

4417-3

TALK FARMS, INC.
R.R.
SOUTH SHORE, SD. 57263

and 10 am. 11/16/12
Dec 22 12-15/12

115' deep well. 10' depth. 20' 1/2 inches

Current Well No. 1. 5'
5 1/2 ft.

Ground by 75 ft. S E Electric Motor

11/16/12
Dilling Station 7 hours. 10' on NE 1/2 132 acres.
Dilling Station 5 hours. 10' on SE 1/2 110 acres.

2" from POC to line first

Received 7/16/12

Water Right Number 4417-3

1. Considered MAY 24, 19 79
2. Name of Applicant FALK FARMS, INC.
3. Post Office Address SOUTH SHORE, SD 27-120-52
4. Amount of water claimed NO ADD'L
5. Source of water supply 127' & 124' WELLS
6. Water to be used for IRRIGATION

Acres to be irrigated NO ADD'L NE 1/4 27 - # 228513
(SE 1/4 27 - # 3227-3)

7. Water to be diverted and used in CODINGTON County
about 15 N, 2 1/2 Miles WEST of WATERTOWN

8. Proof of Publication Received 5-18-79

Not received _____

9. Application Approved 5-24-79

Subject to WI

Not approved _____

Action deferred _____

10. Remarks:

320 acres
2/22/79

No. 4417-3Map No. 3607-3 Water Division No. 3 BIG SIOUX RIVER District
(Blanks to be Filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

For change in point of diversion

To Appropriate Water within the State of South Dakota

(NOTE--Draw a line through items not applicable)

1. Name of Applicant: Falk Farms Inc.
 Postoffice address: R.R. South Shore, State S.D.
 If a corporation show date and place of incorporation: 2 July 1971 South Shore, S.D.
2. Method of accomplishing work (contract, employment of others, or by direct labor): Contract
3. Name of diversion work: None
4. Amount of water claimed (cubic feet per second): No Additional
5. Source of water supply: Well - Groundwater
6. Location of point of diversion: No⁽¹⁾ NW 1/4 of NE 1/4 Sec. 27 120-52
No⁽²⁾ NW 1/4 of SE 1/4 Sec. 27 120-52
- County Codington
7. Annual period or periods during which water is to be used: April 20 Nov
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.): Irrigation
9. For irrigation use, Total number of acres to be irrigated: 120

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.
<u>NW 1/4 of NE 1/4 of Sec 27</u>	<u>38</u>	<u>NW 1/4 of SE 1/4 of Sec 27</u>	<u>38</u>
<u>NE 1/4 of NE 1/4 of Sec 27</u>	<u>38</u>	<u>NE 1/4 of SE 1/4 of Sec 27</u>	<u>38</u>
<u>SE 1/4 of NE 1/4 of Sec 27</u>	<u>38</u>	<u>SE 1/4 of SE 1/4 of Sec 27</u>	<u>38</u>
<u>SW 1/4 of NE 1/4 of Sec 27</u>	<u>38</u>	<u>SW 1/4 of SE 1/4 of Sec 27</u>	<u>38</u>

Attach sheet if more space is needed

10. Time required to complete construction of water supply system: 3 years. Additional time required to complete application of water to the proposed beneficial use: 3 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication: Water town public opinion
12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

Turbine Pump

B. Works proposed to transport water to place of use.

PVC Pipe

C. Works proposed to apply water to beneficial use.

Convey PlantEstimated Total Cost \$ 00000Attachments: Attach Form 2A if diversion from a well or dgout, or if storage of water, is proposed. Attach map.
(See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

County of BrackleyI, James Schuster, the applicant, certify that I have read the foregoing application and 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 Falk Farms Inc.Subscribed and sworn to before me this 20 day of April 1979

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 4417-3
FALK FARMIS, INC. R.R. SOUTH SHORE
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57263 With the following modifications:
 (State)

The irrigation wells approved under this Permit will be located near domestic wells and other irrigation wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in irrigation wells having prior water rights.

Priority for this Permit No. 4417-3 is established by Permit Nos. 3227-3 and 2285-3.

Date of first receipt of application MARCH 28, 1979
 Date of return to applicant for correction, amendments or changes required _____, 19____
 Date of receipt of corrected application MAY 4, 1979
 Approved MAY 24, 1979, Recorded in Book 20 Page 344
 WATER RIGHT PERMIT NO. 4417-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 4417-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is OCTOBER 5, 1976 AND APRIL 29, 1975
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before NOVEMBER 24, 1981
3. The whole of said work is to be completed on or before MAY 24, 1984
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MAY 24, 1987
5. The water appropriated shall be used for the purpose of IRRIGATION
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 injuriously affected by this appropriation.
7. The amount of the appropriation herein granted shall not exceed NO ADDITIONAL 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, and if for the 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 MAY 24, 1987; said water to be used during the following described annual period: APRIL TO NOVEMBER

Witness my hand this 8TH day of JUNE, 1979

WATER RIGHTS COMMISSION

By:

John Hallett
 Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates

- (1) Drill Hole, Diameter 14", Depth 127'
 (2) Casing, Type Steel or pipe (wood, concrete, steel, etc.) Diameter 12" Thickness 3/8"
 (3) Perforated Screen.
 Type Wire wrap, Diameter 12", Length 20'
 (4) Gravel Pack, Thickness 2", Length of gravel pack 6-11 length

E. Dugout Information or Estimates.

- (1) Surface dimensions _____, Depth _____

F. Fill out for Either a Well or a Dugout.

- (1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials 7' 42" top soil, 2' 42" Gravel, 42' 109 Blue Clay, 109' 127 coarse gravel
(No 2 - 0' 2' top soil, 2' 42" Gravel, 42' 109 Blue Clay, 109' 127 coarse gravel - North Star Drilling Co. Minn. South Dakota)

Depth to top of water bearing material 109 109

Depth to bottom of water bearing material 127 127

Thickness of water bearing material 18 15

Depth to water (ground surface to water level) 1 Foot 1 Foot

- (2) Distance to nearest existing household or livestock watering wells. 4480' (No 1)

On same owner's property 4200' 2000' On property owned by others 3200'

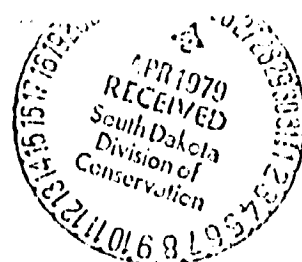
G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

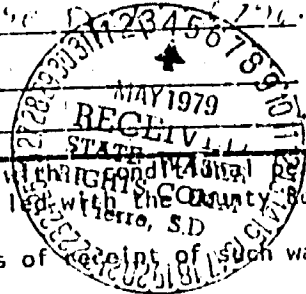
Note - Driller signed this form see log.

Folk Farm & John Johnson
 Signature of Applicant

SOIL/WATER COMPATIBILITY APPLICATION FORM
STATE CONSERVATION COMMISSION
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE



OWNERS NAME: Fall Farm, Inc. OWNER'S ADDRESS: 1111 N. 1st St. S. Shore
COUNTY LAND LOCATED IN: Cody Co. PHONE: 337-1171
TENANT'S NAME AND ADDRESS: (If Other Than Owner) _____



In accordance with State Law SDCL 46-5-6.5, if a water right is granted with this conditional permit (Soil/Water Compatibility), a copy of such conditional permit must be filed with the County Register of Deeds.
This action must be taken by the holder of a water right within 6 months of receipt of such water right.

LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres.)

1. WELL LOCATION OR DIVERSION POINT: NW 1/4 NE 4 1/2 - 120 N - 52 W
2. SURFACE WATER SOURCE: R. 4 1/2
3. LOCATION OF AREA TO BE IRRIGATED: NE 1/4 27
4. INDICATE NON-IRRIGATED AREAS AND (APPROX.) ACRES ON MAP: (Farmstead, shelterbelts, wetlands, etc.)
- TYPE OF IRRIGATION: (Show approximate acres under each type of system)
5. GRAVITY _____ TOWLINE _____ CENTER PIVOT ☒ GUN _____ OTHER (Specify) _____
6. CROPS TO BE IRRIGATED _____
7. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: 1975/1979
LAND: NE 1/4 27 is under Permit # 2285-3 SE 1/4 27 is under 3227-3
IN WHAT NAME: Fall Farm, Inc.

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

8. SAMPLE NUMBER: 17-123
9. SALINITY (EC X 10⁶): 100
10. SODIUM (SAR) 40 ADJUSTED (SAR) 1.00 Good

I hereby certify that I personally obtained or that I personally observed the taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see back) were followed, and that the sample was taken at 10 A.M. P.M., on April 20, 1979, at the following location: NW 1/4 NE 4 1/2 - 120 N - 52 W by Charles E. Felt (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

I also hereby certify that a chemical analysis of the irrigation water representative of that used to irrigate shall be acquired from South Dakota State University and the soils information has been acquired from Cody Co. Conservation District, County Extension Office or Soil Conservation Service; and further, that the legal description for the location of the well and land to be irrigated is true and correct.

I understand that the Division of Conservation or agents thereof may obtain another water sample for the purpose of validating the water sample analysis taken at the time of application (SDCL 46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS
17 DAY OF April, 1979.

Charles E. Felt
(NOTARY PUBLIC)

Charles E. Felt
APPLICANT'S SIGNATURE
Ruth L. Harner
Director, Division of Conservation
☒ APPROVED

DISAPPROVED

CONDITIONALLY APPROVED

IMPORTANT

Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application.

In all cases a WATER RIGHT must be obtained from the State Water Rights Commission.

REPORT OF ANALYSIS
Water Quality Laboratory
Water Resources Research Institute
South Dakota State University
Brookings, South Dakota 57007

Submitted by: Falk Farms
Address South Shore, SD 57263

Date Rec'd March 19, 1979
Sample No. 79-123
Identification Well-127
NEA, Sec. 27, T 120N, R 52W

WATER ANALYSIS

Calcium (Ca)	146	ppm*	7.30	me/l**
Magnesium (Mg)	40	ppm	3.28	me/l
Sodium (Na)	20	ppm	0.87	me/l
Potassium (K)	2	ppm	0.05	me/l
Sulfate (SO ₄)	128	ppm	2.65	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	2	ppm	0.04	me/l
Bicarbonate (HCO ₃)	483	ppm	7.92	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	396	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	858	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.40	Adjusted SAR	1.06	
Sodium	7.60	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.18			
Others:				

*ppm==parts per million
**me/l==millequivalents per liter
***g.p.g.=grains per gallon



COMMENTS: Total cations 11.50 me/l
Total anions 10.61 me/l

By: Shirley Mitten

Service Performed	Amount Due
Irrigation analysis	\$15.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 79-123

Amount Enclosed \$ _____
Signed _____

12/78

d

APPROVED

Change of diversion
point.

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

DIVISION OF CONSERVATION

NAME OF APPLICANT Falk Farms, Inc. & Charles Falk, South Shore, SDSOIL RESTRICTIONS:THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:RECOMMENDED MANAGEMENT:

1. Water should not be applied more than ----- times during the irrigation season.
2. Each uninterrupted application (one rotation of center pivot) should be of at least ----- inches of water.
3. ☐ Yes ☐ No Surface drainage suggested on any area that tends to pond
4. ☐ Yes ☐ No Subsurface drainage suggested on water.
5. ☐ Deep tillage (for the purpose of aiding movement of water through dense subsoils.

COMMENTS:

6. ☐ Heavy fall application of irrigation water.
7. Type of irrigation system recommended for use on this application Pivot.

GENERAL COMMENTS:

The Lamoure silty clay loam drainageway is narrow and small in acreage, but can cause you some grief because of the several places the tower tracks cross. Keeping the drainageway in alfalfa or alfalfa-grass mix plus maintaining a grade (slope) will assure excess moisture runoff and minimize tracking problems.

Copy to applicant
Copy to Water Rights
Copy on File

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Codington) ss.

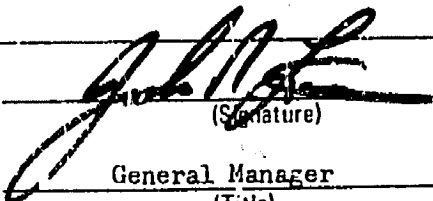
I, John H. Jowrie hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Watertown Public Opinion

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the _____

_____ town _____ of Watertown
County of Codington and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

May 8th, 1979

May 15th, 1979


(Signature)
General Manager
(Title)

May 15, 1979
(Date Signed)

PUBLIC NOTICE

NO. 4417-3
NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER
Pierre, South Dakota

57501
May 4, 1979
Notice is hereby given that Falk
Farms, Inc. whose post office ad-
dress is South Shore, South Dakota,
has made an application in ac-
cordance with the provisions of
SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-
9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-
5-8; 46-5-10 thru 46-5-22, 46-6-41; 46-6-
3, 46-6-7, 46-6-8, 46-6-9, 46-6-10, 46-
6-14 and Commission Rules ARSD
52:01:01:01 thru 52:01:01:13, for a
permit to appropriate for beneficial
use no add'l cubic feet of water per
second of time from ground water
(two wells) through the Falk Project
No. 2 to change, the point(s) of
diversion on existing permits of
which (are) to be located in the
NW¼ NE¼ and NW¼ SE¼ of
Section 27, Twp. 120N, Range 52W.
Said water to be used for the purpose
of providing irrigation on portions of
the following described land: E½,
Section 27 - T120N - R52W.
This Application No. 4417-3 will be
considered by the Water Rights
Commission at Howard Johnson's
Motel, 2211 Lacrosse, Rapid City,
SD 57701 upon the 24th day of May
1979 at 10 A.M. The Commission is
authorized to make a determination
on this application at the hearing.
All interested persons may appear
and be heard. Any person who may
be affected by a Commission
decision who desires to present
evidence or cross-examine wit-
nesses according to SDCL 1-26 may
notify the Commission in writing
prior to the hearing or orally at the
hearing.
This hearing is an adversary
proceeding. Any person 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 at the
hearing. Decision of the Commission
may be appealed to the Courts as
provided by law.
WATER RIGHTS
COMMISSION
BETTY WESTLUND
Water Rights
Specialist
(May 8, 1979)

6 @ 2.85 x 2 = 34.20



No. 4417-3

Publish first publication, on or before May 11, 1979

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

May 4, 1979

Notice is hereby given that Falk Farms, Inc. whose post office

address is South Shore, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8; 46-5-10 thru 46-5-22, 46-5-41; 46-6-3, 46-6-3.1, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use no add'l cubic feet of water per second of time from ground water

(two wells) through the Falk Project #2 to change the point(s) of diversion of on existing permits which ~~is~~ (are) to be located in the NW 1/4 NE 1/4 and NW 1/4 SE 1/4

of Section 27, Twp. 120 N, Range 52 W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

Et. Section 27 - T120N - R52W

This Application No. 4417-3 will be considered by the Water Rights Commission at Howard Johnson's Motel 2211 Lacrosse; Rapid City, SD 57701 upon the 24th day of May 1979

at 10 A.M. The Commission is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Commission decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Commission in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Commission may be appealed to the Courts as provided by law.

WATER RIGHTS COMMISSION

BETTY WESTLUND

Water Rights Specialist

cc: Falk Farms, Inc.
RR
South Shore, SD 57263

FORM 6 - Notice of Intent to Appropriate Water
GROUNDWATER

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 6906

PIERRE, May 1, 1970

RECEIVED OF Fall River Incorporated, South Shore SD 57263
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. <u>141243</u> (examination, processing, recording and filing)	150	00
Fee for inspecting Construction, and issuing Cert. of Construction No.		
Fee for inspecting Beneficial Use, and issuing Water License No.		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filling		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL	150	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH k j w

Mrs. Orville Stormo called
Monday May 21st regarding the
exact location of Falk's wells.
Expressed concerns that they were
going to use well in Section 22
across the County drop line. Advised
her that the permit and all information
in our office said Section 27.

BW.

Orville
Stormo 886-6563

Permit No. 4417-3
 Water Division 3 BIG SIOUX RIVER Water District

REPORT OF EXAMINATION OF WORKS
 AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO. WATER RIGHTS, WATER MANAGEMENT BOARD / FOSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by FALK FARMS, INC.

_____ of SOUTH SHORE _____ holder _____
 of Permit No. 4417-3, bearing date of priority of APRIL 29 OCTOBER 5, 1976 *
 authorizing the diversion of 17.3 cu. ft. per second of the waters of GROUNDWATER
 for IRRIGATION purposes, in CORINGTON & GRANT County.

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

The Water Use System consists of,

A. Works used to divert the water:

SEE ATTACHED SHEET

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

SEE ATTACHED SHEET

C. Works used to apply water to beneficial use.

SEE ATTACHED SHEET

The system is in the following condition: GOOD

The point of diversion is located SEE ATTACHED SHEET

The works are capable of diverting and conveying to the place of use 8.0 (2.0 CFS PER
WELL SYSTEM)
 cu. ft. per second of water which is to be used for IRRIGATION

Water has been put to beneficial use to the maximum extent as follows: ALL IN T12ON, R52W

<u>SECTION 15 NE⁴ 132 ACRES</u>	<u>SECTION 22 SE⁴ 132 ACRES</u>
<u>SE⁴ 132 "</u>	<u>SECTION 23 NW⁴ 132 "</u>
<u>SECTION 21 NE⁴ 132 "</u>	<u>SECTION 27 NE⁴ 132 "</u>
<u>SECTION 22 SW⁴ 132 "</u>	<u>SE⁴ 110 "</u>

comprising a total of 1034 acres of land

* THE APPLICABLE PORTIONS OF PERMITS NR 2286-3 & NR 3227-3
 HAVE BEEN INCORPORATED INTO THIS WATER LICENSE

Date AUGUST 27, 1981

Auston Jones
 (Signature)

- WELL #1 1455' E AND 790' S OF THE NE CORNER, SECTION 15, T120N, R52W
54' DEEP WELL WITH 18" DIA FIBERGLAS CASING WITH 20' FIBERGLAS SLOTTED SCREEN
FAIRBANKS-MORSE 6" PUMP, POWERED BY 50HP US. ELECTRIC MOTOR
- HELPER WEL 8' E OF WELL #1
112' DEEP WELL WITH 8" PLASTIC CASING, 20' SLOTTED SCREEN
FAIRBANKS-MORSE 6" PUMP, POWERED BY 50HP US. ELECTRIC MOTOR
8' OF 8" PVC PIPE FROM HELPER WELL TO WELL #1
550' OF 8" BURIED PVC TO CENTER OF PIVOT IN NE⁴, SECTION 15, T120N, R52W
2645' OF 8" BURIED PVC TO CENTER OF PIVOT IN SE⁴, SECTION 15, T120N, R52W
BOTH PIVOTS 13 TOWER VALLEY WATER DRIVE WITH NELSON #100 END GULL
- WELL #2 15' SE OF THE CENTER OF NW⁴, SECTION 28, T120N, R52W
131' DEEP WELL WITH 18" FIBERGLAS CASING WITH 20' FIBERGLAS SLOTTED SCREEN
FAIRBANKS-MORSE 8" PUMP 3 STAGE - 12" BOWLS - POWERED BY 75HP REULAND ELECTRIC MOTOR
15' OF 8" PVC TO CENTER OF PIVOT IN NW⁴, SECTION 28, T120N, R52W
2700' OF 8" BURIED PVC TO CENTER OF PIVOT IN SE⁴, SECTION 28, T120N, R52W
7 TOWER ELECTRIC DRIVE VALLEY CP IN NW⁴, SECTION 28, T120N, R52W
13 TOWER WATER DRIVE VALLEY CP IN SE⁴, SECTION 28, T120N, R52W
- WELL #3 1585' E & 66' S OF THE NW CORNER, SECTION 22, T120N, R52W
118' DEEP WELL WITH 18" FIBERGLAS CASING - 20' OF FIBERGLAS SLOTTED SCREEN
FAIRBANKS-MORSE 8" PUMP - POWERED BY 75HP REULAND ELECTRIC MOTOR
670' OF 8" BURIED PVC TO CENTER OF PIVOT IN SW⁴, SECTION 22, T120N, R52W
3750' OF 8" BURIED PVC TO CENTER OF PIVOT IN NE⁴, SECTION 21, T120N, R52W
BOTH PIVOTS 13 TOWER WATER DRIVE CP WITH NELSON #100 END GULL
- WELL #4 2550' W & 900' S OF THE NE CORNER, SECTION 15, T120N, R52W
115' DEEP WELL WITH 10" STEEL CASING - 20' OF STAINLESS STEEL SLOTTED SCREEN
AURORA VERTI-LINE 8" PUMP - 5 STAGE POWERED BY 75HP GE ELECTRIC MOTOR
1250' OF 8" BURIED PVC TO CENTER OF PIVOT IN NE⁴, SECTION 27, T120N, R52W
2450' OF 8" BURIED PVC TO CENTER OF PIVOT IN SE⁴, SECTION 27, T120N, R52W
7 TOWER ELECTRIC DRIVE VALLEY CP IN NE⁴, SECTION 15, T120N, R52W
6 TOWER ELECTRIC DRIVE VALLEY CP IN SE⁴, SECTION 15, T120N, R52W

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8699

PIERRE, February 5, 1932

RECEIVED OF Falk Farms Incorporated, Warren Falk, South Shore, SD 57263

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

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for inspecting Construction, and issuing Cert. of Construction No. 4417-3		
Fee for inspecting Beneficial Use, and issuing Water License No. 4417-3	50	00
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filling		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL	50	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH *JHS*

No. 4417-3

South Dakota Department of
Water & Natural Resources

Joe Foss Building Water Rights Division
Pierre, South Dakota 57501

(605) 773-3352

May 20, 1982

Falk Farms, Incorporated
Warren Falk
South Shore, South Dakota 57263

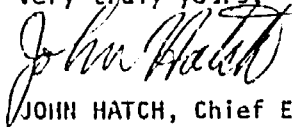
Gentlemen:

Enclosed herewith are, Water License No. 4417-3 and Certificate of Construction.

Water License No. 4417-3 * is the final water right document completing your process of obtaining a 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,



JOHN HATCH, Chief Engineer
Water Rights Division

JH: ms

enclosures

*The applicable portions of Permit Nos.
2285-3 and 3227-3 have been incorporated
into this Water License.

WNR-817-7/79
Transmittal of Water License

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 441703

(1) WHEREAS, On the 28th day of March A. D. 19 79
Falk Farms, Inc.

made Water Right Application No. 4417-3 for a permit to use 17.3 * cubic feet per second of the waters
 of Codington & Grant County of Codington & Grant, State of South Dakota, for Irrigation
 purposes; and

(2) WHEREAS, On the 24th day of May A. D. 19 79
 Permit No. 4417-3, with a date of priority of October 5, 1976 & April 29, 1975*

was issued to said applicant 5 for the diversion of said water, and provided for the completion of construction of the water
 supply system therein described on or before the 24th day of May A. D. 19 84 and for the
 application to beneficial use of said water on or before the 24th day of May A. D. 19 87

*WHEREAS, the diversion rate and priority dates were established for Permit No. 4417-3
 under Permit Nos. 2285-3 and 3227-3, on the 27th day of August, 1981 the applicable
 portions of Permit Nos. 2285-3 and 3227-3 were incorporated into this water license
 No. 4417-3.

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
 relating to completion of the construction of the water supply system and is entitled to divert 8.0 cubic feet
 per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
 relating to the application of water to beneficial use of the following extent,
 to irrigate the following land all in T120N, R52W

Section 15	NE $\frac{1}{4}$	132 acres	(A)
	SE $\frac{1}{4}$	132 acres	(D)
Section 21	NE $\frac{1}{4}$	132 acres	(A)
Section 22	SW $\frac{1}{4}$	132 acres	(C)
	SE $\frac{1}{4}$	132 acres	(D)
Section 23	NW $\frac{1}{4}$	132 acres	(B)
Section 27	NE $\frac{1}{4}$	132 acres	(A)
	SE $\frac{1}{4}$	110 acres	(D)
TOTAL		1034 Acres	

(5) NOW, THEREFORE By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to Falk Farms, Inc.

_____ of South Shore, South Dakota
the holder S and owner S of said permit No. 4417-3 a water right, dating from April 29, 1975 and October 5, 1976 to use of 8.0 cubic feet per second of the waters of groundwater (5wells)

in the County of Codington & Grant and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at Well #1 - 1450'E and 790'S of the NE Corner, Section 15; Helper well - 8'E of well #1; Well #2 - 15' SE of the center of NW 1/4, Section 23; Well #3 - 1585'E and 660'S of the NW corner, Section 22; Well #4 - 2550'W and 960'S of the NE corner Section 15; all in T120N, R52W.

and conducted to and upon portions of Sections 15, 21, 22, 23 and 27 more fully described on the face of this License

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 4417-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 19th day of May A. D.
Nineteen Hundred and Eighty-Two

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer

JOHN HATCH

Permit No. 4417-3

Water Diversion No. 3 Big Stoux River Water District
10170202

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Falk Farms, Inc.

_____ the holder _____ of
Permit No. 4417-3, issued upon Application No. 4417-3, bearing date of priority of October 5, 1976* and
April 29, 1975* authorizing the diversion of 17.3 cu. ft. per second of the waters of _____
groundwater (5 wells) County of Codington & Grant, State of South Dakota at _____
Well #1 - 1450'E and 790'S of the NE Corner, Section 15; Helper well - 8' E
of well #1; Well #2 - 15'SE of the center of NW 1/4, Section 23; well #3, 1585'E
and 660'S of the NW Corner, Section 22; well #4 - 2550'W & 960'S of the NE Corner,
Section 15 - all in T120N, R52W. for irrigation

_____ purposes, have _____ complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 8.0 cu. ft. per second of water.

Date May 19, 1982



JOHN HATCH, Chief Engineer
Water Rights Division

*The applicable portions of Permit Nos.
2285-3 and 3227-3 have been incorporated
into this Water License.

**South Dakota Department of
Water & Natural Resources**

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

January 29, 1988

FALK FARMS INC -Warren Falk
RR #1 BOX 62
SOUTH SHORE, SD 57263

NOTICE

Re: Violation of Water Permit No(s). 4153-3, 4417-3

Our records indicate that the 1987 Irrigation Questionnaire has not been received for Permit No(s). 4153-3, 4417-3. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 4153-3, 4417-3 qualification:

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

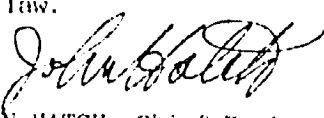
The hearing(s) will be at 9:00 am, March 2, 1988, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

Following the hearing(s) the Water Management Board can:

1. Suspend Permit No(s). 4153-3, 4417-3 until either the 1987 Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

The hearing(s) 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.


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

NOTE: If the questionnaire(s) is received in this office before the March 2 hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.

SOUTH DAKOTA Department of
Water & Natural Resources

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

February 9, 1988

2477-3	2827-3
4153-3	4180-3
4184-3	4417-3

Warren Falk
RR 1, Box 59
South Shore SD 57203

Dear Mr. Falk:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 2477-3, 2827-3, 4153-3, 4180-3, 4184-3, 4417-3 and the hearing date before the Water Management Board.

Since your questionnaire was received prior to the March 2, 1988 Water Management Board Meeting, your name has been deleted from the Board Meeting agenda. If you have any questions, please contact us.

Very truly yours,

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

cc: R E Kahnke
405 5th Ave NW
Watertown SD 57201

 **Department of
Water & Natural Resources**

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

July 19, 1988

4417-3
4153-3
3227-3

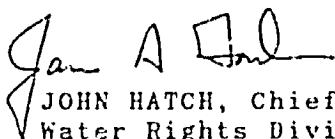
Falk Farms, Inc.
RR 1, Box 59
South Shore SD 57263

Dear Sirs:

During the week of July 12-15 an investigation of domestic well complaints was conducted in Codington and Grant Counties. In all instances, the domestic wells were completed into the Prairie Coteau Aquifer (artesian aquifer) and the water levels were being affected by irrigation withdrawals. One of the complaints was that irrigation systems were wasting water by spraying on county roads and highways. This is not necessary and needs to be prevented. Not only is this a hazard to motorists with potential liability for the irrigator, but it is poor public relations.

I am requesting that you prevent the end guns from spraying on the county roads and highways. Technically, spraying roads is a waste of water and legislation could be introduced and passed by the Legislature that could be difficult to live with.

Very truly yours,


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



South Dakota Department of
Water & Natural Resources

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

July 21, 1988

Warren Falk
Falk Farms, Inc.
RR 1, Box 62
South Shore SD 57263

Dear Mr. Falk:

This letter is in response to a phone call received on July 19, 1988 regarding a well drilling rig located in the SE1/4 section 15-T120N-R52W.

Water Right No. 4417-3 authorizes irrigation of the E1/2 of section 15 from 2 wells located in the NE1/4 section 15. Any additional wells needed to supply the pivots included on Water Right No. 4417-3 will require obtaining a new water permit. If only test drilling is being completed, then no water permit is needed.

Please contact me if you have any questions.

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352



#4417-3

SOUTH DAKOTA
Department of
Water & Natural Resources

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

February 17, 1989

Falk Farms, Inc.
RR 1, Box 59
South Shore, SD 57263

Dear Sirs:

On October 6, 1988, the Water Management Board adopted rules to implement a 1988 law for application of chemicals through irrigation systems. The rules establish equipment standards, performance standards and installation requirements for irrigation systems that apply chemicals (fertilizers, insecticides, or herbicides) with irrigation water.

You have indicated on your 1988 Water Management Board Irrigation Questionnaire that you do apply chemicals with irrigation water. A copy of the new rules for chemigation are enclosed for your information.

The new standards include:

- * a check valve between the irrigation pump and the point of chemical injection;
- * a vacuum relief valve on top of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a low-pressure drain on the bottom of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a chemical injection line check valve between the chemical injection pump and the point at which the chemical is injected into the irrigation line; a second check valve is required if the chemical injection pump is not a positive displacement pump;
- * an interlock system which ensures that the chemical injection pump will stop whenever the irrigation pump stops;
- * an inspection port between the irrigation pump and the check valve on the irrigation line;



Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

The equipment must be installed according to the manufacturer's specifications, calibrated, and maintained in good working condition. All chemical product labels must be followed and warning signs must be posted. These rules also require reporting of all spills, accidents, and system malfunctions. A 24-hour telephone number is provided.

The chemigation rules contain notification and record keeping requirements. Prior to using chemigation, notification must be given to the Chief Engineer on the enclosed Form 1C. Information that must be provided in this notification includes the water permit or right number, the name, address, and telephone number of the water permit or right holder and of the system operator, and the legal description of the lands on which the system is located. A record of the name, quantity, dates and hours of each chemical applied must be provided to the Chief Engineer on Form 2C. A copy of this form is also enclosed for your information. It will be mailed with the annual irrigation questionnaire and must be returned with the questionnaire by the date specified. If you have any questions regarding these rules or need additional copies of the forms, please contact Susan Bowar, Water Rights Engineer (605-773-3352).

Very truly yours,



for JOHN HATCH, Chief Engineer
Water Rights Division

 **Department of
Water & Natural Resources**

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

SEP 14 1989

Warren Falk
Falk Farms, Inc.
RR #1, Box 59
South Shore SD 57263

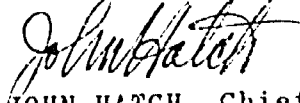
Dear Mr. Falk:

Enclosed is Water License No. 4417-3. A review of the original license, issued on May 19, 1982, found errors in the legal descriptions of the diversion points. The license has been reissued to correct these errors.

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. 4417-3, 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.

If you have any questions, please contact our office.

Very truly yours,



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

enclosures



STATE OF SOUTH DAKOTA

REISSUED WATER LICENSE NO. 4417-3

(1) Falk Farms, Inc. of South Shore, SD was issued Water License No. 4417-3, May 19, 1982 for a water right to appropriate 8.0 cubic feet of water per second from groundwater (5 wells), Codington and Grant Counties, South Dakota for irrigation purposes. Water License No. 4417-3 with priority dates of October 5, 1976 and April 29, 1975 was issued to applicant(s) for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

Water Permit No. 4417-3 authorized change in diversion points on Water Permit Nos. 2285-3 and 3227-3. No. 4417-3 did not allow for an increase in acreage to be irrigated or appropriation of water.

The applicable portions of Water Permit Nos. 2285-3 and 3227-3 were incorporated into Water License No. 4417-3 issued on May 19, 1982. The land in the SE 1/4 Section 27, T120N, R52W retained a priority date of October 5, 1976 (Permit No. 3227-3). The remaining land in Sections 15, 21, 22, 23 and the NE 1/4 Section 27, T120N, R52W retained a priority date of April 29, 1975 (Permit No. 2285-3).

A review of Water License No. 4417-3 found errors in the legal description of the diversion points. Well #3 is located 1585'E and 660'S of the W 1/4 corner (not the NW corner). Well #4 is located in Section 27, not Section 15. The license is being reissued to correct these errors.

(2) It is certified that the applicant 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 8.0 cubic feet of water per second for beneficial use. The location of the diversion points are: Well #1 - 1450'E and 790'S of the NE corner Section 15; Helper Well - 8'E of Well #1; Well #2 - 15'SE of the center of the NW 1/4 Section 23; Well #3 - 1585'E and 660'S of the W 1/4 corner Section 22; Well #4 - 2550'W and 960'S of the NE corner Section 27; all in T120N, R52W.

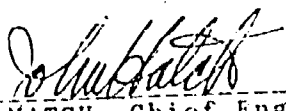
(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

T120N, R52W	Section 15	NE 1/4	132 acres
		SE 1/4	132 "
	Section 21	NE 1/4	132 "
		Section 22	SW 1/4
	SE 1/4		132 "
	Section 23	NW 1/4	132 "
		Section 27	NE 1/4
	*SE 1/4		110 "

TOTAL 1034 acres

- * SE 1/4 Section 27 - Priority date, October 5, 1976
(Permit No. 3227-3)
remaining land - Priority date, April 29, 1975
(Permit No. 2285-3)

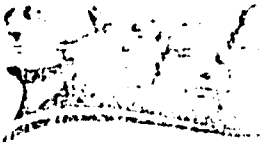
(4) Pursuant to Section 46-5-30.1 Falk Farms, Inc. of RR 1, Box 59, South Shore SD 57263 the holder(s) and/or owner(s) of Incorporated No. 4417-3 is issued a license to appropriate water, the right to use 8.0 cubic feet of water per second from groundwater (5 wells) with priority dates of October 5, 1976 and April 29, 1975 from the location specified in (2) of this license. The water is 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 Incorporated No. 4417-3 and subject to South Dakota State Law.



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

SEP 14 1989

South Dakota



GREAT FACES. GREAT PLACES.

February 1, 1991

FALK FARMS INC
RR #1 BOX 59
SOUTH SHORE SD 57263

DEPARTMENT OF WATER & NATURAL RESOURCES

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

NOTICE

RE: Violation of Water Permit No(s) 4417-3, 4637-3, 5269-3, 5271-3

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 4417-3, 4637-3, 5269-3, 5271-3. The request for the Questionnaire was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s) 4417-3, 4637-3, 5269-3, 5271-3 qualification:

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

The hearing will be held at 9:15 am, February 27, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, Pierre SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Suspend Permit No(s) 4417-3, 4637-3, 5269-3, 5271-3 until the 1990 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

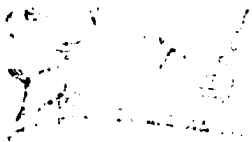
The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by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

If the questionnaire is received in this office before the February 27th hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352

South Dakota



GREAT FACES. GREAT PLACES.

February 1, 1991

DEPARTMENT OF WATER & NATURAL RESOURCES

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

FALK FARMS, INC.
RR 1, BOX 59
SOUTH SHORE, SD 57263

NOTICE

Re: Failure to Report Chemical Use under Water Permit No(s). 4417-3; & 4180-3

Our records indicate that the 1990 chemigation report(s) has not been received for Permits No(s) 4417-3; & 4180-3. The request for the chemigation report(s) was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 chemigation report(s) be given notice of violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of South Dakota general rule 74:02:09:02(3) requiring chemigation users to report the dates and hours of chemical application.

The hearing(s) will be held at 9:15 am, on February 27, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, Pierre SD.

The hearing(s) will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

Following the hearing(s) the Water Management Board can:

1. Suspend Permit No(s). 4417-3; & 4180-3 until either the 1990 chemigation report(s) is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

The hearing(s) 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.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352

NOTE: If the chemigation report(s) is received in this office before the February 27th hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☒ Show to whom delivered, date, and addressee's address. (Extra charge)

2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:

Warren Falk
RR 1 Box 59
South Shore SD 57263

Article Number
P694057531

Type of Service:

☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Addressee
X *Warren Falk*

6. Signature - Agent
X

7. Date of Delivery
2-2-91 cu

8. Addressee's Address (ONLY if requested and fee paid)

PS Form 3811, Apr. 1989 U.S.G.P.O. 1989-233-815 DOMESTIC RETURN RECEIPT



DEPARTMENT OF WATER & NATURAL RESOURCES

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

February 6, 1991

Warren & Eloise Falk
Falk Farms Inc.
RR #1 Box 59
South Shore, SD 57263

Dear Mr. & Mrs. Falk:

I am writing to acknowledge receipt of your 1990 irrigation questionnaires for Water Permit Nos. 2477-3, 2827-3, 4180-3, 4184-3, 4417-3, 4637-3, 5269-3, 5271-3. You may disregard the February 1, 1991, Notice of failure to submit the 1990 irrigation questionnaires and the Notice of failure to report chemical use. With receipt of the questionnaires, your name has been deleted from the February Water Management Board meeting agenda.

If you have any questions, please contact Genny McMath, at (605) 773-3352.

Sincerely,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division

cc: Ina Kohnke, 405 5th Ave NW, Watertown, SD 57201



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

WARREN FALK
RR 1 BOX 59
SOUTH SHORE SD 57263

NOTICE

RE: Violation of Water Permit No(s) 4417-3, 5269-3 & 5271-3

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit No(s) 4417-3, 5269-3 & 5271-3. The request for the Questionnaire was dated October 18, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1991 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 4417-3, 5269-3 & 5271-3 qualification:

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

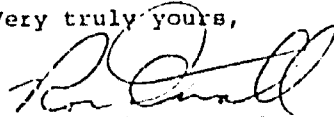
The hearing will be held at 5:15 am, March 4, 1992, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, 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) 4417-3, 5269-3 & 5271-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office before the March 4th hearing date, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,


Ror Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

FALK FARMS, INC
RR 1, BOX 59
SOUTH SHORE, SD 57263

NOTICE

Re: Failure to Report Chemical Use under Water Permit No(s) 4417-3; & 4180-3

The first notice to file chemigation report(s) for Permit No(s) 4417-3; & 4180-3 was dated October 18, 1991. Our records indicate that we have not received the 1991 chemigation report for Permits No(s) 4417-3; & 4180-3. The Water Management Board has directed that owners of water permits who have not submitted the 1991 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing held by the Board is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application.

The hearings will be held at 9:15 am, on March 4, 1992, at the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol, Pierre SD, and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to SDCL 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 or up to three years for the 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). 4417-3; & 4180-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

Very truly yours,

RON DUVALL, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

NOTE: If the chemigation report(s) is(are) received by this office prior to the March 4, 1992 hearing, you will no longer be in violation and your name will be deleted from the Board agenda.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 4, 1992

Warren Falk
Falk Farms, Inc.
RR 1, Box 59
South Shore, SD

Dear Mr. Falk:

I am writing to acknowledge receipt of your 1991 chemigation report for Water Right Nos. 4417-3 & 4180-3. You may disregard the January 27, 1992 Notice of Failure to Report Chemical Use for 1991. With receipt of the chemigation report, your name has been deleted from the March 4, 1992 Water Management Board meeting agenda.

If you have any questions, please contact me at (605) 773-3352.

Sincerely,

DON FRYE, Natural Resources Analyst
Water Rights Division



2477-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 7, 1992

Warren Falk
RR #1 Box 59
South Shore, SD 57263

RE: Irrigation Questionnaires: 2477-3, 2827-3, 4180-3, 4184-3,
4417-3, 5269-3 and 5271-3

Dear Mr. Falk:

I am writing to acknowledge receipt of your 1991 irrigation questionnaires for Water Permit Nos. 2477-3, 2827-3, 4180-3, 4184-3, 4417-3, 5269-3 and 5271-3. You may disregard the January 27, 1992, Notice of failure to submit the 1991 irrigation questionnaire. The questionnaires were received prior to the Water Management Board meeting and your name was deleted from the agenda.

If you have any questions, please contact me at (605) 773-3352.

Sincerely,

Genny McMath
Natural Resources Analyst
Water Rights Division

cc: Ina Kahnke, 405 5th Ave NW, Watertown, SD 57201

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt Fee will provide you the signature of the person delivered to and the date of delivery.

3. Article Addressed to:

WARREN FALK
RR 1 BOX 59
SOUTH SHORE, SD 57263

5. Signature (Addressee)

Warren Falk

6. Signature (Agent)

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address2. ☐ Restricted Delivery

Consult postmaster for fee.

4a. Article Number

P 906 557 832

4b. Service Type

☐ Registered☐ Insured☒ Certified☐ COD☐ Express Mail☐ Return Receipt for Merchandise

7. Date of Delivery

1-30-12 CC

8. Addressee's Address (Only if requested and fee is paid)



4417-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOV 12 1997

4417-3
5271A-3
5271B-3

Warren Falk
45384 154th St.
South Shore, SD 57263

Dear Mr. Falk:

Enclosed are Water License Nos. 5271A-3, 5271B-3 and Reissued Water License No. 4417-3.

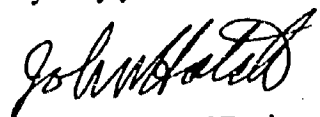
Water Permit No. 5271-3, approved in 1989, authorized replacement of the 112' deep helper well authorized under Water Right No. 4417-3 irrigating the E $\frac{1}{2}$ of Section 15, T120N, R52W with a 58' deep well and the addition of a new well to supplement the irrigation system. The replacement well and the new well described in No. 5271-3 are from the Prairie Coteau Aquifer and the Big Sioux North Aquifer. No. 5271-3 was divided and reissued to separate the two water sources.

Water License No. 4417-3 was reissued to delete the land and diversion point located in the E $\frac{1}{2}$ Section 15, T120N, R52W. The irrigation system and the two wells supplying water to the E 1/2 Section 15 are now described in Water License Nos. 5271A-3 and 5271B-3.

As long as you use the water beneficially, as stated in the licenses, South Dakota Water Laws provide that you have a continuing right to the use of the water.

If you have any questions concerning the enclosed water licenses, please contact us.

Very truly yours,


John Hatch, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

gm

STATE OF SOUTH DAKOTA
REISSUED WATER LICENSE NO. 4417-3

(1) Falk Farms, Inc., 45384 154th St., South Shore SD 57263 were issued Water License No. 4417-3, May 19, 1982 for a water right to appropriate 8.0 cubic feet of water per second from groundwater (5 wells), Codington and Grant Counties, South Dakota for irrigation purposes. Water License No. 4417-3, with priority dates of October 5, 1976 and April 29, 1975 was issued to the applicants for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed. On September 14, 1989, Water License No. 4417-3 was reissued to correct errors in the legal description of the diversion points.

The water license issued on September 14, 1989, is being reissued to delete lands and a diversion point (described as Well #1) located in the E 1/2 Section 15-T120N-R52W. The irrigation system and the two wells supplying water to the E 1/2 Section 15 are now described in Water License Nos. 5271A-3 and 5271B-3.

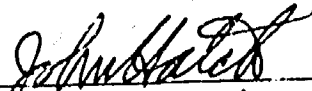
(2) It is certified that the water right holders have complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and are entitled to divert 6.0 cubic feet of water per second for beneficial use. The location of the diversion points are: Well #2 - 15' SE of the center of the NW 1/4 Section 23; Well #3 - 1585' E and 660' S of the W 1/4 corner Section 22; Well #4 - 2550' W and 960' S of the NE corner Section 27; all in T120N-R52W (RES).

(3) The water right holders have complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land (all are RES descriptions)

Section 21-T120N-R52W	NE 1/4	132 acres
Section 22-T120N-R52W	SW 1/4	132 acres
	SE 1/4	132 acres
Section 23-T120N-R52W	NW 1/4	132 acres
Section 27-T120N-R52W	NE 1/4	132 acres
	* SE 1/4	110 acres
Total		770 acres

* SE 1/4 Section 27 - Priority date - October 5, 1976 (established under Permit No. 3227-3)
Remaining land - Priority date - April 29, 1975 (established under Permit No. 2285-3)

(4) Pursuant to South Dakota Water Law 46-5-30.1 Falk Farms, Inc., 45384 154th St., South Shore SD 57263 the holders and/or owners of Reissued Water License No. 4417-3 are issued a license to appropriate water, the right to use 6.0 cubic feet of water per second from groundwater (3 wells) with priority dates of October 5, 1976 and April 29, 1975 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 Incorporated Water Permit No. 4417-3 and subject to South Dakota State Law.


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

NOV 12 1997

date



NOTICE OF WELL CONSTRUCTION

(1) WELL CONSTRUCTION

Location of well: 1/4 SE 1/4 Section 25 Township T4N Range 74W
Well owner: Orin Gunderson RRI South Shore
(Name) (Address)
Date well drilling completed April 13, 1977 Purpose of well: Domestic
(domestic, irrigation, municipal, industrial, other)

WELL LOG

Layers, top to bottom in feet	Description of layer
0-40	yellow clay
40-51	blue clay
51-94	yellow clay
94-111	blue clay
111-121	red sand
121-159	blue clay
159-202	coarse sand not thru

Depth to top of water-producing aquifer _____ ft.

Depth to static water level _____ 45' _____ ft.

Name of producing aquifer (if known) _____

Total depth of drill hole _____ 202 _____ ft.

Depth to bottom of casing _____ 202 _____ ft.

Casing information: In the space below show kind, size, weight, length per diameter, etc., for production casing and surface casing, if used.
6" Sch. 40 Plastic.
30' long

Screen information: In the space below show length of screen below bottom of casing, diameter and kind of screens or coring perforations.
40' of slotted casing

If a flowing well, flow of completed well _____ G.P.M.

Attach sheet if more space is needed

Lee Well Drilling

(2) PUMP INSTALLATION

Company name and size of pump Goulds HP 1
Type of pump Submersible Capacity of installed pump 10 G.P.M.
Depth of pump placement 100 ft. Date of pump installation April 13, 1977

(3) WATER SURFACE MEASURING TUBE.

On some wells and a 4-inch water surface measuring tube is required. See Section 46.408 of Chapter 46.4, MINIMUM WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed _____ ft., tube diameter _____, tube material _____.

Lee Well Drilling
Name of Pump Installer or Contractor

6/60

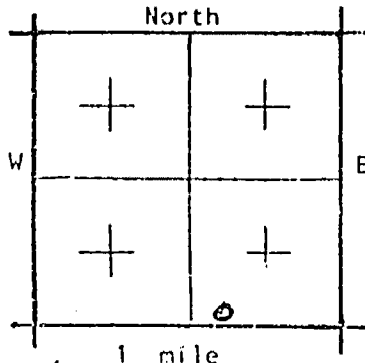
Well Owner:

Name Charles Falk
Address RR South Shore Rd,
57243

Well Location:

North

Mark location
with an "X"



County Codington 120 52 W R
SW: SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 27 Twp. ~~17~~ Rg. ~~7~~ 74

Proposed Use:

☒ Domestic ☐ Municipal ☐ Test Holes
☐ Irrigation ☐ Industrial ☐ Stock

Method of Drilling:

☐ Forward Rotary ☐ Boiled ☐ Jetted
☐ Reverse Rotary ☐ Cable ☐ Other

Well Construction:

Diameter of Hole 9-1/8
Depth 40
Casing ☐ Steel ☒ Concrete
☐ Plastic ☐ Other
If other, specify _____

Was casing end left open NO
Was a well screen installed YES
Describe Well Screen
Diameter 5 inch Material PVC
Slot size 1/4 inch
Was well gravel packed yes
Was well grouted yes
Was water sample taken yes

Remarks :

S: ~~of~~ Irrigation Water

Water Level Information:

Static water level 18 below land surface
If flowing: closed in pressure _____ PSI
rate of flow _____ GPM

Controlled by: _____
☐ Valve ☐ Reducers ☐ Other
 If other; specify _____

Well Test Data:

☒ Pumped
☐ Bailed Describe: _____
☐ Other _____

Pumping Level Below Land Surface
2 ft. After 6 Hrs. pumped 60 GPM
 " " " " " "
 " " " " " "

Well Log:

Formation	From	Depth	To
top Soil	0		1 ft
CLAY	1		6
Gravel	6		40

A circular official stamp from the Division of Water Rights, State of South Dakota. The text inside the stamp includes "NOV 1983", "DIVISION OF", "WATER RIGHTS", and "STATE, SD". The outer ring of the stamp contains a sequence of numbers: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 00.

(Use Back if Necessary)

Date Completed: 10-15-83

Driller: A. E. H. H. H. H. H.
R. E. H. H. H. H. H. License NO. 386-7

Address

Signed By

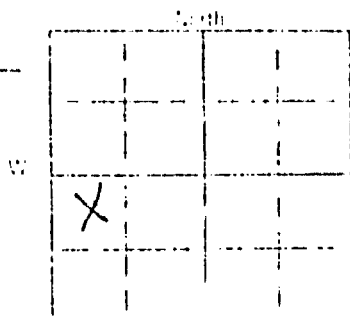
Date _____

Lt. Bent
12-14-83

SOUTH DAKOTA WELL AND TEST HOLE PLUGGING REPORT

10 85

Location NW 1/4 of SW 1/4 31 T12N R15E S12

County
CodingtonPlease mark well
location with
an "X"

Name Evelyn KANNAS

Address RR#1 Box 53

South Shore, S.D.

57763

Plugging completion Date 6/16/92

CHECK APPROPRIATE BOX

EXISTING WELL



TEST HOLE



Well depth

158'

Hole depth

Casing material

Black steel sch. 40

Hole size

Casing size

2"

Casing condition

Generally Good



Describe plugging procedure

Tremie line to bottom of well - pressure grouted
15 lb Neat Cement back to surface.

Describe amount of plugging material

Neat Cement 15 lbs per gallon

Type of non slip plug

Neat Cement to bottom of well pit

This well or test hole was plugged under license #

63

And this report is true and accurate

Drilling firm

Lee Well Drilling Inc.

Signature of Licensee Representative

Gerald W. Lee

Signature of Well Owner

Evelyn K. Kannas

Date

6-24-92



4417-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 14, 2000

NOTICE

TO: WARREN FALK, 45384 154TH ST, SOUTH SHORE, SD 57263
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaire(s)

Our records indicate that the 1999 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4417-3, 5269-3, 5271A-3 & 5271B-3. The request for the Questionnaire was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 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) 4417-3, 5269-3, 5271A-3 & 5271B-3 qualification:

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

The hearing will be held at 1:30 pm, March 1, 2000 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, 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) 4417-3, 5269-3, 5271A-3 & 5271B-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 28, 2000, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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

4417-3

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

WARREN FALK
45384 154TH ST
SOUTH SHORE SD 57263

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

Warren Falk 1-14-00

C. Signature

X Warren Falk ☒ Agent ☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
- ☐ Registered ☐ Return Receipt for Merchandise
- ☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Copy from service label)

Z 227 670 450



4417-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3101
www.state.sd.us/denr

January 20, 2000

Warren Falk
Falk Farms
RR 1 Box 30
Ortley SD 57256

RE: Water Permit/Right Nos. (4417-3), 5269-3, 5271A-3 and 5271B-3

Dear Mr. Falk:

I am writing to acknowledge receipt of your 1999 irrigation questionnaires. You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Permit or Right Nos. 4417-3, 5269-3, 5271A-3 and 5271B-3.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

File No. 4417-3

527/A-3
527/B-3

Water Rights Program -- File Documentation

NAME: Jay Grinols

ADDRESS: 15473 451st Ave, South Shore SD 57263

DATE: August 18, 2004

COUNTY: Grant

TELEPHONE: 886-8174

RE: Pivot overspray

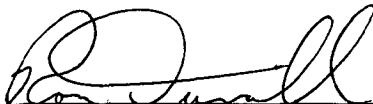
COMMENTS:

Jay Grinols called to file a complaint about overspray from two center pivots onto Mr. Grinols' property. The pivots are located in the NE $\frac{1}{4}$ section 21-T120N-R52W (overspray onto SE $\frac{1}{4}$ owned by Mr. Grinols) and the SE $\frac{1}{4}$ section 15-T120N-R52W (overspray onto the SW $\frac{1}{4}$ owned by Mr. Grinols). This legal description is located within the former boundaries of the reservation.

Mr. Grinols indicated that his wheat crop in the SE $\frac{1}{4}$ section 21 has a wheat scab problem in the area affected by the overspray which reduces the value of his crop. Mr. Grinols indicated that he has repeatedly requested that Warren Falk (holder of Water Right No. 4417-3) stop the overspray problem. According to Mr. Grinols the problem has been ongoing for 20 plus years with Mr. Falk ignoring the situation. I told Mr. Grinols that Mr. Falk can only irrigate the areas identified on his water right. Mr. Grinols requested that someone stop by and look at the area and take some pictures.

Mr. Grinols also had various other complaints one of which was a drainage problem that Mr. Grinols believes is caused in large part by the pivot in section 21. I informed Mr. Grinols that would be difficult to pinpoint solely on the pivot since natural runoff is also involved. Mr. Grinols also mentioned that overspray is also a problem on county roads and represents a driving hazard particularly to motorcyclists.

I told Mr. Grinols I would see if anyone was coming to his area that could take a look at the situation. There is a letter in the file for No. 4417-3 dated July 19, 1988 from John Hatch to Mr. Falk asking Mr. Falk to refrain from overspray onto county roads and highways.



Ron Duvall, Natural Resources Engineer
Water Rights Program







NE
corner
sec 21
120-52

Jay Grinols
property

sec 21

15

3/1 Granite
Property

SE corner 15
120-52

sec 15



4417-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 30, 2004

Warren Falk
Falk Farms
RR 1, Box 30
Ortley, SD 57256

Dear Mr. Falk:

I am writing in reference to a complaint we received from Mr. Jay Grinols concerning overspray on private land and public right-of-ways by your center pivot systems located in the NE $\frac{1}{4}$ of section 21-T120N-R52W and the SE $\frac{1}{4}$ section 15-T120N-R52W.

On August 25, 2004, Tim Schaal from my office investigated the complaint and determined that your center pivot in the NE $\frac{1}{4}$ of section 21-T120N-R52W had oversprayed onto Mr. Grinols property located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of section 21-T120N-R52W. Mr. Schaal met with you concerning this matter on August 26, 2004. At that time you acknowledged that your center pivot in that section had end gun stops on the three other sides and since there was no end gun stop on the west side, your pivot probably did overspray onto Mr. Grinols property. You also indicated that you would install an end gun stop on the west side, which should eliminate the overspray problem. You also indicated the end guns on your other pivot located in the SE $\frac{1}{4}$ of section 15-T120N-R52W did not operate this summer.

I would like to remind you that state law does not allow unauthorized over spraying to occur. I appreciate your efforts at correcting this problem, where they may exist, on any of your center pivots.

If you have any questions, please contact us at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

c: Jay Grinols



4417-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2005

NOTICE

TO: WARREN FALK, 44868 154TH ST, ORTLEY, SD 57256

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

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaire(s)

Our records indicate that the 2004 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4417-3, 5269-3, 5271A-3 & 5271B-3. The request for the Questionnaire was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 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) 4417-3, 5269-3, 5271A-3 & 5271B-3 qualification:

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

The hearing will be held at 8:30 am, March 2, 2005 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) 4417-3, 5269-3, 5271A-3 & 5271B-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 25, 2005, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



4417-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 27, 2005

4417-3
5269-3
5271A-3
5271B-3

Warren Falk
44868 154th St
Ortley SD 57256

Dear Mr. Falk:

I am writing to acknowledge receipt of your 2004 irrigation questionnaires. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right Nos. 4417-3, 5269-3, 5271A-3 and 5271B-3.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

MAN

2992-2003

3030-1448

M106 WARREN FALK

16 AND CHARLES T FALK 4342 3186

00 SOUTH SHORE SD 57263

554 52 8993 5

0# TWIN BROOKS SD 57269

Tract No. _____

Farm No. _____

1971

Operator _____

Owner _____

Falk Farms Inc.
South Shore S.D.

Revision of Point of
Diversion for Permit #
3227-3

re additional land
No additional water

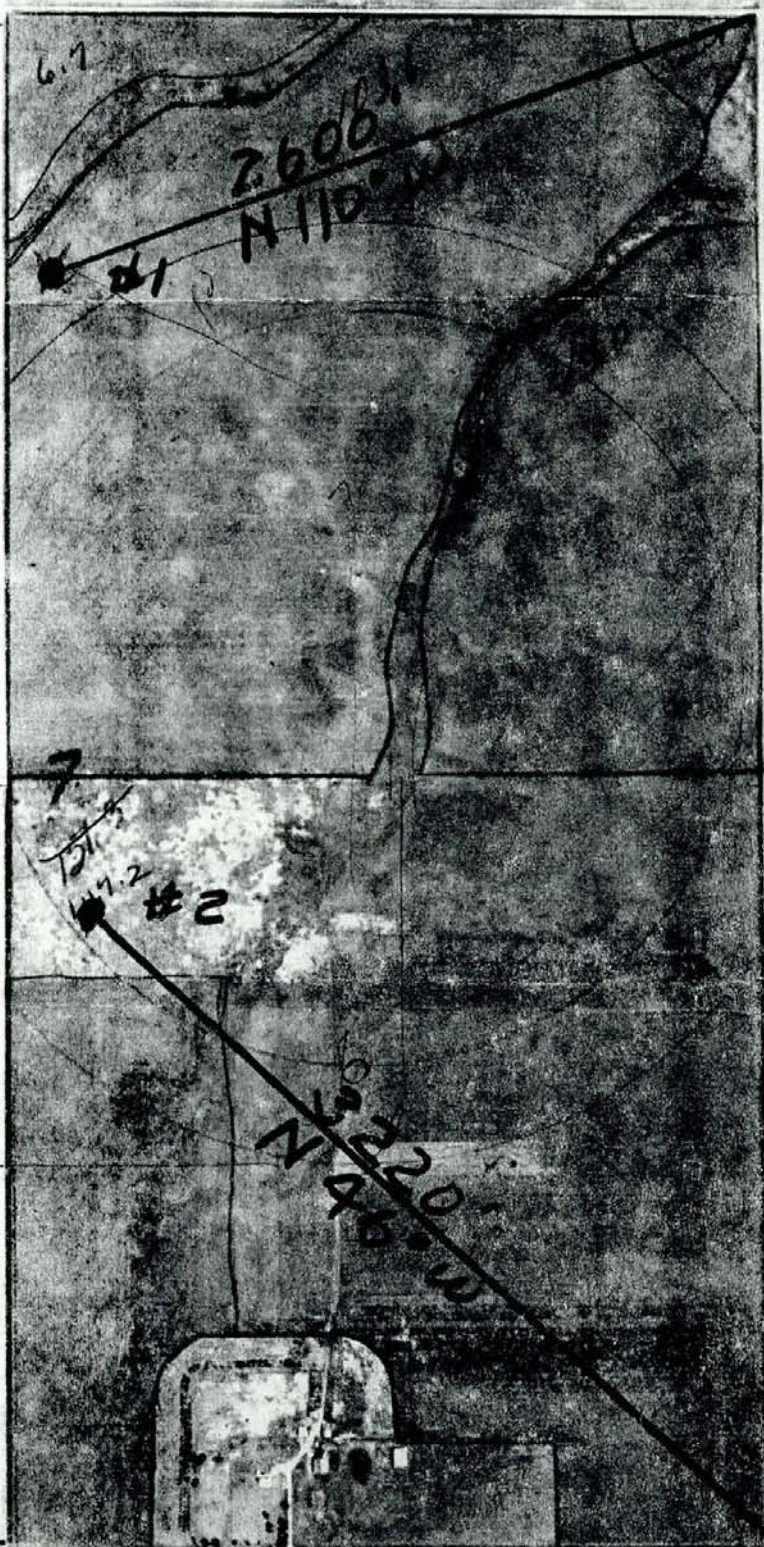
Note - the NE 1/4 of 27 is
included in permit # 2285-3

3-20-79

John W. Persme

Legal Description

E 1/2 - 27 - 120-52 Res.

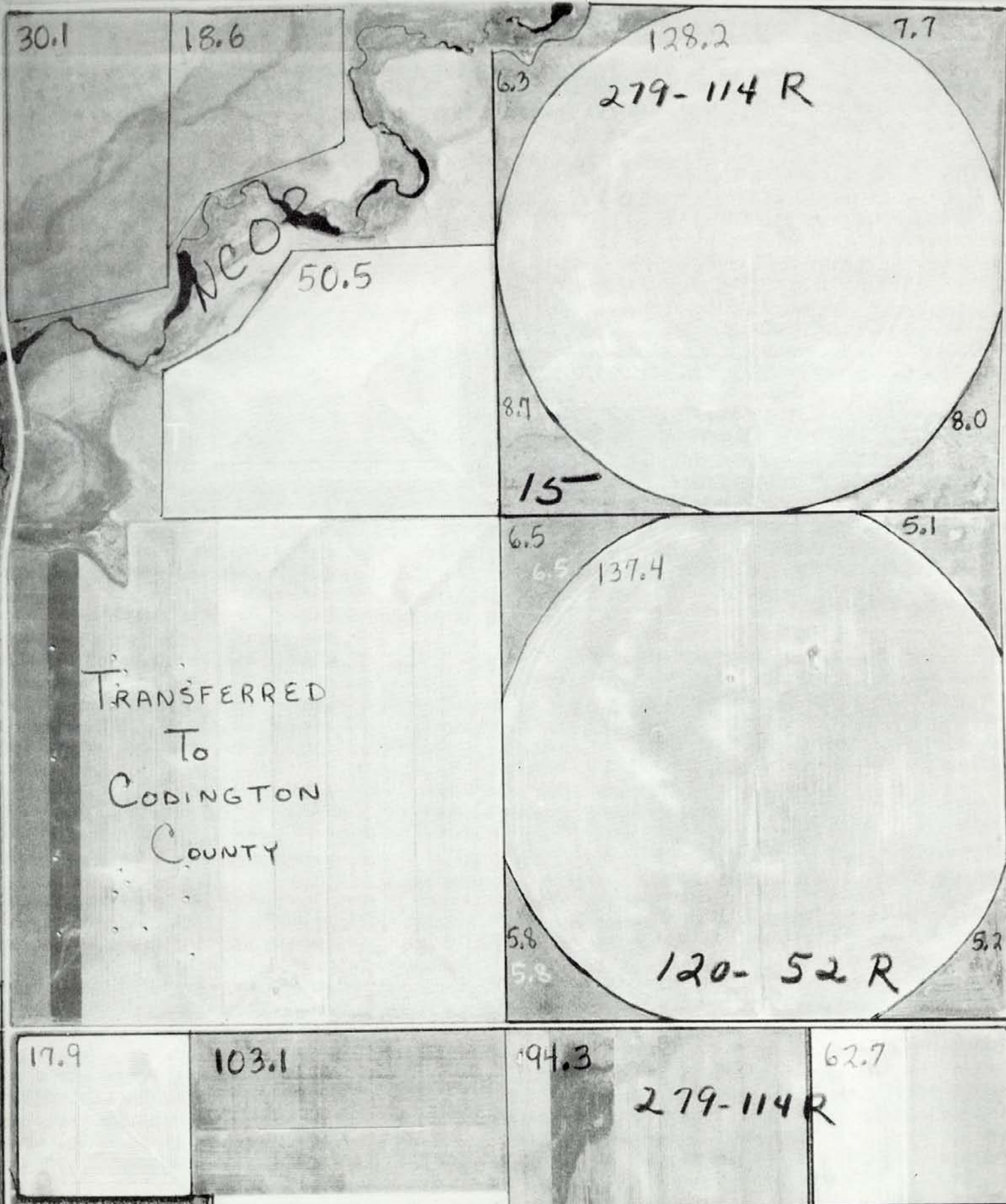


APP 2 NO 3607-3 APPL 4417-3

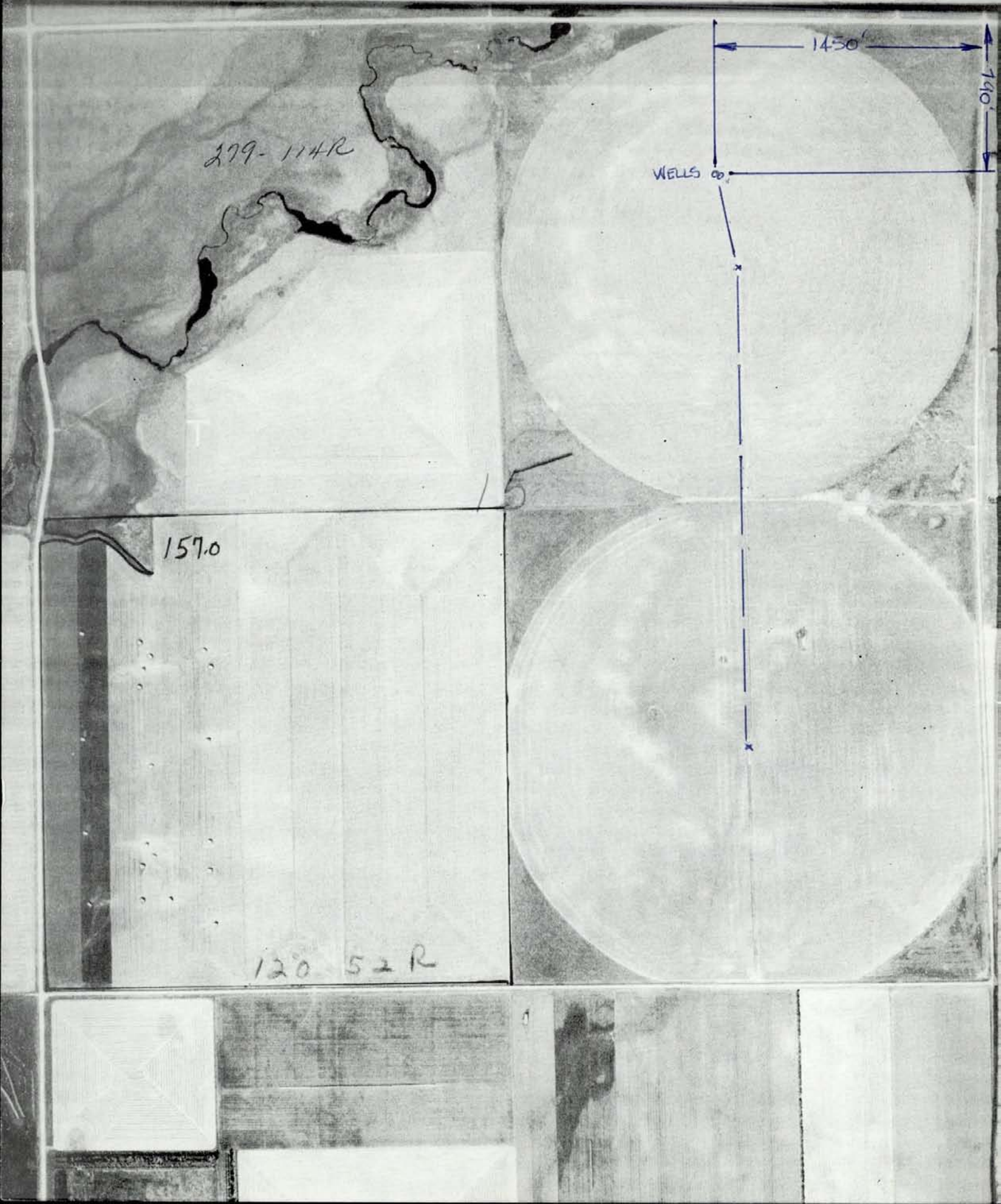
NOT TO SCALE

2285-3

3225-3



NOT TO SCALE



NOT TO SCALE

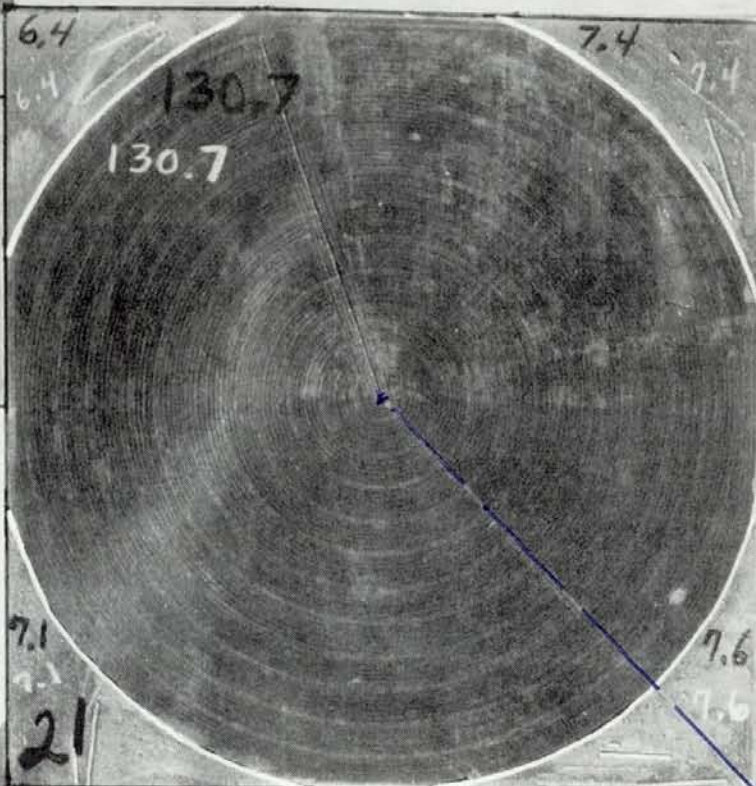
2285-3

3226-3

120-52R

38.0
279-114R

40.0



86.6

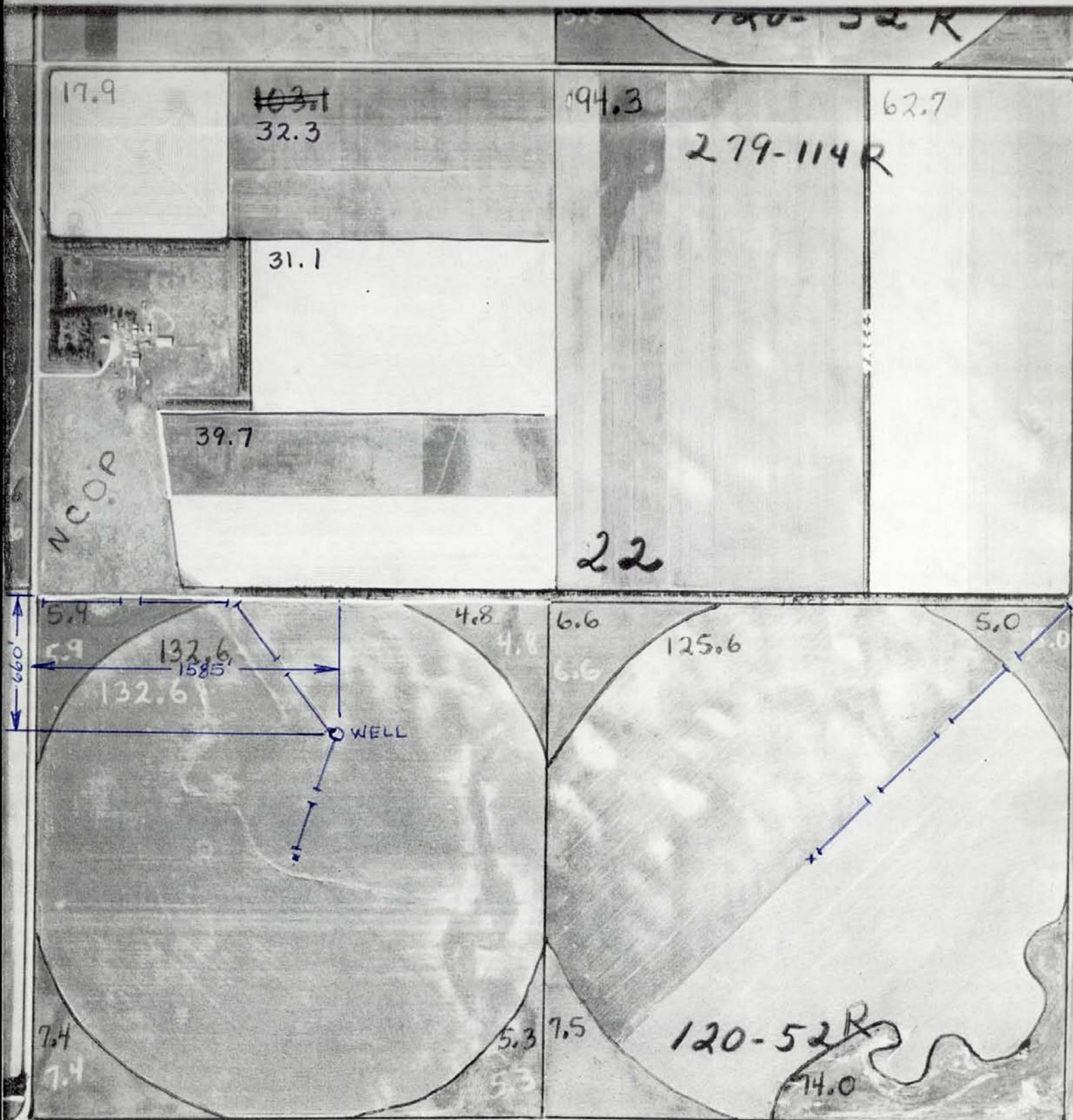
145.7

120-52R

NCOP

NCOP

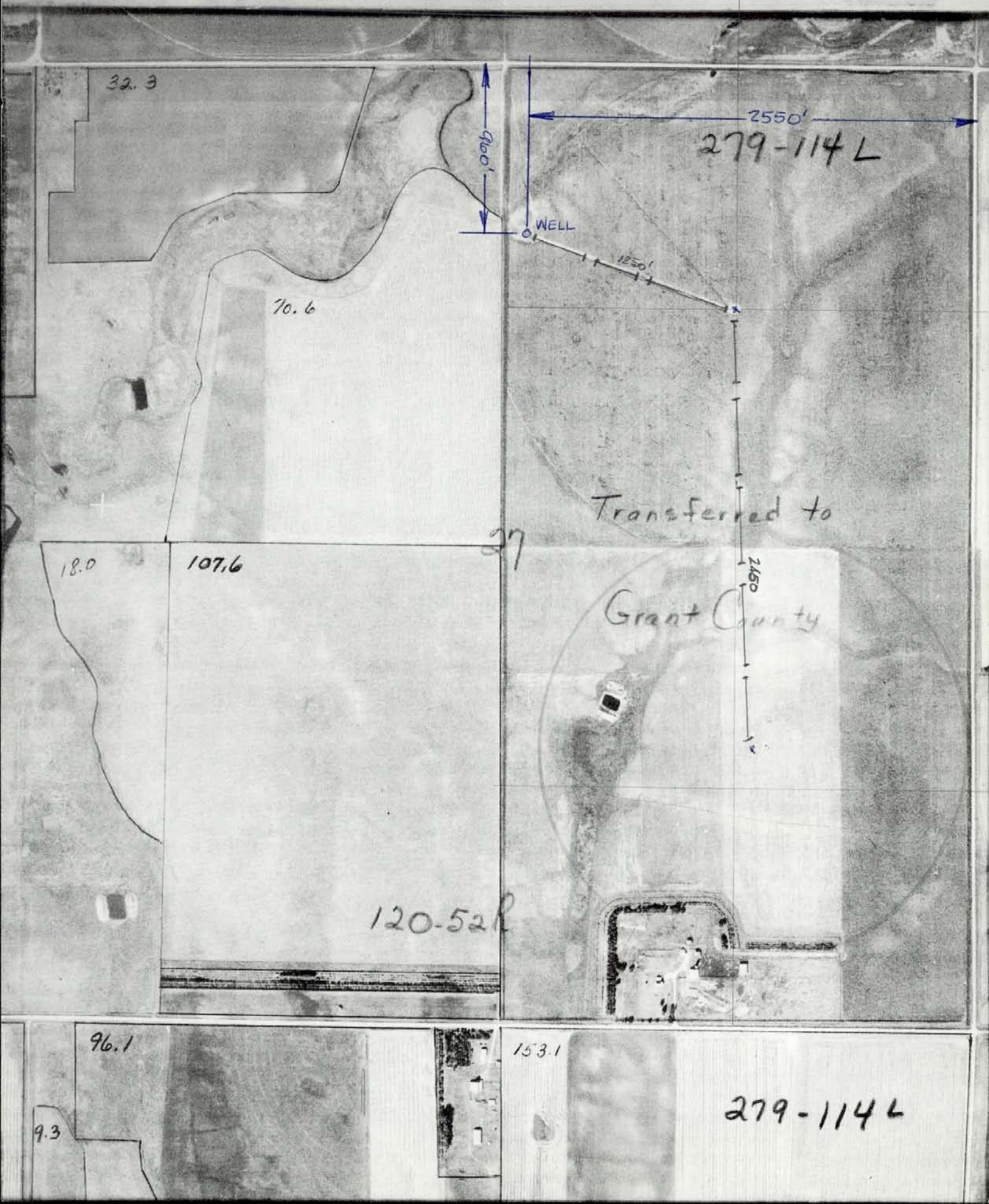
2285-3



NOT TO SCALE

2285

3227





4417-3
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 24, 2013

NOTICE

TO: WENDELL FALK, 45384 154TH ST, SOUTH SHORE, SD 57263
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2012 Irrigation Questionnaire(s)

Our records indicate that the 2012 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4417-3, 5269-3, 5271A-3 & 5271B-3. The request for the Questionnaire was dated October 12, 2012. The Water Management Board has directed that owners of water permits who have not submitted the 2012 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) 4417-3, 5269-3, 5271A-3 & 5271B-3 qualification:

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

The hearing will be held at **8:30 am, March 7, 2013** 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) 4417-3, 5269-3, 5271A-3 & 5271B-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 4, 2013**, 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.

4417-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 4, 2013

Wendell Falk
Falk Farms Inc
45384 154th St
South Shore SD 57263

RE: Water Right Nos. 4417-3, 5269-3, 5271A-3 & 5271B-3

Dear Mr. Falk:

I am writing to acknowledge receipt of your 2012 irrigation questionnaires.

You may disregard the January 18, 2013, "Notice" concerning reporting requirements for Water Right Nos. 4417-3, 5269-3, 5271A-3 & 5271B-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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



4417-3
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 15, 2016

NOTICE

TO: WENDELL FALK, FALK FARMS, 45384 154TH ST, SOUTH SHORE, SD 57263
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaire(s)

Our records indicate your 2015 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4417-3, 5269-3, 5271A-3, 5271B-3 & 7680-3. The request for the Questionnaire was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 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) 4417-3, 5269-3, 5271A-3, 5271B-3 & 7680-3 qualification:

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

The hearing will be held at **Thursday, March 3, 2016 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4417-3, 5269-3, 5271A-3, 5271B-3 & 7680-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 3, 2016** 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.



4417-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 25, 2016

Wendell Falk
Falk Farms
45384 154th St
South Shore SD 57263

RE: Water Right Nos. 4417-3, 5269-3, 5271A-3, 5271B-3 & 7680-3

Dear Mr. Falk:

I am writing to acknowledge receipt of your 2015 irrigation questionnaires.

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for Water Right Nos. 4417-3, 5269-3, 5271A-3, 5271B-3 & 7680-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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