

Considered: _____

VESTED RIGHT

WATER PERMIT NO. _____

889-2

MAP No. 1889-2

Name of Applicant Joe A Falkenburg

Post Office Address HC 57 Box 32, Harrison, NE 69346

Amount of Water Claimed 0.13 Total Acres 9.00

Source of Water Supply Dry DRAWS-South Dog Creek

Water to be used for IRR WS County Fall River

About _____ miles _____ of _____.

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved 9-26-84 Subject to _____

F.F. & C.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY _____ Date Received 8/20/84 Fee 10.50 Remarks _____

4/30/1904

Corrected Application ^{fee} Received 9/10/84 Period of Annual Use 1/1 to 12/31

WATER QUALITY APPROVAL RECEIVED _____ APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES _____ NO _____ REMARKS _____

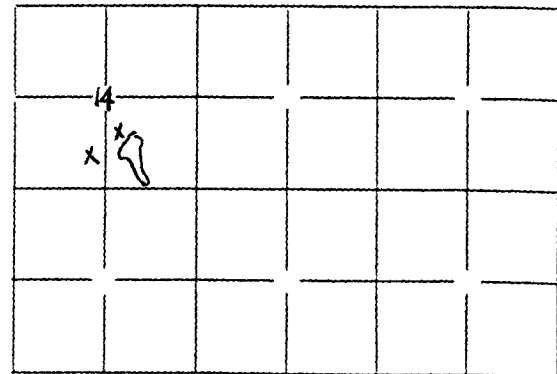
not applicable

Diversion Point Dry DRAWS on South Dog Creek located in the

NW $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 14-12S-1E

Land to be Irrigated _____

NW $\frac{1}{4}$ SE $\frac{1}{4}$ And SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 14-T12S-R1E



Well Log: Driller _____ Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

Type of Map aerial PREPARED BY Del Brosz DWNr Reviewed and the Number

assigned on 9/10/84 By Betty Westlund

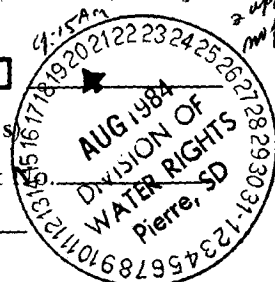
BETTY WESTLUND, NRA III

No. <u>1889-2</u>	Hydrologic Unit <u>10/20108</u>
Map No. <u>1889-2</u>	Basin <u>UC</u>
Newspaper <u>N/A</u>	

Application For Permit To Appropriate Water Within The State Of South Dakota

Type of Application: Check one or more of the following:

- New ☐ Vested Right ☒ Future Use ☐ Water Right Filing 0615-2 and Location Notice 87-2
- ☐ Application to amend Permit No. _____ with old priority date retained
- ☐ Change diversion point(s) ☐ Add diversion point(s) ☐ Change acreage ☐ Other ☐
- ☐ Application to: ☐ Change use ☐ Change diversion point(s) ☐ Add diversion point(s)
- ☐ Add Acreage ☐ Increase diversion rate ☐ Other _____ See Permit No. _____
- ☐ Application to: ☐ Use ☐ Transfer water reserved by Future Use Permit No. _____



1. Name of Applicant Joe A. Falkenburg Phone No. _____
- Post Office Address HC 57
RR #2, Box 32, Harrison, Nebraska State 69346
(Street, RR or Box) Zip Code
2. Amount of water claimed (c.f.s.) 0.13 Total acres irrigated 9
3. Source of Water supply Dry Draws (south Dog Creek)
4. Location of point of diversion #1 - S 70° W 2370 feet and #2 - S 62° W 3100 feet from the
east 1/4 Corner of Section 14, T12S, R1E
County Fall River
5. Counties where water will be used Fall River
6. Annual period during which water is to be used All year
7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
NW 1/4 Sec. 14 T12 R1	1		
SW 1/4 Sec. 14 T12 R1	8		

Attach sheet if more space is needed

8. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

This is a water spreading system. The water is diverted from dry draws onto a low land meadow.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map

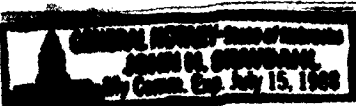
(see instruction)
STATE OF NEBRASKA
County of Sioux ss

I, JOE A. FALKENBURG the applicant, certify that I have read the foregoing application, have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

Signed

Subscribed and sworn to before me this 3rd day of August 1984

Notary Public (or other qualified officer)



WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. _____

(Applicant) (Post Office Address)

(State) (Zip Code)

With the following qualifications.

See Form WR-1

Date of first receipt of application _____, 19____.

Date of return to applicant for correction, amendments or changes required _____, 19____.

Date of receipt of corrected application _____, 19____. Approved _____, 19____.

The Water Management Board hereby approves this Water Permit No. _____ authorizing the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Water Permit approval, subject, however, to the following limitations and conditions:

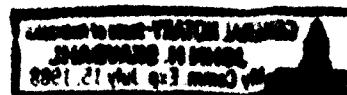
1. The date from which applicant may claim right is _____, 19____.
2. One-fifth of the work is to be completed on or before _____, 19____.
3. The whole of said work is to be completed on or before _____, 19____.
4. The time limit for proof of beneficial use of water is _____, 19____.
5. The water appropriated shall be used for the purpose of _____.
6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be unlawfully impaired by this appropriation.
7. The amount of the appropriation herein granted shall not exceed _____ cubic feet per second; neither shall it exceed the capacity of the above described water supply system nor shall it exceed the amount of water needed for beneficial uses served. For irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and be limited to not more than one-seventieth ($1/70$) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before _____, 19____; said water to be used during the following described annual period: _____.

WATER MANAGEMENT BOARD

By: _____
Chief Engineer

Division of Water Rights
Dept. of Water and Natural Resources

_____, 19____



VESTED WATER RIGHT

The Water Management Board hereby recognizes Vested Water Right No. 1889-2

Joe A. Falkenburg
(applicant)

HC 57 Box 32 Harrison
(post office address)

Nebraska
(state)

69346
(zip code)

Date of receipt of Application August 20, 1984.

Recognized September 26, 1984.

The Water Management Board hereby recognizes the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Vested Water Right, subject, however, to the following limitations and conditions:

1. The date from which the applicant may claim right is April 30, 1904.
2. The whole of said work has been completed and water has been applied to beneficial use as described on Form 2B of this application.
3. The water appropriated is used for the purpose of irrigation.
4. The prior rights of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be unlawfully impaired by this appropriation.
5. The amount of the appropriation hereby recognized shall not exceed _____

0.13 cubic feet per second; neither shall it exceed the capacity of the above described water supply system nor shall it exceed the amount of water needed for beneficial uses served. For irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water has been actually and beneficially applied for irrigation. The water is to be used during the following described annual period January 1 to December 31

WATER MANAGEMENT BOARD

By: John Hatfield
(Chief Engineer)

Division of Water Rights
Dept. of Water and Natural Resources

October 26, 1984.

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

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

2. Dugout Information Estimates

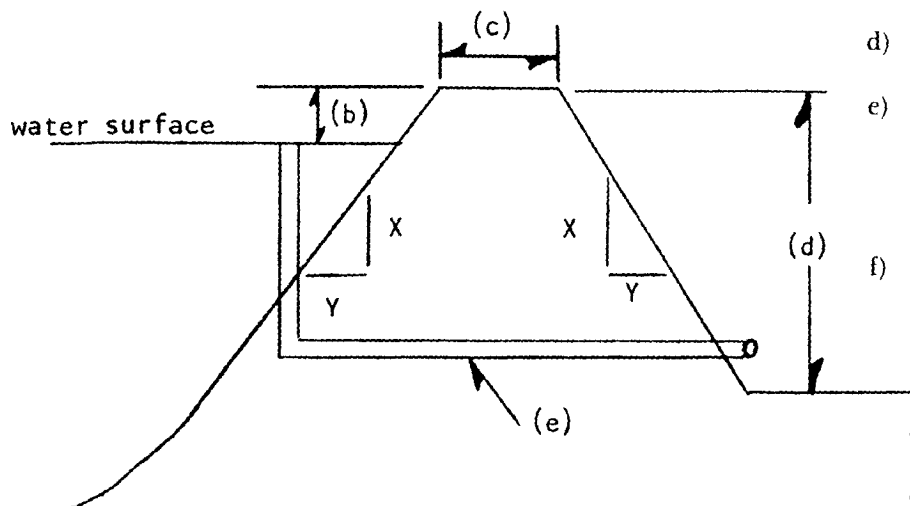
- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should 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

- | | Dam #1 | Dam #2 |
|-----------------------|--------|--------|
| b) Freeboard | 2' | 5' |
| c) Crest Width | 10' | 8' |
| Crest Length | 250' | 100' |
| d) Height | 20' | 15' |
| e) Outlet Dimensions: | | |
| Pipe diameter | ? | None |
| Spillway width | 5' | 10' |
| f) X & Y Slope | | |
| Upstream | 2:1 | 2:1 |
| Downstream | 1:1 | 2:1 |



Surface Area of Impoundment 1 Acre None

Storage 6 acre feet None

Drainage area above dam 300 Ac 80 Ac

Josh A. Falkenberg
Signature of Applicant

State of South Dakota

VESTED RIGHT Water License No. 1889-2

(1) Joe A Falkenburg

of HC 57, Box 37, Harrison, Nebraska

made Application No. 1889-2, August 20, 1984 for recognition of vested right for a water permit to appropriate

0.13 cubic feet per second of water from dry draw (South Dog Creek),

Fall River County, South Dakota for Irrigation purposes.

Vested Right

Permit No. 1889-2, with a priority date of April 30, 1984-1904

was approved recognized September 26, 1984 and issued to applicant(s) for diversion of water with construction of the described recognizing

water supply system to be completed on or before and for the application to beneficial use of said

water on or before

and

(2) It is certified that the application 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 0.13 cubic feet per second of water

for beneficial use. The location of the diversion point(s) is #1 - S70°W 2370 feet and #2 - S62°W

3100 feet from the east 1/4 corner of Section 14, T12S, R1E

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, to irrigate the following land all in

Section 14, T12S, R1E

NW $\frac{1}{4}$ SE $\frac{1}{4}$ 1 Acre

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 8 Acres

TOTAL 9 Acres

(4) Pursuant to §46-5-30.1 Joe A Falkenburg

of HC 57, Box 37, Harrison, Nebraska

the holder(s) and/or owner(s) of **Vested Right** ~~Water Permit~~ No. 1889-2 is issued a license to appropriate water, the right to use 0.13 cubic feet per second of water from dry draws (south Dog Creek) with a priority date of April 30, 1904 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of Irrigation

This license is subject to any limitations or qualifications listed in **Vested Right** ~~Water Permit~~ No. 1889-2 and subject to South Dakota State Law.


Chief Engineer, Water Rights Division
Department of Water and Natural Resources

October 26, 1984

This Water License No. 1889-2 is based upon a Vested Right claim filed with the Water Management Board.

Permit No. 1889-2Upper Cheyenne Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

TO: Chief Engineer, Division of Water Rights, DWRN, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Joe A.Falkenberg of Harrison, Nebr. holder ofPermit No. 1889-2, bearing the priority of April 30 1904 authorizingthe diversion of 0.13 cu. ft. per second of the waters of dry draws (South Dog Creek)for irrigation purposes, in Fall River County.

I have to report on the conditions of the same as follows:

A. Works used to divert the water: Two dams divert the water from dry draws into a delivery ditchB. Works used to transport water to place of use: earth canal from dam to fieldC. Works used to apply water to beneficial use: water runs out the end of the canal and floods the field.The system is in the following condition GoodThe point of diversion is located #1 - S70°W 2370 Feet and #2 - S62°W 3100 Feet from the east 1/4 corner of Section 12, T12S, R1EThe works are capable of diverting and conveying to the place of use 5cu. ft. per second of water which is to be used for irrigationWater has been put to beneficial use to the maximum extent as follows: NW 1/4 SE 1 - 1 acre and SW 1/4 SE 1 - 8 acres all in Section 12, T12S, R1Ecomprising a total of 9 acres of land and the license should be issued for 0.13 cfsApplicable permit qualifications have been complied with ☒ Yes ☐ NoExceptions to compliance are: _____ Date July 19, 1988

Water Right Filing No. 0615-2 and Location Notice No. 87-2 which were incorporated into the Vested Right filing are duplicates

Devin D. Bury, P.E.
(signature)

Affidavit of Water Use

No. _____

(Type or Print in Ink)

Note: This Form is supplemental to Form 2 and is to be used when an affidavit pertaining to construction and water use already constructed is needed, primarily with vested right claims.

**Affidavit Of Construction Of Water Use System
And Application Of Water To Beneficial Use**

Name of Applicant (Same as Form 2) Joe A. Falkenburg

Post Office Address RR#2, Box 37 Harrison, Nebraska 69346
(Street, RR or Box) (State) (Zip Code)

A. Notice of Appropriation April 30, 1904 Date of Posting April 30, 1904

Date of recording May 4, 1904 Recording date Fall River County 3 534
Where Book Page

B. Date of start of construction of water supply system 1904C. Date that water was first applied to beneficial use 1904D. Name of owner of original water supply system James E. HixsonE. Amount of water originally applied to beneficial use 5cfsF. Present Use of Water - Amount of water now being used 0.13Date that this water was first used 1904

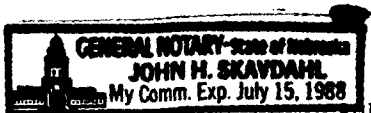
G. Chronological History of Water Use

The water right was filed by James Hixson in 1904
 The water right was transferred to Merritt Wallace around 1910
 The water right was transferred to Jerald Wallace in 1974
 The water right was transferred to Joe Falkenburg in 1984

Attach to this Form 2B any copies of notices, postings, filings, publications, affidavits, or other records that apply. You may also attach any written statement by you, or by others, that you deem pertinent.

State of NEBRASKA)County of SIOUX) ss

I, JOE A. FALKENBURG the applicant, certify that I have read the foregoing
(print or type)
 and that the matters therein stated are true.



Signed Joe A. Falkenburg
August 3rd, 1984
John H. Skavdahl
Notary Public or other qualified officer

I, the undersigned do hereby certify that I know about the water use system described above, that I have read the foregoing, and that the matters therein stated are true.

_____, 19_____
(Print name)_____, 19_____
(Print name)

WATER RIGHTS DIVISION
(605) 773-3352

July 30, 1984

HC57
Joe Falkenburg
RR#2, Box 37
Harrison, Nebraska 69346

Dear Mr. Falkenburg:

I have completed all of the necessary forms for the vested right on your water spreading system.

Would you please examine the forms and correct anything that is in error. Then, please sign the forms in the presence of a notary where indicated. The forms should then be returned to our office with a check for \$10.50. This will cover the cost of the filing fee and the water license.

Upon recognition of the vested right by the Water Management Board, Water Right Filing 0615-2 and Location Notice 87-2 will be incorporated into your Water Right.

I have enclosed a map of your project. If there are no changes you may keep it for your files. If you have changes please indicate them on the map and return it with the forms. We will then correct our office copy. You may keep the copies of Water Right Filing 0615-2 and Location Notice 87-2.

If you have any questions, please feel free to contact me.

Sincerely,

Delvin D. Brosz, P.E.
Hydrologist

DBB:ms
Enc.

RECEIPT

Division of Water Rights

No 4 9745

South Dakota Department of Water and Natural Resources

Pierre, September 10, 1984

RECEIVED OF Joe Falkenburg, HC57 Box 37, Harrison, NE 69346

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

Fee for Application for Permit No. 1889-2 to Appropriate Water, to construct works and to put water to beneficial use	8	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. 1889-2	2	50
Fee for Filing Transfer Form		
Fee for Filing Extension Request		
Fee for Certified Copy of		
Fee for Print Copy of Map		
Fee for Certifying		
Fee for (Any Other Work Provided by Law)		
Total	10	50

By

Chief Engineer

JOHN HATCH/ms



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

August 27, 1984

Joe Falkenburg
HC57 Box 37
Harrison, Nebraska 69346

Dear Mr. Falkenburg:

We received your vested right application on August 20, 1984 but did not receive the \$10.50 fee for the cost of the filing and the Water License.

Upon receipt the the fee further processing will proceed.

Sincerely,

A handwritten signature in cursive script that reads "Betty Westlund".

BETTY WESTLUND
Natural Resource Analyst III

*Received
Sept 10, 1984
BW*

Equal Opportunity Employer



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
(605) 773-3352

No. 1889-2

October 26, 1984

Joe A Falkenburg
HC 57, Box 37
Harrison NB 69346

Dear Mr. Falkenburg:

Enclosed herewith are your Vested Right Permit, Water License No. 1889-2. This Water License is the final water right document completing your process of obtaining a vested water right.

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.

Very truly yours,

A handwritten signature in cursive script, appearing to read "John Hatch".

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

enclosures

NOTE: The applicable portions of Water Right Filing No. 0615-2 and Location Notice No. 87-2 were incorporated into Vested Right No. 1889-2 and the abandoned portions of Filing No. 0615-2 and Location Notice No. 87-2 have been cancelled.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

JUL 1 1992

Joe A Falkenburg
HC 57, Box 32
Harrison NE 69346

Dear Mr. Falkenburg:

The Water Management Board has validated the enclosed Vested Water Right No. 1889-2. This validation gives legal status to the claim and is the final document for your vested right. A reissued Vested Right Water License is enclosed. An error was found on the priority date of the original Water License.

As long as you use the water beneficially, as stated in the validation, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

enclosure

SOUTH DAKOTA

VESTED WATER RIGHT NO. 1889-2 FOR IRRIGATION

Date of Receipt of Claim August 20, 1984.

Date of Validation May 6, 1992.

The Water Management Board validated Vested Water Right Claim No. 1889-2 for irrigation purposes for Joe A. Falkenburg, HC 57, Box 32, Harrison NE 69346 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1889-2 appropriates 0.13 cubic feet of water per second from dry draws (south Dog Creek) located in the NW 1/4 SE 1/4 and the SE 1/4 SW 1/4 Section 14 to irrigate 9 acres located in the W 1/2 SE 1/4 Section 14; all in T12S-R1E.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. Water is to be used during the following annual period: January 1 - December 31.
3. The priority date of the Vested Water Right is April 30, 1904.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: _____


Chief Engineer

JUL 1 1992

date

Division of Water Rights
Dept. of Environment and Natural Resources

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 1889-2 FOR IRRIGATION

(1) Joe A. Falkenburg of HC 57, Box 32, Harrison, NE 69346 made Application No. 1889-2, August 20, 1984 for validation of a vested right claim to appropriate 0.13 cubic feet of water per second from dry draws on south Dog Creek, Fall River County, South Dakota for irrigation purposes. Vested Water Right No. 1889-2 was validated May 6, 1992 with a priority date of April 30, 1904. Construction of the described water supply system and application of water to beneficial use has been completed and complies with applicable provisions of South Dakota State Law.

A review of the vested right file found an error in the priority date specified on the original license dated October 26, 1984. Based upon the validation of Vested Right No. 1889-2, the license is being reissued to correct the error.

(2) The applicant is entitled to divert 0.13 cubic feet of water per second for beneficial use. The location of the diversion points are #1 - S70 degrees W 2370 feet and #2 - S62 degrees W 3100 feet from the East 1/4 corner of Section 14, T12S, R1E.

The location of the irrigated acreage is:

T12S, R1E Section 14	NW 1/4 SE 1/4	1 Acre
	SW 1/4 SE 1/4	8 Acres
	Total-----	9 Acres

(3) Pursuant to Section 46-5-30.1 Joe Falkenburg of HC 57, Box 32, Harrison, NE 69346 the holder(s) and/or owner(s) of Vested Water Right No. 1889-2 is issued a license to appropriate 0.13 cubic feet of water per second from dry draws on south Dog Creek with a priority date of April 30, 1904 from the location specified in (2) of this license. The water is to be used for the purpose of irrigation. This license is subject to any limitations, conditions or qualifications listed in Vested Water Right No. 1889-2 and subject to South Dakota State Law.


JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and
Natural Resources

JUL 1 1992

NOT TO SCALE

Joe A. Falkenburg
Harrison, Nebr.

Map Prepared By
Nehemiah W. Burg, P.E.
Hydrologist
Division of Water Rights
7-27-82

