

WATER PERMIT NO. 2658-2

Name of Applicant: James Riley Wallingford

Address: 4602 S Canyon Rd, Rapid City SD 57702 Phone: 605 388-8335

Amount of Water Claimed: 1.89 cfs Total Acres: 132

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation County: Bennett

Type of Waste Disposal System: NA

Location: 2 miles southeast of Tuthill

PRIORITY Date Received: 10-6-10 Application/License Fee: \$1,050

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

Remarks:

Diversion Point: N1/2 SW ¼ Sec 33-T37N-R35W

Land to be Irrigated: SW ¼ Sec 33-T37N-R35W

Depth of Well: 320 feet

Well Driller:

Remarks:

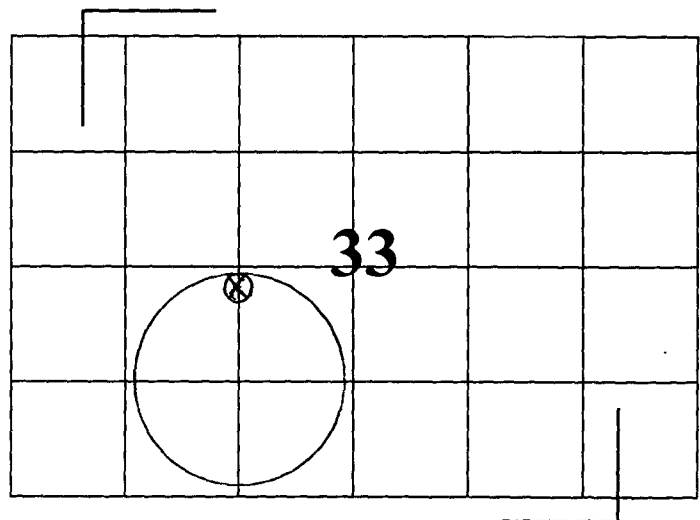
Type of Map: aerial

Prepared by: Eric Gronlund

Reviewed and the Number Assigned on: 10-6-10

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



FORM 2: Application for irrigation in South Dakota

(type or print)

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>2658-2</u> (office use only)	Hydrologic Unit <u>10140203</u>
	Basin <u>White River</u>	
	Newspaper <u>Bennett Co. Booster II P.O. Box 610</u>	
	<u>Martin SD 57551 605-685-1686</u>	

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WATER RIGHTS
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Application For Permit To Appropriate Water For Irrigation

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

(Use predates Mar 2, 1955)

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

1. Name of Applicant James Riley Wallingford Phone 605 388 8335(check one) ☒ Owner ☐ Tenant/lesseeMailing Address 4602 S. Canyon Road Rapid City SD 57702-1880
(Address) (City) (State) (Zip Code)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 Arikaree4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R35W) County Bennett
N 1/2 SW 1/4 Section 33, T37N, R35W (150 feet south of original well)5. County or counties where water will be used Bennett6. Annual period during which water is to be used April 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 SW 1/4 Section 33, T37N, R35W	33		
NE 1/4 SW 1/4 Section 33, T37N, R35W	33		
SW 1/4 SW 1/4 Section 33, T37N, R35W	33		
SE 1/4 SW 1/4 Section 33, T37N, R35W	33		

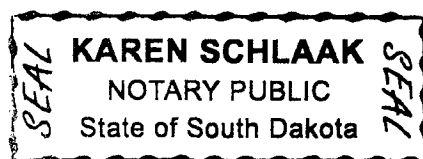
8. Give a description of the project. (Attach sheet if more space is needed)

Applying for water permit to irrigate acreage authorized by Water Right No. 1483-2 which with the exception of 2009 hasn't been irrigated since 1990

STATE OF SOUTH DAKOTA

County of Bennett

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

I, James Riley Wallingford 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 James Riley WallingfordSubscribed and sworn to before me this 6th day of October 20 10
Karen Schlaak
Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 2658-2**

Date of first receipt of application October 6, 2010.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2658-2 to James Riley Wallingford, 4602 S Canyon Rd, Rapid City SD 57702-1880 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. 2658-2 appropriates 1.89 cubic feet of water per second from one well to be completed into the Arikaree Aquifer (approximately 320 feet deep) located in N ½ SW ¼ Section 33 for irrigation of 132 acres located in the SW ¼ Section 33; all in T37N-R35W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The date from which applicant may claim right is October 6, 2010.
4. The date of approval of Permit No. 2658-2 is November 8, 2010.
5. One-fifth of the construction is to be completed on or before May 8, 2013.
6. All construction is to be completed on or before November 8, 2015.
7. Water is to be put to beneficial use on or before November 8, 2019.
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 this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner 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. 2658-2 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: Garland Erbele

Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

NOV 12 2010

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter _____ Depth 320
- b) Casing Type _____ Diameter 16" Thickness _____
- c) Screen Type _____ Diameter 16" Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 28 feet
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
On applicant's property _____ On property owned by others _____

2. Wastewater Disposal System Information

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

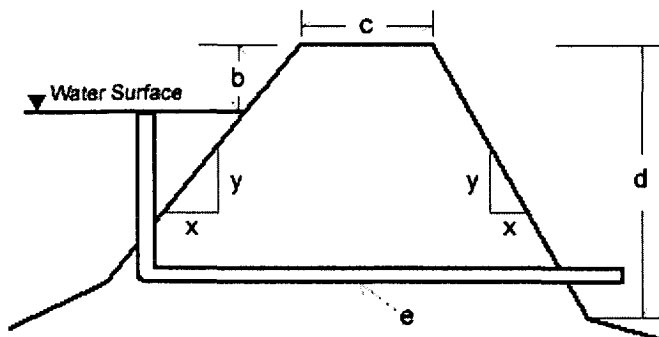
3. Dugout Information

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

4. Water Storage Dams

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

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



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

James Riley Wallingford's Water Permit Application



0 315 630 1,260 1,890 2,520 Feet

Irrigation of SW 1/4 Section 33, T37N, R35W



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**WATER RIGHTS
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Eric Gronlund
Water Rights Program, DENR
605 773-3352

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date October 6, 2010

RECEIVED OF James Riley Wallingford, PO Box 8335, Rapid City SD 57709

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

Fee for Application for Permit No. <u>2658-2</u> to Appropriate Water, to construct and to put water to beneficial use	850.00
Fee for Application for Permit No. _____ to Appropriate Water for Future use	
Fee to retain Future Use Permit No. _____ after period of seven years.	
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>2658-2</u>	200.00
Fee for Filing Transfer Form _____	
Fee for _____	
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____	
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____	
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____	
(Any Other Work Provided by Law)	
TOTAL	1,050.00

No. 04625

By Michael E. Baker
Chief Engineer KS



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2658-2, 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. 2658-2, James Riley Wallingford, 4602 S Canyon Road, Rapid City SD 57702-1880.

The Chief Engineer is recommending APPROVAL of Application No. 2658-2 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 this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner 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. 2658-2 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.

Garland Erbele, Chief Engineer
October 13, 2010

**Report on Water Permit Application No. 2658-2
for James Riley Wallingford
October 7, 2010**

Application No. 2658-2 proposes to appropriate 850 gallons per minute (1.89 cfs) from one well approximately 320 feet deep to be completed into the Arikaree aquifer located in the N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 33 to irrigate 132 acres in the SW $\frac{1}{4}$ Section 33 all in T37N-R35W in Bennett County. The annual period during which water will be used is April 1 through October 31.

Water Permit No. 1483-2, held by James R. Wallingford was cancelled by the South Dakota Water Management Board on October 6, 2010. Permit No. 1483-2 authorized 900 gallons per minute (2.0 cfs) to irrigate 144 acres in the SW corner of Section 33 in T37N-R35W in Bennett County.

AQUIFER: Arikaree (ARKR)

This report will address the availability of unappropriated water from the Arikaree aquifer.

WATER AVAILABILITY

Aquifer Characteristics:

The Arikaree Formation is a regionally continuous, bedrock formation comprised mostly of siltstones and sandstones. In South Dakota, the Arikaree Formation is hydraulically connected to the Ogallala Formation, the eolian, terrace, and alluvial deposits. Combined, the units are known as the High Plains aquifer, a significant regional aquifer (Kolm, 1983). The High Plains aquifer underlies 4,750 square miles in South Dakota and contains an estimated 700 million acre-feet of water within the state (Gutentag and others, 1984). Within Bennett County, the Arikaree Formation lies under approximately 756,000 acres in and contains an estimated 2.27 million acre-feet of water in storage (Allen and others, 1985). Ground water movement is likely from south to north across the area of this application (Carter and Heakin, 2007).

Recharge to the Arikaree formation occurs through infiltration of precipitation. Annual recharge has been estimated to be eight percent of the precipitation rate, which is a range of about 1.3 in/yr to 1.8 in/yr (Kolm, 1983).

No test hole report was filed with the application, however there should be sufficient information from nearby permits and observation wells along with other reports to evaluate this application location. Based on the previous water permit at this location, the well is expected to be 320 feet deep and the depth to water is expected to be 30-50 feet below the land surface. The saturated thickness of the aquifer is expected to be approximately 280-300 feet.

Observation Well Data:

The Water Rights Program monitors two observation wells, BT-78G and BT-83D, completed into the Arikaree aquifer located within one and a half miles of the application location. Observation well BT-78G is located nearly 1.5 miles northwest and observation well BT-83D is located less than one and a quarter miles east of this application location. Water levels for these wells show good response to climatic conditions, that is, rising water levels during wet years and gradually declining water levels during dry years. Hydrographs for these observation wells are included with this report.

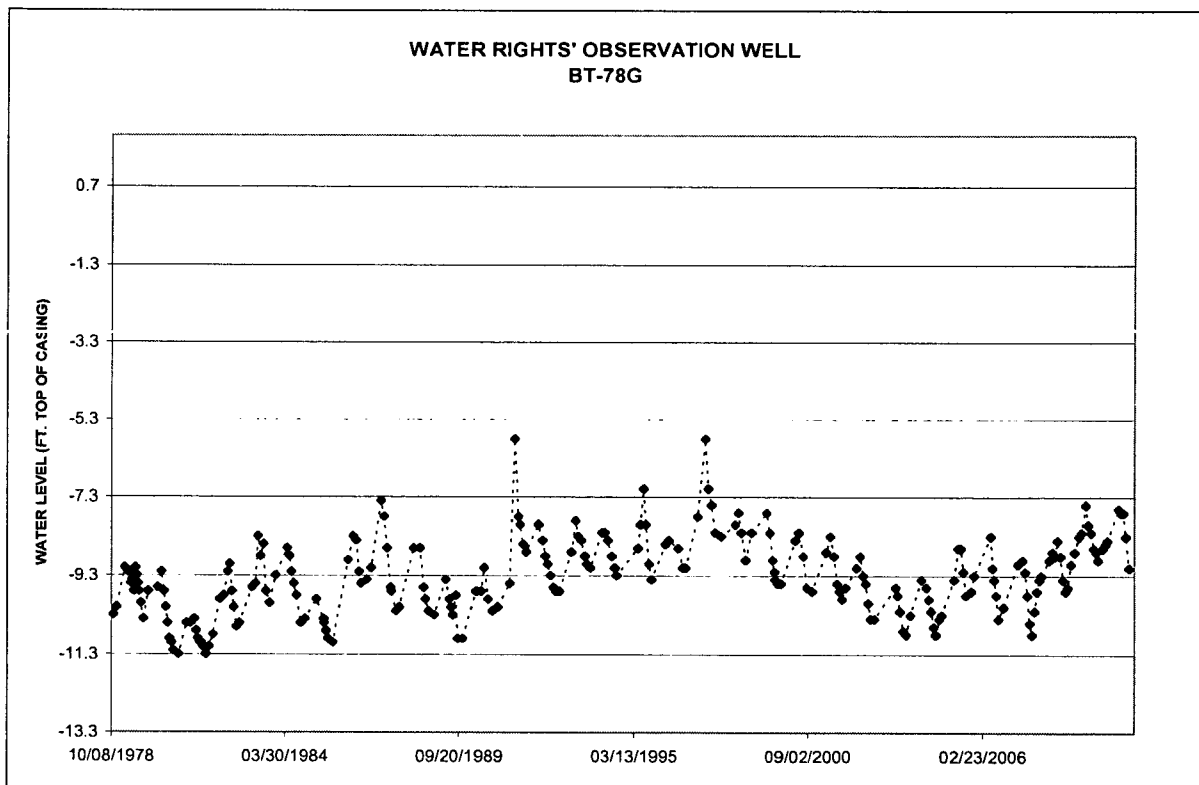


Figure 1. Hydrograph for Water Rights Observation Well BT-78G, completed into the Arikaree Aquifer within one and a half miles of 2658-2 (Water Rights, 2010).

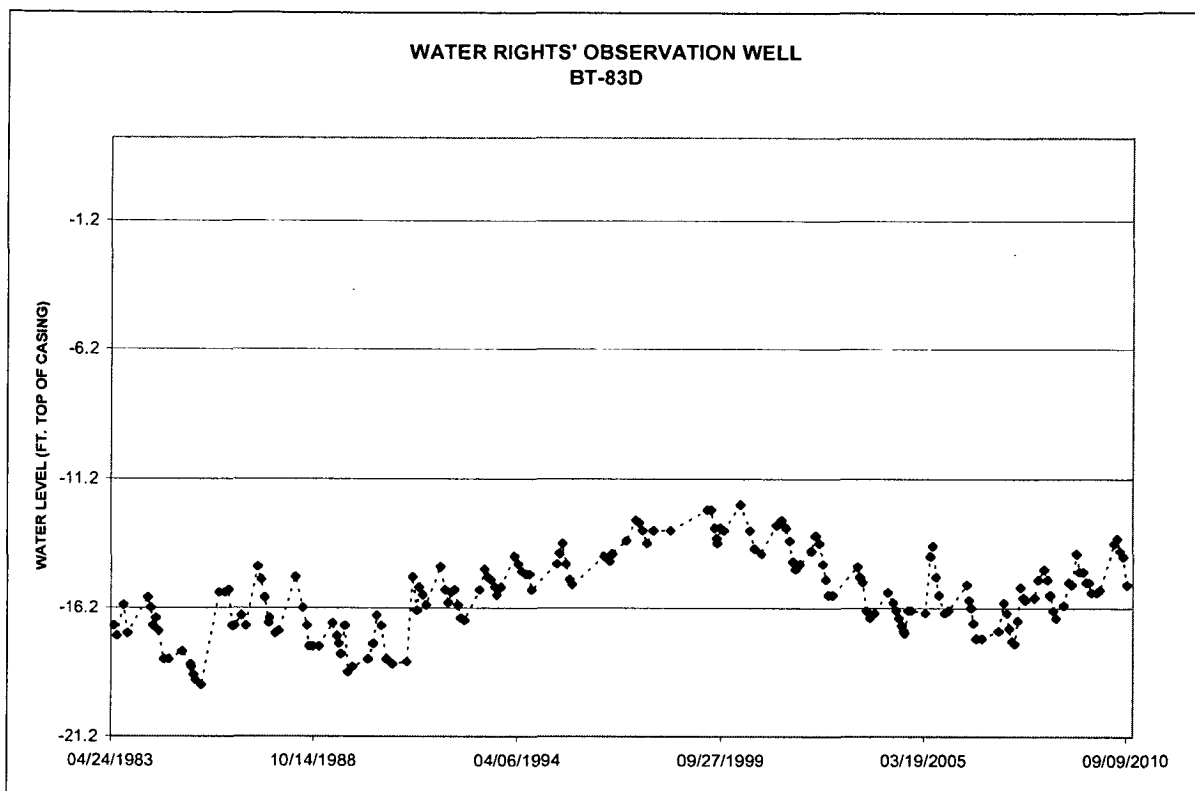


Figure 2. Hydrograph for Water Rights Observation Well BT-83D, completed into the Arikaree Aquifer within one and a half miles of 2658-2 (Water Rights, 2010).

In general, the hydrographs show that over the period of record, withdrawals have not exceeded recharge.

Review of Existing Water Permits/Rights/Water Use:

There are five existing groundwater permits within three miles of the application location. The nearest existing permit, water permit no. 2651-2, is located less than a mile to the northwest within the same section and is held by the applicant, James Wallingford. Interference should not be a problem.

In 2008, there were 23 permits to withdraw water from the Arikaree aquifer in South Dakota (Water Rights, 2010). The amount appropriated was 9,653 acre-feet and the reported water use was 2,161 acre-feet.

Conclusions:

1. Water is available from Arikaree aquifer.
2. The aquifer appears to be under water table conditions at this location; however confined conditions may exist locally.
3. If the well covered by this permit depletes the domestic supplies or interferes with prior water rights, restrictions or other arrangements may be required to protect these water supplies.

4. This well must be constructed in accordance with SD Well Construction Standards.

Hayes Haas

Hayes Haas
Natural Resources Engineer

Bibliography:

- Allen, J.C., Iles, D.L., and Petres, A.K., 1985, Analysis of Groundwater and Streamflow Data, Western Dakotas Region of South Dakota, Task 3A.B.C. and 4A.B.: Groundwater Resource Inventory: Final Report, US Army Corps of Engineers, SD DENR-Geological Survey, Vermillion, SD 57069.
- Carter, J.M. and Heakin, A.J., 2007, Generalized Potentiometric Surface of the Arikaree Aquifer, Pine Ridge Indian Reservation and Bennett County, South Dakota, U.S. Geological Survey Scientific Investigations Map 2993
- Gutentag, E.D., Heimes, F.J., Krothe, N.C., Luckey, R.R. and Weeks, J.B., 1984, Geohydrology of the High Plains Aquifer in Parts of Colorado, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, and Wyoming: U.S. Geological Survey Professional Paper 1400-B, 63p.
- Kolm, K.E., and Case, H.L. III, 1983, A Two-Dimensional, Finite-Difference Model of The High Plains Aquifer in Southern South Dakota, Water-Resources Investigations Report 83-4175, 39p.
- Water Rights, 2010, Unpublished Observation Well Data, Water Permit Files, and Irrigation Records, SD DENR, DES, Water Rights Program, Pierre, SD, 57501

Affidavit of Publication
State of South Dakota
County of Bennett

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Cora White Horse, 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 next 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 2 successive week(s) to wit:

October 20, 2010

October 27, 2010

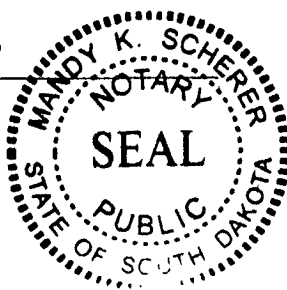
That the full amount of the fee charged for the publication of the attached public notice, \$47.97, insures to the sole benefit of the publisher or publishers; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are:

Signed: Cora White Horse

Subscribed and sworn to before me this 27th day of October, 2010.

Mandy K. Scherer
Notary Public

My Commission Expires
December 9, 2015



Legal Advertising

Proceedings

Martin City Council, Regular Session
Wednesday October 13, 2010

The Martin City Council met in Regular Session on Wednesday, October 13, 2010 at 6:30 p.m. in the community room at 101 Main Street.

Mayor Toni Ruff called the meeting to order with council members Shirley McCue, Dave Bakley, Gregg Christensen, Chuck Gotherg, Yvonne Moffitt and Sherry Peck present. Absent, none.

Others present were, Debbie Biddell of Casey Peterson & Associates, Jim Gardner and Sara Klitzgren, from Fred Lockwood and Co, Paul Noel, City Foreman, Lila York, Liquor Store Manager, Laura Haman, Chief of Police, Tim Huehner from the Bennett County Sheriff, Mellin York representing Prairie Stone Foundation, Larry O'Bryan, Clerk, City Attorney and Jean Kirk, Finance Officer.

Approval of Agenda: Motion was entered by McCue and seconded by Peck to approve the agenda with flexibility. All in favor, motion carried.

Presentation of the 2008 and 2009 Audit: Doreen Biddell of Casey Peterson & Associates presented the 2008 and 2009 audit for the council's consideration. She summarized the 12 audit findings and recommendations for improvement for the council. At the end of the presentation Clausen made a motion to go into executive session to discuss personnel issues with the Mayor, Council, Finance Officer, City Attorney, Debbie Biddell, Jim Gardner and Sara Klitzgren. McCue seconded the motion, all voting aye, motion carried. Into executive session at 7:05 p.m. Mayor declared executive session closed at 7:24 p.m. No action was taken.

Minutes: A motion was entered by Moffitt to approve the minutes from the September 4th meeting. Peck seconded the motion, all voting aye, motion carried.

Finance Officers report: The September Finance Officers report was reviewed by the council. Peck entered a motion to accept the September report, McCue seconded the motion. All voting aye, motion carried.

Financial Report

Beginning Balance On Hand.....	\$1,105,245.96
September Receipts.....	167,639.33
Total to be accounted for.....	1,272,885.29
Transfer In.....	0.00
Disbursements.....	150,509.37
Balance on Hand.....	1,122,375.92
Outstanding Warrants.....	13,789.30
CD & Petty Cash.....	21,626.98

Claims of October 13th: The claims were reviewed by the council. Moffitt had a question on the claims of Lucas Haman and Floyd Gerry, on both of those the AFAC had been withholding an insurance rate. Moffitt also had a question on the claim of the Federal Reserve Service. This was a penalty caused by not reporting the payroll taxes in the required amount of time. Clausen had a question on a claim to B&S Auto, this was for a new cylinder for one of the pickups. Moffitt entered a motion to approve all claims for October. Clausen seconded the motion, all voting aye, motion carried.

Oct. Salaries, wages and additional: \$36,302.00; Security Firm, savings, \$9,000.00; Rod Huusman, copper lease, \$225.76; Chamberlain Wholesale, Supplies, \$2,120.75; Hawkins, chemicals for water, \$25.00; Weber Medical, Hep D shot for T. Moffitt, \$101.00; City of Martin, water, \$255.87; True Value Supplies, \$76.29; Dineby Construction, Rodon by repair, \$35.70; Martin Auto Parts, Supplies and repairs, \$98.95; Lactec Electric, electricity, \$7,661.87; General Store, Supplies, \$882.00; Goldenwest Tele-Tech, Phone Lease, \$47.96; Bennett County Treasurer, 911 funding, \$4,165.00; Martin Volunteer Fire Dept, quarterly funding, \$3,780.00; Northwest Pipe, Supply and water services, \$758.16; Post Office, postage, \$200.00; Huehner Publishing, publications, \$68.16; Quill Supplies, \$8.00; SD State Treasurer, sales tax, \$4,209.58; Burwell Towel & Linen, rugs, mats, mops, \$167.54; Republic National Distributing, liquor and beer, \$5,004.36; Special Account, postage, \$59.00; Golden West Telecommunications, phone services, \$779.99; Western Wholesale, liquor and beer, \$1,147.87; Jerome Beverage, beer, \$2,828.36; Kratochvil Electric, repair pool lights, \$1,000.00; Sales, beer, \$18,317.35; Health Plan of SD, employee health ins, \$4,701.30; Alltel, cell phones, \$125.98; GE Associates, Supplies and repairs, \$47.40; The Lee House, lot for liquor store, \$114.16; SD Dept of Health, water samples, \$264.00; Herb Hodson, trash can for Hodson Park, \$265.00; Coca Cola, soda for liquor store, \$63.12; Paul Noel, reimbursement, \$9,000.00; Utilities Commission, leave ticket, \$11.30; A-1 Best Ice, ice and jerky, \$19.85; OST Energy, wamp credit, \$223.68; KJ's Pit Stop, supplies, \$3.16; B&S Auto, repair pick-up, \$1,552.88; Lakota Country Times, papers sold, \$21.60; Godfrey Brake, repairs, \$20.78; Justin Robinson, reimbursement, \$65.93; First Nat Bank, cash payment, \$10,866.99; Valentine Office Supplies, supplies, \$52.20; Kay-Jay Services, trash bags, \$572.40; Voyager Fleet Systems, fuel for vehicles, \$3,944.53; Dakota Backup, backup system, \$47.85; Summit Supply Corp, basketball hoops, \$354.00; Lynn's Dakotamart, supplies, \$3.99; Black Hills Area Finance Officers Assn, dues, \$60.00; Salomon Sanitation, garbage services, \$1,695.00; Midwestern Supplies, repairs for water tower, \$169.95; Lucas Haman, reimbursement for AFAC, \$284.35; Power House, repairs for parks, \$20.23; Casey Peterson & Associates, 2008 & 2009 audit, \$11,705.13; Pool and Spa Center, repairs for pool, \$25.29; Davidson Lab, drug test for law, \$100.00; Internal Revenue Service, penalty, \$362.10; Floyd Gerry, Reimburse AFAC, \$464.60; Generator Equipment, repairs for road grader, \$260.05; Business Radio license, radio license, \$110.00.

Total..... \$158,546.48

Larry O'Bryan Sewer and Water tap line: Larry O'Bryan met with the council to discuss the sewer and water tap line for his property on the south side of Highway 18. He would like the city to extend the sewer line from where it crosses the highway by Pine Street to the west several hundred feet. He would be willing to front the cost of the sewer expansion if he could be reimbursed upon annexation of the property. A lengthy discussion was held on just where the new sewer pipe should be laid and how far to go with it. Annexation of O'Bryan's property and the other two properties was also discussed.

Larry O'Bryan is going to check with Lynn's Dakota Mart to see if they have any problems with turning the sewer line work on their property. He is also going to ask if they want to be annexed.

The Council recessed from 8:05 p.m. till 8:15 p.m.

Annexation of property on the south side of Highway 18: The City Attorney explained to the council that if all the property owners agree to be annexed the process is simple. Peck entered a motion to have the city attorney draw up the annexation papers and have them ready for the November meeting. Bakley seconded the motion, all voting aye, motion carried.

Main Street Grant: No new paper work has been received on the Main Street grant. Gotherg moved to table this till the next meeting. Peck seconded the motion, all voting aye, motion carried.

Liquor Store: Lila York, Liquor Store Manager, had several items to be discussed with the council. Marvin Gross of the Horse Shoe Bar would like to know if he could have a charge account at the liquor store. York mentioned to the council that no bars outside city limits have a charge account. Consensus of the council was to leave it as is. The security monitor at the liquor store is not working correctly. She had gotten ahold of the security company AD & T and they said that they would come down and replace the monitor for \$516. She also mentioned that it is only holding six days of camera footage and that it should be able to hold more days than that. The Council would like Lila to get ahold of AD&T and find out exactly how many days it should hold and if they have become down and fix it, that they could bring the monitor with them. On the liquor robbery, the police chief is still waiting on a warrant. Lila asked the council if she could cash in her comp time as she was told that she would lose it if she did not use it by the end of the year. There was a lengthy discussion held about the comp time. Bakley moved to allow the comp time to roll over to next year. Moffitt seconded the motion. Voting aye, motion carried. Peck, Yvonne Moffitt and Sherry Peck, voting against were Clausen, McCue and Gotherg. Mayor Ruff broke the tie by voting against. Motion failed. Clausen entered a motion to pay out comp time but then immediately rescinded motion. Gotherg entered a motion to table the comp time issue till the next meeting. Peck seconded the motion all voting aye, motion carried. City attorney will look into this issue

and report back at the next meeting.

City Attorney: The city attorney had the new contract for City Attorney. The council reviewed the contract and the city attorney is going to forward it in a few places and then bring it back to the next meeting. Bakley entered a motion to table this issue until the next meeting, giving the finance officer a chance to review the whole bill and see if it is correct. Peck seconded the motion, all voting aye, motion carried.

Voting Rights: Clausen entered a motion to go into executive session concerning conflict of interest and litigation with Council, Mayor, City Attorney and Finance Officer. Peck seconded the motion, all voting aye, motion carried. Into executive session at 9:11 p.m.

Mayor Clausen entered a motion to go into executive session concerning personnel with Council, Mayor, City Attorney, Police Chief, and Finance Officer. Moffitt seconded the motion, all voting aye, motion carried. Into executive session at 9:45 p.m.

Clausen entered a motion to hire Dylan Glover as a new police officer at \$12.00 an hour. McCue seconded the motion. Voting aye were Clausen, Peck, McCue, Gotherg, Moffitt, approved motion. Motion carried.

Complaints: A lengthy discussion was held about all the dog complaints that have been received and what to do about them. The council options were discussed about where the dogs could be kept and what to do about them. There were a couple of items on the consensus to go ahead and purchase more dog catching poles. This may make it easier to catch the dogs that are running loose.

Building Permits: 3 permits were reviewed. Martin and Donna Nelson are putting in a double wide home and garage at 407 busy street. Manual Blanco is putting in a 24' x 24' garage at 306 Jackson Street and Brian Peck is adding a 30' x 40' addition to his garage at 206 Ave C. Clausen entered a motion to approve all three building permits. McCue seconded the motion all voting aye, motion carried.

Leave Your Porch Light On: A discussion was held by the council that if people would leave their porch lights on at night that it might help discourage some of the vandalism and break-ins that have been happening around town.

City of Martin Signs: Unique Signs of Rapid City put in a bid to repaint the City of Martin signs that are on the highway between Martin and Kadoka. It was a council consensus to table the issue until the signs can be inspected.

Final Bill Liquor License: This item was tabled as no information had been received from Fresh Start.

Election School Finance Officer: Kirk called to go to the election school that was coming up on November 12th in Rapid City. Moffitt entered a motion to have the Finance Officer attend the election school. Seconded by Clausen, all voting aye, motion carried.

Assistant Finance Officer: A brief discussion was held on the assistant Finance Officer position. Peck entered a motion to advertise in next week's Buzzer for an Assistant Finance Officer. Moffitt seconded the motion, all voting aye, motion carried.

Easy Street Signs: This was a consensus of the council to table the signs for Easy Street until the next meeting.

Adjustment: Motion was entered by Moffitt and seconded Peck to adjourn. All voting aye, motion carried.

The next regular city council meeting will be held November 10 at 6:30 p.m. at the library community room.

Dated this 13th day of October, 2010.

Toni Ruff, Mayor

ATTEST:

Jean Kirk, Finance Officer

Published once at a total estimated cost of \$132.68

Published: October 20, 2010

Notice of Audit of the Fiscal Affairs of the City of Martin, SD

Notice is hereby given that the City of Martin, South Dakota, has been audited by Casey Peterson & Associates, Ltd., Certified Public Accountants, for the years ended December 31, 2008 and 2009. A detailed report thereon is available for public inspection, during normal business hours, at the Finance Office of the City, and also available at the Department of Legislative Audit in Pierre, South Dakota at the Department of Legislative Audit website at: <http://www.state.sd.us/legislativeaudit/reports/all.htm>.

The following findings and recommendations provide a brief description of material weaknesses in internal control, legal noncompliance and other matters that are identified in more detail in the audit report.

Findings 2009-1:

Condition: During our test of controls over disbursements, it was noted that several vouchers did not include supporting documentation or that vouchers and support were missing. SDCL 9-2-3 requires vouchers and supporting documentation be maintained for all disbursements. The City's engineer was able to provide copies of invoices related to the major federal award to eliminate the risk of noncompliance with allowable activities and allowable costs. However, the City is responsible for administering the federal award and should maintain adequate documentation. In addition, it was noted that some disbursements were not properly supported in the statement of all expenditures by SDCL 9-18-1.

Auditors' Recommendation: We recommend all supporting documentation be attached to the respective voucher and a filing system be developed and implemented to ensure vouchers and supporting documents are properly maintained. The City's policy should also require that all supporting documentation be properly attached to the voucher prior to a disbursement being authorized. We also recommend that check runs are compared to published council minutes to ensure all disbursements are included in the list of expenditures.

Findings 2009-2:

Condition: The City requested a grant reimbursement related to the project improvement Project Cluster of excess federal expenditures. The OMB A-133 Compliance Supplement requires that program costs be paid by the City before reimbursement is requested from the federal government.

Auditors' Recommendation: We recommend federal award records be updated periodically to reflect all transactions related to the federal awards. This will help ensure records are reliable and up-to-date. Management should also monitor disbursements to ensure reimbursement requests are related to actual costs incurred under federal programs. In addition, a formal approval process should be implemented to ensure all reimbursement requests are reviewed and approved.

Findings 2009-3:

Condition: Federal award receipts and disbursements are not tracked separately in the general ledger from non-federal receipts and disbursements. This results in difficulties in tracking and reporting grant receipts and disbursements in preparing the schedule of expenditures of federal awards. OMB Circular A-133 also requires federal awards authorized under the American Recovery and Recovery Act (the Recovery Act) be tracked in separate revenue and expense accounts.

Auditors' Recommendation: We recommend management and the administrators of the federal awards familiarize themselves with the compliance requirements related to each federal award and with federal circulars. Separate revenue and expense accounts should be established and maintained for each federal program to allow ease in tracking and to meet the compliance requirements related to federal awards authorized under the Recovery Act.

Findings 2009-4:

See Findings 2009-1 for a description of the condition and auditors' recommendation.

Findings 2009-5:

Condition: As auditors, we were requested to draft the financial statements and accompanying notes to the financial statements. Establishing internal controls over the preparation of the financial statements is the responsibility of management. In addition, material adjustments were proposed during the audit to correct errors noted during audit procedures.

Auditors' Recommendation: It is the responsibility of management and those charged with governance to make the decision whether to accept the degree of risk associated with this condition because of cost or other considerations. If management is unwilling to accept risks associated with this condition, we recommend that management develop a system of internal controls to ensure proper reporting of the financial statements and notes to the financial statements.

Findings 2009-6:

Condition: The City has a general lack of segregation of duties within the cash receipts and utility billing cycles in the proprietary

and governmental funds.

Auditors' Recommendation: We recommend the City review the duties performed by employees within the financial office and the liquor store and reallocate job functions to adequately segregate duties.

Findings 2009-7:

Condition: There were several errors noted in utility billings, including errors in customer bills and inconsistent allocation of revenues in the general ledger between the Water Fund and Sewer Fund.

Auditors' Recommendation: We recommend all utility customer accounts be reviewed to ensure they are being properly allocated and that they are properly being assessed. We also recommend the allocation of water and sewer revenues, which are performed by the accounting software and posted in the general ledger, be reviewed by comparing cash receipts for the utilities to the customer charges. Training should also be provided to staff on the use of the utility billing and accounting software.

Findings 2009-8:

Condition: Duties and wages for all City employees and officers were not published in accordance with SDCL 6-1-10, which requires a complete list of all positions of all officers and employees to be published with the minutes of the first meeting following the fiscal year or with the minutes of the first meeting following the completion of salary negotiations. Any officer or employee who has been added or whose salary has been increased must also be published with the minutes of the first meeting following the completion of salary negotiations.

Auditors' Recommendation: Management and City Council should develop a schedule for when to update and ensure that procedures performed by the City are in accordance with the applicable state statutes.

Findings 2009-9:

Condition: There is a general lack of segregation of duties within the payroll cycle.

Auditors' Recommendation: We recommend timesheet calculations and payroll reports completed by the Finance Officer be reviewed by the Mayor prior to signing the paychecks to ensure that employees are being paid the correct wages and that hours are being correctly calculated. Training should also be provided to the employee responsible for preparing payroll.

Findings 2009-10:

Condition: The municipal millage rate was related to an additional one-percent sales tax on liquor, lodging, and dining was improperly allocated between the General Fund and the B&B Tax Fund. The City has improperly allocated sales tax between the General Fund and B&B Tax Fund for several years. Therefore resulting in fund balance of the B&B Tax Fund being maintained by an undeterminable amount. In addition, the B&B Tax Fund made transfers to the General Fund to fund general operations of the City. The additional one-percent sales tax is restricted for apportion use by South Dakota Limited Law. Allocations of grant receipts were also incorrectly allocated between the Water and Sewer Fund, resulting in material audit adjustments for 2009.

Auditors' Recommendation: We recommend management review all remittances from the State of South Dakota to ensure sales tax remittances and grant receipts are properly recorded in the correct fund and B&B Districts should be reviewed to ensure compliance with the expenditure of sales tax remittances.

Findings 2009-11:

Condition: The City over expended certain line items in their 2008 and 2009 budgeted appropriations, including the Financial Administration, Parks, and Civil line items of the General Fund and Economic Development line item of the B&B Tax Fund. Line items were also over expended for the 2009 budgeted appropriations, including the Legislative, Fire, Streets, Airport, Markets, Swimming Pool and Economic Development line items of the General Fund and the Economic Development line item of the B&B Tax Fund.

Auditors' Recommendation: We recommend management and the City Council review budgetary reports on a monthly basis and supplementary appropriations be made when necessary.

Findings 2009-12:

Condition: Disbursements are not consistently recorded in expense accounts related to the purpose of the disbursement. Accurate coding is necessary to ensure accurate presentation of the financial statements.

Auditors' Recommendation: We recommend the Finance Officer review the chart of accounts as prescribed by the South Dakota Department of Legislative Audit (DLA) and the Municipal Accounting Manual, as prepared by DLA. Becoming familiar with the prescribed chart of accounts will help identify deficiencies in the City's current chart of accounts. Understanding the prescribed chart of accounts will also assist the Finance Officer in identifying the correct accounts to use when coding transactions.

Casey Peterson & Associates, Ltd.
Certified Public Accountants
Rapid City, South Dakota

September 21, 2010

Published once at the total approximate cost of \$119.68

Published: October 20, 2010

Notice of Testing Automatic Tabulating Equipment

Notice is hereby given that the automatic tabulating equipment will be tested to ascertain that it will correctly count the votes for all offices and measures that are to be cast at the General election held on the 2nd day of November, 2010.

The test will be conducted on the 25th day of November, 2010, at 10:00 a.m. at the following location: Bennett County Auditor's Office.

Under this 15th day of October, 2010.

Susan Williams

Bennett County Auditor

Published once at the total approximate cost of \$10.20

Published: October 20, 2010

Notice of Application No. 2658-2 to Appropriate Water

Notice is given that James Riley Wellington, 4602 S Canyon Rd, Rapid City SD 57702, has filed an application for a water permit to appropriate 1.89 cubic feet of water per second from one well to be completed into the Arkareo Aquifer (approximately 320 feet deep) located in N 1/2 SW 1/4 Section 83 for irrigation of 132 acres located in Section 33 T37N R89W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2658-2 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-2(3), the Chief Engineer will accept this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is: Water Rights Program, Room Building, 523 E Capitol, Rapid City 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 8, 2010.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pinner, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of \$47.97

Published: October 20 and October 27, 2010



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

October 14, 2010

Bennett County Booster II
PO Box 610
Martin SD 57551

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 2658-2 to Appropriate Water to be published twice. Please publish the first notice on October 20, 2010 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is James Riley Wallingford 4602 S Canyon Rd., Rapid City SD 57702 (Ph # 605-388-8335).

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. 2658-2

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

Date _____

We are in receipt of your letter of October 14, 2010 enclosing Notice to Appropriate Water by Application No. 2658-2 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

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

October 14, 2010

James Riley Wallingford
4602 S Canyon Rd
Rapid City SD 57702-1880

Dear Mr. Wallingford:

Water Permit Application No. 2658-2 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 Publisher of the Bennett County Booster II printed at Martin SD (Ph # 605-685-6866). 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 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 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. 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
eric.gronlund@state.sd.us

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 first Notice on October 20, 2010 with the second publication 7 days later. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NO. 2658-2 to Appropriate Water

Notice is given that James Riley Wallingford, 4602 S Canyon Rd, Rapid City SD 57702 has filed an application for a water permit to appropriate 1.89 cubic feet of water per second from one well to be completed into the Arikaree Aquifer (approximately 320 feet deep) located in N ½ SW ¼ Section 33 for irrigation of 132 acres located in the SW ¼ Section 33; all in T37N-R35W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2658-2 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by November 8 2010.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published twice at the total approximate cost of _____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 12 2010

James Riley Wallingford
4602 S Canyon Road
Rapid City SD 57702-1880

Dear Mr. Wallingford:

Enclosed is Water Permit No. 2658-2 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,

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

enclosures

11-02

Well Owner: **Riley Wallingford**

North

February 28, 2011

1 Mile

PROPOSED USE:

METHOD OF DRILLING:

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	16.00 IN	0.0 FT	420.0 FT	16.00 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

Grout Type	No. of Sacks	Grout Weight	From	To
Grout		Lb/gal	0.0 Ft	24.0 Ft
Gravel		Lb/gal	24.0 Ft	420.0 Ft

WAS A PACKER OR SEAL USED?	Yes	No
----------------------------	-----	----

Describe packer(s) and location

☒ Yes, How? Chlorine

Lab to which water quality sample sent for analysis ☐ No, Why Not?

DEPTH

FROM	TO
------	----

N43° 08' 07.4" W101° 28' 10.3"
About 150 yards south of original well.

Date:

Riley Wallingford
Test Log
Tuthill, SD
Bennett County
1/6/2011
480'

0	3 Top Soil Clay Brown
3	20 Brown Clay
20	40 Hard Brown Clay
40	60 Hard Dry Brown Clay
60	70 Hard Brown Clay
70	80 Sand Stone Brown
80	85 Sand Stone Brown
85	93 Clay Brown
93	96 Sand Stone Brown
96	100 Clay Brown
100	120 Brown Clay Fine Sand Layers Silty
120	140 Sand Stone Brown; Some Clay Layers
140	148 Sand Stone Brown Some Clay Layers
148	160 Clay Brown
160	180 Clay Brown; Thin Sand Layers
180	200 Clay Brown Thin Lime Stone; Layers Some Sand Stone
200	212 Clay Brown
212	220 Sand Stone Brown
220	222 Sand Stone Brown
222	240 Sandy Clay Brown
240	260 Sandy Stone Brown Thin Clay Brown Layers
260	280 Clay Brown w/ Sand Stone Strips In It; Brown 85% Clay 15% Sand Stone
280	300 Clay Brown; Thin Strips of Sand Stone 97% Clay 3% Sand Stone
300	320 Clay Brown; One Single Strip of Sand Stone; Less than 3"
320	340 Brown Clay w/ Sand Stone Layers 60% Clay 40% Sand Stone
340	360 Sand Stone w/ Clay Brown Layers 20% Clay 80% Sand Stone
360	366 Clay Brown
366	380 Sand Stone Brown W/ Small Clay Layers
380	390 Sand Stone Brown W/ Small Clay Layers; Brown
390	400 Brown Clay
400	410 Sand Stone Brown
410	420 Clay Brown
420	430 Sand Stone Brown Turning Greenish
430	440 Clay Brown
440	460 Clay Brown w/ Sand Stone Streaks 80% Clay 20% Sand Stone
460	480 Clay Brown

Permit No. 2658-2
Little White River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, 8/22/2011, made a thorough examination of the water use system constructed by James Riley Wallingford of 4602 S. Canyon Road, Rapid City, SD 57702 holder of Permit No. 2658-2, bearing the priority of 10/06/2010 authorizing the diversion of 1.89 cu. ft. per second of the waters of the Arikaree aquifer for irrigation purposes, in Bennett County.

Inspection contact & relationship **James Riley Wallingford—Permit Holder**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Sargent Irrigation Co.
- 2) No. of Wells 1
- 3) Depth(s) 420 feet
- 4) Well log is available Yes
- 5) Comment: Well Log is on File

Casing:

- 1) Diameter 16 inches
- 2) Length 420 feet
- 3) Type Steel

Screen:

- 1) Type Perforated Pipe
- 2) Length 320 feet
- 3) Static water level 46 feet

Pump:

- 1) Make Sargent
- 2) Model HO752SL6
- 3) Size 75 hp
- 4) Capacity 700 GPM

Motor:

- 1) Make US Motors
- 2) Model No. BF61A
- 3) Horsepower rating 75 hp

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

- 1) Type cast iron
- 2) Size 8 inches
- 3) Length ~30 feet

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Valley 8000
- 2) Overall length 1,320 feet
- 3) Number of towers 7
- 4) Distance between towers ~185 feet
- 5) End gun Yes
- 6) High or low pressure Low
- 7) Capacity 700 GPM

Chemigation Equipment:

- 1) Does chemigate Yes

D. Compliance with Permit Requirements:

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

The system is in good condition with the point of diversion located as follows: 1,340 feet east and 2,480 feet north of the SW corner of Section 33, Township 37 North, Range 35 West, lat/long N 43.13502 W -101.46946. The works are capable of diverting and conveying to the place of use 1.56 cu. ft. per second of water of the Arikaree aquifer which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

Report of Examination of Works

Permit No. 2658-2

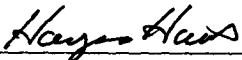
NW ¼ SW ¼ 33 acres
NE ¼ SW ¼ 33 acres
SE ¼ SW ¼ 33 acres
SW ¼ SW ¼ 33 acres

All in Section 33, Township 37 North, Range 35 West

comprising a total of 132 acres of land and the license should be issued for 1.56 cfs.

All structures, wells and lands on map Yes

Comments or other permit(s) associated with the project:



Hayes Haas
Natural Resources Engineer
DENR, Water Rights Program

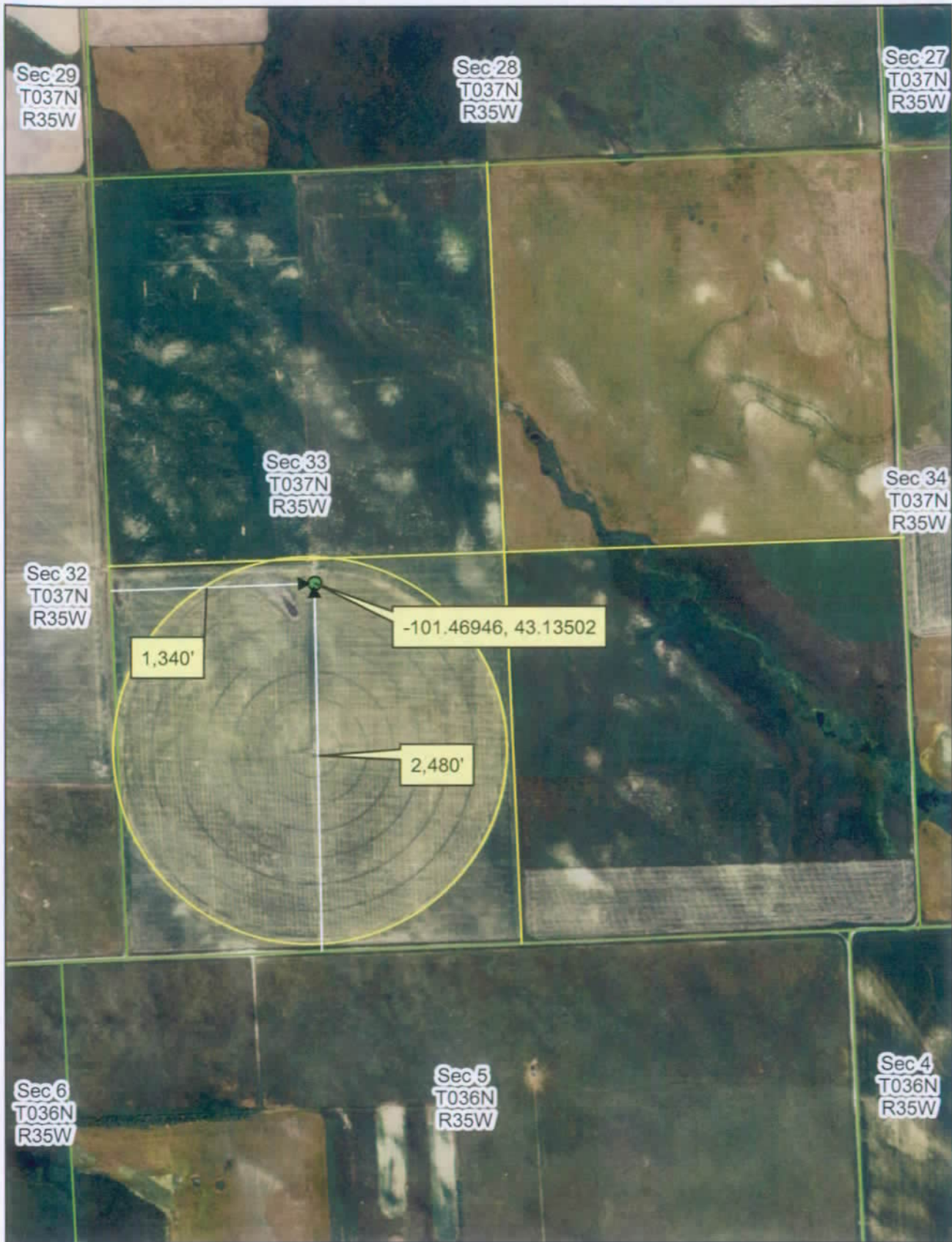
Date report completed: 9/22/2011

Date:

Riley Wallingford
Test Log
Tuthill, SD
Bennett County
1/6/2011
480'

0	3 Top Soil Clay Brown
3	20 Brown Clay
20	40 Hard Brown Clay
40	60 Hard Dry Brown Clay
60	70 Hard Brown Clay
70	80 Sand Stone Brown
80	85 Sand Stone Brown
85	93 Clay Brown
93	96 Sand Stone Brown
96	100 Clay Brown
100	120 Brown Clay Fine Sand Layers Silty
120	140 Sand Stone Brown; Some Clay Layers
140	148 Sand Stone Brown Some Clay Layers
148	160 Clay Brown
160	180 Clay Brown; Thin Sand Layers
180	200 Clay Brown Thin Lime Stone; Layers Some Sand Stone
200	212 Clay Brown
212	220 Sand Stone Brown
220	222 Sand Stone Brown
222	240 Sandy Clay Brown
240	260 Sandy Stone Brown Thin Clay Brown Layers
260	280 Clay Brown w/ Sand Stone Strips In It; Brown 85% Clay 15% Sand Stone
280	300 Clay Brown; Thin Strips of Sand Stone 97% Clay 3% Sand Stone
300	320 Clay Brown; One Single Strip of Sand Stone; Less than 3"
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420	430 Sand Stone Brown Turning Greenish
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440	460 Clay Brown w/ Sand Stone Streaks 80% Clay 20% Sand Stone
460	480 Clay Brown

2658-2
Wallingford

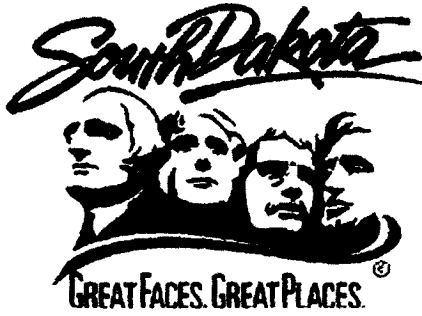


Hayes Haas
Hayes Haas
Natural Resources Engineer
DENR Water Rights Program
August 2011

0 0.25 0.5 Miles



South Dakota



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

JAN 10 2012

2658-2

James Riley Wallingford
4602 S Canyon Rd
Rapid City SD 57702

Dear Mr. Wallingford:

Enclosed is Water License No. 2658-2. 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.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 2658-2, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

A handwritten signature in black ink, reading "Garland Erbele".

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

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 2658-2**

(1) James Riley Wallingford, 4602 S Canyon Rd, Rapid City SD 57702 made Application No. 2658-2, October 6, 2010 for a water permit to divert 1.89 cubic feet of water per second from ground water (one well – Arikaree Aquifer), Bennett County, South Dakota for irrigation purposes. Permit No. 2658-2, with a priority date of October 6, 2010 was approved November 8, 2010 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before November 8, 2015 and for the application to beneficial use of said water on or before November 8, 2019.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.56 cubic feet of water per second for beneficial use.

The location of the diversion point is 1,340 feet east and 2,480 feet north of the SW corner of Section 33, T37N, R35W (NE ¼ SW ¼).

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

Section 33, T37N, R35W	NW ¼ SW ¼	33 acres
	NE ¼ SW ¼	33 acres
	SE ¼ SW ¼	33 acres
	SW ¼ SW ¼	33 acres
	Total	132 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 James Riley Wallingford, 4602 S Canyon Rd, Rapid City SD 57702 the holder and/or owner of Water Right No. 2658-2 is issued a license to appropriate water, the right to use 1.56 cubic feet of water per second from ground water (one well – Arikaree Aquifer) with a priority date of October 6, 2010 from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 2658-2 and subject to the following qualifications:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The well authorized by Permit No. 2658-2 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. *(The well was drilled in February, 2011 – a copy of the log is on file with the Water Rights Program.)*
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



Garland Erbele, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

JAN 10 2012

date





2658-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 16, 2015

NOTICE

TO: JAMES RILEY WALLINGFORD, 4602 S CANYON RD, RAPID CITY, SD 57702
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaire(s)

Our records indicate your 2014 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2651-2 & 2658-2. The request for the Questionnaire was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2651-2 & 2658-2 qualification:

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

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

1. Suspend or cancel Permit No(s) 2651-2 & 2658-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 20, 2015

2651-2

2658-2

James Riley Wallingford
4602 S Canyon Rd
Rapid City SD 57702

Dear Mr. Wallingford:

I am writing to acknowledge receipt of your 2014 irrigation questionnaires. The forms were received on-line over the weekend.

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Permit No. 2651-2 and Water Right No. 2658-2. 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,

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

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

PAID

NOV 12 2020

NOTICE OF TRANSFER OF OWNERSHIP

Ck# 0112

RECEIVED

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

NOV 12 2020

WATER RIGHTS
PROGRAM

No. 2658-2

Date: 11/8/2020

I/We request that Water Right No. 2658-2

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 - SW 1/4 Section 33, T37N, R35W

I/We understand that the validity of Water Right No. 2658-2 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
(Signed by new owner)
Estate 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.

2658-2

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date November 12, 2020

RECEIVED OF Estate of James Riley Wallingford 677 Savanna Trail Delano MN 55328

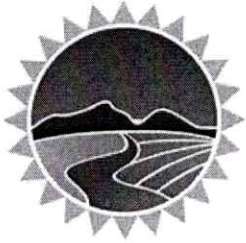
The following amount in fees for services rendered as provided for by law:

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>2658-2</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 Engineer

me

2658-2



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, appearing to read "Genny McMath".

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

enclosures