

WATER PERMIT NO. 2490-2

Name of Applicant: Dennis Hullinger

Address: 535 Oakridge Drive, Tooele UT

Phone: 435 833-0855

Amount of Water Claimed: 0.83 cfs

Total Acres: 58.2

Source of Water Supply: Cheyenne River

Water to be used for: irrigation

County: Custer

Type of Waste Disposal System:

Location: 12 miles east of Buffalo Gap

PRIORITY

Date Received: 7-1-02

Application/License Fee: \$200

Corrected Application Received: 9-24-02

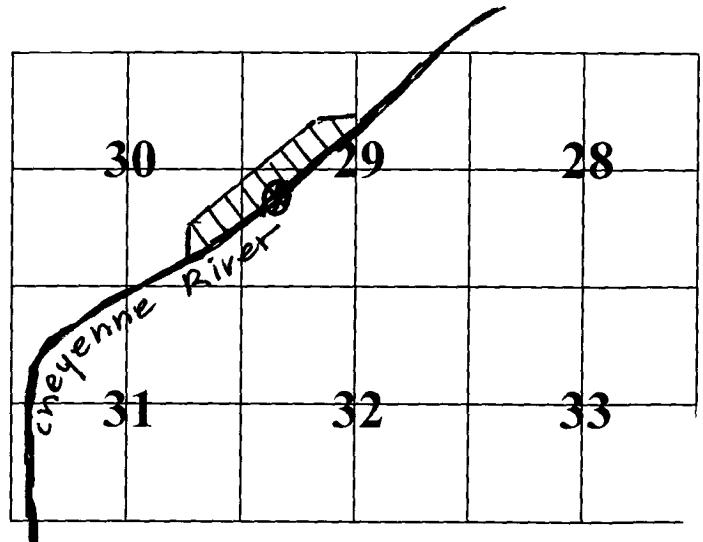
Period of Annual Use: June 1 – August 31

Remarks:

Diversion Point: NW ¼ SW ¼ (Lot 11)

Sec 29-T6S-R9E

Land to be Irrigated: S ½ NW ¼, NW ¼ SW ¼
(Lots 9, 10 & 11) Sec 29 and E ½ SE ¼ (Lot 6) Sec
30; all in T6S-R9E



Depth of Well: NA

Well Driller: : NA

Remarks:

Type of Map: topo

Prepared by: Johnnie R. Shafer, RLS

Reviewed and the Number Assigned on: 9-24-02

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 2490-2 FOR IRRIGATION

Date of first receipt of application July 1, 2002.

Date of receipt of corrected application September 24, 2002.

The Water Management Board approved Water Permit No. 2490-2 on December 4, 2002 for Dennis Hullinger, 535 Oakridge Drive, Tooele UT 84074 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. 2490-2 appropriates 0.83 cubic feet of water per second from the Cheyenne River located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ (Lot 11) Section 29 to irrigate 58.2 acres located in the S $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ (Lots 9, 10 & 11) Section 29 and E $\frac{1}{2}$ SE $\frac{1}{4}$ (Lot 6) Section 30; all in T6S-R9E.
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: June 1 – August 30.
3. The date from which applicant may claim right is September 24, 2002.
4. One-fifth of the construction is to be completed on or before June 4, 2005.
5. All construction is to be completed on or before December 4, 2007.
6. Water is to be put to beneficial use on or before December 4, 2011.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

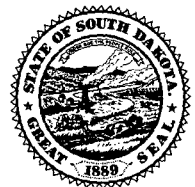
1. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed. This permit does not authorize diversion of water from the Cheyenne River at any time when the river flow is low, unless written orders have been issued by the Chief Engineer. Diversions under this permit shall be in accordance with any written orders issued by the Chief Engineer.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Eric Garland
for Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JAN 15 2003

date



RECEIVED

JUL 01 2002

WATER RIGHTS
PROGRAM

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>2490-2</u> (office use only) Hydrologic Unit <u>10120109</u>
	Basin <u>Upper Cheyenne</u>
	Newspaper <u>Custer Co Chronicle, POB# 551, 57730</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.) _____

- Name of Applicant Dennis Hullinger Phone 435-833-0855
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 535 Oakridge Drive, Tooele State Utah 84074
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.83 *CFS or 120 **GPM 58.2 ***AF Total Acreage 58.2
(*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Cheyenne River
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) _____
1st choice pump location: NW 1/4 - SW 1/4 Lot 11 - Sec. 29, T6S, R9E 2nd Choice pump location: Lot 6 - Sec. 30, T6S, R9E
County Custer
- County or counties where water will be used Custer
- Annual period during which water is to be used June 1 - August 30
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
Lot 9 - Sec. 29, T6S, R9E	14.8	S 1/2 NW 1/4, NW 1/4 SW 1/4	
Lot 10 - Sec. 29, T6S, R9E	6.4		
Lot 11 - Sec. 29, T6S, R9E	15.0		
Lot 6 - Sec. 30, T6S, R9E	22.0	E 1/2 SE 1/4	

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

Irrigation of Farm Land utilizing flood irrigation or sprinkler system.

STATE OF Utah SS
County of Tooele

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, Dennis Hullinger, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature

Subscribed and sworn to before me this 25 day of JUNE 20 02



ASCENCION A. VERA
204 North Main
Tooele, Utah 84074
My Commission Expires
September 22, 2004
State Of Utah

Notary Public signature

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

№ 417209

Pierre, July 1, 20 02

RECEIVED OF Dennis Hullinger, 535 Oakridge Dr., Tooele, UT 84074
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. 2490-2 to Appropriate Water, to construct
and to put water to beneficial use _____

150 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. 2490-2 _____

50 00

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

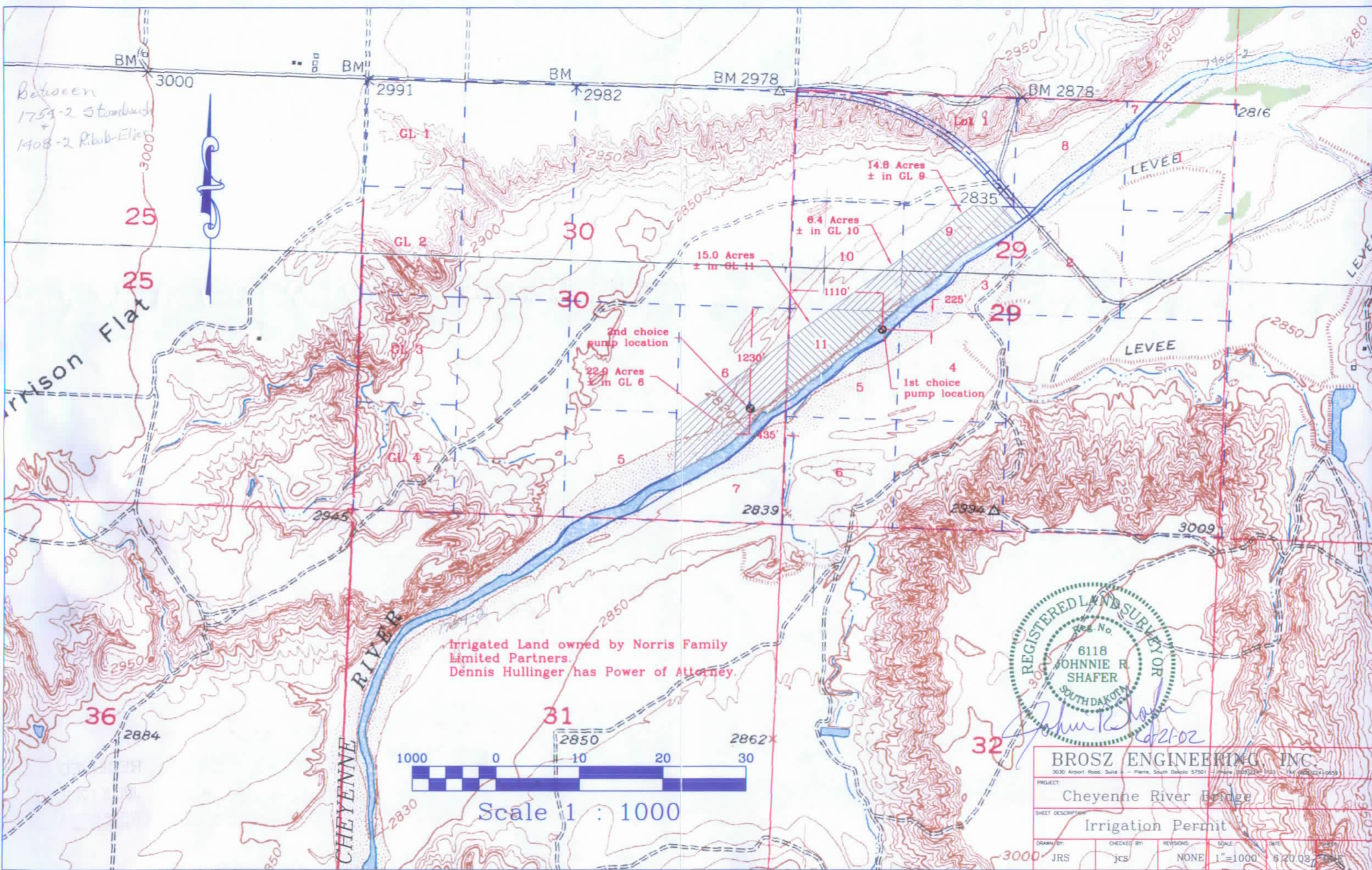
(Any Other Work Provided by Law)

Total

200 00

By

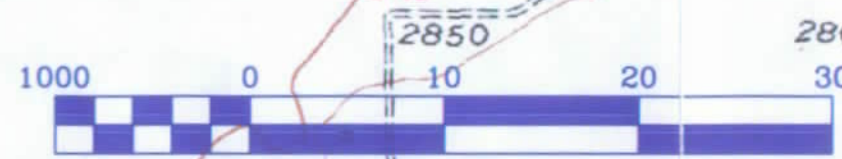
Darland Elvehjem
Chief Engineer gm



Between
1759-2 Stambaugh
+
1408-2 Ribob-Elies

25
25
Garrison Flat

Irrigated Land owned by Norris Family
Limited Partners.
Dennis Hullinger has Power of Attorney.



Scale 1 : 1000



BROSZ ENGINEERING, INC.				
3030 Airport Road, Suite 100 - Pierre, South Dakota 57501 - Phone (605) 224-1133 - Fax (605) 224-0659				
PROJECT: Cheyenne River Bridge				
SHEET DESCRIPTION: Irrigation Permit				
DRAWN BY: JRS	CHECKED BY: jcs	REVISIONS: NONE	SCALE: 1"=1000	DATE: 6/20/02

2401-2

Water Rights Program - File Documentation

NAME: Dennis Hullinger

ADDRESS: Tooele, UT

DATE: 9-24-02 **COUNTY:** Custer **TELEPHONE:** 435 833-0855

RE: pending application

COMMENTS:

Dennis Hullinger called concerning his pending application. Mark Rath told Mr. Hullinger that we had not proceeded with the application at the time it was received because we were waiting to see if a temporary permit was going to be submitted. The temporary permit was never received.

Mr. Hullinger clarified the location of the diversion point to be the NW $\frac{1}{4}$ SW $\frac{1}{4}$ (Lot 11) Section 29-T6S-R9E.

Mr. Hullinger also stated the amount of water claimed should be 0.83 cfs, the statutory limit to irrigate 58.2 acres.

Karen Schlaak

Karen Schlaak
Environmental Scientist

REPORT ON WATER PERMIT APPLICATION 2490-2

**Dennis Hullinger
535 Oakridge Drive
Tooele, UT 84074
(435)833-0855**

Water Permit Application No. 2490-2, Dennis Hullinger, proposes to appropriate 0.83 cubic feet per second (120 gpm) of water from the Cheyenne River in the NW¼ SW¼ Section 29 to irrigate a total of 58.2 acres; 36.2 acres in the S½ NW¼, NW¼ SW¼ Section 29 and 22 acres in the E½ SE¼ Section 30, all in T6S R9E (Attachment 1). The period of annual use would be from June 1 to August 31.

Review of Water Source

The water source for the proposed project is the Cheyenne River approximately thirty-two (32) river miles downstream of Angostura Dam in Fall River County, SD. Rising in the high plains of Wyoming in the Thunder Basin National Grasslands, the Cheyenne River meanders around the southern end of the Black Hills entering South Dakota about 14 miles northwest of the town of Edgemont, SD. The river then passes through narrows south of Hot Springs, SD, the location of Angostura Dam. Construction of Angostura Dam, part of the Angostura Unit irrigation system, was completed in 1949. The Bureau of Reclamation (BOR) holds South Dakota Water Right No. US5792 for an annual one-time fill of 138,761 acre-feet of water stored in Angostura Reservoir for irrigation of 12,218 acres, and for fish, wildlife, recreation, and other purposes. Since October 1949 the flow in the Cheyenne River downstream of Angostura Dam has been regulated primarily to serve the irrigation needs of the Angostura Irrigation District. Water is diverted directly from Angostura Reservoir and delivered through a main canal to the Irrigation District. Average releases to Irrigation District lands are about 40,000 acre-feet per year providing an average on-site delivery of 2.5 acre-feet/acre.

Perennial Cheyenne River flows, above and below Angostura Reservoir, are normally low with occasional high flows occurring during spring snowmelt and periodic rainstorms. Average precipitation in the area is about 16-inches per year, most of which occurs from April through September. During a severe drought in the Upper Cheyenne River Basin, Water Rights along this reach of the Cheyenne River could be subject to Shutoff Orders by the Chief Engineer.

During the normal irrigation season, stream flow in the Cheyenne River below Angostura Dam to the Fall and Cheyenne Rivers' confluence is quite low. In the summer of 2002 the BOR, operator of the Angostura Unit, completed repairs and upgrades on Angostura Dam. These repairs lowered leakage from the radial gates, but BOR doesn't believe the overall rate of leakage from the dam was significantly lessened. Before repairs and upgrades, leakage was about 3.3 cubic feet per second (cfs) and the total return water flows to the Cheyenne River from the Irrigation District were estimated to be 54-percent of the amount released to the main canal or about 30 cfs downstream of the dam to east of Buffalo Gap, SD. There is no State of South Dakota minimum flow requirement in the Cheyenne River below Angostura Dam.

Fall River's confluence with the Cheyenne River is approximately two (2) river miles below Angostura Dam. Fed by thermal springs and wells, Fall River's base stream flow normally does not vary far from the median rate throughout the year (Table 1). Historically, the steady flow

from Fall River, return water flows from the Irrigation District, and flow from other tributaries has fulfilled State water rights and domestic water use downstream of the Fall and Cheyenne Rivers' confluence.

Table 1. Fall River Median Flow Percentiles (cfs)

Percentile	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
10	20	20	20	19	20	20	21	21	21	21	21	21
25	22	22	22	21	21	22	22	22	22	22	22	22
50	23	24	24	22	22	24	24	24	24	23	24	24
75	26	26	26	26	26	26	26	26	26	26	26	26
90	29	29	30	29	29	29	29	29	29	30	29	29

An Environmental Impact Statement (EIS), in compliance with the National Environmental Policy Act, was prepared in 2002 by BOR in conjunction with renewal of the Angostura Irrigation District contract. This EIS analyzed the impacts of four (4) water management alternatives; 1) No Action, 2) Re-establishment of Natural Flows below Angostura Dam, 3) Improved Efficiencies in the Irrigation District's System, and 4) Reservoir Recreation and Fisheries. Improved Efficiencies was selected as the preferred alternative for the management of Angostura Dam and the Irrigation District.

The Improved Efficiencies Alternative within the Irrigation District includes measures such as lining canals and laterals, putting laterals into pipes, improving water measuring devices, leveling fields, irrigating by gated pipe or sprinkler, etc., with estimated water saving increases of 5-percent for the delivery system and 10-percent for on-farm efficiency. Saved water could be used for recreation, fisheries, downstream flows, or other purposes. Although return flows from the Irrigation District will lessen, a 10-percent on-farm efficiency improvement would not be expected to significantly change the Cheyenne River's flow rates during the normal irrigation season.

Consultations between BOR, the State of South Dakota, and the Irrigation District on implementation of the Improved Efficiencies Alternative and other measures pertinent to water management practices within Angostura Unit are presently in progress.

From 1968 to 1980 USGS maintained a stream flow gaging station east of Buffalo Gap, SD immediately downstream of the northern boundary of this proposed project (Attachment 1). The limited historical data from this gage for the June through August interval, when Cheyenne River flows are mainly regulated by output to the Irrigation District from Angostura Dam, indicate there is a 50-percent probability the median flow rate at the proposed project site will range from 45 to 58 cfs or greater during this interval of any given year. There is a 75-percent probability the median flow rate will range from 34 to 47 cfs or greater for the same interval at this location. (Table 2 & Attachment 2)

Table 2. Buffalo Gap Monthly Median Flow (cfs)

Percentile	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
10	41	57	55	46	43	36	39	39	56	62	60	41
25	48	60	60	52	49	41	34	47	62	64	65	54
50	58	65	66	60	59	52	45	58	66	70	71	64
75	66	72	89	90	74	84	58	67	78	74	74	71
90	70	91	158	154	235	159	82	80	88	81	80	76

Since 1998 USGS has maintained a stream flow gaging station at Red Shirt, SD approximately 18 river miles downstream of this proposed project and 12 river miles downstream of the last Irrigation District wasteway at the mouth of Cottonwood Creek. Data through 2001 from this gaging station are high flow rate biased since these years experienced above normal precipitation in the Upper Cheyenne River Basin. Limited data from this gaging station for the June through August interval, when Cheyenne River flows are mainly regulated by output to the Irrigation District from Angostura Dam, indicate there is a 50-percent probability the median flow rate will range from 78 to 97 cfs or greater downstream of the proposed project during this interval of any given year. There is a 75-percent probability the median flow rate will range from 69 to 91 cfs or greater for the same interval at this location. (Table 3 & Attachment 3)

Table 3. Red Shirt Monthly Median Flow (cfs)

Percentile	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
10	67	61	112	112	120	87	63	64	81	98	86	66
25	70	65	141	123	190	91	69	72	85	104	98	80
50	71	72	198	151	309	97	78	87	89	115	113	104
75	99	98	214	466	363	441	139	114	113	150	506	99
90	111	113	233	670	390	627	165	129	123	171	736	140

USGS Wasta, SD stream flow gaging station data from 1950 through 2001 indicate there is a 50-percent probability the median flow rate in the Cheyenne River at this location will range from 104 to 272 cfs or greater during the June through August interval of any given year. There is a 75-percent probability the median flow rate will range from 66 to 93 cfs or greater for the same interval at this location. (Table 4 & Attachment 4)

Table 4. Wasta Monthly Median Flow (cfs)

Percentile	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
10	30	50	102	78	60	53	47	47	51	62	70	45
25	48	78	146	117	95	93	72	66	73	84	93	73
50	80	110	240	214	237	272	142	104	100	112	119	100
75	135	179	471	383	623	925	353	176	152	168	160	130
90	220	349	867	839	1560	2130	725	425	282	279	292	230

The presumption can be made that the stream flow rates recorded at the cited gaging stations are post withdrawal of the majority of those Water Right allocations upstream of the gage's location during the normal irrigation season.

Review of Existing Water Rights

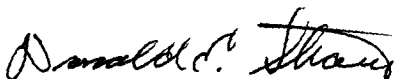
From the Fall and Cheyenne River's confluence to this proposed project's location there are twelve (12) Water Rights with diversions totaling 38.49 cfs. One of these Water Rights for 2 cfs withdrawal rate is post 1980, the last year the USGS stream flow gaging station was operational at Buffalo Gap, SD. The 50 and 75-percent probability ranges for the Buffalo Gap gaging station (Table 2) need only be adjusted by the post 1980 2 cfs withdrawal rate to arrive at predicted flow rates at this proposed project's location.

Downstream of this proposed project's location to Red Shirt, SD there are seven (7) Water Rights with diversions totaling 14.72 cfs. From Red Shirt to Wasta, SD there are eight (8) Water Rights with diversions totaling 22.35 cfs.

Except during severe drought conditions in the Upper Cheyenne River Basin, historical USGS stream flow data indicate this project's proposed allocation of 0.83 cfs of water should not adversely impact any of the present Water Rights or domestic water use along the reach of the Cheyenne River from Angostura Dam to Wasta, SD.

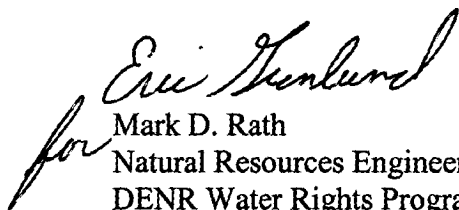
Conclusions

1. Water Permit Application No. 2490-2, Dennis Hullinger, proposes to appropriate 0.83 cubic feet per second (120 gpm) of water from the Cheyenne River to irrigate 58.2 acres.
2. Except for severe drought conditions in the Upper Cheyenne River Basin, historical USGS stream flow data indicate there is non-appropriated water available and this project should not adversely impact any of the present Water Rights or domestic water use along the reach of the Cheyenne River from Angostura Dam to Wasta, SD.
3. Implementation of the BOR's Improved Efficiency Alternative with a 10-percent on-farm improvement should not significantly change the Cheyenne River's flow rates from Angostura Dam to Wasta, SD during the normal irrigation season.
4. During a severe drought in the Upper Cheyenne River Basin, Water Rights along this reach of the Cheyenne River could be subject to Shutoff Orders by the Chief Engineer.



Donald E. Stroup
Natural Resources Project Engineer
DENR Water Rights Program

Reviewed by:


for

Mark D. Rath
Natural Resources Engineering Specialist
DENR Water Rights Program

References:

South Dakota Department of Environment and Natural Resources, Water Rights Program Records

Bureau of Reclamation, Angostura Unit Contract Negotiation and Water Management Environmental Impact Statement

U.S. Geological Survey, NWISWeb National Water Information System, Historical Stream Flow Data for South Dakota

2490-2
Dennis Hullinger
535 Oakridge Drive
Tooele, UT 84074
(435)833 0855



BM

+2816

X 2982

2950

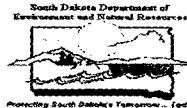
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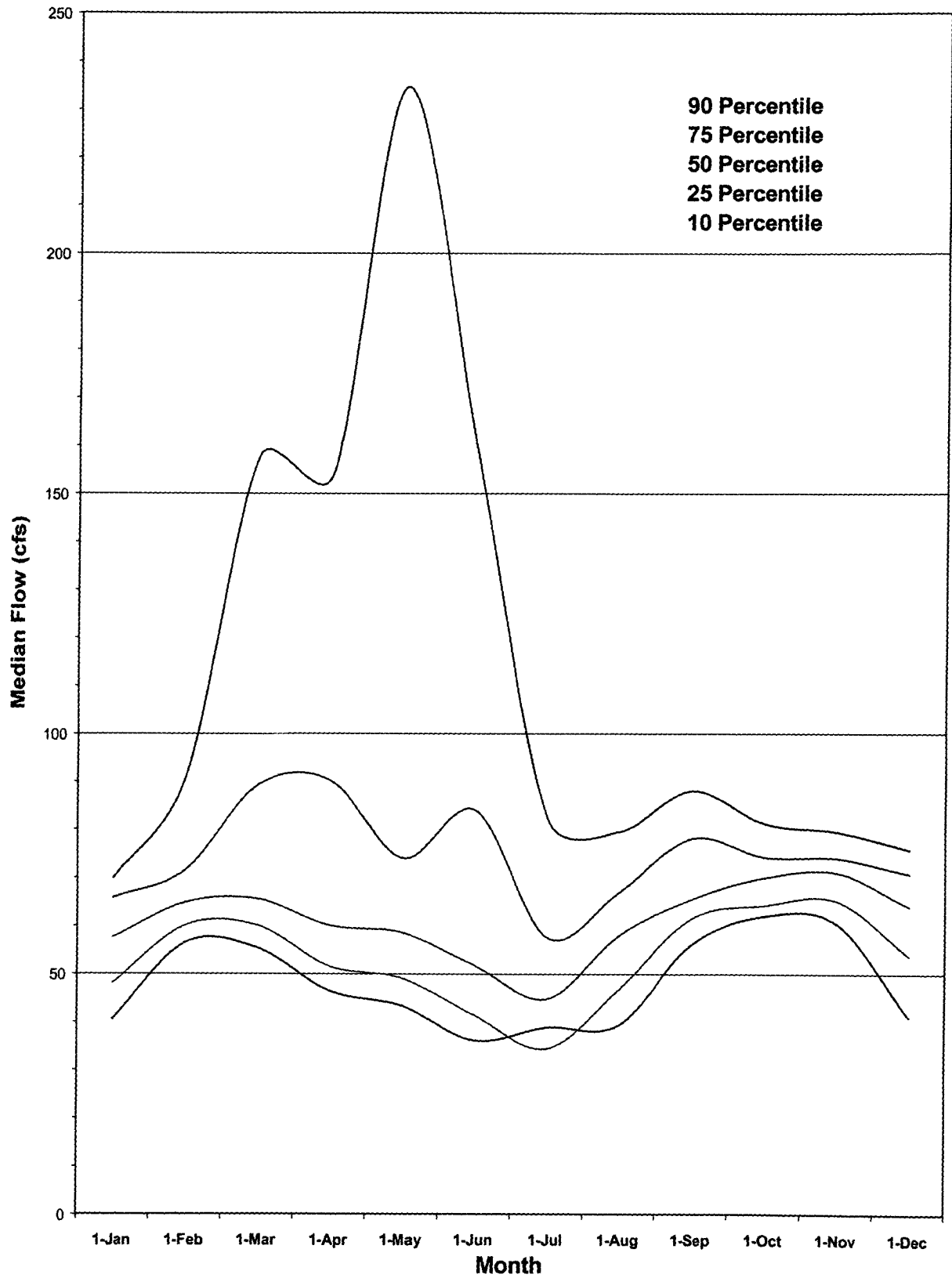


Donald E. Stroup

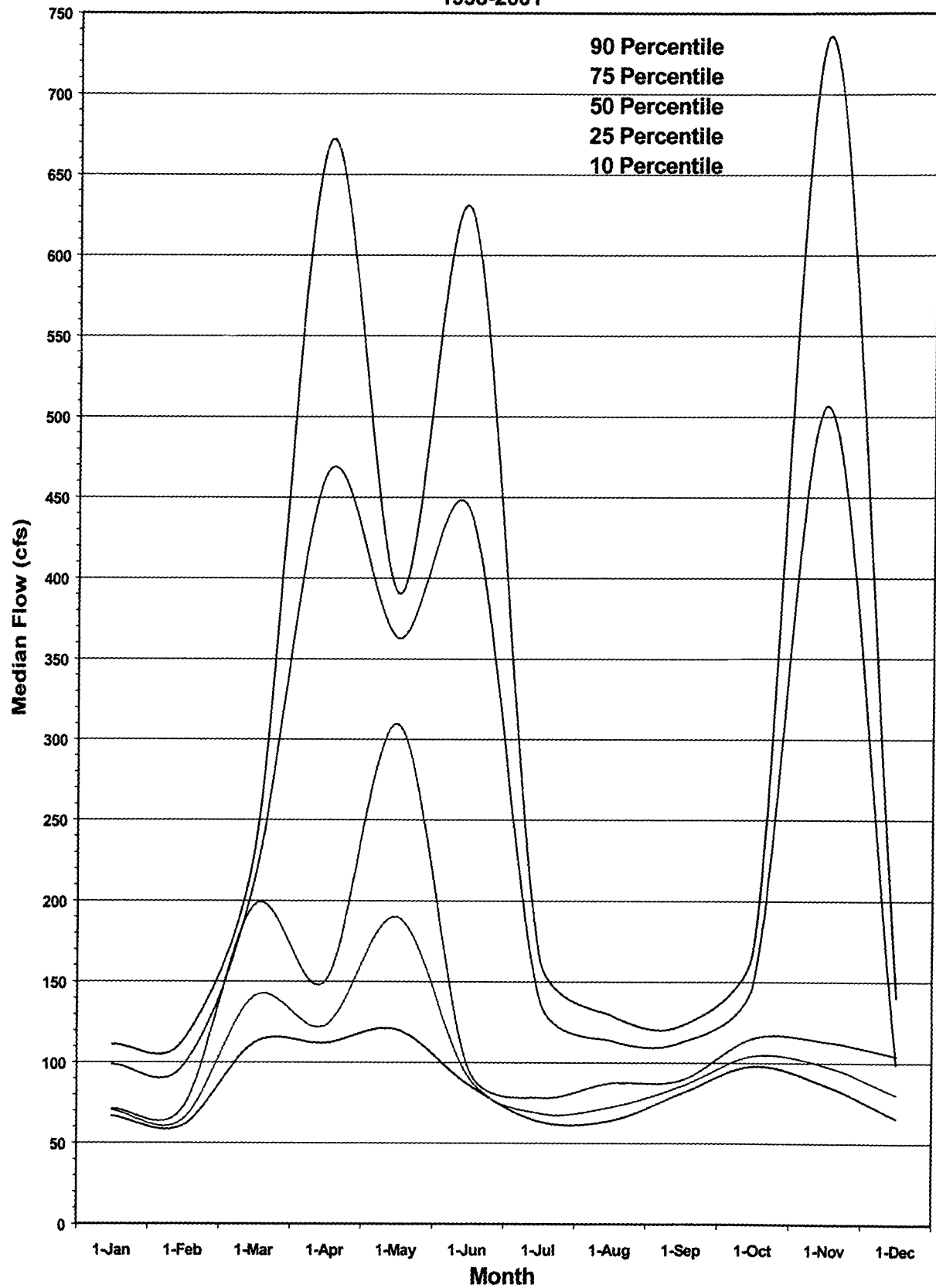
Donald E. Stroup
Natural Resources Project Engineer
DENR Water Rights Program

Attachment 1

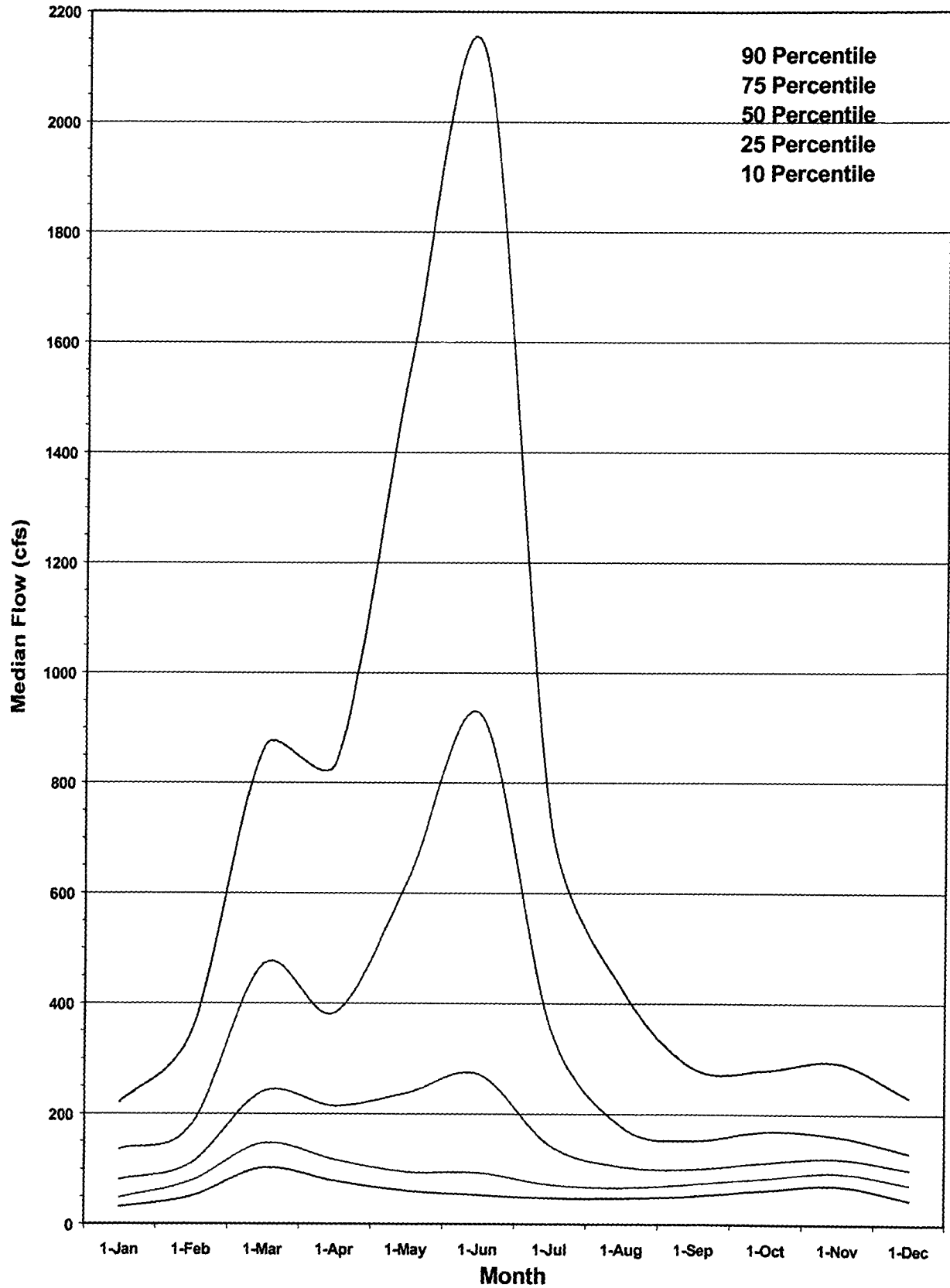
**Cheyenne River
Buffalo Gap 1968-1980**



**Cheyenne River
Red Shirt
1998-2001**



**Cheyenne River
Wasta 1950-2001**





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2490-2, Dennis Hullinger**

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. 2490-2, Dennis Hullinger, 535 Oakridge Drive, Tooele, Utah 84074.

The Chief Engineer is recommending APPROVAL of Application No. 2490-2 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. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed. This permit does not authorize diversion of water from the Cheyenne River at any time when the river flow is low, unless written orders have been issued by the Chief Engineer. Diversions under this permit shall be in accordance with any written orders issued by the Chief Engineer.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
October 23, 2002

Affidavit of Publication

State of South Dakota)

)ss.

County of Custer)

Charles W. Najacht of said county, being duly sworn, on oath says that he is publisher of the Custer County Chronicle, a weekly newspaper printed and published in Custer City, said County of Custer and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly, and has been published within said County for fifty-two successive weeks next prior to the publication of the notice herein, mentioned, and was and is printed wholly or in part in an office maintained at said place of publication: that the

Dennis Hullinger
Notice of Application

a printed copy of which, taken from the paper in which the same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once each week for 2 successive week(s), on which said newspaper was regularly published, to wit:

Nov. 6, 2002; Nov 13, 2002;

_____, _____; _____, _____;

_____, _____; _____, _____;

_____, _____; _____, _____;

the full amount of the fees for the publication of the annexed notice is \$ 52.79.

Charles W. Najacht

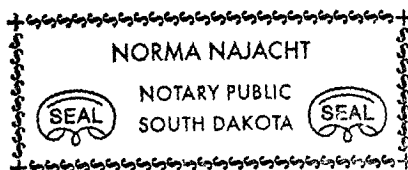
Subscribed and sworn to me before this 13

of November, 2002;

Norma Najacht

NOTARY PUBLIC

MY COMMISSION EXPIRES: May 5, 2006



NOTICE OF APPLICATION

NO.2490-2 TO APPROPRIATE WATER

Notice is given that Dennis Hullinger, 535 Oakridge Drive, Tootle UT 84074 has filed an application for a water permit to appropriate 0.83 cubic feet of water per second from the Cheyenne River located in the NW 1/4 SW 1/4 (Lot 11) Section 29 to irrigate 58.2 acres located in the S 1/2 NW 1/4, NW 1/4 SW 1/4 (Lots 9, 10 & 11) Section 29 and E 1/2 SE 1/4 (Lot 6) Section 30; all in T6S-R9E.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No.2490-2 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.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to 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 November 25, 2002. 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.

The Water Management Board will consider this application at 10:00 A.M. December 4, 2002 in the Matthew Training Center, 523 E. Capitol Ave., Pierre SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The December 4, 2002 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by November 25, 2002.

Any hearing may be an adversarial proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by November 25, 2002, at the above Water Rights Program address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17, 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

Steven M. Pirner, Secretary,
Department of Environment and
Natural Resources

#351, 11/6, 11/13

RECEIVED

NOV 18 2002

WATER RIGHTS
PROGRAM

Instruction to Newspaper - Publish first Notice on November 6, 2002 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 2490-2 to Appropriate Water

Notice is given that Dennis Hullinger, 535 Oakridge Drive, Tooele UT 84074 has filed an application for a water permit to appropriate 0.83 cubic feet of water per second from the Cheyenne River located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ (Lot 11) Section 29 to irrigate 58.2 acres located in the S $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ (Lots 9, 10 & 11) Section 29 and E $\frac{1}{2}$ SE $\frac{1}{4}$ (Lot 6) Section 30; all in T6S-R9E.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2490-2 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.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to 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 November 25, 2002. 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.

The Water Management Board will consider this application at 10:00 A.M. December 4, 2002 in the Matthew Training Center, 523 E. Capitol Ave., Pierre SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The December 4, 2002 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by November 25, 2002.

Any hearing may be an adversarial proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by November 25, 2002, at the above Water Rights Program address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

October 24, 2002

Dennis Hullinger
535 Oakridge Drive
Tooele UT 84074

Dear Mr. Hullinger:

Water Permit Application No. 2490-2 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Custer County Chronicle printed at Custer, SD (Ph # 605-673-2217). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and a 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 to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. 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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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October 24, 2002

Custer County Chronicle
PO Box 551
Custer SD 57730-0551

ATTENTION: Legal Public Notice

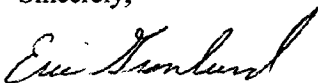
Enclosed is a Notice of Hearing on Application No. 2490-2 to Appropriate Water to be published twice. Please publish the first notice on November 6, 2002 with the second publication 7 days later.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Dennis Hullinger, 535 Oakridge Drive, Tooele, UT 84074 (Ph # 435-833-0855).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** 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

-----CUT HERE-----

No. 2490-2

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of October 24, 2002 enclosing Notice of Hearing to Appropriate Water by Application No. 2490-2 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 25, 2002

Curt Anderson
Bureau of Reclamation
515 9th Street, Suite 101
Rapid City, SD 57701-2695

Dear Mr. Anderson:

Enclosed is a copy of the report, recommendation and the notice of hearing for Water Permit Application No. 2490-2 filed by Dennis Hullinger. This application proposes to appropriate water from the Cheyenne River. The notice of hearing will be published in the Custer County Chronicle. A hearing before the Water Management Board is scheduled for December 4, 2002. Petitions to intervene must be filed by November 25, 2002, as set forth in the notice.

This information is being sent to you since we want to keep the Bureau informed of applications involving the Cheyenne River. If you have any questions concerning these applications, please contact Mark Rath at (605) 773-3352.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

Enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 23, 2002

Leslie Petersen
SD Dept. of Game, Fish and Parks
523 E. Capitol Avenue
Pierre SD 57501

Dear Leslie:

Please find enclosed a copy of the report, recommendation and notice regarding Water Permit Application No. 2490-2 filed by Dennis Hullinger. The application proposes irrigation from the Cheyenne River in Custer County. Please see Don Stroup's report for a more detailed description of the project.

If you have any question on the application, please contact Don Stroup or me.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
773-4062

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

JAN 15 2003

Dennis Hullinger
535 Oakridge Drive
Tooele UT 84074

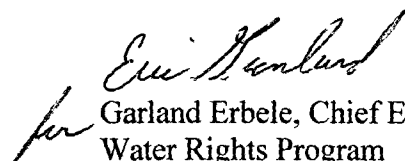
Dear Mr. Hullinger:

Enclosed is Water Permit No. 2490-2 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,


for
Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures



2490-2
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 21, 2003

Dennis Hullinger
535 Oakridge Drive
Tooele UT 84074

Dear Mr. Hullinger:

Thank you for submitting the 2003 irrigation questionnaire. On the form you inquired about the possibility of obtaining more water under Water Permit No. 2490-2.

Water Permit No. 2490-2 appropriates 0.83 cubic feet of water per second (373 gallons per minute) from the Cheyenne River to irrigate 58.2 acres (copy enclosed). The water permit further allows the application of up to 2 acre feet of water for each acre (this equates to 24 inches of water that can be applied to the acreage). In your comment you refer to 0.88 acre feet of water not being adequate to flood irrigate. I am assuming that you are meaning the 0.83 cfs diversion rate and that you may want to increase it to 2.0 cfs (900 gpm).

The 0.83 cfs diversion rate was based on the statutory limit allowed to irrigate 58.2 acres. Currently, you are restricted to this diversion rate. However, the statutes does allow a greater diversion if the method of irrigation, time constraints on diversion of water, or the type of soil so requires. You indicated that the soils are sandy in the area.

I understand you are investigating the most economical method to irrigate. If your preferred option for irrigation requires more than the 0.83 cfs to operate you will need to file an application for an increased diversion rate from the Cheyenne River. That application will need to include justification for the greater diversion rate. I have enclosed forms in the event you decide to pursue an application for an increased diversion rate.

If you have any questions regarding water right permitting, please do not hesitate to contact me.

Sincerely,

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

enclosure

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

Date 8/17/04

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

RECEIVED

AUG 20 2004

WATER RIGHTS
PROGRAM

FROM: Dennis Hollinger
(name)

535 OAKRIDGE Drive
(address)

Tooele Utah 84074
(city, state, zip)

435-833-0855
(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. 2490-2 states that the water use system is to be constructed by

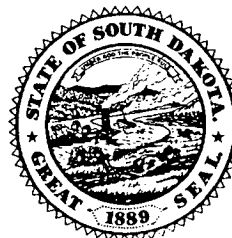
Dec 4, 2007 (date), and water is to be put to beneficial use by Dec 4, 2011 (date)

The water use system was completed on 8/16/04
(date)

Applying the water to beneficial use was completed on 8/17/04
(date)

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

Dennis Hollinger
(signature)





2490-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

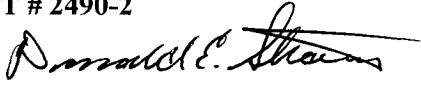
PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

August 8, 2005

Internal Memorandum

TO: File

SUBJECT: WATER PERMIT # 2490-2

FROM: Donald E. Stroup 
Natural Resources Engineer
DENR Water Rights Program

Dennis Hullinger, holder of Water Permit # 2490-2, submitted a completion of construction report when all of the project was not done. He was under the impression that once he or the lessee started to pump from the Cheyenne River the construction report had to be in place.

When I went to do the licensing inspection I found that only 20-acres of the permitted 58.2 were completed. I then advised the lessee, Kibben Rittberger, and Mr. Hullinger that the construction report did not have to be submitted until 12/4/2007 or when the project was completed.

The completion of construction should be removed from the file. Mr. Hullinger will submit a new report once the project is completed.



2490-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
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www.state.sd.us/denr

January 24, 2006

NOTICE

TO: DENNIS HULLINGER, 535 OAKRIDGE DRIVE, TOOEELE, UT 84074

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2005 Irrigation Questionnaire(s)

Our records indicate that the 2005 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2490-2. The request for the Questionnaire was dated October 28, 2005. The Water Management Board has directed that owners of water permits who have not submitted the 2005 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) 2490-2 qualification:

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

The hearing will be held at 10:30 am, March 2, 2006 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) 2490-2 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 on/or before **February 24, 2006**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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.



Track & Confirm

Current Status

You entered 2303 2160 0000 0799 5043

Your item was delivered at 3:06 pm on January 30, 2006 in TOOELE, UT 84074. The item was signed for by D HULLINGER.

[Shipment Details >](#)

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

Notification Options

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SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0799 5043

DENNIS HULLINGER
535 OAKRIDGE DRIVE
TOOELE UT 84074

Waiver of Signature ☐ YES ☐ NO

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 25, 2006

2490-2

Dennis Hullinger
535 Oakridge Dr
Tooele UT 84074

Dear Mr. Hullinger:

I am writing to acknowledge receipt of your 2005 irrigation questionnaire. Kevin Rittberger faxed the information to our office this morning.

You may disregard the January 24, 2006, "Notice" concerning reporting requirements for Water Permit No. 2490-2.

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
Environmental Scientist
Water Rights Program
(605) 773-3352



**DEPARTMENT of ENVIRONMENT
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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

June 30, 2006

NOTICE OF SHUTOFF ORDER

TO: DENNIS HULLINGER
535 OAKRIDGE DRIVE
TOOELE UT 84074

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program

SUBJECT: Cheyenne River Shutoff Order for Junior Priority Date Water Rights

Shutoff Order for Water Right Nos. 2490-2/2574-2

To protect the senior priority water rights, the department is issuing shutoff orders to junior water right holders with priority dates after January 1, 1970 from Angostura Dam to Belle Fourche River confluence. Effective immediately, no diversions of water from the Cheyenne River and tributaries will be allowed for those permits with a priority date after January 1, 1970.

Flow in the Cheyenne River has dropped to the point where domestic use of water, which includes livestock watering from the river, has become a concern. This order will be rescinded as soon as conditions improve. If conditions do not improve, this order will remain in effect until the end of the calendar year.

I am asking for your cooperation in complying with this shutoff order. The ongoing drought is creating hardship for all the water right holders along the river. If you have any questions, please contact Mark Rath or Lynn Beck with the Water Rights Program at (605) 773-3352. Thank you.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
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523 EAST CAPITOL
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www.state.sd.us/denr

September 5, 2006

2574-2/2490-2/

DENNIS HULLINGER
535 OAKRIDGE DRIVE
TOOELE UT 84074

Dear Sir:

This letter is to inform you that until further notice pumping **will be allowed** to continue under your junior priority water right(s) from the Cheyenne River. Due to recent rains and cooler temperatures, flow in the Cheyenne River has improved and appears to holding steady.

We will continue to monitor the daily stream flows. If flow conditions worsen and domestic use flow is again being impacted, DENR may be forced to again limit pumping.

The USGS maintains a website where you can view real-time stream flow measurements at several sites along the Cheyenne River and it's tributaries at the following web address:

<http://waterdata.usgs.gov/sd/nwis/rt>

If you have any questions, please contact Mark Rath or Lynn Beck with the Water Rights Program at (605) 773-3352. Thank you.

GARLAND ERBELE, Chief Engineer
Water Rights Program

2490-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 5, 2007

Dear Water Right Holder;

Due to the ongoing drought I am advising Cheyenne River water right holders of the possibility of shutoff orders in 2007 for the river reach from Angostura Dam to the Belle Fourche River confluence. This is **not a shutoff order**.

As a result of the continuing lack of precipitation, tributary flows throughout the Cheyenne River basin remain well below the historical average. Angostura Reservoir ended February almost 21-feet below full and the forecast for improved conditions throughout the summer months is not favorable.

This letter is only intended to give you advanced warning that your ability to divert water may be cut short this year. If shut-off orders are issued, you will receive another letter from the department. In the meantime, water right holders can help by closely monitoring water usage and trying to avoid wasting water.

South Dakota water law gives the highest priority to domestic use, which includes livestock watering. There is generally adequate water available to meet both domestic use and other needs. However, once water availability reaches critical low levels, other uses, including irrigation, will begin to interfere with domestic use. If levels become critically low, the department must issue shut-off orders to protect domestic water uses. Once these orders are issued, the department will continue to monitor water availability and should conditions improve, the shutoff orders would be rescinded.

If you are interested, the US Geological Survey has an Internet site showing river flows at 150 stream gauging stations across the state. Go to sd.water.usgs.gov and click on "Realtime streamflow data via satellite".

Thank you for your cooperation. If you have any questions, please contact Mark Rath or Mike DeFea at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE OF SHUTOFF ORDER

June 27, 2007

TO: DENNIS HULLINGER
535 OAKRIDGE DRIVE
TOOELE UT 84074

FROM: GARLAND ERBELE, Chief Engineer
SD DENR Water Rights Program

SUBJECT: Cheyenne River Shutoff Order for Junior Priority Date Water Rights

Shutoff Order for Water Right Nos. 2574-2 (2490-2)

To protect the senior priority water rights, the department is issuing shutoff orders to junior water right holders with priority dates between January 1, 1970 and present for the river reach between the Angostura Dam to Belle Fourche River confluence. Effective immediately, diversions of water from the Cheyenne River and tributaries will not be allowed for those permits with a priority date after January 1, 1970.

Flow in the Cheyenne River continues to decline to the point where domestic use of water, which includes livestock watering from the river, has become a concern. This order will be rescinded as soon as conditions improve. If conditions do not improve, this order will remain in effect until the end of the calendar year.

The USGS maintains a website where you can view real-time stream flow measurements at several sites along the river, the web address is:

<http://waterdata.usgs.gov/sd/nwis/rt>

I am asking for your cooperation in complying with this shutoff order. The ongoing drought is creating hardship for all the water right holders along the river.

If you have any questions concerning this order, please contact either Mark Rath at (605) 773-3352 or Aaron Tieman at (605) 394-2229. Thank you.

To : Mark Rath
Department of Environment and Natural Resources
PMB 2020
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

2490-2
7/02/07

RECEIVED

JUL - 9 2007

WATER RIGHTS
PROGRAM

From: Dennis Hullinger
535 Oakridge Drive
Tooele, UT 84074

12770 Pine Drive
Hot Springs, SD 57747

Subject: Cheyenne River Shutoff Order for Junior Priority Date Water Users
Rights Nos. 2574-2 & 2490-2

Dear Mr. Rath

My name is Dennis Hullinger, and I am the property Manager for the Dakota Hullinger Trust farm alongside the Cheyenne River. I am writing in regards to the shutoff order dated June 27, 2007 by Mr. Garland Erbele of DENR.

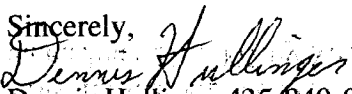
Kibbon Rittberger along with his dad and brother sublease the ground with the understanding that 10% of the crops are to remain unharvested for wildlife. Last week Kibbon spoke to Erik Gronlund about our situation and Erik said he would mention it to you.

Last year a pivot was installed and alfalfa was planted and due to the shutoff order died. In it's place Canadian thistle thrived. We have replanted alfalfa and sprayed for thistle and planted 3 acres of corn and millo for wildlife. — We are asking if we could pump for a 24 hr period once every 10 to 14 days to keep the alfalfa alive so it can cover and kill out the Canadian thistle. --- We could supply the Department with rates from the pivot if needed. — the pivot covers approximately 35 acres.

With a complete shutoff of the irrigation we are greatly concerned that the alfalfa will not become established and that the wildlife enhancing crops will fail and only Canadian thistle will be able to survive.

I appreciate your time in considering our concerns and passing them along to Mr. Erbele. I hope you can help us during this difficult weather period.

Sincerely,



Dennis Hullinger 435-840-0665 ---- cc Rittbergers, Kibbon 605-255-5458

2490-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

JUL 22 2016

2490-2
2574-2

Dennis Hullinger
535 Oak Ridge Dr
Tooele UT 84074

Dear Mr. Hullinger:

Enclosed is Water License No. 2574-2. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

Upon licensing, the applicable portions of Water Permit No. 2490-2 were incorporated into Water License No. 2574-2. As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

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

enclosures

c: Kibbon Rittberger, 25109 Rittberger Rd., Hermosa SD 57744