

WATER PERMIT NO. 8145-3

Name of Applicant: **Dan Fanger**

Address: **PO Box 123, Blunt SD 57522** Phone: **605 222-2769**

Amount of Water Claimed: **3.31 cfs** Total Acres: **232**

Source of Water Supply: **groundwater (one existing well)**

Water to be used for: **irrigation** County: **Sully**

Type of Waste Disposal System:

Location: **12 miles southeast of Onida**

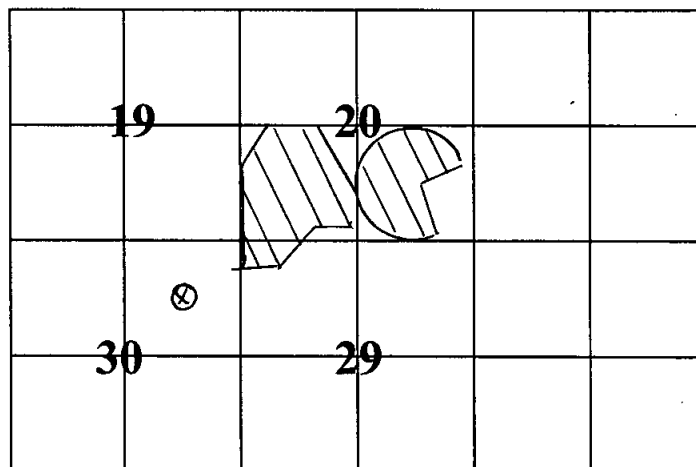
PRIORITY Date Received: **3-26-15** Application/License Fee: **\$ 1150**

Corrected Application Received: Period of Annual Use: **April 1 – October 31**

Remarks: **Cancelled Water Right No. 1503-3 authorized irrigation from the same well**

Diversion Point: **center NE 1/4 Sec 30-T113N-**
R75W

Land to be Irrigated: **S 1/2 Sec 20, NW 1/4 NW 1/4**
Sec 29; all in T113N-R75W



Depth of Well: **47 feet deep**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by: **Eric Gronlund**

Reviewed and the Number Assigned on: **3-27-15**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

FORM 2: Application for irrigation in South Dakota

(type or print)

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8145-3</u> (office use only) Hydrologic Unit <u>10140103</u>
	Basin <u>Missouri River</u> <u>605-258-2604</u>
	Newspaper <u>Orida Watchman, Box 245 57564</u> <u>605-224-7301</u>
	<u>Capital Journal, Box 878, 57501</u>

RECEIVED

MAR 26 2015

WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

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

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

1. Name to Appear on Irrigation Permit Dan Fanger
(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent Joe Fanger father
(name and complete address if different than above name)
- Mailing Address PO Box 123 Blunt SD 57522
(Address) (City) (State) (Zip Code)
- Home Phone _____ Cell 222-2769 Email _____
2. Amount of water claimed 3.31 *CFS or _____ **GPM _____ ***AF Total Acreage 232
(*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 approx center NE 1/4 Sect 30 T113N R75W existing
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
well under cancelled WR No. 1503-3 County Sully
5. County or counties where water will be used Sully
6. Annual period during which water is to be used April 1, 2015 - October 31
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
NW SW Section 20, T113N R75W	32	NWNW Section 29 T113N R75W	15
NE SW " " " "	15	NW SE Section 20, T113N R75W	30
SW SW	40	NE SE " " " "	33
SE SW	30	SW SE " " " "	33
		SE SE " " " "	4

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

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

**SOUTH DAKOTA
WATER PERMIT NO. 8145-3**

Date of first receipt of application March 26, 2015.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8145-3 to Dan Fanger, PO Box 123, Blunt SD 57522 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. 8145-3 appropriates 3.31 cubic feet of water per second from one well completed into the Highmore Blunt Aquifer (47 feet deep) located in the approximate center of the NE 1/4 Section 30 for irrigation of 232 acres located in the S 1/2 Section 20 and NW 1/4 NW 1/4 Section 29; all in T113N-R75W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The date from which applicant may claim right is March 26, 2015.
4. The date of approval of Permit No. 8145-3 is June 8, 2015.
5. One-fifth of the construction is to be completed on or before December 8, 2017.
6. All construction is to be completed on or before June 8, 2020.
7. Water is to be put to beneficial use on or before June 8, 2024.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under Water Permit No. 8145-3 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. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Jeanne Goodman

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

JUN 18 2015

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 ____
(if yes, please provide copies of logs)

b) If existing wells, how many 1 Provide copy of log(s), if available. Drilled by ?

c) Well Depth 47' Depth to Top of Water Bearing Material ____ Depth to Water from Surface ____

d) Distance to nearest existing domestic well:

On applicant's property 1/2 mile south

On property owned by others ____

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)

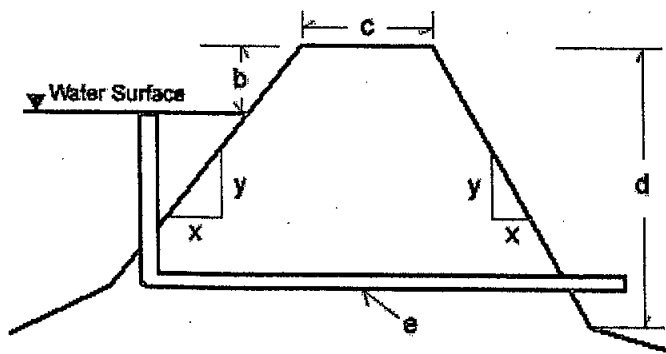
Upstream ____

Downstream ____

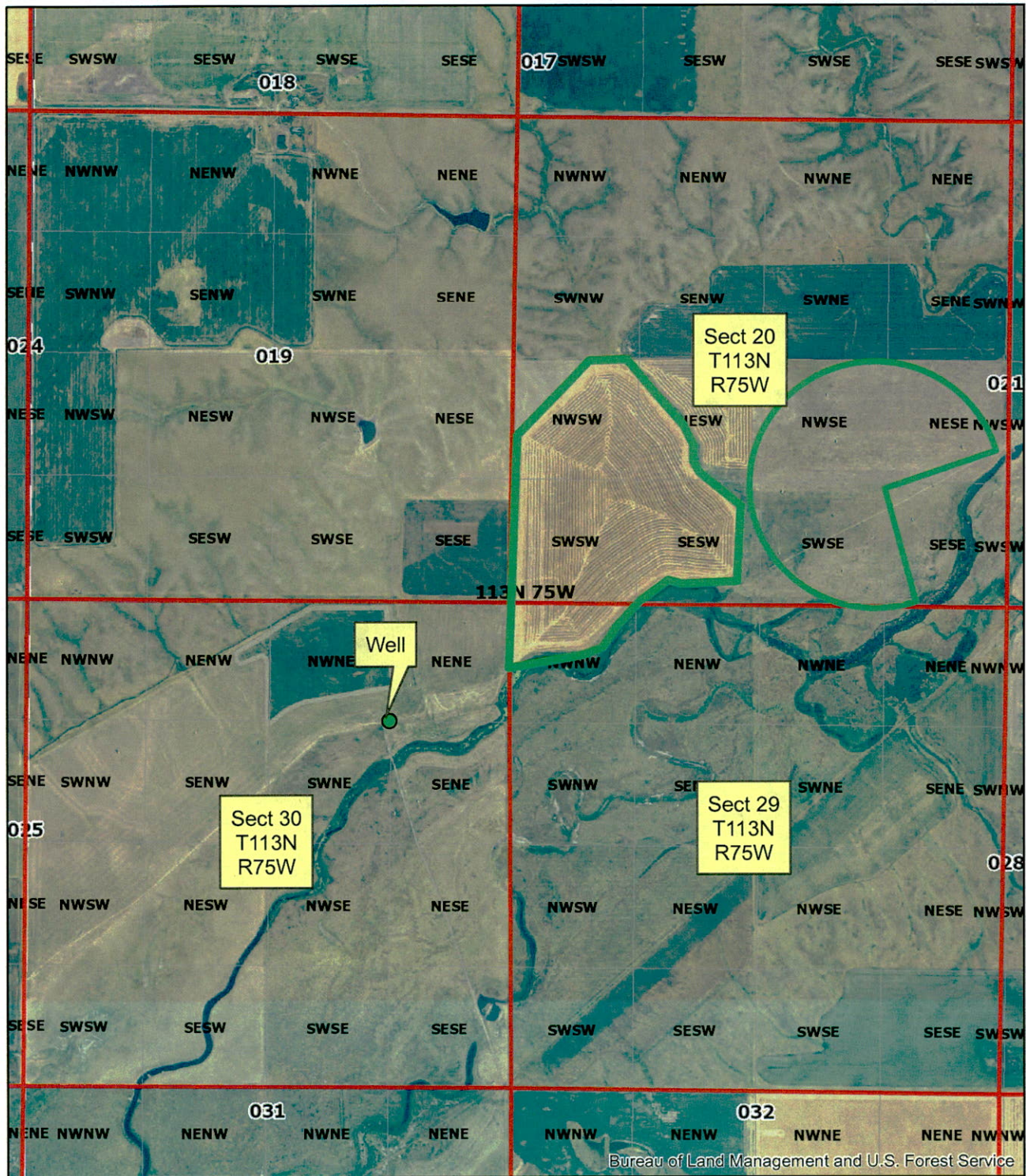
h) Surface Area of Impoundment ____

i) Storage ____ Acre Feet

j) Drainage Area Above Dam ____ Acres



Water Permit Application for Dan Fanger



2,000 1,000 0 2,000 Feet



RECEIVED
MAR 27 2015
WATER RIGHTS
PROGRAM

Eric Gronlund
Eric Gronlund, Water Rights Program
prepared based on the representation
by Dan Fanger on March 26, 2015

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/27, 20 15

RECEIVED OF Dan Fanger PO Box 123 Blunt SD 57522

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

Fee for Application for Permit No. <u>8145-3</u> to Appropriate Water, to construct and to put water to beneficial use	950	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>8145-3</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	1150 00

No. 07333

By Jeanne Goodman
Chief Engineer



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. 8145-3, Dan Fanger**

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. 8145-3, Dan Fanger, PO Box 123, Blunt SD 57522.

The Chief Engineer is recommending APPROVAL of Application No. 8145-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under Water Permit No. 8145-3 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. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Jeanne Goodman, Chief Engineer
May 20, 2015

1REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 8145-3
DAN FANGER
MAY 20, 2015

Water Permit Application No. 8145-3 proposes to divert water at a maximum diversion rate of 3.31 cubic feet per second (cfs) from one existing well, approximately 47 feet deep, completed into the Highmore Blunt aquifer. The well was originally authorized by Cancelled Permit No. 1503-3. The well is located in the approximate center of the NE ¼ Section 30 for the irrigation of 232 acres located in the S ½ Section 20 and the NW ¼ NW ¼ Section 29; all in T113N-R75W in Sully County.

AQUIFER: Highmore Blunt (HB)

Aquifer Characteristics:

The Highmore Blunt aquifer is primarily composed of glacial sand and gravel and alluvium (Hamilton, 1986b). Hedges and others (1982) estimated the aquifer to underlie approximately 73,400 acres and contains an estimated 154,830 acre-feet (ac-ft) of recoverable water in storage in Hand, Hughes, Hyde and Sully Counties. The aquifer is generally under unconfined conditions, but can be confined locally. In Hughes County, the average thickness of the aquifer is 20 feet but can range from 2 to 45 feet (Hamilton, 1986a). Figure 1 shows a map of the aquifer with the location of the observation wells and the well this application proposes to use.

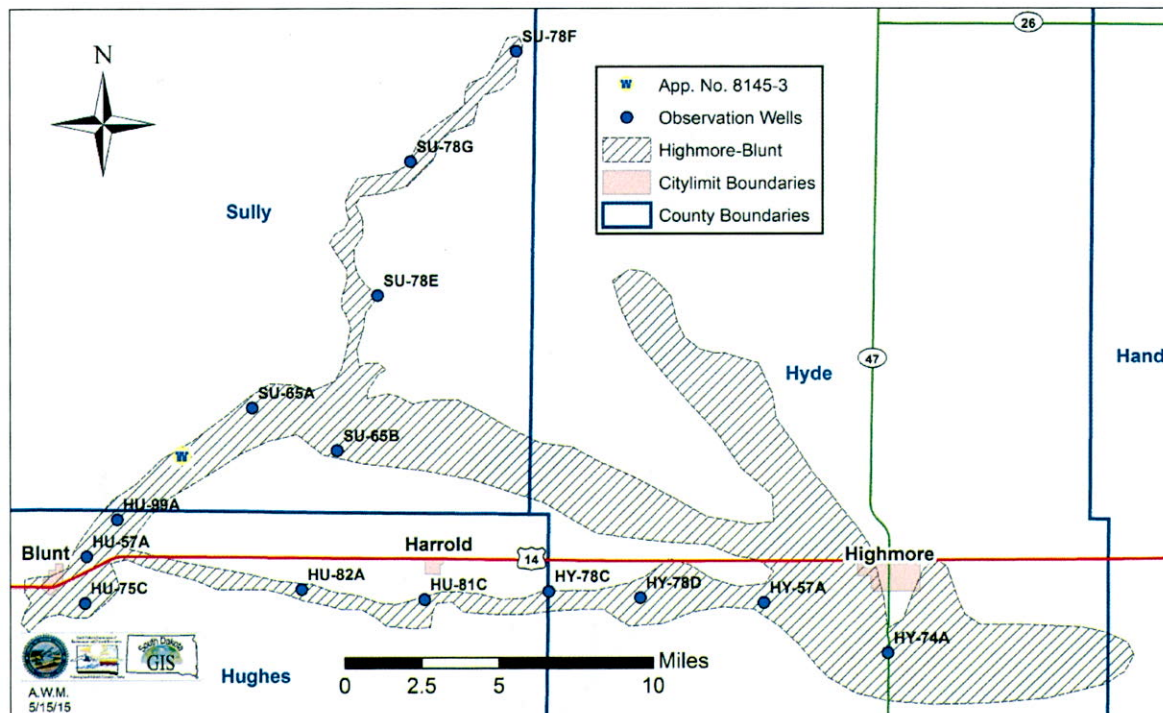


Figure 1- Map of Highmore Blunt aquifer (Hedges et. al, 1982) with DENR-Water Rights observation wells (Water Rights, 2015a)

The examination of works document in the file for Cancelled Permit No. 1503-3 states the well is 47 feet deep, and other documentation indicates the static water level was eight feet below grade in 1968.

South Dakota Codified Law (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 this 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 effects on existing rights from the aquifer that are pertinent to this application.

WATER AVAILABILITY:

This application proposes to appropriate water from the Highmore Blunt aquifer. The probability of unappropriated water available from the aquifer can be evaluated by considering SDCL 46-6-3.1, which requires "No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source." If the source of the water is older or lower than the Greenhorn Formation and a public water system has applied for a permit, the Board need not consider the recharge/withdrawal issue. In this case, the aquifer is not stratigraphically lower than the Greenhorn Formation and the applicant is not a public water system.

In applying SDCL 46-6-3.1, the Sixth Judicial Circuit Court ruled in 2005 that if the Water Management Board uses average annual recharge, then it should also use average annual withdrawals to determine if unappropriated water is available from the aquifer (*Hines v. South Dakota Dept. of Environ. and Nat'l Resources, Hughes County 04-37*) (Memorandum Decision, April 29, 2005).

A 2012 First Judicial Circuit Court's rulings ultimately stated that data must be present to show it is probable the average annual recharge exceeds the average annual discharge by at least the amount requested by the water permit application being considered (*Hanson County Dairy v. Robert Bender and Stace Nelson*) (Memorandum Decision, April 11, 2012).

Later in 2012, the First Judicial Circuit Court stated that in deciding whether or not it is probable that the quantity of water withdrawn will exceed the quantity of the average estimated annual recharge is to be based according to the best information reasonably available, and that nothing in South Dakota law requires a recharge study (*Longview Farms, LLP v. South Dakota Dept. of Environ. and Nat'l Resources*) (Memorandum Decision, May 17, 2012).

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 and other data to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge of the aquifer in addition to other data.

The DENR-Water Rights Program monitors 14 observation wells completed into the Highmore Blunt aquifer (Water Rights, 2015a). The nearest observation wells to the well site are SU-65A and HU-99A, which are 2.8 miles northeast and 2.9 miles southwest of the well site, respectively. The hydrographs for the observation wells SU-65A and HU-99A are shown in Figures 2 and 3, respectively. Observation wells SU-65A and HU-99A are representative of the aquifer. The hydrographs for the observation wells completed into the Highmore Blunt aquifer show increasing or stable water levels over the period of record.

The water levels in the observation wells show good response to climatic conditions. The hydrographs show that during wet years recharge exceeds discharge, and discharge exceeds recharge in dry years. The climatic effects on water levels greatly mask the temporal impacts of well withdrawals. Therefore, recharge to and natural discharge from the Highmore Blunt aquifer can be captured for pumping, and the hydrographs document that unappropriated water is available for this proposed appropriation.

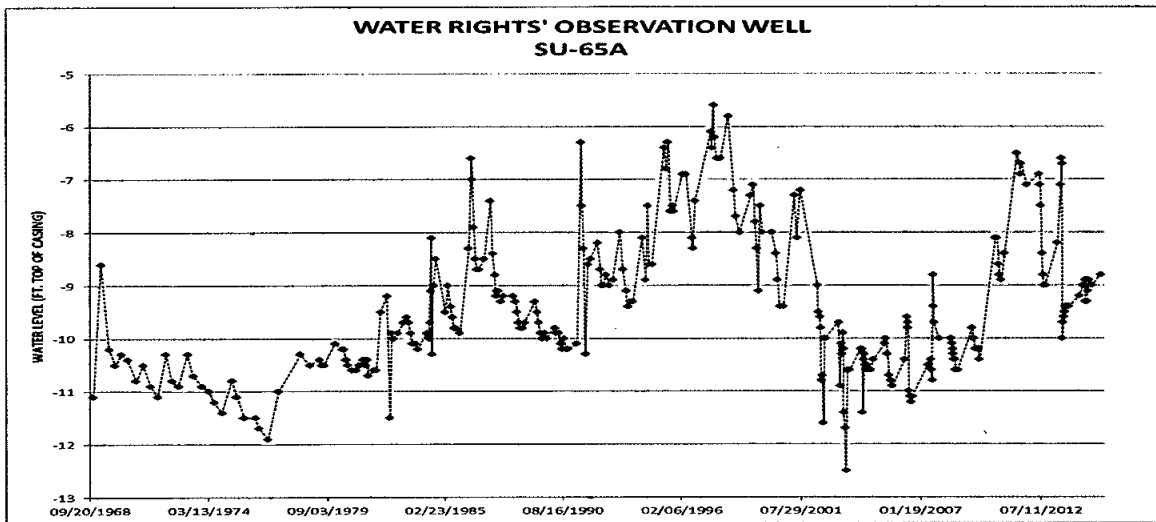


Figure 2- Hydrograph for observation well SU-65A (Water Rights, 2015a)

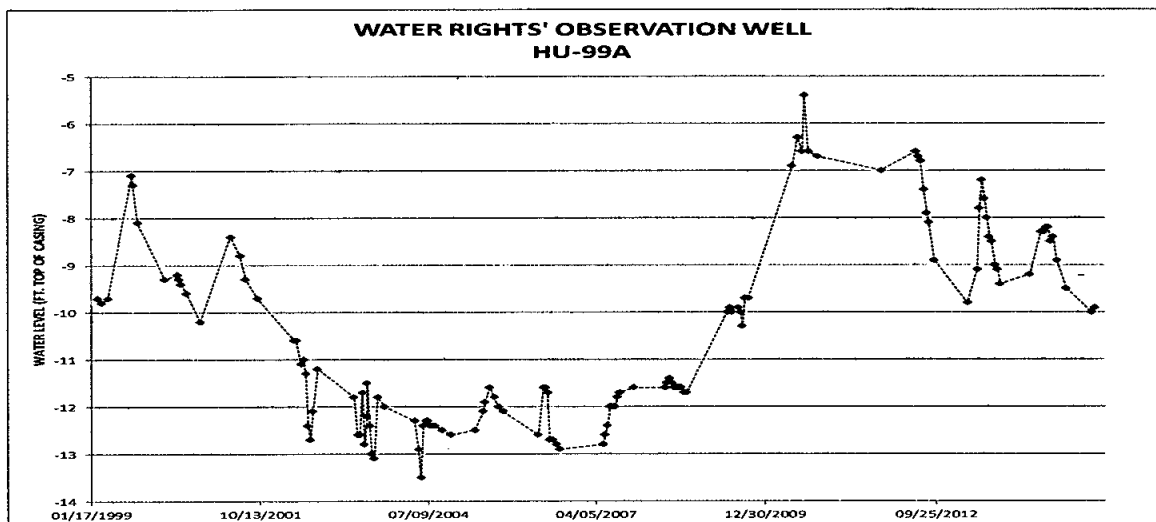


Figure 3- Hydrograph for observation well HU-99A (Water Rights, 2015a)

Recharge and Discharge:

Recharge:

Recharge to the aquifer is generally from precipitation and subsequent infiltration where the aquifer is at or near land surface. Hamilton (1986b) estimated a recharge rate of 0.4 in/yr. Hamilton's (1986b) method for calculating recharge is based on discharge calculations for 1981 assuming no change in storage. Hedges and others (1985) calculated and estimated a range of recharge rates to unconfined and non-buried aquifers, such as the Highmore Blunt aquifer, and estimated where in the range the Highmore Blunt aquifer would fall. Hedges and others (1985) had a recharge rate range of 2 to 5.6 in/yr, and the Highmore Blunt aquifer was estimated to be on the low end of that range. Hedges and others (1985) calculating methodology used the change in water levels in observation wells completed into similar types of aquifers. Therefore, it is likely that recharge to the Highmore Blunt aquifer ranges from 0.4 to 2 in/yr. Estimated average annual recharge rate to the Highmore Blunt aquifer ranges from 2,447 to 12,233 ac-ft/yr. However, it should be noted that both Hamilton's (1986b) and Hedges and others (1985) methodologies do not directly calculate the recharge to the Highmore Blunt aquifer and are therefore estimates.

Discharge:

Discharge from the Highmore Blunt aquifer occurs to streams, such as Medicine Knoll Creek, through evapotranspiration, and well withdrawals. There are 21 water rights/permits authorized to withdraw water from the Highmore Blunt aquifer (Water Rights, 2015b). There are also a number of domestic wells on file with the SD-DENR Water Rights Program that appear to be completed into the Highmore Blunt aquifer (Water Rights, 2015c). However, many of those may now be served by rural water systems, and withdrawal by domestic users is insignificant when compared to appropriative users.

The expected amount of water withdrawn from the aquifer by non-irrigation appropriations is estimated by assuming pumping at the maximum permitted diversion rate for 60 percent of the time. Expected annual water pumpage by non-irrigation appropriations from the Highmore Blunt aquifer is 189.8 ac-ft/yr (see Table 1). The City of Highmore, the City of Blunt, and the Town of Harrold are all connected to Mid-Dakota Rural Water; they only use their respective water rights for backup/standby use (Friedeman, 2015).

Permit No.	Name	County	Status	Use	CFS	Ac-ft
744-3*	City of Highmore	HY	LC	MUN	1.66	
1130-3*	City of Blunt	HU	LC	MUN	0.13	
2455-3*	Town of Harrold	HU	LC	MUN	0.16	
2828-3*	City of Blunt	HU	LC	MUN	0.44	
4512-3	Pete Lien & Sons Inc.	SU	LC	IND	0.26	112.9
6852-3	Todd Cowan	HY	PE	COM/LCO	0.044	19.1
7215-3	Morris Inc.	SU	PE	IND	0.133	57.8
					Total	189.8
* = Connected to Mid-Dakota Rural Water, only used as backup/standby system						

Table 1- Non-irrigation water rights/permits authorized to withdraw water from the Highmore Blunt aquifer (Water Rights, 2015b)

The average annual withdrawal from the Highmore Blunt aquifer by irrigation appropriations is 694.1 ac-ft/yr. The historic number of permits reporting, annual appropriation, and annual pumpage are shown in Table 2.

Year	Number of Permits Reporting	Appropriation (ac-ft)	Pumpage (ac-ft)
1979	25	16680	989
1980	25	16680	900
1981	25	16680	872
1982	19	11146.5	478.91
1983	20	12214.5	1094.38
1984	24	17965.5	760
1985	17	12600.9	877
1986	18	13110.9	1481
1987	17	11289.9	1083
1988	16	10689.9	1460.5
1989	14	5649.9	738
1990	14	5649.9	1002
1991	13	5515.6	876
1992	11	4345.6	694
1993	11	3556.6	464
1994	11	3916.6	913.64
1995	11	3916.6	811.81
1996	11	3916.6	900.2
1997	11	3916.6	304
1998	11	3916.6	947.04
1999	11	3916.6	496.28
2000	9	2731.6	326.14
2001	9	2731.6	298.3
2002	9	2731.6	620.75
2003	7	2262.1	543.56
2004	8	2382.1	623.99
2005	8	2382.1	464.9
2006	8	2382.1	439.93
2007	8	2382.1	403.04
2008	10	3442.1	404.94
2009	10	3442.1	468.88
2010	10	3442.1	291.67
2011	10	3442.1	209.91
2012	12	4572.1	498.61
2013	12	4272.1	556.81
Min	7	2262.1	209.91
Max	25	17965.5	1481
Avg.	13.3	6567.8	694.1

Table 2- Historic irrigation water use from the Highmore Blunt aquifer (Water Rights, 1980-2014)

Hydrologic Budget:

Estimated average annual withdrawal from the Highmore Blunt aquifer is 883.9 ac-ft/yr. The range for estimated annual recharge to the aquifer is 2,447 to 12,233 ac-ft/yr. Therefore, there is a reasonable probability that unappropriated water is available for this proposed appropriation.

EXISTING WATER RIGHTS:

There are no water rights/permits authorizing diversions from the Highmore Blunt aquifer within approximately 2.3 miles of the well site (Water Rights, 2015b). It is likely there are several domestic wells within 2.3 miles of the well site.

Most of the observation wells completed into the Highmore Blunt aquifer are within one mile of several wells authorized by water rights/permits. However, none of the hydrographs for the observation wells show pumping to cause a significant adverse impact on adequate wells. The Water Management Board defined an “adversely impacted domestic well” in ARSD 74:02:04:20(7) as:

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

In the past, the Water Management Board has recognized that to place water to maximum beneficial use, a certain amount of drawdown may occur. Since the aquifer is under unconfined conditions drawdown due to pumping would not be significant far from the well site. Therefore, nearby adequate wells are not expected to be adversely or unlawfully impaired by the proposed diversion.

The Highmore Blunt aquifer is a relatively thin aquifer in some areas. While the average annual withdrawal would not exceed average annual recharge to the aquifer, conditions may occur when the withdrawal exceeds recharge. When this occurs, water will be removed from storage, consequently reducing the saturated thickness of the aquifer. If the saturated thickness is reduced to the extent that water rights/permits can no longer pump at their developed or “historically established” diversion rates, this may be considered an adverse impact.

CONCLUSIONS:

1. This application proposes to appropriate water from the Highmore Blunt aquifer at a maximum diversion rate of 3.31 cfs for the irrigation of 232 acres in Sully County.
2. There is a reasonable probability that unappropriated water is available from the Highmore Blunt aquifer for this proposed appropriation.
3. There is a reasonable probability that the diversion proposed by this application can be made without adversely impact existing appropriative or domestic users.



Adam Mathiowetz
SD DENR-Water Rights Program

Approved by:



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- Circuit Court of South Dakota, First Judicial Circuit. 2012. May 17, 2012 Memorandum Decision re: Longview Farms, LLP v. South Dakota Dept. of Environ. and Nat'l. Resources.
- Circuit Court of South Dakota, First Judicial Circuit. 2012. April 12, 2012 Memorandum Decision re: Hanson County Dairy v. Robert Bender and Stace Nelson.
- Circuit Court of South Dakota, Sixth Judicial Circuit. 2005. April 29, 2005 Memorandum Decision re: HU04-37 Hines v. SD Department of Environment and Natural Resources.
- Friedeman, B. Personal Communication. SD DENR-Drinking Water Program: Environmental Scientist II. May 15, 2015.
- Hamilton, L.J. 1986a. Major Aquifers in Hughes County, South Dakota. Information Pamphlet No. 29. SD DENR-Geological Survey. Vermillion, South Dakota.
- Hamilton, L.J. 1986a. Water Resources of Hughes County, South Dakota. Water-Resources Investigations Report 84-4195. U.S. Geological Survey. Huron, South Dakota.
- Hedges, L.S., Allen, J., Holly D.E., 1985, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 7: Ground Water Recharge; U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.
- Hedges, L.S., S.L. Burch, D.L. Iles, R.A. Barari, and R.A. Schoon. 1982. Evaluation of Ground-water Resources in Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa. Task 1: Bedrock Topography and Distribution, Task 2: Extent of Aquifers, Task 3: Ground-Water Storage, Task 4: Computerized Data Base, Final Report; U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.
- Water Rights. 1980-2014. "1979-2013 Irrigation Summaries by Aquifer": SD DENR-Water Rights Program, Joe Foss Building, Pierre, South Dakota.
- Water Rights. 2015a. Observation Well Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2015b. Water Right/Permit Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2015c. Well Completion Reports. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

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AFFIDAVIT OF PUBLICATION

JUN 15 2015

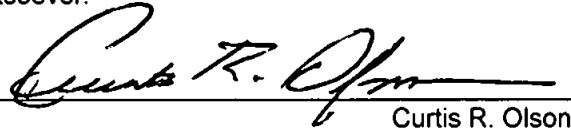
STATE OF SOUTH DAKOTA
COUNTY OF SULLY

)
WATER RIGHTS
PROGRAM
)

Curtis R. Olson of said County and State, being first duly sworn on his oath, says that the **ONIDA WATCHMAN** is a weekly newspaper of general circulation, published in the English language in the City of Onida, in said County and State, by said Curtis R. Olson, and has been admitted to the United States mail under the second class mailing privilege at all times hereinafter mentioned, and that all of said times has had more than 200 bona fide paid subscribers; that I, the undersigned, am the publisher of said newspaper, in charge of the legal/display advertising department thereof, and have personal knowledge of all the facts stated in the affidavit; and that the advertisement headed:

**NOTICE OF APPLICATION NO. 8145-3 TO
APPROPRIATE WATER**

A printed copy of which is hereto attached, was printed and published in said newspaper for **01** successive issues, the first publication made **2015** the **28th** day of **MAY**, and the last publication on **2015** the -- day of --, and that **\$22.38** being the full amount of the fee for publication of the annexed notice insured solely to the benefit of the publisher of said newspaper; that no arrangements or understanding for a revision thereof has been made with any person, and that no part thereof has been agreed to be paid to any other person whatsoever.


Curtis R. Olson

Subscribed and Sworn to me this

11th Day of June, 2015

(SEAL)

My commission expires April 24, 2016


Notary Public in and for Sully County, South Dakota

**NOTICE OF
APPLICATION
NO. 8145-3 to
Appropriate Water**

Notice is given that Dan Fanger, PO Box 123, Blunt SD 57522 has filed an application for a water permit to appropriate 3.31 cubic feet of water per second from one well completed into the Highmore Blunt Aquifer (47 feet deep) located in the approximate center of the NE 1/4 Section 30 for irrigation of 232 acres located in the S 1/2 Section 20 and NW 1/4 NW 1/4 Section 29; all in T113N-R75W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8145-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 8, 2015.

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. Information concerning this application is available at <http://denr.sd.gov/public>. 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 \$22.38.

-22

RECEIVED

JUN - 4 2015

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Hughes) SS

I, Margylin 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:

5-28-15

Cost of Printing \$38.14

Margylin Baker
(Signature)

Bookkeeper
(Title)

6-2-15

(Date Signed)

Public Notice

SNAXLP 14270

1109/5/23

NOTICE OF

APPLICATION

NO. 8145-3 to

Appropriate

Water

Notice is given

that Dan Fanger,

PO Box 123, Blunt

SD 57522 has

filed an application

for a water permit

to appropriate

3.31 cubic feet of

water per second

from one well

completed into the

Highmore Blunt

Aquifer (47 feet

deep) located in

the approximate

center of the NE

1/4 Section 30 for

irrigation of 232

acres located in

the S 1/2 Section

20 and NW 1/4

NW 1/4 Section

28; all in

T112N-R75W.

Pursuant to

SDCL 46-2A-2,

the Chief Engineer

recommends AP-

PROVAL of Appli-

cation No. 8145-3

because 1) unap-

propriated water is

available, 2) estab-

lishing rights will not

be unreasonably im-

paired, 3) it is a

beneficial use of

water, and 4) it is

in the public inter-

est. In accordance

with SDCL

46-2A-23, the

Chief Engineer will

act on this appli-

cation, as recom-

mended, unless a

petition is filed op-

posing the appli-

cation or the appli-

cant files a petition

contesting the

Chief Engineer's

recommendation.

If a petition op-

posing the application

or contesting the

recommendation

is filed, then a

hearing will be

scheduled and the

Water Manage-

ment Board will

consider this ap-

plication. Notice of

the hearing will be

given to the appli-

cant and any per-

son filing a peti-

tion.

Any person inter-

ested in opposing

or supporting this

application or rec-

ommendation

must file a written

petition with

BOTH the appli-

cant and Chief En-

gineer. The appli-

cant must file a

petition if contest-

ing the Chief En-

gineer's recommen-

dation. The Chief

Engineer's ad-

dress is "Water

Rights Program,

Foss Building, 523

E Capitol, Pierre

SD 57501 (605-

773-3352)" and

the applicant's

mailing address is

given above. A

petition filed by ei-

ther an interested

person or the ap-

plicant must be

filed by June 8,

2015.

The petition may

be informal, but

must include a

statement describ-

ing the petitioner's

interest in the ap-

plication, the peti-

tioner's reasons

for opposing or

supporting the ap-

plication, and the

signature and

mailing address of

the petitioner or

the petitioner's le-

gal counsel, if le-

gal counsel is ob-

tained. Information

concerning this

application is

available at:

<http://dnr.sd.gov/>

public. Contact

Eric Gronlund at

the above Water

Rights Program

address to request

copies of informa-

tion pertaining to

this application.

Steven M. Pimer,

Secretary, Depart-

ment of Environ-

ment and Natural

Resources.

Published once at

the total approxi-

mate cost of \$

\$30.14.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

May 20, 2015

Onida Watchman
PO Box 245
Onida SD 57564

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 8145-3 to Appropriate Water. Please publish the notice once on May 28, 2015. 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 Dan Fanger, PO Box 123, Blunt SD 57522 (Ph # 605-222-2769).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

May 20, 2015

Capital Journal
PO Box 878
Pierre SD 57501

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 8145-3 to Appropriate Water. Please publish the notice once on May 28, 2015. 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 Dan Fanger, PO Box 123, Blunt SD 57522 (Ph # 605-222-2769).

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



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.**

May 20, 2015

Dan Fanger
PO Box 123
Blunt SD 57522

Dear Mr. Fanger:

Water Permit Application No. 8145-3 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 Onida Watchman printed at Onida SD (Ph # 605-258-2604) and the Capital Journal printed at Pierre SD (Ph # 605-224-7301). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper(s) to authorize publication of your Notice and to arrange for payment. Early contact with the paper(s) can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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

Instruction to Newspaper - Publish the Notice on May 28, 2015. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NO. 8145-3 to Appropriate Water

Notice is given that Dan Fanger, PO Box 123, Blunt SD 57522 has filed an application for a water permit to appropriate 3.31 cubic feet of water per second from one well completed into the Highmore Blunt Aquifer (47 feet deep) located in the approximate center of the NE 1/4 Section 30 for irrigation of 232 acres located in the S 1/2 Section 20 and NW 1/4 NW 1/4 Section 29; all in T113N-R75W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8145-3 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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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. Information concerning this application is available at <http://denr.sd.gov/public>. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of_____.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

JUN 18 2015

Dan Fanger
PO Box 123
Blunt SD 57522

Dear Mr. Fanger:

Enclosed is Water Permit No. 8145-3 authorizing construction of the 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 AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 20, 2022

NOTICE

TO: DAN FANGER, PO BOX 123, BLUNT, SD 57522 0123
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) 8145-3. 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) 8145-3 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) 8145-3 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: AIJCXQ**

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.

8145-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 7, 2022

8145-3

Dan Fanger
PO Box 123
Blunt SD 57522-0123

Dear Mr. Fanger:

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

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Permit No. 8145-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

November 5, 2024

8145-3

Dan Fanger
PO Box 123
Blunt SD 57522

Dear Mr. Fanger:

I write to you today in response to the 2024 Irrigation Questionnaire information submitted for Water Permit No. 8145-3.

Permit No. 8145-3 (copy enclosed) authorized diversion of 3.31 cubic feet of water per second (1485 gpm) from one well completed into the Highmore Blunt Aquifer for irrigation of 232 acres located in the S ½ Section 20 & NW ¼ NW ¼ Section 29; all in T113N-R75W.

Permit No. 8145-3 was approved on June 8, 2015, with construction to be completed by June 8, 2020, and water to be placed to beneficial use by June 8, 2024.

On this year's report, all previous reports, the selection of "System Not Constructed" was made. Unfortunately, with the dates for construction completion & placement of water to beneficial use having passed, this permit should be considered for cancellation due to non-construction.

Please contact me to discuss cancellation of this permit.

Sincerely,

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

enclosure



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

May 23, 2025

No. 8145-3

Dan Fanger
PO Box 123
Blunt, SD 57522

Dear. Mr. Fanger:

I'm writing to you today in reference to Water Permit No. 8145-3.

On November 5, 2024, Water Rights Program permitting administrator Amanda Dewell, sent you a letter informing you that Permit No. 8145-3 should be considered for cancellation, due to non-construction. I have enclosed a copy of this letter.

We have not received correspondence from you in regard to the cancellation. Please contact the Water Rights Program to discuss cancellation of Water Permit No. 8145-3.

Sincerely,

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

enclosure



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

November 14, 2025

8145-3

Dan Fanger
PO Box 123
Blunt SD 57522

Dear Mr. Fanger:

I write to you today in response to the 2025 Irrigation Questionnaire information submitted for Water Permit No. 8145-3.

Permit No. 8145-3 authorized diversion of 3.31 cubic feet of water per second (approx. 1485 gpm) from one well completed into the Highmore-Blunt Aquifer for irrigation of 232 acres located in the S $\frac{1}{2}$ Section 20 & NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 29; all in T113N-R75W.

Permit No. 8145-3 was approved on June 8, 2015, with construction to be completed by June 8, 2020, and water to be placed to beneficial use by June 8, 2024.

On this year's report, all previous reports, the selection of "System Not Constructed" was made. Unfortunately, with the dates for construction completion & placement of water to beneficial use having passed, this permit should be considered for cancellation due to non-construction.

Please contact me to discuss cancellation of this permit.

Sincerely,

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