

WATER PERMIT NO. 2651A-2

Name of Applicant: **James Riley Wallingford**

Address: **4602 S Canyon Rd, Rapid City SD 57702** Phone: **60 388-8335**

Amount of Water Claimed: **1.89 cfs** Total Acres: **132 acres**

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

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

Type of Waste Disposal System:

Location: **1 mile southeast of Tuthill**

PRIORITY Date Received: **8-1-18** Application/License Fee: **\$ 100**

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

Remarks: **Reinstatement of Water Permit No. 2651A-2**

Diversion Point: **NW 1/4 NW 1/4 Sec 33-T37N-R35W**

Land to be Irrigated: **NW 1/4 Sec 33-T37N-R35W**

Depth of Well: **500 feet deep**

Well Driller:

Remarks:

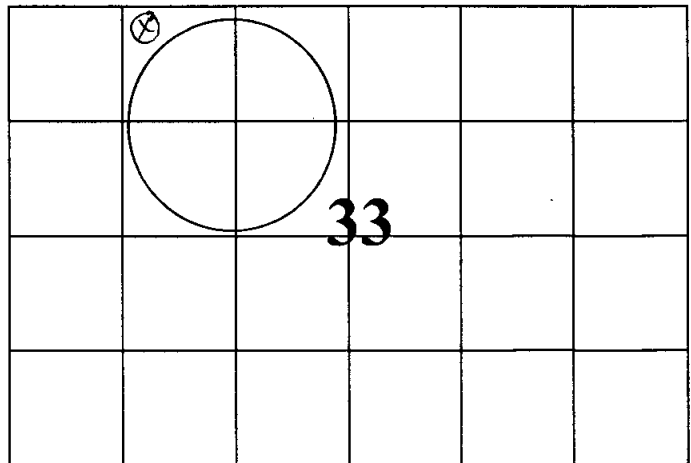
Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **8-1-18**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



SOUTH DAKOTA
WATER PERMIT NO. 2651A-2

Date of first receipt of application August 1, 2018.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2651A-2 to James Riley Wallingford, 4602 S Canyon Rd, Rapid City SD 57702 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. 2651A-2 authorizes reinstatement of Permit No. 2651-2. Permit No. 2651-2 appropriates 1.89 cubic feet of water per second from one well to be completed into the Arikaree Aquifer (500 feet deep) located in the NW 1/4 NW 1/4 Section 33 to irrigate 132 acres located in the NW 1/4 Section 33; all in T37N-R35W. The permit was approved August 23, 2010, and the project was to be completed by August 23, 2015, with water being put to beneficial use by August 23, 2019. Permit No. 2651A-2 reinstates Water Permit No. 2651-2 since the project has not been completed. This project is located approximately 1 mile southeast of Tuthill SD.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – October 31.
3. The date from which applicant may claim right is August 1, 2018.
4. The date of approval of Permit No. 2651A-2 is October 8, 2018.
5. One-fifth of the construction is to be completed on or before April 1, 2021.
6. All construction is to be completed on or before August 1, 2023.
7. Water is to be put to beneficial use on or before August 1, 2027.
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 Permit No. 2651A-2 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 2651A-2 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

OCT 17 2018

date



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

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>2651A-2</u> (office use only) Hydrologic Unit <u>10140203</u>
	Basin <u>White River</u>
	Newspaper <u>Bennett County Booster II</u>
	<u>Rapid City Journal</u>

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Application For Permit To Appropriate Water For Irrigation

Type of Application: ☐ New ☐ Vested Right ☐ Amendment/Correction to Permit No. 2651-2
(Use predates Mar 2, 1955)

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

Reinstatement of Water Permit No. 2651-2

1. Name to Appear on Irrigation Permit James Riley Wallingford

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

Mailing Address 4602 S Canyon Rd Rapid City SD 57702-1880
(Address) (City) (State) (Zip Code)

Phone 605 388-8335 Mobile _____ Email jriley5050@live.com

2. Amount of water claimed 1.89 *CFS or _____ **GPM _____ ***AF Total Acreage 132
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply well

4. Location of point of diversion NW 1/4 NW 1/4 Section 33-T37N-R35W

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

County Bennett

5. County or counties where water will be used Bennett

6. Annual period during which water is to be used May 1 - 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 1/4 NW 1/4 Section 33-T37N-R35W	33		
NE 1/4 NW 1/4 Section 33-T37N-R35W	33		
SW 1/4 NW 1/4 Section 33-T37N-R35W	33		
SE 1/4 NW 1/4 Section 33-T37N-R35W	33		

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

Construction was not completed by August 23, 2015. I was made aware that the permit will be scheduled for cancellation. I am requesting reinstatement as set forth in SDCL 46-2A-8.1.

I, James R. Wallingford, the applicant, certify under
Name of Person Title (if applicable)

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

James Kiley Wallingford

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 28 in. Depth 500 FT.
- b) Casing Type Steel Diameter 16 in. Thickness .216 in.
- c) Screen Type perforated Diameter 16 in. Thickness .216 in.
- d) Gravel Pack Pea Gravel Length of Gravel Pack 500 FT.
- e) Depth to Top of Water Bearing Material 10 FT.
- f) Depth to Water (ground surface to water level) 24 FT.
- g) Distance to nearest existing domestic well:
- On applicant's property 1 Mile On property owned by others 1 Mile

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System

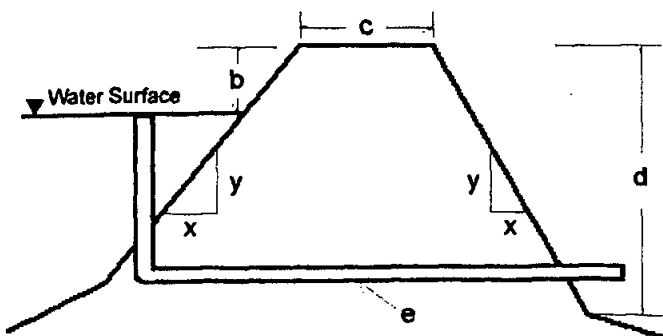
3. Dugout Information

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

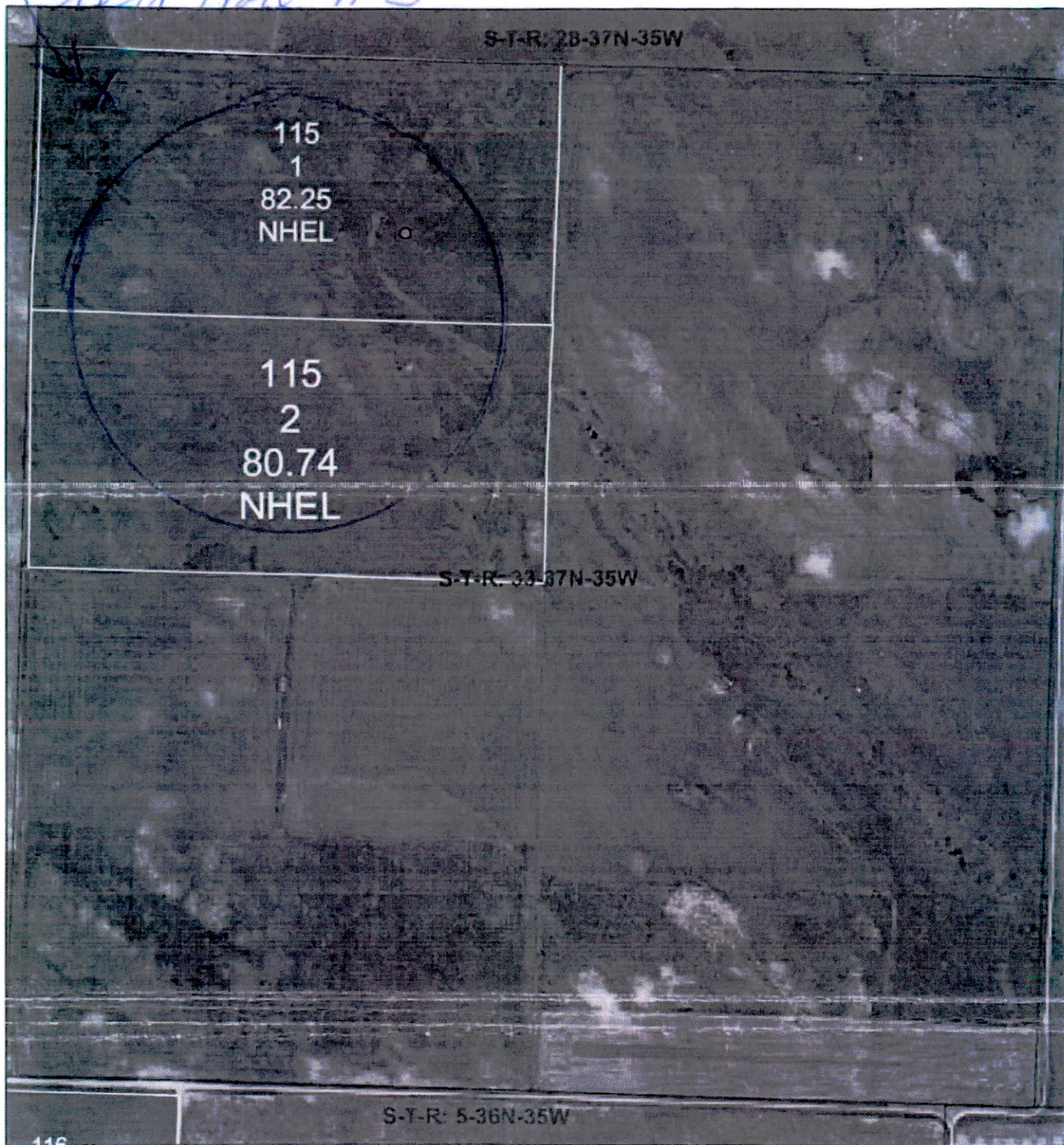
If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:



- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope (e.g. 3 to 1 is a typical slope)
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

Test Hole #3



United States Department of Agriculture
Farm Service Agency

March 04, 2010

PLSS: 33_37N_35W
Farm: 80

Bennett County, SD
1:8,410



Wetland Determination Identifiers
● Restricted Use
○ Limited Restrictions

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

BENNETT COUNTY
FARM SERVICE AGENCY
706 US HWY 18 SUITE 1
MARTIN, SOUTH DAKOTA 57551-2203

2008 Ortho-Photography - Not to Scale

[Signature]
FSA-CED

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date **August 1**

, 20 **18**

James Wallingford 4602 S Canyon Rd Rapid City 57702-1880

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	100	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Reinstatement of Water Permit No. 2651-2		
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. _____	100	00
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	

No. **08755**

By

Jeanne Goodman
Chief Engineer

7.4.18

**Water Rights Program - DENR
Conversation File Documentation**

NAME OF PERSON OR FILE: James "Riley" Wallingford

ADDRESS: 4602 South Canyon Road, Rapid City, 57702-1880

COUNTY: Pennington County

DATE: July 23, 2018 **TELEPHONE:** (605) 388-8335

RE: Licensing of Water Permit No. 2651-2

COMMENTS: I spoke with James Wallingford by phone today concerning licensing of his Permit No. 2651-2. The time to construct on this permit expired 8/23/15. He had drilled test holes for a new well in the NW ¼ Section 33 but had not found a good producing well. He wants to investigate further by drilling additional test wells but progress on this has been complicated by his medical issues. He has a center pivot on hand to place on this quarter section if he can get adequate water.

We discussed the construction deadline which had passed and I explained the process to apply for reinstatement of his water permit if he still wants additional time. Reinstatement would be less costly than applying for a new permit but must be applied for within three years of the construction deadline which would be 8/23/2018. He will call Eric Gronlund today and get the details for reinstatement and I told him I would submit the existing permit for cancellation.

NAME: Steven Quissell, Water Rights Inspector

A handwritten signature in black ink, appearing to read "Steven Quissell". The signature is stylized with large, flowing loops and is positioned below the printed name.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2651A-2, James Riley Wallingford**

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. 2651A-2, James Riley Wallingford, 4602 S Canyon Road, Rapid City SD 57702.

The Chief Engineer is recommending APPROVAL of Application No. 2651A-2 to reinstate Water Permit No. 2651-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under Permit No. 2651A-2 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 2651A-2 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

for 
Jeanne Goodman, Chief Engineer
September 17, 2018

REPORT ON PERMIT APPLICATION NO. 2651A-2
JAMES RILEY WALLINGFORD
August 21, 2018

Water Permit Application No. 2651A-2 proposes to reinstate Water Permit No. 2651-2. Water Permit No. 2651-2 authorized the diversion of 1.89 cubic feet of water per second (cfs) from one well to be completed into the Arikaree aquifer (approximately 500 feet deep) located in the NW¼ NW¼ Section 33 to irrigate 132 acres located in the NW¼ Section 33; all in T37N-R35W approximately 1 mile southeast of Tuthill in Bennett County, South Dakota.

Water Permit No. 2651-2 was approved on August 23, 2010, with a required project completion date of August 23, 2015. A licensing inspection revealed that the irrigation system was not constructed within the 5-year completion date of the original permit.

Water Permit Application No. 2651A-2 to reinstate Water Permit No. 2651-2 is made pursuant to South Dakota Codified Law (SDCL) 46-2A-8.1 which allows the Water Management Board to reinstate water permits with a priority date after March 31, 1977, if unappropriated water is available and construction necessary to put water to beneficial use was not completed pursuant to § 46-2A-8 or 46-5-26. The priority date for Water Permit No. 2651-2 is April 19, 2010, and the priority date for Water Permit Application No. 2651A-2 if approved, will be August 1, 2018.

Aquifer: Arikaree aquifer (ARKR)

Hydrogeology

The Arikaree Formation is overlain by the Batesland and Ogallala Formations and is hydraulically connected to them (Filipovic, 2011). Combined, these three formations make up the High Plains aquifer in South Dakota. The High Plains aquifer underlies an area of approximately 174,000 square miles of the central United States east of the Rocky Mountains in the Great Plains. Parts of Colorado, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, and Wyoming are underlain by the High Plains aquifer (Gutentag, Heimes, Krothe, Luckey, & Weeks, 1984). The high plains aquifer underlies the entirety of Bennett County and is the primary source for municipal, irrigation, and domestic use in Bennett County (Filipovic, 2011). To better manage this regional resource, the South Dakota Department of Environment and Natural Resources (SD DENR) Water Rights Program, and the South Dakota Water Management Board have historically considered the High Plains aquifer to be comprised of the Ogallala aquifer and the Arikaree aquifer.

In the area of this proposed application, the Batesland and Ogallala Formations have weathered away leaving the Arikaree Formation outcrop (Figure 1). The Arikaree Formation in Bennett County is composed of pinkish-tan to red, greenish, brown massive very fine to fine sandstone, sandy clay, silty sand, siltstone, beds of volcanic ash, claystone, and limestone (Filipovic, 2011; Weeks & Gutentag, 1981). The areal extent of the Arikaree Formation outcrop in South Dakota was estimated by Martin, Sawyer, Fahrenbach, Tomhave, & Schulz (2004) to be 1,514,082 acres.

In the vicinity of this proposed application, the water table of the Arikaree aquifer is expected to be approximately 15 feet below grade with a general direction of groundwater movement to the northeast and the aquifer having an average thickness of 450-550 feet (Davis, Putnam, & LaBelle, 2015; Filipovic, 2011; Water Rights, 2018a). The Arikaree aquifer is unconfined in the area of Application No. 2651A-2 (Water Rights, 2018a; Water Rights, 2018c).

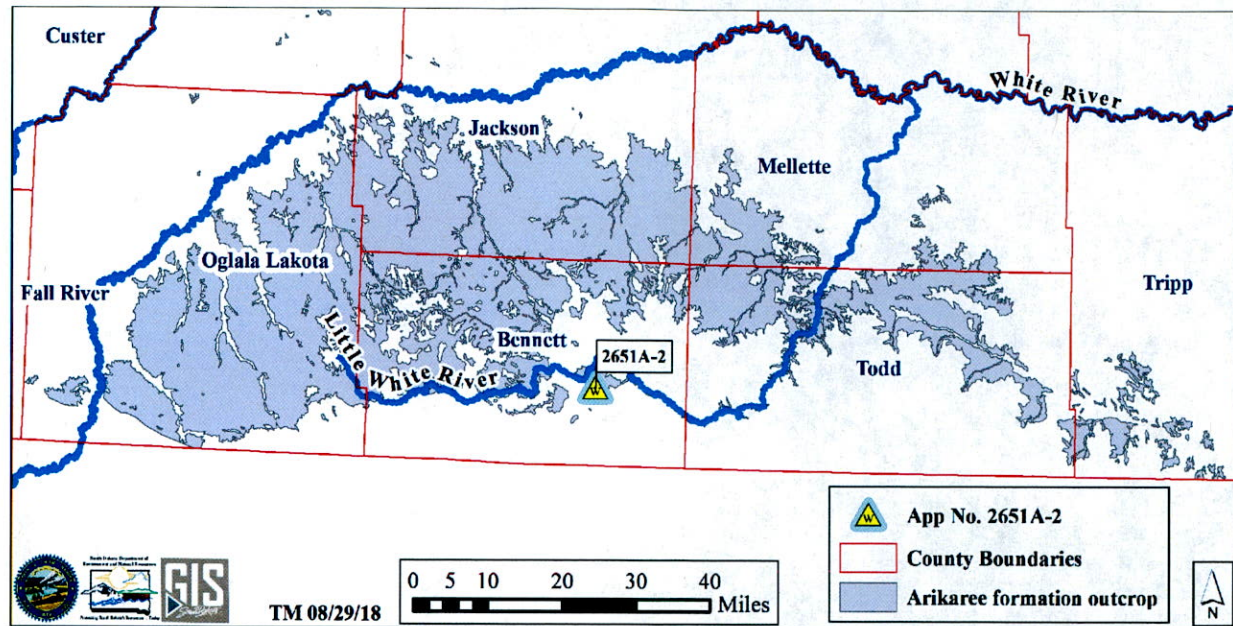


Figure 1: Location of the proposed diversion point and the extent of the Arikaree Formation outcrop in South Dakota (Martin, Sawyer, Fahrenbach, Tomhave, & Schulz, 2004; Water Rights, 2018a)

SDCL 46-2A-9

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

Water Availability

SDCL 46-6-3.1 is considered when evaluating the probability of unappropriated water from an aquifer and states "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. An application may be approved, however, for withdrawals of groundwater from any groundwater formation older than or stratigraphically lower than the greenhorn formation in excess of the average estimated annual recharge for use by water distribution systems." Here, the Arikaree Formation is not older or lower than the

Greenhorn Formation, and there is no water distribution system involved. Therefore, the average annual recharge and withdrawal rates from the aquifer must be considered.

Hydrologic Budget

Recharge

Recharge to the Arikaree aquifer occurs through infiltration of precipitation on the outcrop of the Arikaree Formation (Figure 1). Davis, Putnam, & LaBelle (2015) estimated that the average annual recharge rate of the Arikaree aquifer was 1.1 in/yr for the period of 1980-2009 for the outcrop areas in Bennett, Jackson, and Oglala Lakota counties using conceptual and numerical models that accounted for evapotranspiration. Based on the average annual recharge rate of 1.1 in/yr and an estimated outcrop area of 1,514,082 acres would generate 138,791 ac-ft/yr of average recharge annually. This does not account for areas where precipitation infiltrates through the Ogallala aquifer and into the Arikaree aquifer. This estimate is conservative, and there is likely more recharge occurring to the Arikaree aquifer in South Dakota.

Discharge

Discharge from the Arikaree aquifer occurs through evapotranspiration in areas where the aquifer is near land surface, discharge to streams, and well withdrawals (Davis, Putnam, & LaBelle, 2015). The mean annual maximum potential evapotranspiration rate for the Arikaree aquifer in South Dakota was estimated by Davis, Putnam, & LaBelle (2015) for Bennett, Jackson, and Oglala Lakota counties to average 35.4 inches per water year and was accounted for in their estimated average annual recharge rate. Currently, there are a total of 39 water rights/permits appropriating water from the Arikaree aquifer in South Dakota (Water Rights, 2018a). All current non-irrigation water rights/permits appropriating water from the Arikaree aquifer are summarized in Table 1. The amount of water that can be expected to be withdrawn can be estimated by assuming water rights/permits limited only by diversion rate will pump at the maximum permitted diversion rate 60 percent of the time.

Table 1: Summary of expected use from non-irrigation water rights/permits from the Arikaree aquifer in South Dakota (Water Rights, 2018a).

Use Type	No. of Water Rights/Permits	Rate (cfs)	Expected Annual Use (ac-ft)
COM	1	0.022	9.56
DOM	1	0.038	16.51
FWP	1	0.1	43.44
INS	1	0.07	30.41
MUN	4	2.04	886.14
Total	8	2.27	986.04
COM = Commercial, DOM = Domestic, FWP = Fish and wildlife propagation, IND = Industrial, MUN = Municipal			

There are 31 water rights/permits currently authorized to appropriate water for irrigation from the Arikaree aquifer. Out of the 31 water rights/permits for irrigation, there are 3 water permits including Water Permit No. 2651-2 that have not submitted irrigation questionnaire data. Water Permit No. 2651-2 is not yet developed and is not reporting pumping data. The other 2 water permits are limited to an annual volume and assumed to use their full appropriation combined will pump 1,354 ac-ft/yr. Historical irrigation questionnaire data was analyzed for the remaining permits for the period 1982-2017 and is summarized in Figure 2. Using the reported pumping data for the years 1982-2017 results in an estimated average annual withdrawal for irrigation rights/permits of 2,011 ac-ft/yr. Therefore, the total estimated average annual withdrawal by irrigation rights/permits is 3,365 ac-ft/yr.

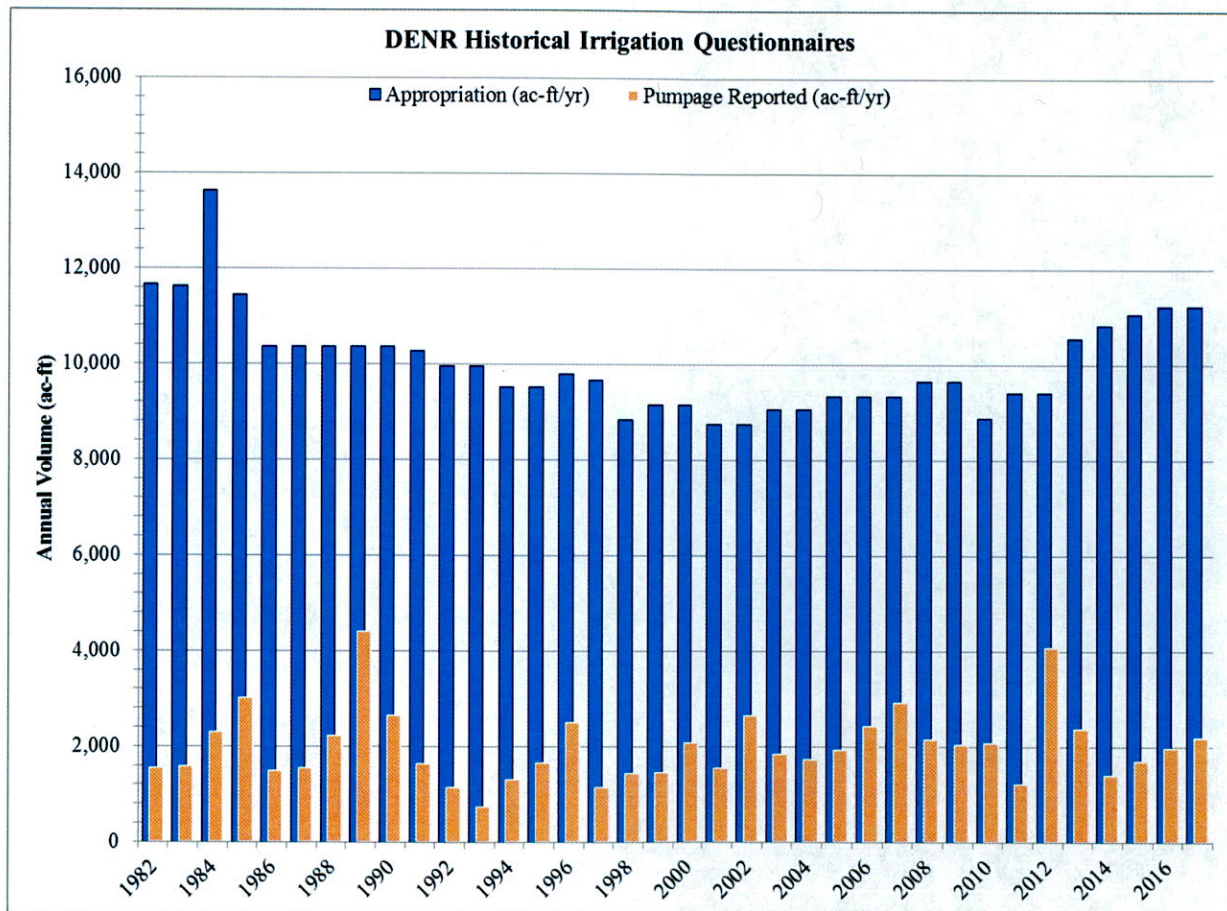


Figure 2: Historical Irrigation questionnaire data from the Arikaree aquifer in South Dakota (Water Rights, 2018d)

There are a number of well completion reports on file with SD DENR- Water Rights Program for domestic wells that appear to be completed into the Arikaree aquifer. However, due to the low population density, their annual withdrawal is not significant to the hydrologic budget for the aquifer (Water Rights, 2018b).

Hydrologic budget summary

The average annual recharge rate to the Arikaree aquifer in South Dakota was estimated to be 138,791 ac-ft/yr. Combining the estimated average annual irrigation withdrawals (3,365 ac-ft/yr) to the estimated average annual withdrawals by the non-irrigation water rights/permits (986 ac-ft/yr), the estimated average annual withdrawal from the Arikaree aquifer is 4,351 ac-ft/yr. Subtracting the estimated average annual withdrawal from the estimated average annual recharge (138,791 ac-ft/yr) for the Arikaree aquifer results in 134,440 ac-ft/yr of unappropriated water.

Observation Well Data

In determining the availability of unappropriated water for a permit application Administrative Rule of South Dakota (ARSD) 74:02:05:07 requires the Water Management Board to rely on the record of observation well measurements, in addition to other data, to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge to the aquifer.

The DENR-Water Rights Program monitors 36 observation wells completed into the Arikaree aquifer (Water Rights, 2018c). The location of this proposed application is within a reasonable distance of several observation wells. These observation wells provide data on how the aquifer reacts to regional climatic conditions and local pumping. Two nearby observation wells that can be used for analysis are BT-78G (1.1 miles northwest) and BT-83D (1.6 miles southeast) as seen in Figure 3.

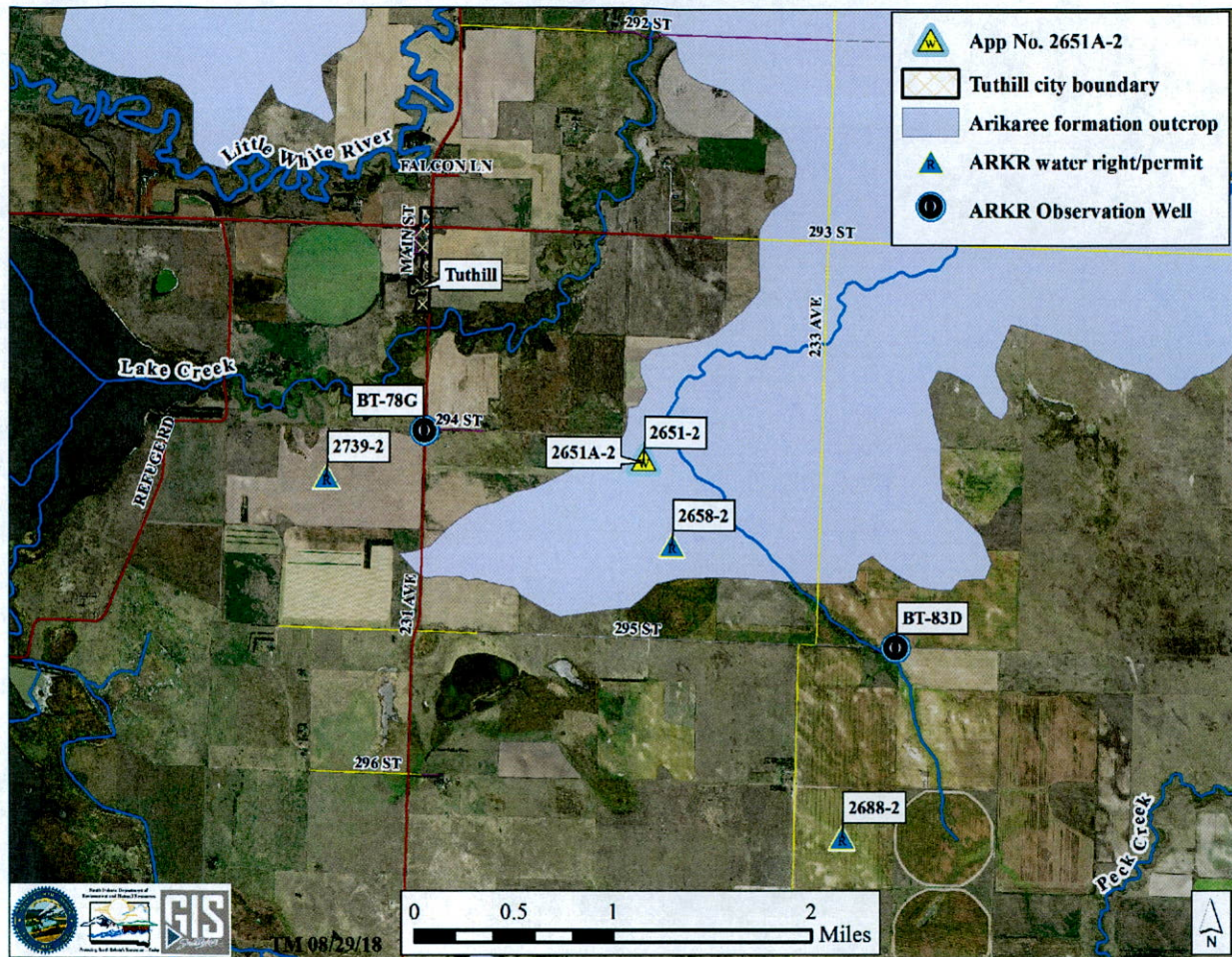


Figure 3: Map showing observation wells used for analysis, proposed diversion point for Permit Application No. 2651A-2, Arikaree Formation outcrop extent, and nearby water rights/permits completed into the Arikaree aquifer (ARKR) (Martin, Sawyer, Fahrenbach, Tomhave, & Schulz, 2004; Water Rights, 2018a; Water Rights, 2018c).

The hydrographs for BT-78G and BT-83D are shown in Figure 4. These observation well hydrographs are representative of the Arikaree aquifer and show that the aquifer responds well to hydrologic conditions, recharging during wetter periods and declining during drier periods.

The water levels in the observation wells show that the amount of recharge to and natural discharge from the aquifer greatly exceeds pumping with the aquifer returning to pre-pumping condition. Therefore, recharge to, and natural discharge from the Arikaree aquifer can be captured for pumping, and the hydrographs document that unappropriated water is available for this proposed appropriation.

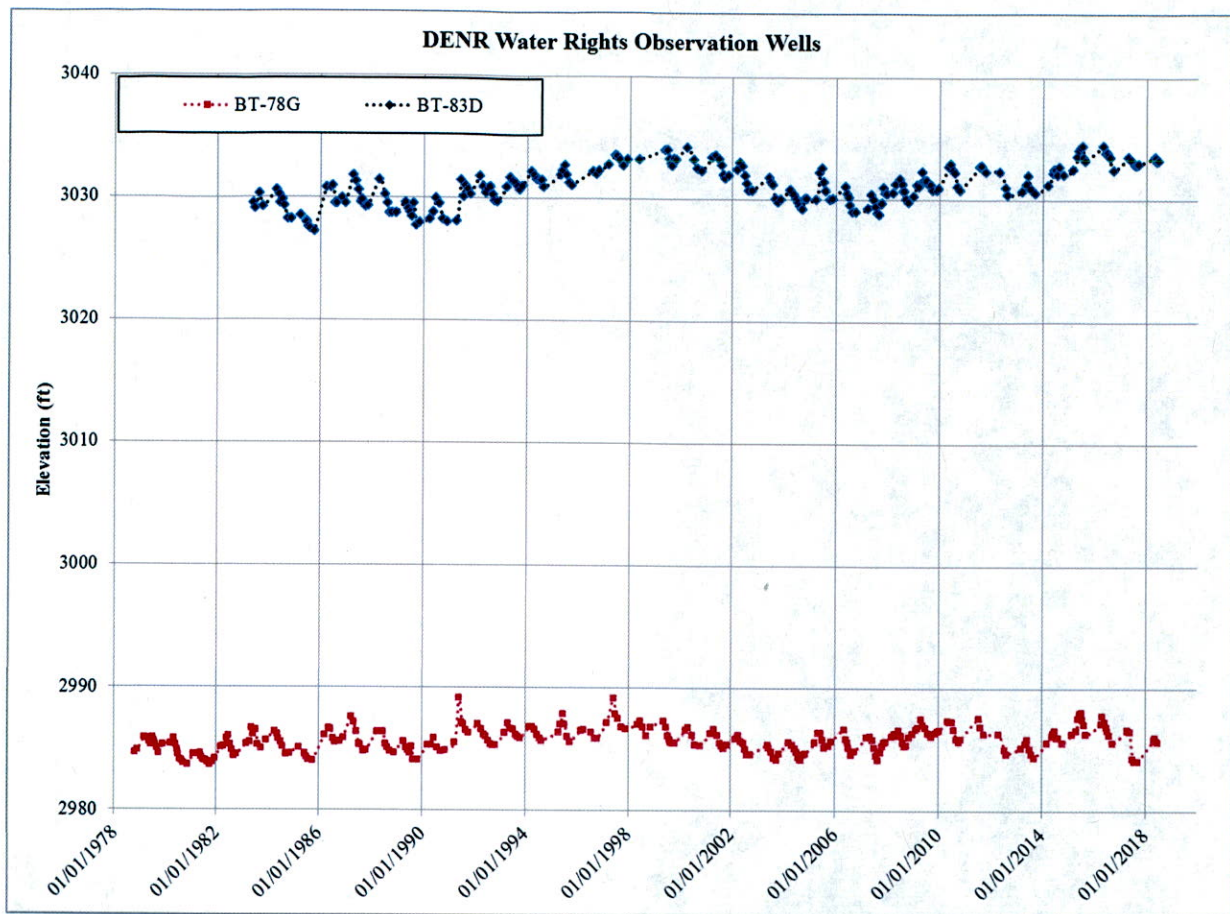


Figure 4: Hydrographs for Observation Wells BT-78G and BT-83D (Water Rights, 2018c)

Existing Water Rights

Currently, there are 39 water rights/permits appropriating water from the Arikaree aquifer (Water Rights, 2018a). There are 4 diversion points for water rights/permits currently authorized to withdraw water located within a 2.5-mile radius of the proposed application, listed in Table 2 and illustrated in Figure 3. The applicant currently holds Water Permit Nos. 2651-2 and 2658-2. The nearest water right/permit not owned by the applicant and completed into the Arikaree aquifer is located approximately 1.6 miles to the southwest. The four surrounding water rights/permits are used for irrigation (Water Rights, 2018a). There are a number of domestic wells on file with the SD DENR-Water Rights Program within 2.5 miles of the proposed well site that appear to be completed into the Arikaree aquifer (Water Rights, 2018b).

Table 2: Water rights/permits appropriating water from the Arikaree aquifer in the vicinity of the well site proposed by Water Permit Application No. 2651A-2 (Water Rights, 2018a).

Permit No.	Name	Status	Use	Rate (cfs)	Acres
2651-2	James Riley Wallingford	PE	IRR	1.89	132
2658-2	James Riley Wallingford	LC	IRR	1.56	132
2688-2	Dennis Bakley	PE	IRR	4	280
2739-2	Platte Htrn Brth	PE	IRR	4	280
LC = water right, PE = water permit, IRR = irrigation					

The Arikaree aquifer is unconfined in this area, so drawdown from pumping is not expected to be significant far from the proposed well site. Observation well data can provide insight into how the aquifer reacts to local pumping. Over the period of record, the water levels shown in the hydrographs for observation wells BT-78G and BT-83D (Figure 4) have remained stable. Saturated thickness of the Arikaree aquifer in this area is expected to be 435-535 feet. This would allow sufficient saturated thickness for a pump to be placed 20 feet below the top of the aquifer. An adequate well should not be adversely impacted by pumping at this proposed diversion rate.

An adequate well as defined in (ARSD) 74:02:04:20(6):

“A well constructed or rehabilitated to allow various withdrawal methods to be used, to allow the inlet to the pump to be placed not less than 20 feet into the saturated aquifer or formation material when the well is constructed, or to allow the pump to be placed as near to the bottom of the aquifer as is practical if the aquifer thickness is less than 20 feet.”

The applicant holds Water Permit No. 2658-2, and there have been no reports or complaints of adverse effects associated with the permit. Considering the lack of well interference complaints and the saturated thickness of the Arikaree aquifer in the area, well interference from this proposed diversion is not expected to cause an adverse impact. Therefore, there is a reasonable probability that any interference created by pumping for this proposed appropriation will not be adverse.

Conclusions

1. Water Permit Application No. 2651A-2 proposes to reinstate Water Permit No. 2651-2.
2. SDCL 46-2A-8.1 allows for the Water Management Board to reinstate water permits if unappropriated water is available and construction necessary to put water to beneficial use was not completed pursuant to § 46-2A-8 or 46-5-26.
3. Water Permit No. 2651-2 authorizes the irrigation of 132 acres at a maximum diversion rate of 1.89 cfs from one well (500 feet) to be completed into the Arikaree aquifer in Bennett County.
4. Based on observation well data and the hydrologic budget, there is a reasonable probability that unappropriated water is available from the Arikaree aquifer.
5. There is a reasonable probability that the diversion proposed by this application will not adversely impact adequate wells for existing water rights and domestic use.


Timothy Magstadt

Natural Resources Engineer

SD DENR – Water Rights Program

References

- Davis, K. W., Putnam, L. D., & LaBelle, A. R. (2015). *Conceptual and Numerical Models of Groundwater Flow in the Ogallala and Arikaree Aquifers, Pine Ridge Indian Reservation Area, South Dakota, Water Years 1980–2009, Scientific Investigations Report 2014–5241*. Reston, VA: U.S. Geological Survey.
- Filipovic, D. (2011). *Hydrogeologic Assessment Of The High Plains Aquifer In Bennett County, South Dakota, Open-File Report 92-UR*. South Dakota: Department of Environment And Natural Resources.
- Gutentag, E. D., Heimes, F. J., Krothe, N. C., Luckey, R. R., & Weeks, J. B. (1984). *Geohydrology of the High Plains Aquifer In Parts of Colorado, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, and Wyoming, Professional Paper 1400-B*. U.S. Geological Survey.
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Sept 26 L21095804

**NOTICE OF APPLICATION
NO. 2651A-2 to Reinstate
Water Permit No. 2651-2**

Notice is given that James Riley Wallingford, 4602 S Canyon Rd, Rapid City SD 57002 has filed an application for a water permit to reinstate Permit No. 2651-2. Permit No. 2651-2 appropriates 1.89 cubic feet of water per second from one well to be completed into the Arikaree Aquifer (500 feet deep) located in the NW 1/4 NW 1/4 Section 33 to irrigate 132 acres located in the NW 1/4 Section 33; all in T37N-R35W. The permit was approved August 23, 2010, and the project was to be completed by August 23, 2015, with water being put to beneficial use by August 23, 2019. Application No. 2651A-2 proposes to reinstate Water Permit No. 2651-2 since the project has not been completed. Approval of No. 2651A-2 will cancel No. 2651-2. This project is located approximately 1 mile southeast of Tuthill SD.

Application No. 2651A-2 to reinstate Permit No. 2651-2 is made pursuant to SDCL 46-2A-8.1 which allows for reinstatement with a new priority date, if unappropriated water is available when construction, necessary to put water to beneficial use, is not completed within the five years of approval of the permit.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2651A-2 to reinstate Permit No. 2651-2 with qualifications because unappropriated water is available. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

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 October 8, 2018.

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.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

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

(Published once at the total approximate cost of \$76.83)

Affidavit of Publication

RECEIVED

OCT 01 2018

WATER RIGHTS
PROGRAM

STATE OF SOUTH DAKOTA

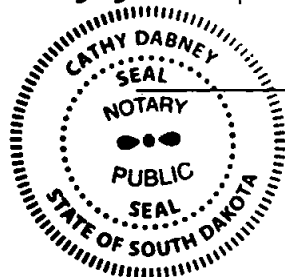
County of Pennington

SS:

Sheri Sponder being first duly sworn, upon his/her oath says: That he/she is now and was at all time hereinafter mentioned, an employee of the RAPID CITY JOURNAL, a corporation of Rapid City, South Dakota, the owner and publisher of the RAPID CITY JOURNAL, a legal and daily newspaper printed and published in Rapid City, in said County of Pennington, and has full and personal knowledge of all the facts herein stated as follows: that said newspaper is and at all of the times herein mentioned has been a legal and daily newspaper with a bonafide paid circulation of at least Two Hundred copies daily, and has been printed and published in the English language, at and within an office maintained by the owner and publisher thereof, at Rapid City, in said Pennington County, and has been admitted to the United States mail under the second class mailing privilege for at least one year prior to the publication herein mentioned; that the advertisement, a printed copy of which, taken from said Rapid City Journal, the paper in which the same was published, is attached to this sheet and made a part of this affidavit, was published in said paper once each day for one successive day, the first publication there of being on the 26th day of Sept 2018 that the fees charged for the publication there of are 70 dollars and 83 cents.

Sheri Sponder

Subscribed and sworn to before me this 26th day of September, 2018.



Cathy Dabney
Notary public

4-16-2024

My commission expires

Affidavit of Publication

State of South Dakota

County of Bennett

Taylor Risse, being, first duly sworn, on oath, says: That he/she is an employee of Huether Publishing, Inc., and that the **Bennett County Booster** is, and during all the times hereinafter mentioned was, a weekly legal newspaper as defined in the SDCL 17-2-2.1 through the 17-2-2.4 inclusive; that said newspaper has been published within the said county of Bennett and State of South Dakota, for at least one year prior to the first publication of the attached public notice, and that the printed copy of which, taken from the paper in which the same was published, and which is hereto attached and made a part of this affidavit, was published in said newspaper for 1 successive week(s) to wit:

September 26, 2018

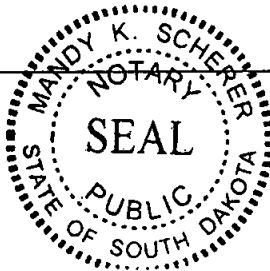
That the full amount of the fee charged for the publication of the attached public notice, \$39.33 insures to the sole benefit of the publisher or publishers; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are:

Signed: Taylor Risse

Subscribed and sworn to before me this 26 day of September, 2018.

Mandy K. Scherer
Notary Public

My Commission Expires
December 9, 2021



Legal Notices

Notice of Application No. 2651A-2 to Reinstate Water Permit No. 2651-2

Notice is given that James Riley Wallingford, 4602 S Canyon Rd, Rapid City SD 57002 has filed an application for a water permit to reinstate Permit No. 2651-2. Permit No. 2651-2 appropriates 1.89 cubic feet of water per second from one well to be completed into the Arikaree Aquifer (500 feet deep) located in the NW 1/4 NW 1/4 Section 33 to irrigate 132 acres located in the NW 1/4 Section 33; all in T37N-R35W. The permit was approved August 23, 2010, and the project was to be completed by August 23, 2015, with water being put to beneficial use by August 23, 2019. Application No. 2651A-2 proposes to reinstate Water Permit No. 2651-2 since the project has not been completed. Approval of No. 2651A-2 will cancel No. 2651-2. This project is located approximately 1 mile southeast of Tuthill SD.

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2651A-2 to reinstate Permit No. 2651-2 with qualifications because unappropriated water is available. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

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 October 8, 2018.

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Steven M. Pirner, Secretary,
Department of Environment and Natural Resources.
Published once at the total approximate cost of \$39.33
Published: September 26, 2018

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, September 17, 2018 1:26 PM
To: RCY Legals (legals@rapidcityjournal.com)
Subject: 2651A-2, James Riley Wallingford
Attachments: 2651A-2public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on September 26, 2018.

James Riley Wallingford, 4602 S Canyon Rd, Rapid City SD 57702 (605 388-8335) has been notified to contact you to authorize publication and arrange for payment.

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

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

Karen Schlaak

SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, September 17, 2018 1:25 PM
To: booster@gwtc.net
Subject: 2651A-2, James Riley Wallingford
Attachments: 2651A-2public.short.docx; FORM8.FRM.doc

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Karen Schlaak
SD DENR, Water Rights Program
(605) 773-3352





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 NEWSPAPERS RIGHT AWAY.**

September 17, 2018

James Riley Wallingford
4602 S Canyon Rd
Rapid City SD 57002

Dear Mr. Wallingford:

Water Permit Application No. 2651A-2 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Bennett County Booster II printed at Martin SD (Ph # 605 685-6866) and the Rapid City Journal printed at Rapid City SD (Ph # 605 394-8300). You will need to contact the newspapers and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspapers to authorize publication of your Notice and to arrange for payment. Early contact with the papers can eliminate delays. Upon receiving authorization from you, the 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 September 26, 2018. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 2651A-2 to Reinstate Water Permit No. 2651-2

Notice is given that James Riley Wallingford, 4602 S Canyon Rd, Rapid City SD 57002 has filed an application for a water permit to reinstate Permit No. 2651-2. Permit No. 2651-2 appropriates 1.89 cubic feet of water per second from one well to be completed into the Arikaree Aquifer (500 feet deep) located in the NW 1/4 NW 1/4 Section 33 to irrigate 132 acres located in the NW 1/4 Section 33; all in T37N-R35W. The permit was approved August 23, 2010, and the project was to be completed by August 23, 2015, with water being put to beneficial use by August 23, 2019. Application No. 2651A-2 proposes to reinstate Water Permit No. 2651-2 since the project has not been completed. Approval of No. 2651A-2 will cancel No. 2651-2. This project is located approximately 1 mile southeast of Tuthill SD.

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2651A-2 to reinstate Permit No. 2651-2 with qualifications because unappropriated water is available. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

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 October 8, 2018.

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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
<http://denr.sd.gov>

OCT 17 2018

James Riley Wallingford
4602 S Canyon Rd
Rapid City SD 57702

Dear Mr. Wallingford:

Enclosed is Water Permit No. 2651A-2 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

PAID

NOV 12 2020

Ck# 0112

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

NOV 12 2020

WATER RIGHTS
PROGRAM

No. 2651A-2

Date: 11/8/2020

I/We request that Water Permit No. 2651A-2

formerly owned by: James Riley Wallingford

be transferred to: (name & address) Estate of James Riley Wallingford
677 Savanna Trail Delano, MN 55328

Telephone

No. 763 972 7114

Title to the following described land(s)/property has been transferred as described above:

132 acres – NW ¼ Section 33, T37N, R35W

I/We understand that the validity of Water Permit No. 2651A-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Amy Wallingford, the new owner, certify that the above information is true and correct.

Amy Wallingford, P.R. for the Estate
(Signed by new owner)
of James Riley Wallingford

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

2651A-2

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Environment and Natural Resources

Date November 12, 2020RECEIVED OF Estate of James Riley Wallingford 677 Savanna Trail Delano MN 55328

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$
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. _____	\$
Fee for Filing Transfer Form <u>2651A-2</u>	\$50.00
Fee for _____	\$
Fee for Issuing New Well Driller's License No. _____	\$
Fee for Renewal of Well Driller's License No. _____	\$
Fee for Issuing Well Pump Installer's License No. _____	\$
Fee for Renewal of Well Pump Installer's License No. _____	\$
(Any Other Work Provided by Law) TOTAL	\$50.00

By Eric Gronlund
Chief Engineerme

2651A-2



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

November 12, 2020

2651A-2
2658-2

Amy Wallingford
677 Savanna Tr
Delano MN 55328

Dear Ms. Wallingford:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for changing ownership on Water Right/Permit Nos. 2651A-2 and 2658-2.

The ownership changes have been completed. Nos. 2651A-2 and 2658-2, formerly held by James Riley Wallingford are now listed under the "Estate of James Riley Wallingford".

Enclosed are receipts for the filing fees you paid. If I can answer any questions, please let me know.

Sincerely,

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

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

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 7, 2026

2651A-2

The Estate of James Riley Wallingford
c/o Amy Wallingford
677 Savanna Trail
Delano MN 55328

Dear Ms. Wallingford:

I write to you today in response to the 2025 Irrigation Questionnaire information submitted online for Water Permit No. 2651A-2, which authorizes irrigation of 132 acres located in the NW ¼ Section 33-T37N-R35W, Bennett County, South Dakota.

Permit No. 2651A-2 was approved on October 8, 2018, with construction to be completed by August 1, 2023.

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

Please contact me via email or by calling my direct line (605) 910-5187 to discuss cancellation of Permit No. 2651A-2.

Sincerely,

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