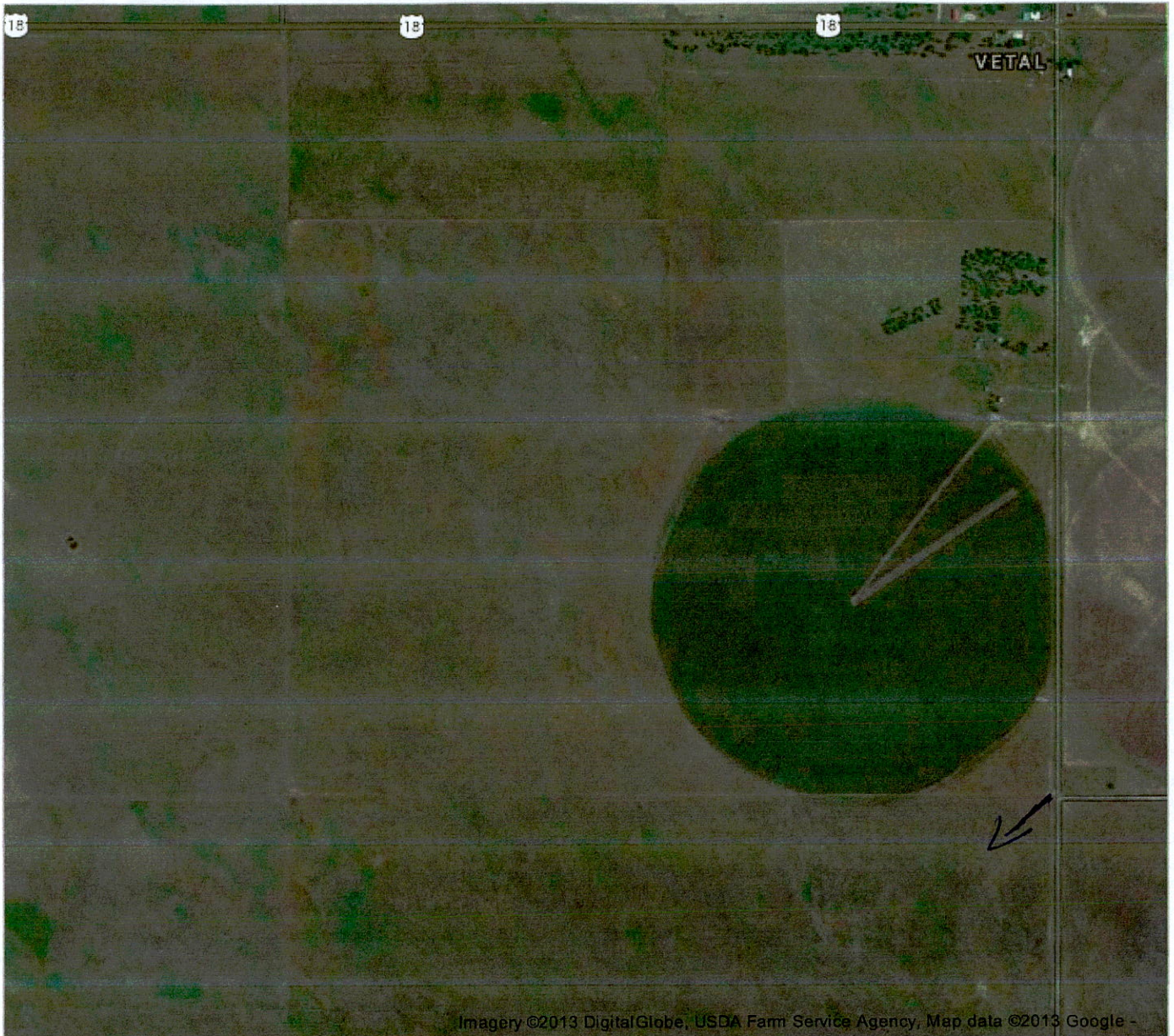
Sec 24
T037N
R35W

Sec 19
T037N
R34W

Sec 20
T037N
R34W



To see all the details that are visible on the screen, use the "Print" link next to the map.



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In color



Neil Fanning

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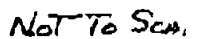
6

p.2

9/30/13

1st Best New 9/2013 2nd Best Old 9/21/2000 North Sec. 6

Neil Fanning
Sec 7 T37 R38 Bennett
Butcher's Trst
172' Depth
58' w. l.



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600 ft
200

4

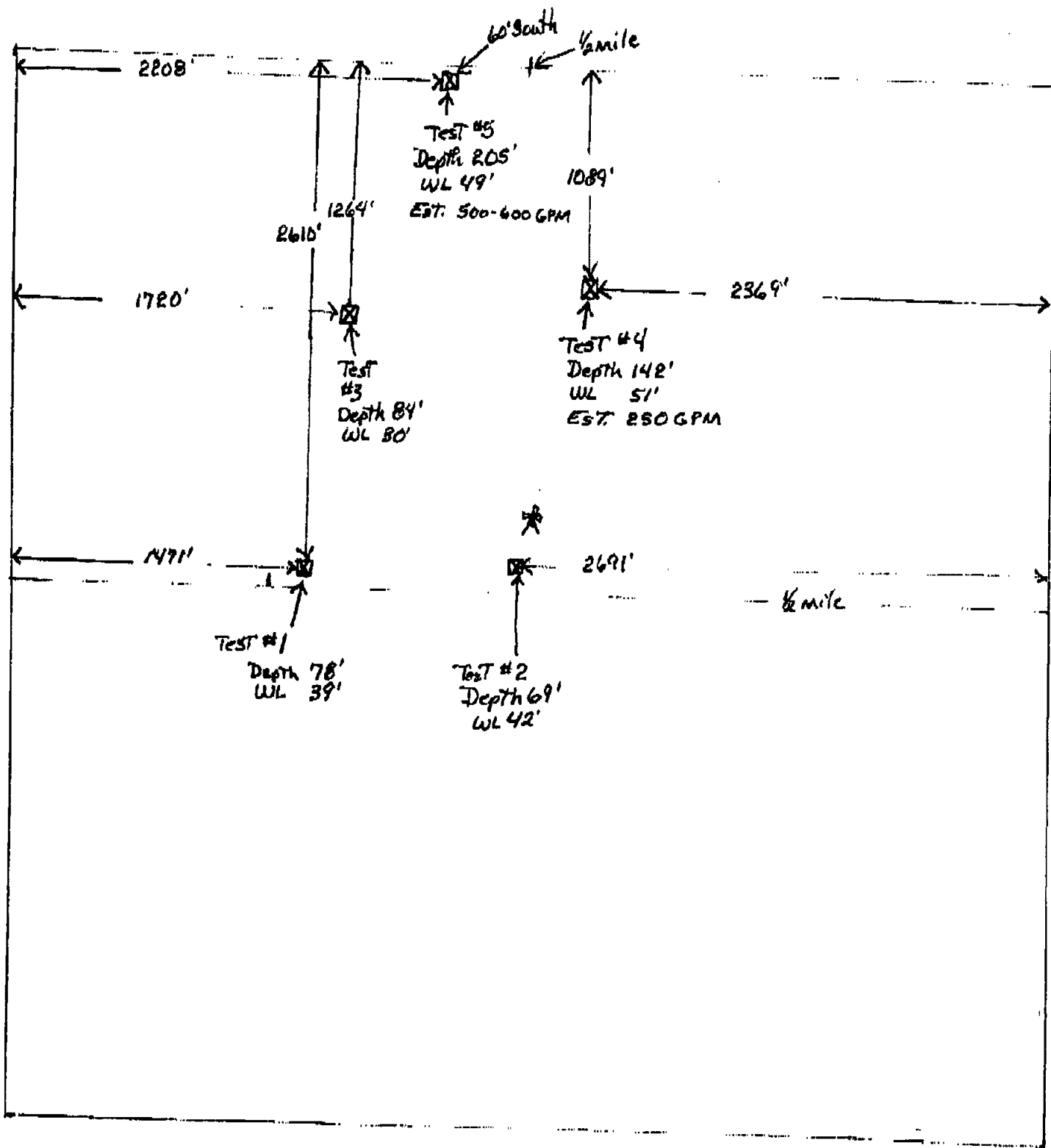
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9/22/2000

North

Neil Fanning
Sec 7 T37 R38 Bennett Co

E



Not To Scale

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RECEIPT

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South Dakota Department of Environment and Natural Resources

Date 11/18, 20 13

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

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

Fee for Application for Permit No. <u>2721-2</u> to Appropriate Water, to construct and to put water to beneficial use	1150	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>2721-2</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	1350 00

No. **06487**

By Jeanne Rodman
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

November 18, 2013

Neil and Lupita Fanning
220 Rangely Ct
Simi Valley CA 93065

Dear Mr. & Mrs. Fanning:

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

- The application states the well and lands to be irrigated are located in Section 7-T37N-R35W. After reviewing the application and the maps, I believe that location is incorrect. It appears that the wells and the acreage to be irrigated will be located in the N 1/2 Section 7-T37N-R34W. Do you agree? *Yes, I agree NG. 11/22/13*
- Enclosed are the aerial photo maps submitted with the application. The map needs to reference a government section corner or quarter corner including section, township and range. For your use, I have enclosed a map with those designations (Section 7-T37N-R34W). Please outline the acres to be irrigated and mark each proposed well location with an "X". *Done NG 11/22/13*

*Thank you
Neil*

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

enclosures



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2721-2, Neil and/or Lupita 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. 2721-2, Neil and/or Lupita Fanning, 220 Rangely Ct, Simi Valley CA 93065.

The Chief Engineer is recommending APPROVAL of Application No. 2721-2 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 wells 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 wells authorized by Permit No. 2721-2 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
January 13, 2014

REPORT TO THE CHIEF ENGINEER

WATER PERMIT APPLICATION NO. 2721-2

Neil and/or Lupita Fanning

January 3, 2014

Water Permit Application No. 2721-2 proposes to divert groundwater at a maximum diversion rate of 4.44 cubic feet of water per second (cfs) from two wells to be completed into the Ogallala aquifer. The wells are expected to be approximately 220 feet deep, located in the NE¼ of the NW¼ and the NW¼ of the NE¼ of Section 7, T37N-R34W. Water will be used to irrigate 320 acres located in the N½ of Section 7, T37N-R34W in Bennett County.

AQUIFER: Ogallala aquifer (OGLL)

HYDROGEOLOGY:

The High Plains aquifer underlies 174,000 square miles of the United States, spanning eight states from Texas to South Dakota (Gutentag and others, 1984). In South Dakota, the High Plains aquifer underlies approximately three million acres (Filipovic, 2011; Gutentag and others, 1984). Here the High Plains aquifer consists of, in ascending order, the Arikaree Group, Batesland Formation, and Ogallala Group, and alluvial and eolian deposits. These are hydraulically connected and primarily under water table conditions (Filipovic, 2011).

The Ogallala Formation consists of clays, silts, sands, and surface gravel deposits and is the most productive part of the High Plains aquifer (Filipovic, 2011; Gutentag and others, 1984). The Ogallala aquifer is estimated to underlie 1,140,360 acres and contain 19,929,600 ac-ft of recoverable water in South Dakota. The Ogallala aquifer is estimated to underlie 280,960 acres and contain 2,809,600 ac-ft of recoverable water in Bennett County (Allen and others, 1985). Saturated thickness ranges from 100 feet in the northwest portion of the county to 1,100 feet in the southwest portion of the county (Filipovic, 2011). The saturated thickness can be expected to be 200 to 400 feet in the area of the proposed well sites (Kolm and Case, 1983).

Test hole logs submitted document many layers of sand from ground surface to 205 or 220 feet below ground surface, where red rock, likely the Arikaree Formation, was then encountered. The static water level was recorded at 49 and 63 feet below ground surface.

SDCL 46-2A-9

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

WATER AVAILABILITY:

The probability of unappropriated water available from an aquifer can be evaluated by considering SDCL 46-6-3.1, which requires "No application to appropriate groundwater may be

approved if, according to the best information reasonably available, it is probable the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source.” 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. Therefore, withdrawal/recharge issue must be considered.

HYDROLOGIC BUDGET:

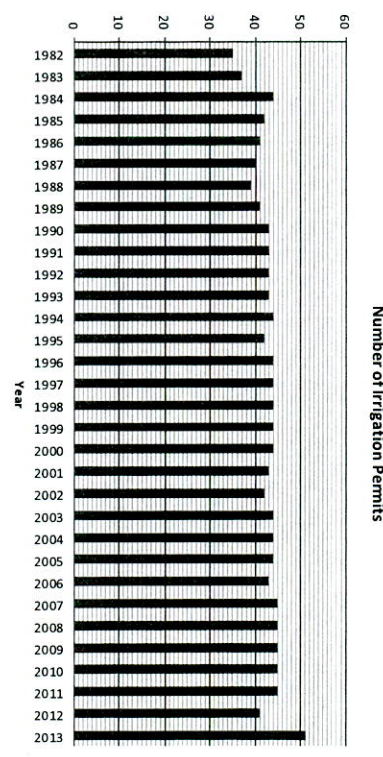
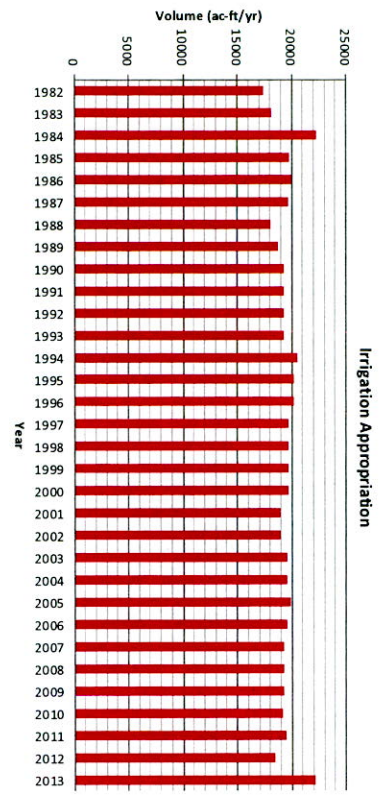
Recharge to the Ogallala aquifer in Bennett County occurs mainly through infiltration of precipitation and inflow from the aquifer outside the county (Filipovic, 2011). Kolm and Case (1983) estimated recharge to be 1.3 to 1.8 inches per year (in/yr) using a digital model. Hedges and Burch (1985) estimated recharge to be 2.2 to 3.4 in/yr using observation well data and 1.88 in/yr using a baseflow recession analysis. Applying this range to the area of the aquifer, recharge to the Ogallala aquifer in Bennett County is estimated to be 30,400 to 79,600 ac-ft/yr.

Discharge from the Ogallala aquifer in Bennett County occurs through evapotranspiration, seepage through springs and to streams and rivers such as the Niobrara and the Little White, outflow to the aquifer outside the county, and well withdrawals (Filipovic, 2011). Currently there are 53 water rights/permits appropriating water from the Ogallala aquifer in Bennett County. One water right authorizes fish and wildlife propagation use, one water right authorizes institutional use, and 40 water rights and 11 permits authorize irrigation use (Water Rights, 2014b).

The water rights for non-irrigation use from the Ogallala aquifer in Bennett County are limited only by diversion rate, with a total of 0.065 cfs. The amount of water that can be expected to be withdrawn by the non-irrigation use water rights/permits can be estimated by assuming pumpage at the maximum permitted diversion rate 60 percent of the time. Therefore, the total annual withdrawal by these water rights is expected to total less than 29 ac-ft/yr (Water Rights, 2014b).

While there are numerous domestic wells on file, many are no longer used as primary sources since rural water has been introduced in the area. Considering this, and the relatively small withdrawal ability and authorization of a domestic well, the annual quantity of water withdrawn due to domestic wells is not significant to the hydrologic budget of the aquifer (Water Rights, 2014c).

Figure 1 shows the Ogallala aquifer historic irrigation data for Bennett County. Over the period of record the average annual irrigation pumpage is 7,131 ac-ft/yr, but varies from a minimum of 2,033 ac-ft/yr to a maximum of 13,135 ac-ft/yr. This data indicates a huge variability in the data set (Water Rights, 1983-2013). From 2012 to 2013, irrigation appropriation noticeably increased. However, pumpage can be attributed mostly to two major factors: climatic and economic conditions. For example, during the drought and high commodity prices of 2012, the irrigation pumpage was much greater than the average. While a relationship exists, these variables are difficult to predict.



Irrigation Pumpage Reported

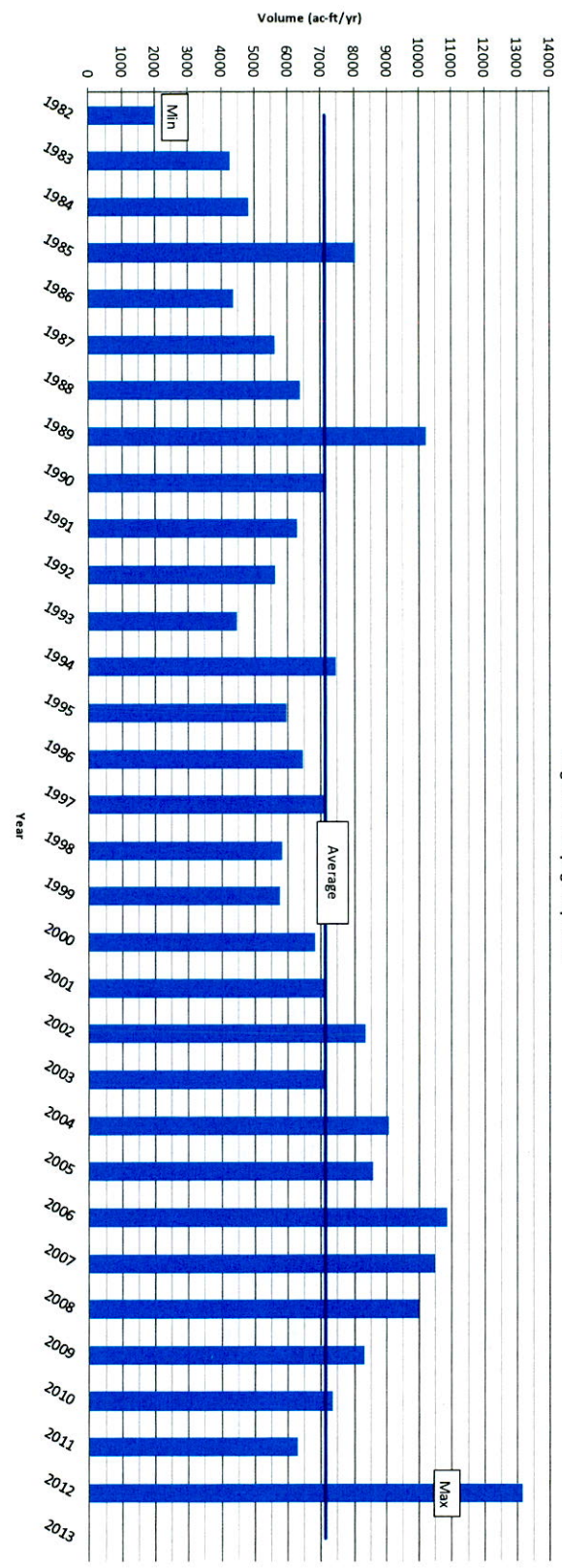


Figure 1: Historic irrigation water use from the Ogallala aquifer in Bennett County (Water Rights, 1983-2013; Water Rights, 2014b)

Hydrologic Budget:

The average annual use from the Ogallala aquifer in Bennett County is 7,160 ac-ft/yr. This is considerably less than even the lowest recharge estimate of 30,400 ac-ft/yr. Therefore, there is a reasonable probability that unappropriated water is available from the Ogallala aquifer 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 these in Bennett County (Water Rights, 2014a). Of these, the nearest observation wells are BT-76A, BT-76B, BT-78J, and BT-83H, located approximately two miles northeast, two and a half miles east, two and a half miles southeast, and three miles southwest, respectively. The hydrographs of these observation wells are shown in Figures 2, 3, 4, and 5, respectively.

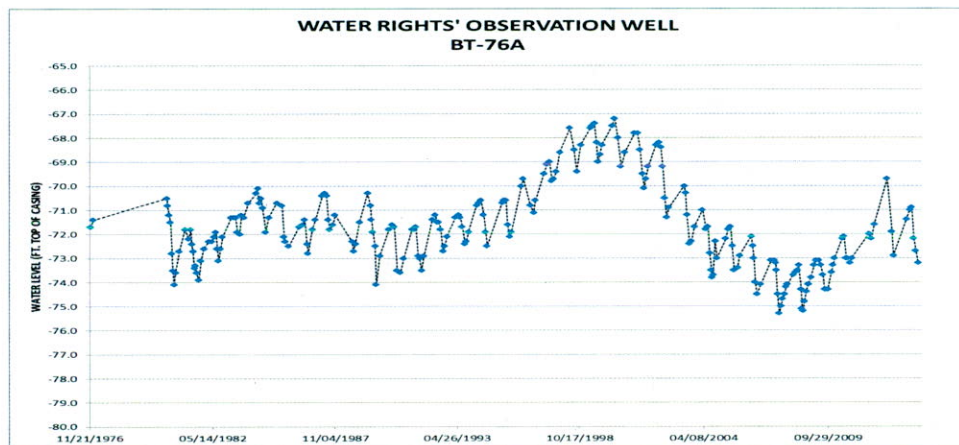


Figure 2: Hydrograph for DENR-Water Rights' observation well BT-76A (Water Rights, 2014a)

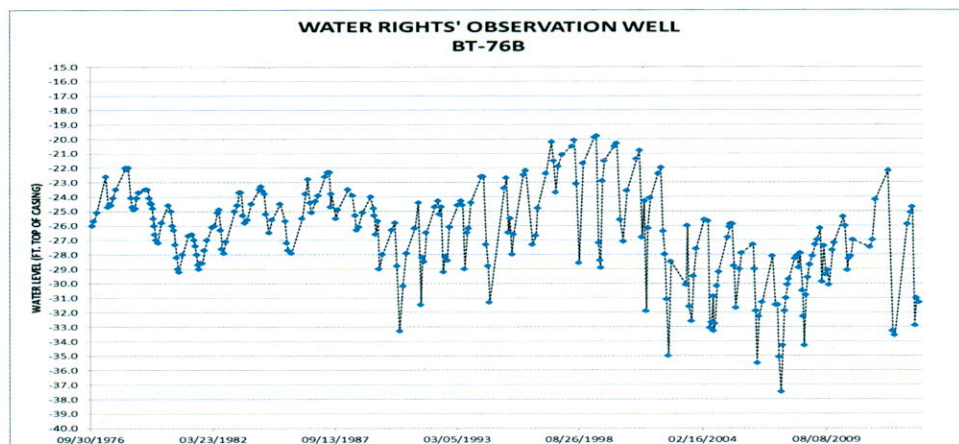


Figure 3: Hydrograph for DENR-Water Rights' observation well BT-76B (Water Rights, 2014a)

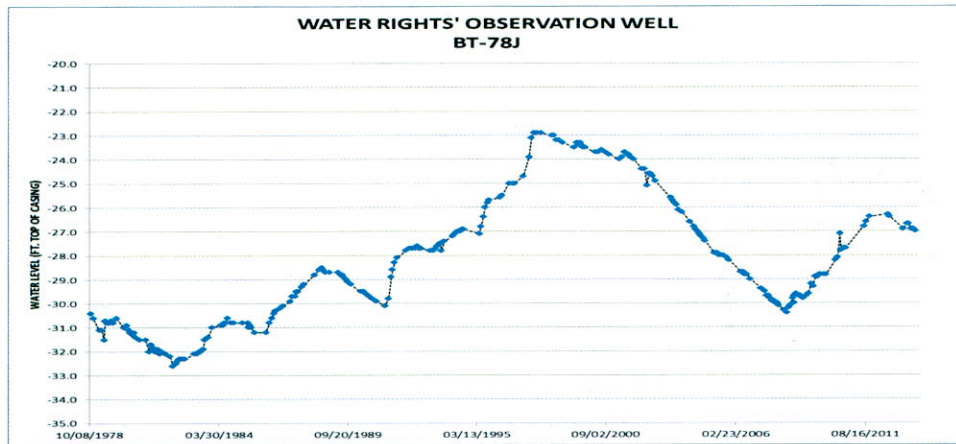


Figure 4: Hydrograph for DENR-Water Rights' observation well BT-78J (Water Rights, 2014a)

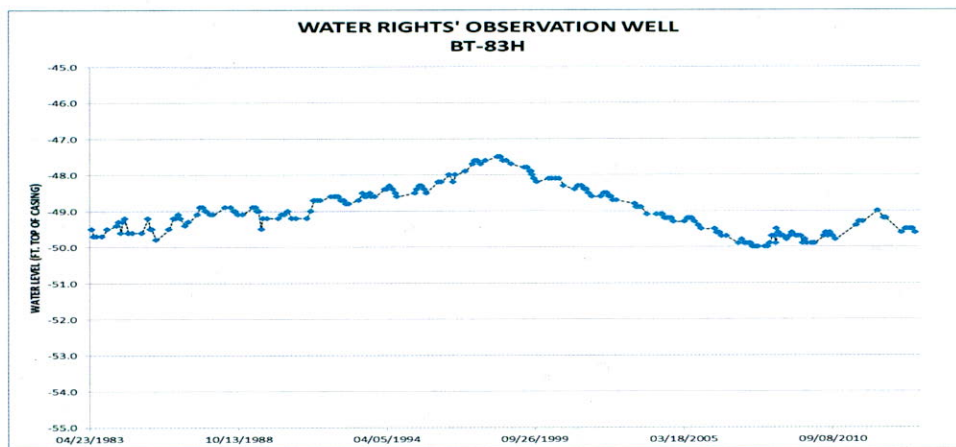


Figure 5: Hydrograph for DENR-Water Rights' observation well BT-83H (Water Rights, 2014a)

The observation well data documents cyclic conditions of water levels, rising during wet years and declining during dry years. Observation wells BT-76A and BT-76B are located near several water right diversion points and the effects of pumping on the aquifer are obvious in these hydrographs, shown in Figures 2 and 3. In contrast, observation wells BT-78J and BT-83H are further than one mile from a water right diversion point, and the effects of pumping on the aquifer is not as visible in these hydrographs, shown in Figures 4 and 5. Overall, observation well data indicates that, at the current level of development, temporal well withdrawal is masked by climatic conditions, indicating that recharge to and natural discharge from the Ogallala aquifer greatly exceeds well withdrawal. Therefore, unappropriated water is available from the Ogallala aquifer to support this proposed appropriation.

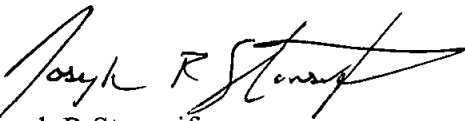
EXISTING WATER RIGHTS:

In the area of the proposed well sites, there are several domestic and irrigation wells. There are three domestic wells on file that appear to be completed into the Ogallala aquifer within one mile (Water Rights, 2014c). There are three water rights/permits authorized for irrigation use from the Ogallala aquifer within one mile (Water Rights, 2014b). At just over a mile to the east is a cluster irrigation use water rights/permits authorized for the Ogallala aquifer.

The water table conditions of the aquifer dictates that any drawdown due to pumping would probably not extend far from the proposed well sites. As previously discussed, the hydrographs for observation wells near water rights show the effects of pumping on the aquifer. However, the hydrograph of an observation well located further from water rights diversion points show the effects of pumping are nearly nonexistent. Over the period of record, water levels in these observation wells fluctuated at maximum 20 feet (Water Rights, 2014a). Also, the aquifer in this area retains several hundred feet of saturated thickness (Kolm and Case, 1983). Therefore, there is a reasonable probability that any drawdown from the proposed diversion or appropriation will not adversely impact an adequate well.

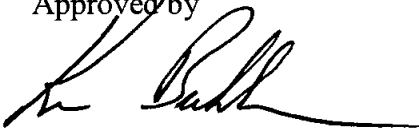
CONCLUSIONS:

1. Water Permit Application No. 2721-2 proposes to divert groundwater from two wells to be completed into the Ogallala aquifer to irrigate 320 acres in Bennett County.
2. There is a reasonable probability that unappropriated water is available from the Ogallala aquifer to supply the proposed appropriations.
3. There is a reasonable probability that the proposed wells will not adversely impair existing nearby adequate wells.



Joseph R Stonesifer
SD DENR-Water Rights Program

Approved by



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- Allen, J.C., Iles, D.L., and Peters, A.K. 1985. Analysis of Groundwater and Streamflow Data, Western Dakotas Region of South Dakota, Task 3A.B.C. and 4A.B.:Groundwater Resource Inventory: Final Report. U.S. Army Corp of Engineers Contract DAWC 45-82-C-015. SD DENR-Geological Survey. Vermillion, South Dakota.
- Filipovic, D. 2011. Hydrologic Assessment of the High Plains Aquifer in Bennett County, South Dakota. Open-File Report 92-UR. SD DENR-Geological Survey Program, Vermillion, SD.
- Gutentag, E.D., Hiemes, F.J., Krothe, N.C., Luckey, R.R., Weeks, J.B. 1984. Geohydrology of the High Plains Aquifer in Parts of Colorado, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, and Wyoming: U.S. Geological Survey Professional Paper 1400-B, 63 p.
- Hedges, L.S., and Burch, S.L. 1985. Analysis of Ground-Water and Streamflow Data Western Dakota Region of South Dakota, Task 3.D and 4.C: Ground-Water Recharge: SD DENR
- Kolm, K.E. and H.L. Case III. 1983. A Two-Dimensional, Finite-Difference Model of the High Plains Aquifer in Southern South Dakota. Water-Resources Investigations Report 83-4175. U.S. Geological Survey. Lakewood, CO.
- Water Rights. 1983-2013. "1983-2013 Irrigation Summaries by Aquifer": SD DENR-Water Rights Program, Joe Foss Building, Pierre, SD.
- Water Rights. 2014a. Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.
- Water Rights. 2014b. Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.
- Water Rights. 2014c. Water 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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JAN 21 2014

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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:

January 15, 2014

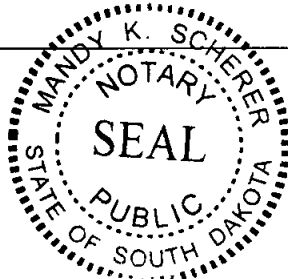
That the full amount of the fee charged for the publication of the attached public notice, **\$27.20** insures to the sole benefit of the publisher or publishers; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed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

Signed: *Jeff Potter*

Subscribed and sworn to before me this 15th day of January, 2014.

Mandy K. Scherer
Notary Public

My Commission Expires
December 9, 2015



Legal Notices

Town of Batesland Notice of Vacancy

According to state law in such case made and provided, notice is hereby given that the following election will occur by the termination of the term of the following elective officials. Member of the Board of Trustees for a three-year term. Petitions can be filed with the Finance Officer of the Town of Batesland not more than 40 days nor less than 20 days preceding the day of election.

Rena Conroy, Clerk
Published twice at the total approximate cost of \$17.22
Published: January 15 and 22, 2014

Notice of Vacancy Municipality of Martin, South Dakota

The following Municipal Officials will become vacant due to the expiration of the present term of office of the elective officials.

Martin City Council - Ward 1 one (2) year term.
(Incumbent Charles Gotschberg)
Martin City Council - Ward 2 one (2) year term.
(Incumbent Shirley McCue)

Martin City Council - Ward 3 one (2) year term.
(Incumbent Gregg Clausen)

Circulation of nomination petitions may begin on January 31, 2014, and petitions may be filed in the city office with the City Finance Officer located at 101 Main Street for the City Municipal Election, between the hours of 8:00 a.m. and 4:00 p.m. Mountain Time, not later than February 28, 2014, at 5:00 p.m.

Jean Kirk, Finance Officer
Published twice at the total approximate cost of \$24.60
Published: January 15 and 22, 2014

Legal Notice

Notice Of State Land Exchange

Pursuant to South Dakota Codified laws, Chapter 5-3-7, the following described parcel of state land has been nominated for exchange:

SW¼ of Section 6, Township 37 North, Range 34 West, Bennett County, SD

NW¼ of Section 8, Township 37 North, Range 34 West, Bennett County, SD

The state lands containing 318 acres, more or less are proposed to be exchanged for 320 acres, more or less, of the following land:

SW¼ of Section 8, Township 37 North, Range 34 West, Bennett County, SD

NW¼ of Section 17, Township 37 North, Range 34 West, Bennett County, SD

Certified appraisals were completed on the exchange and both tracts. The parcels have been valued as equal by the board of appraisal and are valued at \$144,000.

A public hearing will be held on Monday, January 27th at 10:00 a.m. at the Bennett County Courthouse to consider the exchange and review public comments.

For more information or to submit comments, contact Mike Cornelson at 605-773-3103 in the Office of School and Public Lands, 500 East Capitol Ave. Pierre, SD 57501.

Individuals in need of assistance pursuant to the Americans with Disabilities Act should contact School and Public Lands 48 hours in advance of the hearing to make any necessary arrangements.

Published four times at the total approximate cost of \$74.56
Published: January 1, 8, 15 and 22, 2014

Notice of Audit of the Fiscal Affairs of Bennett County

Notice is hereby given that the records and books of Bennett County, South Dakota, have been audited by the Department of Legislative Audit for the two years ended December 31, 2012, and that a detailed report thereon is filed with the county auditor of Bennett County and the Department of Legislative Audit in Pierre, South Dakota for public inspection.

The following finding and the recommendation referred to in the report are hereby listed in accordance with the provisions of SDCL 4-11-12.

CURRENT AUDIT FINDING AND RECOMMENDATION County Interfund Loans

Finding:
In the past the County Health Care Center Fund sustained large operating losses for several years prior to 2002. In order to continue operation, the County Health Care Center Fund borrowed money from other County Funds. As of February 17, 2004 the General Fund has assumed the loans from the special revenue funds. The interfund loans were not repaid within nine months in violation of SDCL 7-21-34. In addition, these interfund loans have severely depleted the available cash assets of the General Fund and special revenue funds of the County. This is the thirteenth consecutive audit report to contain a similar finding.

RECOMMENDATION:
We recommend that interfund loans be repaid in the manner required by state law.

MANAGEMENT'S RESPONSE:
Management chose not to respond to this finding.
MARTIN L. GUNDMAN, CPA AUDITOR GENERAL
DEPARTMENT OF LEGISLATIVE AUDIT
Published twice at the total approximate cost of \$46.74
Published: January 8 and 15, 2014

Notice to Creditors

STATE OF SOUTH DAKOTA)
IN CIRCUIT COURT)
COUNTY OF BENNETT) SIXTH JUDICIAL CIRCUIT
ESTATE OF,) 03PRO14-1
MARY ELEANOR WAGGONER)
Decedent) NOTICE TO CREDITORS AND
NOTICE OF INFORMAL
PROBATE AND APPOINTMENT
OF PERSONAL REPRESENTATIVE

Notice is given that on the 2 day of January, 2014, Lynda S. Waggoner, whose address is PO Box 246, Martin, South Dakota 57551, was appointed as personal representative of the estate of Mary Eleanor Waggoner.

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

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

Dated this 2 day of January, 2014.

/s/ Lynda S. Waggoner
PO Box 246
Martin, S.D. 57551

Linda Larson
Bennett County Clerk of Courts
PO Box 281
Martin, South Dakota 57551
605-685-6969

Gay Tollefson, Attorney
Tollefson Law Office
P.O. Box 848
Phillips, South Dakota 57567
605-659-2783

Published three times at the total approximate cost of \$78.32
Published: January 8, 15 and 22, 2014

Notice of Application No. 2721-2 to Appropriate Water

Notice is given that Neil and/or Lupita Fanning, 220 Rangely Ct, Sini Valley, CA 93065 have filed an application for a water permit to appropriate 4.44 cubic feet of water per second from two wells to be completed into the Ogallala Aquifer (220 feet deep) located in the NE 1/4 NW 1/4 and NW 1/4 NE 1/4 Section 7 for irrigation of 320 acres located in the N 1/2 Section 7, all in T37N-R34W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2721-2 because 1) unappropriated water is available, 2) existing rights of water 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, Posa Building, 523 E Capitol, Pierre SD 57501 (605-773-3335)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by January 27, 2014.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, and the signature and 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 addresses 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: January 15, 2014

Proceedings

BOARD OF BENNETT COUNTY COMMISSIONERS MINUTES OF PROCEEDINGS MONDAY, DECEMBER 30TH, 2013 MARTIN, SOUTH DAKOTA

The Bennett County Board of Commissioners met in special session Monday, December 30th, 2013, in the Courtroom. The meeting was called to order at 9:30 a.m. by Chairman Rolf Kraft.

Commissioners present: Rolf Kraft, Newton Cummings, Dennis Gregg and Jason Fanning and Wayne Bond.

Others Present: Susan Williams, Auditor.

Clerks:
BACON REPAIR, 0.096.60, HWAY REPAIR #6; BETH LYON, 160.57, SUPPLIES; COUNTRY CO, 14.546.73, HWAY GAS & DIESEL; CROP PRODUCTION SERVICES, INC., 7.577.50 WEED CHEMICALS; DEPARTMENT OF TRANSPORTATION, 12.200.00, ALLEN ROAD UTILITIES; DINOSAUR EXTERMINATOR, 75.00, IN-PEST CONTROL; THE GENERAL STORE, 16.75, HWAY SHOP SUPPLIES; GREAT WESTERN TIRE INC., 717.80, HWAY SHOP SUPPLIES/PUEL BURCH; KEN ORROCK, 3.595.06, SA COMPUTERS/OFFICE SUPPLIES; KRATOVILS TRUE VALUE, 65.99, HWAY SHOP SUPPLIES; MARTIN AUTO PARTS II, INC., 1.041.46, HWAY SUPPLIES & REPAIR; MCLEODS PRINTING AND SUPPLY, 266.30, ROD SUPPLIES; NANCY STERKEL, 33.99, ANTI-VIRUS 2014 SOFTWARE; NEIL FANNING, 647.06, OVERPAYMENT OF ADV TAXES; OFFICE DEPOT, 229.99, EXT. PRINTER; PENNINGTON COUNTY, SHERIFF, 654.80, SEPT. A. OCT. JMWATE TRAVEL; PENNINGTON COUNTY CLERK OF COUL, 130.00, BOND; SANDHILLS RANCH SUPPLY, 51.00, HWAY REPAIR #6; SHEEHAN MACK SALES & EQUIP INC, 14,352.45, HWAY EXTENDED WARRANTY, SHIPP; TYLER TECHNOLOGIES, 500.00, CO. 14.546.73, HWAY GAS & DIESEL; U.S. POSTAL SERVICE, 138.00, AUD & WEED POSTAGE; VALENTINE OFFICE SUPPLY, 2,514.47, AUD, SA, TREA, WEED, SUPPLY & SHRED; VULCAN WELDING, 95.97, HWAY REPAIR #7 FLOW; WARNE CHEMICAL, 2,340.00, SUPPLIES FOR WEED BOARD; WEST RIVER COMPUTERS, 1,049.94, SA AND WEED TECH SERVICES, SUP.

End of the year claims were considered. Jason Fanning made a motion to approve claims subject to delinquent taxes. Dennis Gregg seconded.

All voted aye. Motion carried.

2013 Budget:
The Board reviewed the 2013 Budget. Jason Fanning made a motion to approve the following contingency transfers: 101-120- Elections \$2,100.00; 101-130-Judicial System \$11,070.00; 101-161-General Government Building \$15,400.00; 101-153-Court Appointed Attorney \$61,026.00; 101-214 Law Department \$1,310.00; 211- Fire Fund \$1,775.00; 266-Emergency and Disaster Fund \$1,679.00. Newton Cummings seconded.

All voted aye. Motion carried.

Supplemental budgets:
Dennis Gregg made a motion to supplement the following budgets: 101-153-Court Appointed Attorney \$19,699.00; 101-212-Jail \$301,800.00; 101-213-Juvenile Detention \$99,170.00. Jason Fanning seconded.

All voted aye. Motion carried.

Automatic Supplements:
Wayne Bond made a motion to approve an automatic supplement to 226-Emergency and Disaster Fund \$56,521.00 for grant funds received. Jason Fanning seconded.

All voted aye. Motion carried.

Budget Transfers:
Jason Fanning made a motion to transfer \$1,500.00 cash from the General Fund-101 to the 911 Fund-207. Wayne Bond seconded.

All voted aye. Motion carried.

Budget Transfers:
Dennis Gregg made a motion to transfer \$5,900.00 cash from the General Fund-101 to the Emergency and Disaster Fund-226. Newton Cummings seconded.

All voted aye. Motion carried.

New Bennett County Employees:
Newton Cummings made a motion to approve the following new hires:

Lisa Jensen, Deputy Treasurer, \$8.25 hourly, effective November 12, 2013.

Jason Erwin, Deputy Sheriff, \$14.50 hourly, effective November 25, 2013.

William Saunders, Deputy Sheriff, \$12.00 hourly, effective December 2, 2013.

Voting Aye: Rolf Kraft, Newton Cummings, Dennis Gregg, Jason Fanning.

Executive session:
Motion Carried

Jason Fanning made a motion to go into executive session concerning personnel at 9:50 a.m. Dennis Gregg seconded.

All voted aye. Motion carried.

Chairman Rolf Kraft declared executive session closed at 10:15 a.m.

Close
There being no further business to come before the Commissioners, Newton Cummings made a motion to adjourn with a second by Wayne Bond.

All voted aye. Motion carried.

BOARD OF BENNETT COUNTY COMMISSIONERS
Rolf Kraft, Chairman

ATTEST:
Susan Williams, Auditor

The next regular meeting will be Wednesday, January 15th, 2014 at 9:30 a.m. in the Commissioner's meeting room.

Published once at the total approximate cost of \$65.72
Published: January 15, 2014

Legion Auxillary meets

The American Legion Auxillary met Dec. 11, 2013, with 10 members present. Members brought gloves and more socks for the Give Ten for Education program. Christmas bags were decorated by the MGS third grades for the Nursing Home and live alone Veteran. Members filled the bags and they were delivered on the following Friday.

Two kitchen stoves have been delivered to the American Legion. Supper will start at 5:30 p.m. and the meeting will start at 6:30. The new times will be through March. The next meeting will be Jan. 9, with supper starting at 5:30.

Marlene Nollett, Secretary

XI Alpha Tau of Beta Sigma Phi minutes

XI Alpha Tau of Beta Sigma Phi met on January 7, 2014 at the Activity Center with Connie and Cheryl as hostesses.

President Cheryl Witt called the meeting to order. Nine sisters answered the call. The Opening Ritual and Flag Salute were given. The minutes were read and approved from the November meeting.

Gail gave the treasurer's report.

The Service committee shared that Shar and Sunny delivered the fruit for the Bennett County Senior Citizen's Center for the Thanksgiving basket.

Unfinished Business:
Joan was pleased for the set up of the Santaland and expressed her thank you. Thanks to Bert, Belinda Ready, Ivy and Jack Birdsell, and Jon and Sunny Person.

Cheryl shared her appreciation for all the hard work during Santaland.

A big thank you to the Bennett County High School Key Club for their help during Santaland. Discussion was held on community projects that the

sorority is interested in joining or assisting.

Secret Sister Standing Rules was discussed and planned. Mikaela motioned to approve the Secret Sister Standing Rules. Shar seconded. All voting pro. Motion carried.

New Business:
Belinda presented information on a grant opportunity for a Kid's program and asked if sorority would want to be a partner for the afterschool program.

Amie made a motion to have a partnership with the 21st Century to work on beautification of the community. Ivy seconded. All voting pro. Motion carried.

Sweetheart of the Year voting was held.

The next meeting will be in February with Shar, Gail and Mikaela.

As there was no further business, the meeting was adjourned and the closing ritual and mizpah was recited. The meeting concluded with a light supper and visiting.

Respectfully submitted,
Connie Kallenbach,
Recording Secretary

Nutrition News

By Ann Schwader, Nutrition Field Specialist

SuperTracker provides assistance for New Year's Resolutions.

Some individuals are still recovering from their hectic schedules during the holidays and the endless amounts of good food. Like many other Americans, you've probably made some casual New Year's resolutions, such as "I'm going to lose 10 pounds in the New Year" or "my goal is to fit into my new blue jeans" and so on. As with all resolutions, good intentions aren't enough, especially if you're trying to get healthy or lose weight. So what can you do to make changes that last?

Consider using the "SuperTracker" tool found at the www.choosemyplate.gov website. SuperTracker was released in 2011. It empowers consumers to build a healthier diet based on personal preferences that also meet nutrient needs and stay within their calorie allowance.

Individuals, families, educators, professionals, and students can all benefit from using the SuperTracker. The tool can be customized based on personal goals and has motivational components such as being able to sign up for tips and support from a virtual coach by e-mail, get weight management hints, and enter weight and track your progress over time. Use "My Journal" within SuperTracker to jot down notes and track meal locations and mood history. The extensive

food database allows consumers to develop numerous eating patterns.

SuperTracker is visually appealing, it's a free tool available to everyone who has access to a computer and it's designed to assist individuals as they make changes in their life, to reduce their risk of chronic disease and maintain a healthy weight.

So here's to a happy and healthy 2014 and a little encouragement to help you stay focused on your New Year's resolution.

For more information, contact StDSU Nutrition Field Specialist Ann Schwader at the Winner Regional Extension Center at 605-842-1267 or ann.schwader@state.edu.



**Bennett County
Booster**

Martin • 685-6866
booster@gwnc.net
bennettcountyboostersd.com

Bennett County School District

is seeking bids for an

All Weather 8 Lane Track.

All work is to be completed by early fall of 2014. Work may begin in late May. Bidder must be a Certified Track builder (CTB) and a member of the American Sport's Builders. Details and specs may be picked up in the business office. All bids must be in the Business Office by 4 p.m. on January 16, 2014. The Board has the right to accept or reject any bid.

Business Office 685-6112, 402 2nd Ave, Martin, SD

Legal Ad Deadline - Fridays by 5 p.m.

RECEIVED

JAN 31 2014

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Hughes) SS

I, Marylin 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:

1-15-14

Cost of Printing \$28.91

Marylin Baker
(Signature)

Bookkeeper
(Title)

1-30-14

(Date Signed)

~~SNAP 12-13-2013~~

1tdly 1/15

**NOTICE OF AP-
PLICATION NO.
2721-2 to Appro-
priate Water**

Notice is given that Neil and/or Lupita Fanning, 220 Rangely Ct, Simi Valley CA 93065 have filed an application for a water permit to appropriate 4.44 cubic feet of water per second from two wells to be completed into the Ogallala Aquifer (220 feet deep) located in the NE 1/4 NW 1/4 and NW 1/4 NE 1/4 Section 7 for irrigation of 320 acres located in the N 1/2 Section 7; all in T37N-R34W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2721-2 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 January 27, 2014.

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 \$28.91.



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



January 13, 2014

Bennett County Booster II
PO Box 610
Martin SD 57551

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 2721-2 to Appropriate Water. Please publish the notice once on January 15, 2014. 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 Neil and/or Lupita Fanning, 220 Rangely Court, Simi Valley CA 93065 (Ph # 805-584-0444).

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

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, January 13, 2014 8:52 AM
To: Bennett County Booster (triblegals@gmail.com)
Subject: Notice of Application No. 2721-2, Neil and Lupita Fanning
Attachments: 2721-2public.short.docx

Attached is the Notice of Application No. 2721-2, Neil and/or Lupita Fanning. I understand that Mr. Fanning has talked to you and this notice will be published on January 15. Please send us the affidavit ASAP.

Paper copies being mailed today.

Karen Schlaak
Water Rights Program
Phone: 605 773-3352
Fax: 605 773-4068

Schlaak, Karen

From: Gronlund, Eric
Sent: Monday, January 13, 2014 8:33 AM
To: Schlaak, Karen
Subject: FW: South Dakota water right permit application for irrigation

From: Neil Fanning [<mailto:fanning@pacbell.net>]
Sent: Friday, January 10, 2014 5:24 PM
To: Gronlund, Eric; Bennett County Booster; boosterII@gwtc.net
Subject: Re: South Dakota water right permit application for irrigation

Thanks for the email Eric.

I called the Booster and they indicated that they will likely be able to published it in next Wednesdays paper if they get it early enough on Monday.

Is it possible you could get that out as early as you can on Monday morning?

Again, Eric, you have been very helpful and I appreciate it.

Neil Fanning
805-217-4300

On 1/10/2014 2:51 PM, Gronlund, Eric wrote:

Mr. Fanning:

The Chief Engineer reviewed the staff report and made a recommendation for approval of your water permit application in Bennett County, SD. The application is now ready for public notice. The two newspapers will be the Bennett Cty Booster and Pierre Capital Journal. The Pierre paper is a daily and the Booster is a weekly paper circulated each Wednesday. The Booster requires public notices sent to them the prior Friday at noon. We have missed that deadline for publishing next week. Under the scenario of publishing the following week, the application can be published on Wednesday, January 22nd that will result in a date for anyone to intervene being February 3rd. With time for any petition postmarked by that date to be received, you'd know whether you have a permit on Wednesday, Feb. 5th.

I know that is later than you desire but I wanted to let you know the timeframes we're dealing with.

You can expect to receive the report, recommendation and public notice along with a cover letter emailed to you on Monday.

Eric Gronlund
Water Rights Program, DENR
605 773-3352
eric.gronlund@state.sd.us



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



January 13, 2014

Capital Journal
PO Box 878
Pierre SD 57501

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 2721-2 to Appropriate Water. Please publish the notice once on January 15, 2014. 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 Neil and/or Lupita Fanning, 220 Rangely Court, Simi Valley CA 93065 (Ph # 805-584-0444).

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

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, January 13, 2014 9:04 AM
To: legals@capjournal.com
Subject: FW: Notice of Application No. 2721-2, Neil and Lupita Fanning
Attachments: 2721-2public.short.docx

Attached is the Notice of Application No. 2721-2, Neil and/or Lupita Fanning. Please publish this notice on January 15 or 16th. Please send us the affidavit ASAP.

I am not certain if Mr. Fanning has contacted you or not to arrange for payment. His mailing address is Neil Fanning, 220 Rangely Ct, Simi Valley CA 93065 Phone numbers: 805 584-0444 (h) and 805 217-4300 (c)

Paper copies being mailed today.

Karen Schlaak
Water Rights Program
Phone: 605 773-3352
Fax: 605 773-4068



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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(S) RIGHT AWAY.**

January 13, 2014

Neil and/or Lupita Fanning
220 Rangely Court
Simi Valley CA 93065

Dear Mr. & Mrs. Fanning:

Water Permit Application No. 2721-2 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 January 15, 2014. 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.

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Notice is given that Neil and/or Lupita Fanning, 220 Rangely Ct, Simi Valley CA 93065 have filed an application for a water permit to appropriate 4.44 cubic feet of water per second from two wells to be completed into the Ogallala Aquifer (220 feet deep) located in the NE 1/4 NW 1/4 and NW 1/4 NE 1/4 Section 7 for irrigation of 320 acres located in the N 1/2 Section 7; all in T37N-R34W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2721-2 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.

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Published once at the total approximate cost of _____.



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



FEB 05 2014

Neil and/or Lupita Fanning
220 Rangely Ct
Simi Valley CA 93065

Dear Sir:

Enclosed is Water Permit No. 2721-2 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



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov



March 12, 2014

2721-2

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

Dear Mr. and Mrs. Fanning:

Water Permit No. 2721-2 appropriates 4.44 cubic feet per second (cfs) or 2000 gallons per minute (gpm) from two wells completed into the Ogallala aquifer located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec 7, T37N-R34W in order to supply two pivots irrigating 320 acres in the N $\frac{1}{2}$ of the same section.

You have requested to change the diversion points listed above to a single well located in the W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 6, T37N-R34W. The basis behind this request is that you have recently purchased this land and found a site which you believe will provide adequate water to supply both pivots. Ultimately, combining the wells will result in a decreased operation cost. You have also indicated that the pivot and well associated with Water Permit No. 2698-2 will remain unchanged.

Upon review of the request and pursuant to SDCL 46-5-13.1, the change in well location is authorized without application or publication of a notice of hearing pursuant to SDCL 45-2A-4. No increase in the authorized diversion rate of 4.44 cfs or the total volume (640 acre-feet) pumped annually from Water Permit No. 2721-2 has been requested or approved. If the total diversion rate increases, a new water permit will need to be obtained from the SD DENR Water Rights Program.

A transfer of ownership should be filed for Water Permit No. 2698-2 in the SE $\frac{1}{4}$ of Section 6, T37N-R34W. A transfer of ownership form is enclosed.

If you have any questions, please contact Bracken Capen at (605) 773-3352.

Sincerely,

Jeanne Goodman
Chief Engineer
Water Rights Program

Enclosure

File No. 2721-2

Approval of Change of Diversion Point

NAME: Neil & Lupita Fanning

ADDRESS: 220 Rangely Ct. Simi Valley, CA 93065

DATE: March 10, 2014 **COUNTY:** Bennett **TELEPHONE:** (805) 217-4300

BACKGROUND:

Water Permit No. 2721-2 proposes to divert groundwater at a maximum diversion rate of 4.44 cubic feet per second (cfs) from two wells completed into the Ogallala aquifer. The wells are approximately 220 feet deep and located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 7, T37N-R34W. The water will be used to irrigate 320 acres located in the N $\frac{1}{2}$ of Section 7, T37N-R34W in Bennett County.

Neil Fanning has requested permission to replace the two existing wells with one single well located in the W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 6, T37N-R34W. The basis behind this request is that Mr. Fanning has recently purchased the SE $\frac{1}{4}$ of Section 6 and believes that a well completed at this location will provide enough water to supply both pivots in the N $\frac{1}{2}$ of Section 7 simultaneously. Ultimately, pumping from a single well instead of two wells will be more efficient and will save money on electricity. The existing well and pivot in the SE $\frac{1}{4}$ of Section 6 will remain unchanged.

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional points may be licensed provided the following conditions are met and the potential for interference with other existing diversion points is not increased.

- **Developed water source is the same as licensed source and no additional water is appropriated.**

The water source authorized by Water Right No. 2721-2 is the Ogallala aquifer. The existing well is completed to a depth of approximately 220 feet below land surface. The new well is completed to a depth of approximately 369 feet but is still expected to divert water from Ogallala.

No additional appropriation of water is authorized. Water Right No. 2721-2 appropriates 4.44 cfs and no additional diversion rate authority is being requested.

Review of Existing Diversions

The well completion report and water rights databases were reviewed for the nearest domestic wells and water rights/permits on file. Mr. Fanning's request to change the diversion point associated with Water Permit No. 2721-2 is a result of his recent purchase of the SE $\frac{1}{4}$ of Section 6, T37N-R34W. The land purchased by Mr. Fanning is authorized to be irrigated under Water

Permit No. 2698-2. The well authorized under Water Permit No. 2698-2 is the closest in proximity to the proposed new well site associated with Water Permit No. 2721-2. However, since he owns both water permits, any interference with this well will be a management issue for Mr. Fanning. The next nearest water right not owned by Mr. Fanning (2697-2) consists of two wells, the closest of which is approximately 3,000 feet to the east of the new diversion site. At this distance interference is not expected to be a concern. Similarly, the closest domestic well, located approximately 3,500 feet to the east is not expected to adversely be impacted by pumping from the new well.

Observation Well Data

The Water Rights Program monitors a series of observation wells completed into the Ogallala aquifer. The closest observation well (BT-76A) is located approximately 8,400 feet to the northeast of the new well site. This well has been in place since 1976 and shows static water level fluctuations of 67 to 75 feet below the top of the casing. Historic water levels in BT-76A show that aquifer levels are primarily controlled by climatic conditions but do show the effects of seasonal pumping.

CONCLUSION:

- The change in well location does not propose to appropriate additional water.
- The change in well location request is completed into the same formation as the existing well, the Ogallala aquifer.
- Unlawful impairment of existing water rights is not expected to occur.
- Consistent with the recent purchase of the SE ¼ of Section 6, T37N-R34W, Mr. Fanning should file a transfer of ownership for Water Permit No. 2698-2, located on the purchased land.

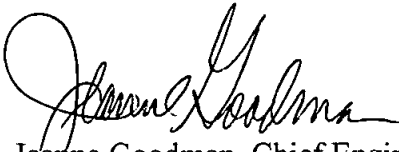
RECOMMENDED ACTION:

Based on the above criteria, it is recommended that the request for a change of diversion point to the W ½ SE ¼ of Section 6, T37N-R34W be approved.



Bracken Capen
Natural Resources Engineer

The Chief Engineer makes a finding pursuant to SDCL 46-5-13.1 and ARSD 74:02:01:14:01 that: The change in diversion point location does not increase the potential for adverse effects to existing diversions.



Jeanne Goodman, Chief Engineer
Water Rights Program

FORM 2: Application for irrigation in South Dakota

(type or print)

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	(office use only) No. _____ Hydrologic Unit _____
	Basin _____
	Newspaper _____

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 2721-2
(Use predates Mar 2, 1955)

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

Move approved 2 wells from NW Sect 7 + NE Sect 7 to newly purchased from Daniel Fanning, Sect 6 R34W T37N because of better water source

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

(name and complete address if different than above name)

Mailing Address 220 Rangely Ct. Simi Valley Ca 93065
(Address) (City) (State) (Zip Code)

Home Phone 805-584-0446 Cell 805 217 4300 Email fanning@psebell.net

2. Amount of water claimed _____ *CFS or 2000 **GPM _____ ***AF Total Acreage 320
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Ground Water

4. Location of point of diversion See above: Well Sect 6 diversion 2 circles Sect 7
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Bennett

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

6. Annual period during which water is to be used April to Oct.

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
Source <u>R34W T37N SE 1/4 Sect 6</u>			
Usage <u>↓</u> <u>NW Sect 7</u>	<u>160</u>		
<u>↓</u> <u>NE Sect 7</u>	<u>160</u>		

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

The only variation is the water source, is on adjoining property both of which we own (Sect 7)

I, Neil Fanning, the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true.

3/4/13

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 _____ Have test holes been drilled ☒ Yes ☐ No Drilled by Grosch Irrigation/O'Neill, Ne.
(if yes, please provide copies of logs)

b) If existing wells, how many 2 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: 1400 ft. ? apx.

On applicant's property NO On property owned by others Yes

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)

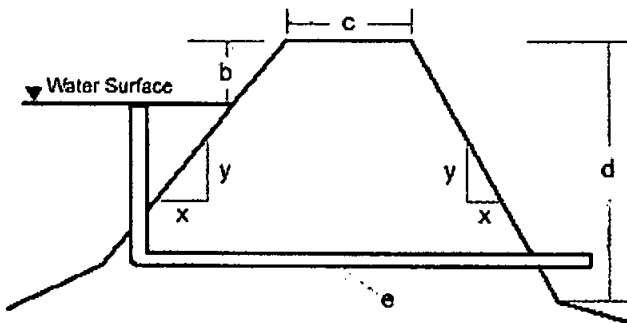
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



DR

WELL DRILLING and COMPLETE INSTALLATIONS
R.R. 1 BOX 77J O'NEILL, NE 68763
402-336-1805 / 800-603-1805

Estimate

- Valid 30 days

Quote 2-14

Date 2/25/2014

Grosch Irrigation Co., Inc., hereafter called seller, has sold the following merchandise, equipment and materials to
Neal Fanning #1-14, of **220 Rangely Court, Simi Valley, CA. 93065**
 hereafter called purchaser, under the terms and conditions set forth below and on the reverse side hereof, to be placed upon
 1/4 SECTION location legally described as **WSE 6-37-35 Bennett S.D.**

Phone: **805-584-0444** cell **805-217-4300** Office **605-685-1375**

Per ft

87.17

50% Down Payment

0.02

352.768 t

A Service Charge will be charged on all accounts 30 days past due at the rate of 1.5% per month. /

Date _____

Grosch Irrigation Co., Inc.

Authorized Representative

Contract for PUMP & WELL

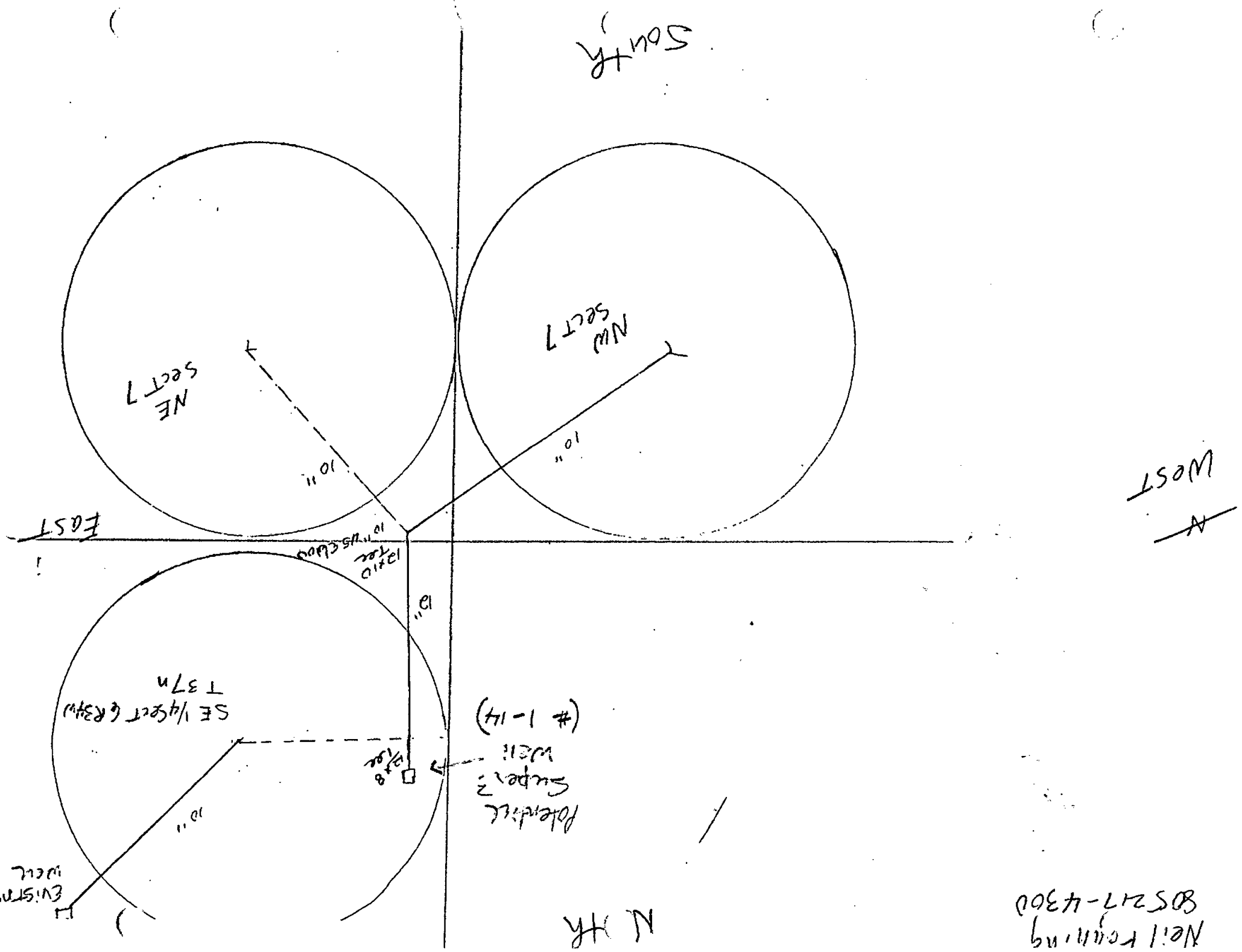
TOTAL

The undersigned acknowledges that he has read the above contract and all of the terms and conditions stated on the reverse side which are specifically made a part hereof and agrees to be bound by the term stated above and on the reverse side hereof.

Authorized Rep

Neil Raining
805217-4300

N.H.



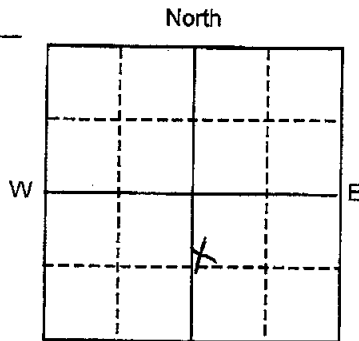
SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NW 1/4 SE 1/4 Sec 6 Twp 37 Rg 34

County BENNETT

Please mark well location with an "X"



Well Completion Date

05/14/14

1 Mile

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

PROPOSED USE:

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

METHOD OF DRILLING:

REVERSE ROTARY

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
20.0 LB/FT	16.00 IN	1.0 FT	66.0 FT	28.00 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

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

Describe grouting procedure

PUMPED TREMIE PIPE

SCREEN:

☒ Perforated pipe ☐ Manufactured
Diameter 16.00 Inches Length 320.0 Feet
Material PVC
Slot Size .051 Set From 66.0 Feet to 386.0 Feet

Other information

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION:

Was well disinfected upon completion?

☒ Yes, How? HTH

☐ No, Why Not?

Lab to which water quality sample sent for analysis

Well Owner: NEIL FANNING

Business Name:

Address: 220 RANGELY COURT

City, State, Zip: SIMI VALLEY CA 93065

WELL LOG:

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

STATIC WATER LEVEL 60.0 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe:

☐ Bailed

☐ Other

Pumping Level Below Land Surface

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

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

If pump installed, pump rate: 1,800.0 GPM

REMARKS

RECEIVED

AUG 11 2014

WATER RIGHTS 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:



2721-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 16, 2015

NOTICE

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

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaire(s)

Our records indicate your 2014 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2698-2 & 2721-2. The request for the Questionnaire was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2698-2 & 2721-2 qualification:

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

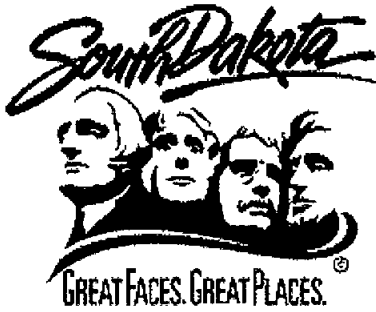
The hearing will be held at **10:00 am, March 4, 2015** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2698-2 & 2721-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 4, 2015** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 3, 2015

2698-2
2721-2

Neil Fanning
220 Rangely Ct
Simi Valley CA 93065

Dear Mr. Fanning:

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

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Permit Nos. 2698-2 and 2721-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



2721-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 15, 2016

NOTICE

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

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

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaire(s)

Our records indicate your 2015 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2698-2 & 2721-2. The request for the Questionnaire was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2698-2 & 2721-2 qualification:

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

The hearing will be held at **Thursday, March 3, 2016 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2698-2 & 2721-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 3, 2016** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

March 1, 2016

2698-2
2721-2

Neil & Lupita Fanning
220 Rangely Ct
Simi Valley CA 93065

Dear Mr. & Mrs. Fanning:

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

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for Water Permit Nos. 2698-2 and 2721-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



2721-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 20, 2017

NOTICE

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

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaire(s)

Our records indicate your 2016 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2698-2 & 2721-2. The request for the Questionnaire was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2698-2 & 2721-2 qualification:

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

The hearing will be held at **Wednesday, March 1, 2017 at 11:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2698-2 & 2721-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 1, 2017** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



2721-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 28, 2017

2698-2
2721-2

Neil & Lupita Fanning
220 Rangely Ct
Simi Valley CA 93065

Dear Mr. & Mrs. Fanning:

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

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Permit Nos. 2698-2 and 2721-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



2721-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 26, 2018

NOTICE

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

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaire(s)

Our records indicate your 2017 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2698-2 & 2721-2. The request for the Questionnaire was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2698-2 & 2721-2 qualification:

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

The hearing will be held at **Wednesday, March 7, 2018 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2698-2 & 2721-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 7, 2018** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 9, 2018

2698-2

2721-2

Neil & Lupita Fanning
220 Rangely Court
Simi Valley CA 93065

Dear Mr. & Mrs. Fanning:

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

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

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

If you have any questions, please contact me.

Sincerely,

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

2721-2

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

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

Date 7/24/18

FROM:

Bob Coyle, Manager
(name)

Box 68

(address)

Martin

(city)

S.D.

(state)

57551

(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. 2721-2 states that the water use system is to be constructed by

1/27/19
(date)

, and water is to be put to beneficial use by

1/27/23
(date)

The water use system was completed on 5/16
(date)

Applying the water to beneficial use was completed on 5/16
(date)

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

Bob Coyle

X Robert Ray Coyle



Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 2721-2

I have this day July 24, 2018 made a thorough examination of the water use systems constructed by Neil and Lupita Fanning, 220 Rangely Ct., Simi Valley, CA 93065 of Permit No. 2721-2, bearing priority of 11/18/2013 authorizing diversion 4.44 cu. ft. per second of water from 1 well for irrigation purposes in Bennett County.

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

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Grosch Irrigation (5/14)
- 2) No. of Wells 1
- 3) Depth(s) 400 feet
- 4) Well log is available: Yes

Casing:

- 1) Diameter 16 inches
- 2) Length 66 feet
- 3) Type Plastic

Screen:

- 1) Type 16" Perforated Plastic
- 2) Length 320 feet
- 3) Static water level 60 feet (pumped 2,000 gpm @ 121' at completion)

Pump:

- 1) Make Flowserv
- 2) Model multi-stage vertical turbine
- 3) Size ---
- 4) Capacity 1,800 GPM
- 5) Horsepower rating 150 hp

Note: The pump uses a variable frequency drive capable of operating the pump at 900 gpm for one pivot or 1,800 gpm for two pivots run simultaneously.

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

- | | | |
|-------------------------|--------------------------|------------------------------|
| 1) Type <u>PVC pipe</u> | 2) Size <u>12</u> inches | 3) Length <u>1,550'</u> feet |
| | Size <u>10</u> inches | Length <u>3,470</u> feet |

C. Works used to apply water to beneficial use:

Center Pivots:

West Pivot

- 1) Make Valley
- 2) Machine length 1,289.3 feet
- 3) Number of towers 8 End Gun 107.1 feet
- 4) Capacity 900 gpm
- 5) Acres 140.6

East Pivot

- Make Valley
Machine length 1,289.3 feet
Towers 8 End Gun 107.7 feet
Capacity 900 gpm
Acres 140.8

D. Chemigation Equipment:

- 1) Does chemigate yes
- 2) Mainline check valves yes
- 3) Inspection port/air-vacs Yes
- 4) Low pressure drains Yes
- 5) Discharge 20' from source yes
- 6) Interlock type electrical
- 7) injection pump type piston
- 8) injection check valves yes
- 9) positive displacement pumps yes

E. Compliance with Permit Requirements:

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

F. Condition and Location:

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

1,610' N and 2,560' W of SE corner Section 6 T37N R34W (43.205061, -101.385037)

2. The works are capable of diverting and conveying to the place of use 4.0 cu. ft. per second of water (1,800 gpm) which is to be used for sprinkler irrigation use. Water has been put to beneficial use to the maximum extent as follows:

Section 7 T37N R34W

NW ¼ NW ¼ 33.7 acres	NW ¼ NE ¼ 35.2 acres
NE ¼ NW ¼ 35.3 acres	NE ¼ NE ¼ 35.2 acres
SW ¼ NW ¼ 33.7 acres	SW ¼ NE ¼ 35.2 acres
SE ¼ NW ¼ 35.3 acres	SE ¼ NE ¼ 35.2 acres

comprising a total of 278.8 acres of land and the license should be issued for 4.0 cfs .

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

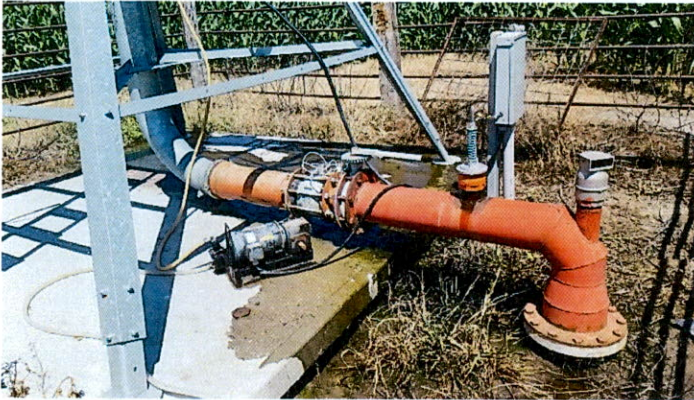
3. All structures, wells and lands on map Yes

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



Steven Quissell
Water Rights Inspector
DENR Water Rights Program

Date report completed: 7/26/2018



West pivot stand with appurtenances



West pivot



East pivot stand with appurtenances



East pivot



1,800 gpm well with chemigation valve



Twin controllers located at junction of 10" and 12" pipelines

7/23/2018



Steven Quissell
Water Rights Inspector
DENR Water Rights Program





2721-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

SEP 06 2018

2698-2
2721-2

Neil and Lupita Fanning
220 Rangely Court
Simi Valley CA 93065

Dear Mr. & Mrs. Fanning:

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

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

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

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

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2721-2

(1) Neil & Lupita Fanning, 220 Rangely Ct., Simi Valley CA 93065 made Application No. 2721-2, November 18, 2013 for a water permit to divert 4.44 cubic feet of water per second from ground water, two wells (Ogallala Aquifer), Bennett County, South Dakota for irrigation purposes. Permit No. 2721-2, with a priority date of November 18, 2013 was approved January 27, 2014 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before January 27, 2019 and for the application to beneficial use of water on or before January 27, 2023.

In March, 2012, the water permit holders requested a change of diversion point location from the two wells authorized in the N ½ Section 7, T37N, R34W to a single well to be located in the NW ¼ SE ¼ Section 6, T37N, R34W. Pursuant to SDCL 46-5-13.1 and ARSD 74:02:01:14:01, the Chief Engineer made a finding that the change in diversion point location did not increase the potential for adverse effects to existing diversions.

A "Notice of Completion of Works and Application of Water to Beneficial Use" was submitted on July 24, 2018. The "Notice" stated the water use system was completed and the water placed to beneficial use in May, 2016.

(2) It is certified that the permit holders have complied with the provisions of South Dakota State Law relating to completion of the water supply system and are entitled to divert 4.00 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 1,610'N and 2,560'W of the SE corner of Section 6, T37N, R34W (NW ¼ SE ¼ Section 6)
Latitude 43.205061, Longitude -101.385037

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

T37N, R34W Section 7	NW ¼ NW ¼	33.7 acres	NW ¼ NE ¼	35.2 acres
	NE ¼ NW ¼	35.3 acres	NE ¼ NE ¼	35.2 acres
	SW ¼ NW ¼	33.7 acres	SW ¼ NE ¼	35.2 acres
	SE ¼ NW ¼	35.3 acres	SE ¼ NE ¼	35.2 acres

Total 278.8 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Neil & Lupita Fanning, 220 Rangely Ct., Simi Valley CA 93065 the holders and/or owners of Water Right No. 2721-2 are issued a license to appropriate water, the right to use 4.00 cubic feet of water per second from ground water, one well (Ogallala Aquifer) with a priority date of November 18, 2013 from the location specified in (2) of this license for irrigation purposes.

continued

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 2721-2 and subject to the following qualifications:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The well authorized by Permit No. 2721-2 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. *The well was constructed in May, 2014 by Grosch Irrigation Company Inc. A copy of the well completion report is on file with the Water Rights Program.*
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



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

SEP 06 2018

date





2721-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 25, 2019

NOTICE

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

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

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaire(s)

Our records indicate your 2018 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2698-2 & 2721-2. The request for the Questionnaire was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2698-2 & 2721-2 qualification:

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

The hearing will be held at **Wednesday, March 6, 2019 at 10:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2698-2 & 2721-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 6, 2019** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

2721-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 5, 2019

2698-2
2721-2

Neil & Lupita Fanning
220 Rangely Ct
Simi Valley CA 93065

Dear Mr. & Mrs. Fanning:

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

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

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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



2721-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 23, 2020

NOTICE

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

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaire(s)

Our records indicate your 2019 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2698-2 & 2721-2. The request for the Questionnaire was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2698-2 & 2721-2 qualification:

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

The hearing will be held at **Wednesday, February 26, 2020 at 8:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2698-2 & 2721-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **February 26, 2020** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: XUXPOM**

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



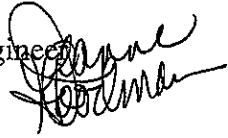
2721-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 27, 2020

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

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

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program 

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

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

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

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

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

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

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

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

2721-2

CERTIFICATION

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

One Year Suspensions:

Water Right No. 6947-3

Joel Adler, 48353 149th St, Milbank SD 57252

Water Permit No. 7655-3

Thomas Brady, 265 Antler Dr., Yankton SD 57078

Water Right Nos. 2698-2 & 2721-2

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

Water Right No. 5947-3

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

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

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

Water Right No. 7043-3

Corey Johannsen, 502 Main St., Tolstoy SD 57475

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

Water Right No. 876-1

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

Water Right No. 1213B-1

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

Water Right No. 410B-2

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

Water Permit No. 8253-3

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

Water Permit Nos. 5849-3 and 6194-3

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

Water Right Nos. 2521-3 and 2934-3

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

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

Wayne Reiersen, 30048 Reiersen Pl., Pollock SD 57648

Water Permit No. 2350-3

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

Water Right No. 4737-3

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

Water Right No. 2954-3

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

Water Right Nos. 6131-3 and 6132-3

Daniel Ulmer, PO Box 433, Menno SD 57045 0433

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

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

Three Year Suspensions:

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

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

Amendments:

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

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

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

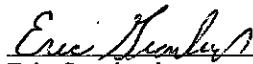
Both Suspend and Amendments

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

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

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

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



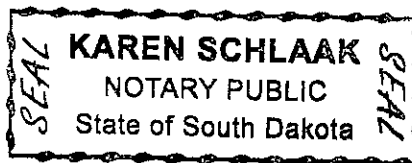
Eric Gronlund
Water Rights Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

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



Karen Schlaak
Notary Public
My Commission expires April 1, 2025





2721-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 9, 2020

2698-2
2721-2

Neil & Lupita Fanning
220 Rangely Ct
Simi Valley CA 93065

Dear Mr. & Mrs. Fanning:

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

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

If you have any questions, please contact us.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352

2721-2



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 2021

NOTICE

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

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

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaire(s)

Our records indicate your 2020 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2698-2 & 2721-2. The request for the Questionnaire was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2698-2 & 2721-2 qualification:

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

The hearing will be held at **Wednesday, March 3, 2021 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2698-2 & 2721-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 3, 2021** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: BFLVGW**

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 3, 2021

2698-2

2721-2

Neil & Lupita Fanning
220 Rangely Ct
Simi Valley CA 93065

Dear Mr. & Mrs. Fanning:

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

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

If you have any questions, please contact me.

Sincerely,

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

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



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 20, 2022

NOTICE

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

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2698-2 & 2721-2. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2698-2 & 2721-2 qualification:

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

The hearing will be held at **Wednesday, March 2, 2022 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2698-2 & 2721-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: HCEIMM**

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



2721-2
**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 8, 2022

2698-2
2721-2

Neil Fanning
220 Rangely Ct
Simi Valley CA 93065

Dear Mr. Fanning:

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

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

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

If you have any questions, please contact me.

Sincerely,

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

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

October 21, 2025

2698-2

2721-2

Paige & Lisa McNeill
88489 Simeon Rd
Valentine NE 69201

Dear Ms. McNeill:

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

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

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

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

Sincerely,

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

enclosures

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

RETURN TO SENDER