

Considered: _____

WATER PERMIT NO. 5269-3

HAP No. same 886-9771

Name of Applicant Warren Falk

Post Office Address RR1, Box 59, South Shore SD 57263

Amount of Water Claimed 0.94 cfs Total Acres 60

Source of Water Supply ground water 1 well

Water to be used for irrigation County Grant

About 15 miles W of Twin Brooks.

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved 3/1/89 Subject to _____

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

PRIORITY Date Received Jan 24, 1989 Fee 150⁰⁰ Remarks appl to

1/24/89 irrigate acreage authorized by No. 4637-3 from add'l well

Corrected Application Received _____ Period of Annual Use June 1 - Sept 30

WATER QUALITY APPROVAL RECEIVED see No. 4637-3 APPROVED/CONDITIONAL (Circle one)

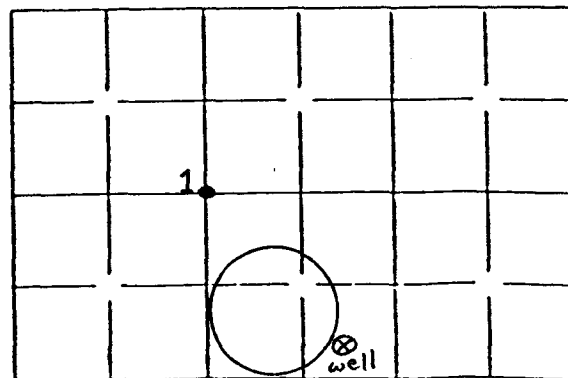
WI-1 Description same as Application YES NO REMARKS _____

Diversion Point well: SE $\frac{1}{4}$ SE $\frac{1}{4}$ section 1 -

T720N-R52W

Land to be Irrigated SE $\frac{1}{4}$ section 1 - T720N-

R52W



Well Log: Driller R.E. Kahnke Licensed YES NO

Depth of Well 163 feet REMARKS _____

Type of Map aerial photo PREPARED BY _____ Reviewed and the Number
assigned on _____ By _____

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

Mail to: Water Rights Div
528 E. Capitol
Pierre, SD 57501
(605) 773-3352
1/16/89 - PL

(See instructions)

No. 5269-3 Hydrologic Unit 10170202
Basin Big Sioux River
Newspaper Waterbury Public Opinion
P.O. Box 10, 57261-0010

Grant County Review Box 390, Milbank 57252 (w)

Application For Soil/Water Compatibility Permit and Permit To Appropriate Water

Type of Application: ☒ New ☐ Vested Right ☒ Amend Permit No. 4637-3
☐ Change Acreage ☐ Change diversion point(s) ☒ Add diversion point(s)
☐ Add Acreage ☐ Increase diversion rate ☐ Other see 4637-3

1. Name of Applicant Warren Halk Phone No. 886-9771
Post Office Address RR-1 Box 59 South Shore State S.D. 57263
(Street, RR or Box) 0, 94 (City) Zip Code
2. Amount of water claimed (c.f.s.) 425 gal per min Total acres irrigated 60
3. Source of Water supply new well groundwater
4. Location of point of diversion SE 1/4 Sec 1-120-52

- County Grant
5. Counties where water will be used Grant June 1 - Sep 30
6. Annual period during which water is to be used June July August & September
7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

SE 1/4-1-120-52 60A day

Land Description	No. Acres Irr.
<u>SE 1/4 Sec 1-120-52</u>	<u>8</u>
<u>SW 1/4 Sec 1-120-52</u>	<u>44.5</u>
<u>NW 1/4 Sec 1-120-52</u>	<u>6</u>
<u>NE 1/4 Sec 1-120-52</u>	<u>1.5</u>

Land Description	No. Acres Irr.

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: ☒ Gun: _____ Other: _____ (Specify) _____
9. Crops to be Irrigated: Corn, beans, & alfalfa
10. Give a description of proposed project. (Attach sheet if more-space is needed)
new well with about 425 gal per min to supply 60A field with permit and system already on it.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps, soils information and any other technical information.

STATE OF SOUTH DAKOTA)
County of CODINGTON)^{ss}

I, Warren Halk, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is truly representative of the water to be used, and that the matters stated in this application are true and correct.

Signed Warren Halk

Subscribed and sworn to before me this 20th day of JANUARY 19 89

WILLIAM G. NEALE, Notary Public

Codington County, S. Dak.

My Commission Expires August 18, 1989

William G. Neale

Notary Public

SOUTH DAKOTA

Date Soil/Water Compatibility Permit received See Water Permit No. 4637-3.

Date of receipt of corrected application February 1, 1989.

The Water Management Board approved Water Permit Application No. 5269-3 on March 1, 1989 for Warren Falk, RR #1, Box 59, South Shore, SD 57263 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5269-3 appropriates 0.94 cfs from one additional well, 163 feet deep, to irrigate 60 acres. The additional well is to be located in the SE1/4 SE1/4 and the acreage to be irrigated is in the SE1/4; all in Section 1, T120N, R52W (within the boundary of the former Sisseton-Wahpeton Indian Reservation). Water Permit No. 4637-3 authorizes irrigation of the same acreage from a well located in the NE1/4 Section 12, T120N, R52W.
2. The amount of the appropriation may not exceed 2 acre feet per acre per year or one-seventieth (1/70) cubic feet of water per second for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: June 1 - September 30.
3. The date from which applicant may claim right is January 24, 1989.
4. One-fifth of the construction is to be completed on or before September 1, 1991.
5. All construction is to be completed on or before March 1, 1994.
6. Water is to be put to beneficial use on or before March 1, 1998.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well authorized by Permit No. 5269-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted with cement (bottom to top) from the producing formation to the surface.
2. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.
4. Approval of Permit No. 5269-3 limits the maximum pumping rate of 0.86 cfs.

WATER MANAGEMENT BOARD

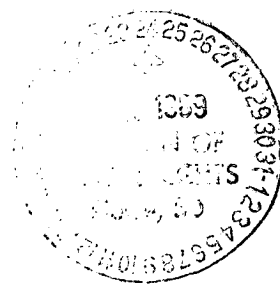
By: John H. Telford
Chief Engineer, Water Rights Division
Dept. of Water & Natural Resources

JUN 13 1989

(date)

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter 15" Depth 163'
- b) Casing Type Steel Diameter 8" Thickness .250
- c) Screen Type Stainless steel 1/4" Diameter 8" Thickness .250
- d) Gravel Pack Thickness 3 1/2 Length of Gravel Pack 20'
- e) Depth to Top of Water Bearing Material 110'
- f) Depth to Water (ground surface to water level) 53'
- g) Distance to nearest existing domestic well:

On applicants property

On property owned by others

We sold the 5 acre building spot in the SE corner to Paul A Lee.
 2. Dugout Information Estimates *There domestic well is 50 ft deep.*

- 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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____
 If Pipe, diameter _____

f) Secondary Spillway Capacity _____
 Spillway width _____

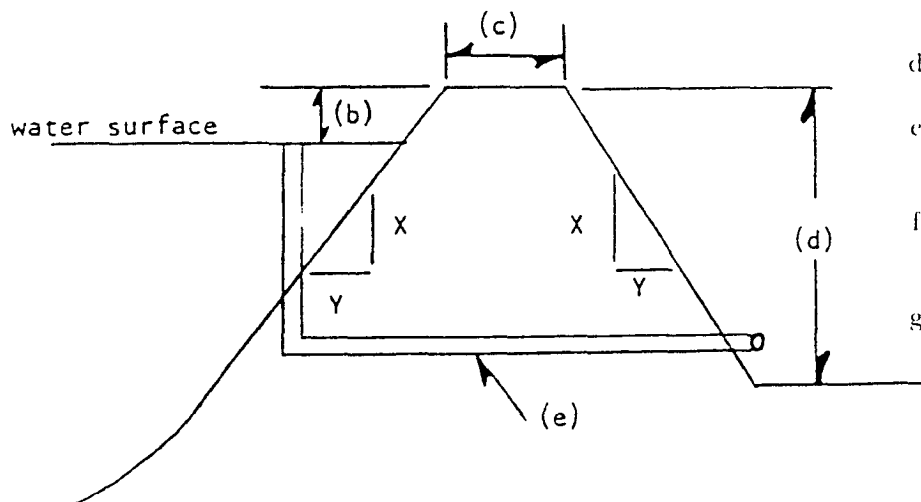
g) X & Y Slope
 Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Waverly Park
 Signature of Applicant



Department of Water & Natural Resources

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

January 27, 1989

Warren Falk
RR 1, Box 59
South Shore SD 57263

Dear Mr. Falk:

The following information is needed to complete your water permit applications received January 24, 1989:

The maps submitted with the applications need to be signed by one of the following persons: A South Dakota registered professional engineer, A South Dakota licensed land surveyor or a government employee that prepares maps as part of his or her duties (ASCS or SCS office).

The maps need to be signed and returned before the Water Management Board can consider your water permit applications. Please contact me if you have any questions.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enc.



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412660

Pierre, May 2, 9, 1991

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

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>3-10-91 0290000 5269-3</u>		
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	50 00

By John Hatch
Chief Engineer

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411608

Pierre, January 26, 1989

RECEIVED OF Falk Farms, Inc., RR1 Box 59, South Shore, SD 57263

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

Fee for Application for Permit No. <u>5249-3</u> to Appropriate Water, to construct works and to put water to beneficial use	150	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
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	

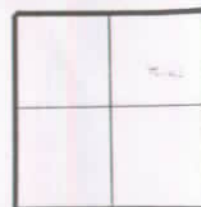
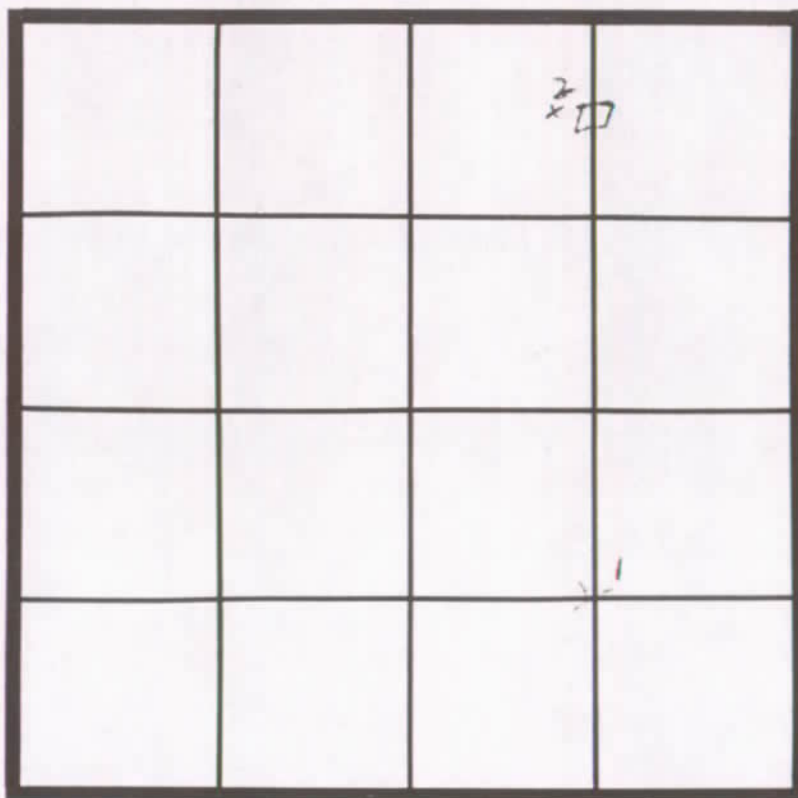
By

John Hatch / mra
Chief Engineer

Kaiser Well Drilling De Smet, South Dakota 57231

IRRIGATION-TESTING-DRILLED-STOCK AND DOMESTIC
BORED WELLS Ph. 854-3744

Name Laurey Falk
Location _____
Township _____
Section _____



Test hole No. 1

Data

Topsoil	0' - 3'
yellow clay	3' - 30'
Blue clay	30' - 105'
medium	
Good water loss	105' - 134'
Blue clay	134' - 140'

Test hole No. 2

Data

Topsoil	0' - 3'
Gravel	3' - 5'
Yellow clay (soft)	5' - 12'
gravel (coarse mixed)	12' - 14'
gravel mixed clay lenses	14' - 50'
Gravel clay	50' - 52'
Blue clay	52' - 112'
gray yellow (clay lenses)	112' - 114'
Blue clay	114' - 116'

SOUTH DAKOTA WATER WELL COMPLETION REPORT

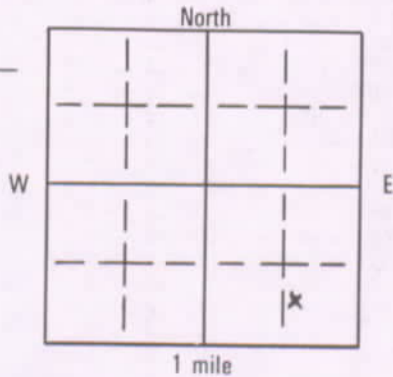
10-85

Location SE 1/4 Sec 1 Twp 120N Rg 52W

County

Grant

Please mark well location with an "X"

Well Completion Date 7-10-90

PROPOSED USE:

☐ Domestic ☐ Municipal ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Stock
Method of Drilling: Rotary

CASING DATA:

☐ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>SDR21 LB/FT</u>	<u>10 IN</u>	<u>0 FT</u>	<u>148 FT</u>	<u>14 3/4 IN</u>
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUT:

Was the well grouted? ☒ YES ☐ NOTo what depth? 105 FEETWhat is grouting material? CementIf cement, number of sacks? 2 Delivered byDescribe grouting procedure Ready mix TruckPressure GroutedThrough Tremie Pipe

What was grout weight? _____ LB/GAL

SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 10 IN Length 15 FEETMaterial STainlessSlot Size 100 Set From 148 Feet To 163 Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

Was well disinfected upon completion? ☒ YES ☐ NOExplain Chlorine Granulated before & during Gravel PackingBacteriological analysis ☐ YES ☒ NO

Laboratory sent to _____

Well Owner:

Name F21K FarmsAddress R12 South Shore, S.D. 57263

Well Log:

Depth

Formation

From

To

<u>Top Soil</u>	<u>0</u>	<u>1 1/2</u>
<u>Gravelly yellow Clay</u>	<u>1 1/2</u>	<u>5</u>
<u>yellow Clay</u>	<u>5</u>	<u>75</u>
<u>Light blue Clay</u>	<u>75</u>	<u>102</u>
<u>yellow Clay</u>	<u>102</u>	<u>109</u>
<u>yellow gravel w/ clay lenses (Tight)</u>	<u>109</u>	<u>148</u>
<u>yellow & Gray Gravel (med to coarse - more loose)</u>	<u>148</u>	<u>163</u>
<u>Clay lense @ 158'</u>		
<u>Blue Clay</u>	<u>163</u>	<u>167</u>

STATIC WATER LEVEL 52 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other; specify _____

Can well be completely shut in? _____

WELL TEST DATA:

☐ Pumped☐ Bailed

Describe: _____

☐ Other

Pumping Level Below Land Surface

87 ft. After 48 Hrs. pumped 385 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

This well was drilled under license # 4

And this report is true and accurate.

Drilling firm Bullis Bros.

Signature of License Representative:

Le Roy Bullis

Signature of Well Owner:

Date 7-10-90

NOT TO SCALE

137.5 A

48A

1989

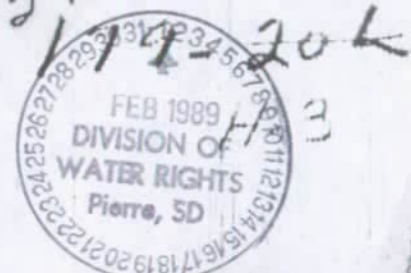
49.1

51.6

23.0

57.1

6.0



15.6

4

5.0

6.8

T1209
N 20 P

62.5 Arlene Grandt Jensen
District Conservationist, SCS

120.52 R

60.5

90A

T1208

ACR 88

10.8

Proposed new well

151.5

179.204

Appl. No 52641-3

65.9

REPORT ON APPLICATION NO. 5269-3

Warren Falk

January 25, 1989

This application proposes to appropriate 0.94 cfs from one well approximately 163 feet deep located in the SE 1/4 SE 1/4 of Section 1 to irrigate 60 acres in the SE 1/4 of Section 1; all in T120N, R52W (within former Sisseton Wahpeton Indian Reservation) in Grant County.

Aquifer - Prairie Coteau (PCO)

The Prairie Coteau Aquifer is a buried glacial (sand and gravel) outwash which is under artesian conditions. The PCO Aquifer underlies 760 square miles of Grant and Codington Counties and contains an estimated 1.5 million acre-feet of water in storage (Goodman, 1988). According to test data submitted with the application, the aquifer is 38 feet thick and the top of the aquifer is 125 feet below land surface.

The Division of Water Rights monitors 8 observation wells completed into the PCO Aquifer in Grant County (Water Rights, 1989). One of these wells, GT-76C is located within 1/4 mile of this proposed application. Water levels records (hydrograph) for this well are included with this report. In general, data from the observation wells indicates fluctuations of 50 or more feet are possible when pumping occurs for extended periods such as during a drought. Water levels also recover rapidly when pumping ceases. The historical record indicates recharge to the aquifer is sufficient to meet the withdrawals (Water Rights, 1989).

Review of Existing Water Permits

Land to be irrigated under Application No. 5269-3 is covered by Water Permit No. 4673-3 and was to be supplied by a well in the center of the NE 1/4 of Section 12. This application will eliminate the need for Permit No. 4637-3, if approved. The nearest existing high capacity well is the well in the center of the NE 12/4 of Section 12, which is Permit No. 3503-3 which authorizes 1.88 cfs, and is less than 1/2 mile from this proposed diversion. Interference will occur; however, this is not expected to adversely affect existing water users.

This area and this aquifer have been controversial. Domestic wells have experienced fluctuations like those measured in the monitoring wells. This has created problems with some inadequate domestic wells in the area, especially further south where some domestic wells flow at the land surface.

Conclusions

1. Water is available from the PCO Aquifer.
2. Interference will occur; however, this should not adversely affect existing water users.
3. Approval of this permit will effectively cause Permit No. 4637-3 to become unnecessary and subject to cancellation.
4. The amount of water requested should be 0.86 cfs which is the maximum allowed by statute.
5. The well drilled for this application if approved must be comply with SD Well Construction Standards.


JAMES A GOODMAN
Hydrologist

Bibliography

Goodman, 1988, Report on Permit Application No. 5165-3, for Maecille Schull, SD DWR, Division of Water Rights, Pierre SD 57501.

Water Rights, 1989, Observation Well Records For PCO Aquifer in, Grant County, SD DWR, Division of Water Rights, Joe Foss Bldg, Pierre SD. 57501.

OBSERVATION WELL WATER LEVELS

13:15 TUESDAY, FEBRUARY 21, 1989

1

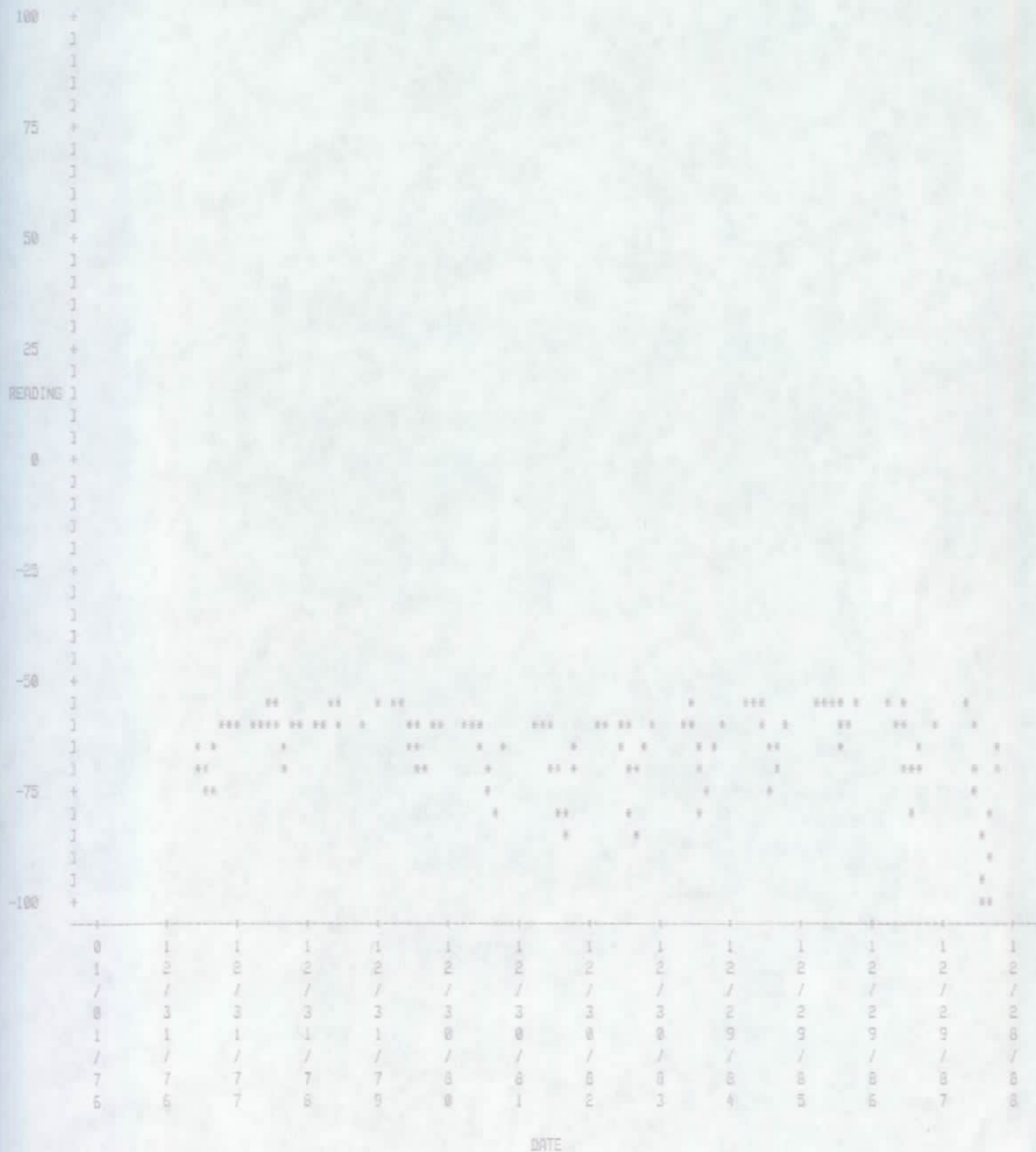
OBS_WELL	LOCATION	DATE	READING
GT-75C	120N-52W-12000B	R 06/17/77	-68.7
GT-75C	120N-52W-12000B	R 06/21/77	-66.2
GT-75C	120N-52W-12000B	R 06/29/77	-64.6
GT-75C	120N-52W-12000B	R 07/06/77	-68.5
GT-75C	120N-52W-12000B	R 07/20/77	-72.8
GT-75C	120N-52W-12000B	R 08/03/77	-73.6
GT-75C	120N-52W-12000B	R 08/16/77	-75.8
GT-75C	120N-52W-12000B	R 09/07/77	-67.8
GT-75C	120N-52W-12000B	R 09/20/77	-64.5
GT-75C	120N-52W-12000B	R 10/10/77	-61.8
GT-75C	120N-52W-12000B	R 12/01/77	-60.8
GT-75C	120N-52W-12000B	R 01/17/78	-59.1
GT-75C	120N-52W-12000B	R 03/21/78	-59.1
GT-75C	120N-52W-12000B	R 04/13/78	-58.7
GT-75C	120N-52W-12000B	R 05/01/78	-59.7
GT-75C	120N-52W-12000B	R 05/23/78	-58.8
GT-75C	120N-52W-12000B	R 06/07/78	-57.9
GT-75C	120N-52W-12000B	R 06/21/78	-57.5
GT-75C	120N-52W-12000B	R 07/08/78	-57.3
GT-75C	120N-52W-12000B	R 07/18/78	-58.8
GT-75C	120N-52W-12000B	R 08/15/78	-69.8
GT-75C	120N-52W-12000B	R 09/09/78	-65.7
GT-75C	120N-52W-12000B	R 09/27/78	-61.7
GT-75C	120N-52W-12000B	R 10/17/78	-59.9
GT-75C	120N-52W-12000B	R 11/29/78	-58.8
GT-75C	120N-52W-12000B	R 01/23/79	-58.2
GT-75C	120N-52W-12000B	R 03/22/79	-58.3
GT-75C	120N-52W-12000B	R 05/02/79	-57.4
GT-75C	120N-52W-12000B	R 05/31/79	-57.5
GT-75C	120N-52W-12000B	R 06/13/79	-58.3
GT-75C	120N-52W-12000B	R 09/26/79	-59.3
GT-75C	120N-52W-12000B	R 10/25/79	-57.8
GT-75C	120N-52W-12000B	R 01/17/80	-56.6
GT-75C	120N-52W-12000B	R 03/05/80	-56.6
GT-75C	120N-52W-12000B	R 04/17/80	-56.7
GT-75C	120N-52W-12000B	R 05/30/80	-63.4
GT-75C	120N-52W-12000B	R 06/23/80	-58.7
GT-75C	120N-52W-12000B	R 07/11/80	-58.3
GT-75C	120N-52W-12000B	R 07/25/80	-67.2
GT-75C	120N-52W-12000B	R 08/07/80	-71.9
GT-75C	120N-52W-12000B	R 08/20/80	-69.1
GT-75C	120N-52W-12000B	R 09/08/80	-69.2
GT-75C	120N-52W-12000B	R 10/29/80	-60.1
GT-75C	120N-52W-12000B	R 12/09/80	-58.9
GT-75C	120N-52W-12000B	R 03/10/81	-58.8
GT-75C	120N-52W-12000B	R 04/15/81	-58.4
GT-75C	120N-52W-12000B	R 05/27/81	-66.9
GT-75C	120N-52W-12000B	R 06/02/81	-67.3
GT-75C	120N-52W-12000B	R 06/18/81	-63.9
GT-75C	120N-52W-12000B	R 06/23/81	-61.2
GT-75C	120N-52W-12000B	R 07/08/81	-72.3
GT-75C	120N-52W-12000B	R 07/22/81	-73.7
GT-75C	120N-52W-12000B	R 08/05/81	-75.3
GT-75C	120N-52W-12000B	R 09/01/81	-79.4
GT-75C	120N-52W-12000B	R 10/21/81	-64.8

OBS_WELL	OBSERVATION WELL LOCATION	WATER LEVELS DATE	READING
GT-76C	120N-52W-12000B	R 04/01/82	-58.0
GT-76C	120N-52W-12000B	R 05/06/82	-59.4
GT-76C	120N-52W-12000B	R 05/26/82	-59.4
GT-76C	120N-52W-12000B	R 06/09/82	-59.5
GT-76C	120N-52W-12000B	R 06/23/82	-60.3
GT-76C	120N-52W-12000B	R 07/09/82	-60.4
GT-76C	120N-52W-12000B	R 07/21/82	-67.6
GT-76C	120N-52W-12000B	R 08/04/82	-72.1
GT-76C	120N-52W-12000B	R 08/19/82	-67.1
GT-76C	120N-52W-12000B	R 09/02/82	-68.6
GT-76C	120N-52W-12000B	R 09/29/82	-69.4
GT-76C	120N-52W-12000B	R 10/26/82	-64.9
GT-76C	120N-52W-12000B	R 02/28/83	-60.7
GT-76C	120N-52W-12000B	R 04/07/83	-60.2
GT-76C	120N-52W-12000B	R 05/25/83	-60.9
GT-76C	120N-52W-12000B	R 06/08/83	-67.4
GT-76C	120N-52W-12000B	R 06/19/83	-63.7
GT-76C	120N-52W-12000B	R 07/07/83	-62.1
GT-76C	120N-52W-12000B	R 07/20/83	-68.1
GT-76C	120N-52W-12000B	R 08/02/83	-77.7
GT-76C	120N-52W-12000B	R 08/19/83	-83.7
GT-76C	120N-52W-12000B	R 09/08/83	-69.7
GT-76C	120N-52W-12000B	R 10/03/83	-64.5
GT-76C	120N-52W-12000B	R 11/09/83	-61.8
GT-76C	120N-52W-12000B	R 04/10/84	-59.9
GT-76C	120N-52W-12000B	R 05/02/84	-58.4
GT-76C	120N-52W-12000B	R 06/14/84	-57.8
GT-76C	120N-52W-12000B	R 06/27/84	-57.3
GT-76C	120N-52W-12000B	R 07/11/84	-62.0
GT-76C	120N-52W-12000B	R 07/25/84	-70.0
GT-76C	120N-52W-12000B	R 08/01/84	-76.9
GT-76C	120N-52W-12000B	R 08/07/84	-69.9
GT-76C	120N-52W-12000B	R 08/22/84	-77.3
GT-76C	120N-52W-12000B	R 09/26/84	-66.6
GT-76C	120N-52W-12000B	R 10/30/84	-61.0
GT-76C	120N-52W-12000B	R 04/08/85	-57.3
GT-76C	120N-52W-12000B	R 05/14/85	-56.9
GT-76C	120N-52W-12000B	R 05/28/85	-57.2
GT-76C	120N-52W-12000B	R 06/11/85	-57.8
GT-76C	120N-52W-12000B	R 06/25/85	-57.3
GT-76C	120N-52W-12000B	R 07/09/85	-66.9
GT-76C	120N-52W-12000B	R 07/23/85	-73.5
GT-76C	120N-52W-12000B	R 08/07/85	-74.3
GT-76C	120N-52W-12000B	R 08/18/85	-70.8
GT-76C	120N-52W-12000B	R 09/11/85	-63.3
GT-76C	120N-52W-12000B	R 10/23/85	-59.1
GT-76C	120N-52W-12000B	R 03/26/86	-56.8
GT-76C	120N-52W-12000B	R 04/09/86	-56.8
GT-76C	120N-52W-12000B	R 04/23/86	-56.1
GT-76C	120N-52W-12000B	R 05/06/86	-55.6
GT-76C	120N-52W-12000B	R 06/03/86	-54.6
GT-76C	120N-52W-12000B	R 06/19/86	-55.5
GT-76C	120N-52W-12000B	R 07/01/86	-54.3
GT-76C	120N-52W-12000B	R 07/16/86	-59.1
GT-76C	120N-52W-12000B	R 07/31/86	-67.0

OBS_WELL	LOCATION	DATE	READING
GT-75C	120N-52W-120000 R	08/13/86	-52.1
GT-75C	120N-52W-120000 R	09/04/86	-58.3
GT-75C	120N-52W-120000 R	10/29/86	-55.1
GT-75C	120N-52W-120000 R	04/09/87	-54.5
GT-75C	120N-52W-120000 R	05/13/87	-59.3
GT-75C	120N-52W-120000 R	05/26/87	-55.7
GT-75C	120N-52W-120000 R	06/10/87	-56.6
GT-75C	120N-52W-120000 R	06/16/87	-58.6
GT-75C	120N-52W-120000 R	06/24/87	-58.5
GT-75C	120N-52W-120000 R	07/05/87	-71.9
GT-75C	120N-52W-120000 R	07/23/87	-70.5
GT-75C	120N-52W-120000 R	08/06/87	-80.0
GT-75C	120N-52W-120000 R	08/20/87	-70.0
GT-75C	120N-52W-120000 R	09/17/87	-65.0
GT-75C	120N-52W-120000 R	11/19/87	-58.1
GT-75C	120N-52W-120000 R	04/12/88	-56.9
GT-75C	120N-52W-120000 R	05/05/88	-56.6
GT-75C	120N-52W-120000 R	05/19/88	-67.0
GT-75C	120N-52W-120000 R	06/02/88	-60.3
GT-75C	120N-52W-120000 R	06/16/88	-74.3
GT-75C	120N-52W-120000 R	06/30/88	-86.2
GT-75C	120N-52W-120000 R	07/12/88	-95.0
GT-75C	120N-52W-120000 R	07/15/88	-94.0
GT-75C	120N-52W-120000 R	07/29/88	-98.2
GT-75C	120N-52W-120000 R	08/12/88	-90.3
GT-75C	120N-52W-120000 R	08/25/88	-99.2
GT-75C	120N-52W-120000 R	09/09/88	-78.6
GT-75C	120N-52W-120000 R	09/23/88	-71.8
GT-75C	120N-52W-120000 R	10/14/88	-67.5
GT-75C	120N-52W-120000 R	02/16/89	50.9

N= 140

PLOT OF READING*DATE SYMBOL USED IS *



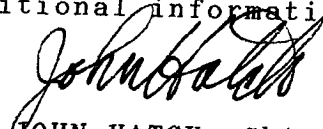
NOTE: 1 OBS HAD MISSING VALUES OR WERE OUT OF RANGE 26 OBS HIDDEN

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5269-3, Warren Falk

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 5269-3, Warren Falk, RR 1, Box 59, South Shore SD.

The Chief Engineer is recommending DEFERRAL of Application No. 5269-3 to allow time for further study and analysis of this application.

See the attached report for additional information.


JOHN HATCH, Chief Engineer
January 26, 1989

REVISED RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5269-3, Warren Falk

Pursuant to SDCL 46-2A-2, the following is the Revised recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 5269-3, Warren Falk, RR 1, Box 59, South Shore SD.

The Chief Engineer is recommending APPROVAL of Application No. 5269-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. The well authorized by Permit No. 5269-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted with cement (bottom to top) from the producing formation to the surface.
2. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.
4. Approval of Permit No. 5269-3 limits the maximum pumping rate to 0.86 cfs.

See the attached report for additional information.



JOHN HATCH, Chief Engineer
February 27, 1989



Department of Water & Natural Resources

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

January 29, 1989

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

Warren Falk
RR 1, Box 59
South Shore SD 57263

Dear Mr. Falk:

Your Application Nos. 5269-3 and 5271-3 for permits to appropriate water for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. Notice of your intent to appropriate water has been sent to the Publisher of the Watertown Public Opinion, Watertown and Grant County Review, Milbank SD. For your information, a copy of the notice is enclosed. The recommendation of the Chief Engineer and a report on the application will be sent later. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspapers to authorize publication of your Notice of Intent to Appropriate Water and to arrange for payment. Early contact with the papers can eliminate delays. The publishers have been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. We must receive Proof of Publication before the application can be considered by the Water Management Board.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ron Duvall".

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

NOTE: The Department of Agriculture may require that a Soil/Water Compatibility Application (SWCA) be approved for your proposed well in the NE1/4 section 15 and especially for the deep well in the SE1/4 section 15. You need to be aware that if a SWCA is required and is not approved by the Department of Agriculture prior to the March 1, 1989 Water Management Board meeting, then the applicable portions of Application No. 5271-3 will be deleted from the March 1, 1989 Board meeting agenda. If SWCA approval is not received and the applicable portions of Application No. 5271-3 are removed from the March 1, 1989 agenda, then a separate application for those deleted portions will need to be advertised for a later hearing date.

Assuming the Department of Agriculture approves the SWCA, if needed, then approval of the SWCA is subject to review by the Conservation Commission during the March 9, 1989 Commission meeting. You should also realize the Commission has the authority to reverse the Department of Agriculture's approval of the SWCA after reviewing the approved SWCA. Although not expected, if the Commission does reverse approval of the SWCA, then Application No. 5271-3 will not be issued if approved at the March 1, 1989 Board meeting.

 **Department of
Water & Natural Resources**

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

January 26, 1989

Watertown Public Opinion
PO Box 10
Watertown SD 57201-0010

Dear Sir:

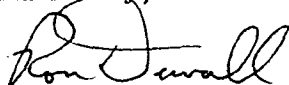
Enclosed is a Notice of Hearing on Application Nos. 5269-3 and 5271-3 to be published twice. Please publish the first notice on or before February 1, 1989 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Warren Falk, RR 1, Box 59, South Shore SD 57263.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

TO: Ron Duvall
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

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

Name

Newspaper





Department of Water & Natural Resources

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

January 26, 1989

Grant County Review
Box 390
Milbank SD 57252

Dear Sir:

Enclosed is a Notice of Hearing on Application Nos. 5269-3 and 5271-3 to be published twice. Please publish the first notice on or before February 1, 1989 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Warren Falk, RR 1, Box 59, South Shore SD 57263.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

CUT HERE

FIRST TRANSMITTAL NOTICE

TO: Ron Duvall
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

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

Name _____

Newspaper _____



Instruction to Newspaper - Publish first Notice on or before February 1, 1989 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARINGS on Application Nos. 5269-3 and 5271-3 to Appropriate Water

Notice is given that Warren Falk, RR 1, Box 59, South Shore SD 57263 has filed Application No. 5269-3 for a water permit to appropriate 0.94 cubic feet of water per second (cfs) from one additional well (Prairie Coteau Aquifer) 163 feet deep to irrigate 60 acres. The additional well is to be located in the SE 1/4 SE 1/4 and the acreage to be irrigated is in the SE 1/4; all in Section 1-T120N-R52W (within boundary of the former Sisseton Wahpeton Indian Reservation). Water Permit No. 4637-3 authorizes irrigation of the same acreage from a well located in the NE 1/4 Section 12-T120N-R52W.

Application No. 5271-3 is to appropriate 1.78 cubic feet of water per second (cfs) from 2 wells 58 feet and 134 feet deep to irrigate 264 acres. Water Right No. 4417-3 appropriates 8.0 cfs from 4 wells to irrigate 1,034 acres in Sections 15, 21, 22, 23 and 27-T120N-R52W. One helper well, 112 feet deep, located in the NE 1/4 Section 15 as authorized by No. 4417-3 is to be replaced by one well (Big Sioux North Aquifer) 58 feet deep to be located in the NE 1/4 NE 1/4 Section 15; all in T120N-R52W. The second well (Prairie Coteau Aquifer) 134 feet deep is to be located near the center of the SE 1/4 Section 15-T120N-R52W. Water from the replacement well and the additional well is to be used to supplement irrigation of 264 acres (specified on No. 4417-3) located in the E 1/2 Section 15-T120N-R52W. The described legal descriptions are located within the former boundary of the Sisseton-Wahpeton Indian Reservation.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends DEFERRAL of Application Nos. 5269-3 and 5271-3 to allow time for further study and analysis of these applications. Parties of record will receive copies of any revised recommendations. These applications will be considered by the Water Management Board at the Howard Johnson's, Roosevelt Room, 1-90 at LaCrosse, Rapid City SD on March 1, 1989 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny these applications based on the facts presented at the public hearing.

Although the Chief Engineer has recommended DEFERRAL, any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and the Chief Engineer by February 17, 1989. This application will probably not be readvertised. Parties will be given personal notice of any future hearings. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in an application, the petitioner's reasons for opposing or supporting an application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on these applications or to assure access to the hearing by the handicapped.

These hearings are adversary proceedings. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of a hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by February 17, 1989.

(continued)

These applications are made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

No. 5269-3 & 5271-3



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Codington) ss.

I, Monica K Saathoff 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 _____

city _____ of Watertown

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

January 31st, 1989

February 6th, 1989

Monica K Saathoff
(Signature)

Bookkeeper
(Title)

February 6th, 1989
(Date Signed)

Cost of Printing: \$115.50

WATERTOWN

**NOTICE OF HEARINGS ON
APPLICATION NOS. 5269-3
and 5271-3 TO
APPROPRIATE WATER**

Notice is given that Warren Falk, RR 1, Box 59, South Shore, SD 57263 has filed Application No. 5269-3 for a water permit to appropriate 0.94 cubic feet of water per second (cfs) from one additional well (Prairie Coteau Aquifer) 163 feet deep to irrigate 60 acres. The additional well is to be located in the SE 1/4 SE 1/4 and the acreage to be irrigated is in the SE 1/4; all in Section 1-T120N-R52W (within boundary of the former Sisseton Wahpeton Indian Reservation). Water Permit No. 4637-3 authorizes irrigation of the same acreage from a well located in the NE 1/4 Section 12-T120N-R52W.

Application No. 5271-3 is to appropriate 1.78 cubic feet of water per second (cfs) from 2 wells 58 feet and 134 feet deep to irrigate 264 acres. Water Right No. 4417-3 appropriates 8.0 cfs from 4 wells to irrigate 1,034 acres in Sections 15, 21, 22, 23 and 27-T120N-R52W. One helper well, 112 feet deep, located in the NE 1/4 Section 15 as authorized by No. 4417-3 is to be replaced by one well (Big Sioux North Aquifer) 58 feet deep to be located in the NE 1/4 NE 1/4 Section 15; all in T120N-R52W. The second well (Prairie Coteau Aquifer) 134 feet deep is to be located near the center of the SE 1/4 Section 15-T120N-R52W. Water from the replacement well and the additional well is to be used to supplement irrigation of 264 acres (specified on No. 4417-3) located in the E 1/2 Section 15-T120N-R52W. The described legal descriptions are located within the former boundary of the Sisseton-Wahpeton Indian Reservation.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends DEFERRAL of Application Nos. 5269-3 and 5271-3 to allow time for further study and analysis of these applications. Parties of record will receive copies of any revised recommendations. These applications will be considered by the Water Management Board at the Howard Johnson's, Roosevelt Room, 1-90 at LaCrosse, Rapid City, SD on March 1, 1989 at 10:00 a.m. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny these applications based on the facts presented at the public hearing.

Although the Chief Engineer has recommended DEFERRAL, any interested person who may be affected by a Board decision and

who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and the Chief Engineer by February 17, 1989.

This application will probably not be readvertised. Parties will be given personal notice of any future hearings. The Chief Engineer's address is: "Water Rights Division; Foss Building, 523 E Capitol, Pierre, SD 57501 (605-773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in an application, the petitioner's reasons for opposing or supporting an application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on these applications or to assure access to the hearing by the handicapped.

These hearings are adversary proceedings. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of a hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by February 17, 1989.

These applications are made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3 thru 46-6-14; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. (January 31; February 6, 1989)



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Grant) ss.

I, Phyllis Justice hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Grant County Review

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

City of Milbank

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

February 1, 1989

February 8, 1989


(Signature)

Publisher
(Title)

=February 8, 1989
(Date Signed)

Cost of Printing: _____

\$52.16

NOTICE OF HEARINGS

On Application Nos. 5269-3 and 5271-3
To Appropriate Water

Notice is given that Warren Falk, RR 1, Box 59, South Shore, SD 57263 has filed Application No. 5269-3 for a water permit to appropriate 0.94 cubic feet of water per second (cfs) from one additional well (Prairie Coteau Aquifer) 163 feet deep to irrigate 60 acres. The additional well is to be located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ and the acreage to be irrigated is in the SE $\frac{1}{4}$; all in Section 1-T120N-R52W (within boundary of the former Sisseton Wahpeton Indian Reservation). Water Permit No. 4637-3 authorizes irrigation of the same acreage from a well located in the NE $\frac{1}{4}$ Section 12-T120N-R52W.

Application No. 5271-3 is to appropriate 1.78 cubic feet of water per second (cfs) from 2 wells 58 feet and 134 feet deep to irrigate 264 acres. Water Right No. 4417-3 appropriates 8.0 cfs from 4 wells to irrigate 1,034 acres in Sections 15, 21, 22, 23 and 27-T120N-R52W. One helper well, 112 feet deep, located in the NE $\frac{1}{4}$ Section 15 as authorized by No. 4417-3 is to be replaced by one well (Big Sioux North Aquifer) 58 feet deep to be located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 15; all in T120N-R52W. The second well (Prairie Coteau Aquifer) 134 feet deep is to be located near the center of the SE $\frac{1}{4}$ Section 15-T120N-R52W. Water from the replacement well and the additional well is to be used to supplement irrigation of 264 acres (specified on No. 4417-3) located in the E $\frac{1}{2}$ Section 15-T120N-R52W. The described legal descriptions are located within the former boundary of the Sisseton-Wahpeton Indian Reservation.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends DEFERRAL of Application Nos. 5269-3 and 5271-3 to allow time for further study and analysis of these applications. Parties of record will receive copies of any revised recommendations. These applications will be considered by the Water Management Board at the Howard Johnson's, Roosevelt Room, 1-90 at LaCrosse, Rapid City SD on March 1, 1989 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny these applications based on the facts presented at the public hearing.

Although the Chief Engineer has recommended DEFERRAL, any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-

examine witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and the Chief Engineer by February 17, 1989. This application will probably not be advertised. Parties will be given personal notice of any future hearings. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605.773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in an application, the petitioner's reasons for opposing or supporting an application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on these applications or to assure access to the hearing by the handicapped.

These hearings are adversary proceedings. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of a hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by February 17, 1989.

These applications are made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3 thru 46-6-14; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

Feb. 1

Feb. 8



Department of Water & Natural Resources

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

JUN 13 1989

Warren Falk
RR 1, Box 59
South Shore SD 57263

Dear Mr. Falk:

Enclosed is Water Permit No. 5269-3 as approved by the Water Management Board authorizing you to construct your water diversion system and put the water to beneficial use, not exceeding the limits as specified in the Water Permit.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

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

enclosures

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period - i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.



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

Joe 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.

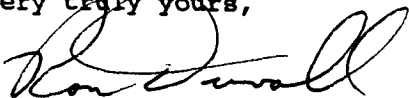
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

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



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 Kahnke, 405 5th Ave NW, Watertown, SD 57201



DEPARTMENT OF WATER & NATURAL RESOURCES

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

April 24, 1991

5269-3

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

Dear Mr. Falk:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit Nos. 5269-3 and 4637-3, has been completed. Your final water right document, the Water License, can now be issued. Upon licensing, the applicable portions of Water Permit No. 4637-3 will be incorporated into No. 5269-3.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing Water License No. 5269-3.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.

Paul D. Rath
(signature)

5. System Type a) sideroll:

- 1) length _____ feet
- 2) diameter of pipe _____
- 3) make, model & number of
sprinklers _____
- 4) spacing of sprinklers _____
- 5) nozzle size _____

c) gun

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____
- 4) hose size _____
- 5) hose length _____

e) gated pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

f) portable boom

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____

b) towline:

- 1) length _____ feet
- 2) make, model & number of
sprinklers _____
- 3) spacing of sprinklers _____
- 4) nozzle size _____

d) center pivot

- 1) make VALLES WATER DRIVE
- 2) number of towers 8
- 3) distance between towers _____
- 4) overall length 850
- 5) end gun (Y/N) Y
- 6) high or low pressure H
- 7) make & size of nozzles
RAINBIRD
- 8) capacity (GPM) 400

g) siphons

- 1) size _____
- 2) number _____

NOTE: For Permits with additional wells or changes in well locations, record the following for each well: pumping capacity, date constructed, well driller and if a well log is available.

Indicate any other permit(s) which are associated with project _____

Yes	No	Check Items
☒	☐	1. Soil and water permit lands agree with lands being irrigated and lands listed on permit?
☒	☐	2. Special qualifications to permit being abided by?
☒	☐	3. All structures, wells and lands on map?
☒	☐	4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period?
☐	☒	5. Is chemigation used?
☐	<u>NA</u>	6. If yes, does equipment comply with chemigation rules?

REMARKS:

LICENSE FOR PERMIT NUMBER 4637-3 & 5269-3

1. Legal location of wells: FROM THE SE CORNER OF SECTION 1-T120N-R52W (R23)
950' WEST & 550' NORTH

dams & structures: _____

2. Well Information: Well Drilling Firm BULLIS BROTHERS

Completion Report Yes ☒ No _____ No. of Wells 1 Depth 161

Casing a) diameter 10 Screen a) type STAINLESS
b) length 148 b) length 15
c) type STEEL Static Water Level 52

Pump a) make FAIRBANKS MORSE Motor a) make CUMMINGS DIESEL
b) model NO TAG b) model No. HRFB
c) size — c) horsepower rating 100
d) capacity 400 gpm
e) turbine pump - no. of stages _____
f) operating PSI 70

3. Distribution lines or canals

a) size 6"
b) type PVC
c) length 900'

4. Dam Information:

a) height to crest _____ m) Outlet tubes:
b) height to primary spillway _____ 1) diameter _____
c) height to secondary spillway _____ 2) type _____
d) crest width _____ 3) valved (Y/N) _____
e) crest length _____ 4) valve type _____
f) spillway length _____ 5) location on structure _____
g) spillway width _____
h) approx. storage _____ n) Category of Dam _____
i) approx. storage to crest _____
j) date constructed _____
k) inspection sheet completed (Y/N) _____
l) Name of Contractor _____

File No. 5269-3, 4637-3, & 5271-3
Water Rights Division -DWNR
Conversation or File Documentation

NAME OF PERSON OR FILE: Warren Falk, Falk Farms

ADDRESS: RR 1, Box 59, South Shore, SD COUNTY: Grant

DATE: 1/4/91 TELEPHONE: 605 886-9771

RE: Additional information about inspections

COMMENTS:

I called Mr. Falk about the inspections I performed of his irrigation systems. He said that the lands and irrigation covered under 5271-3 was now seperate from the irrigation covered under 4417-3.

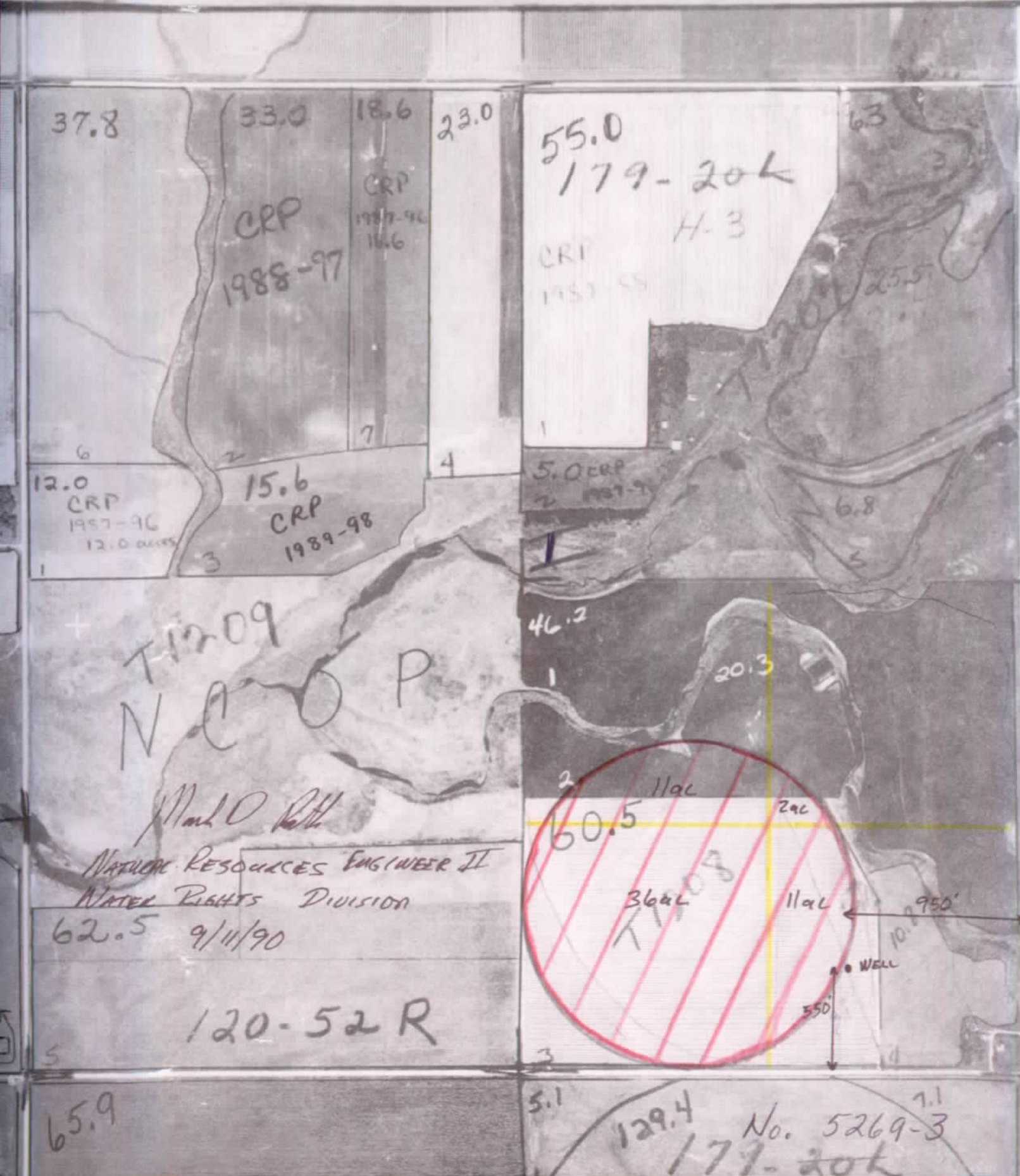
He also said that he would be sending the well logs that he had in, for the irrigation wells which I inspected.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.



Mark D. Rath
Natural Resources Engineer II
DWNR, Water Rights Division

NOT TO SCALE



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5269-3

(1) Warren Falk of RR 1 Box 59, South Shore, SD 57263 made Application No. 5269-3, January 24, 1989 for a water permit to appropriate 0.86 cubic feet of water per second from groundwater, Grant County, South Dakota for irrigation purposes. Permit No. 5269-3 with a priority date of January 24, 1989 was approved March 1, 1989 and issued to applicant(s) for diversion of water with construction of the described water supply system to be completed on or before March 1, 1994 and for the application to beneficial use of said water on or before March 1, 1998.

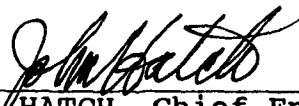
Water Permit No. 5269-3 authorizes the use of a well in the SE 1/4 SE 1/4 Section 1 T120N, R52W(R) to irrigate land described in Water Permit No. 4637-3. The applicable portions of Permit No. 4637-3 are incorporated into this Water License No. 5269-3. A priority date of January 24, 1989 (established by No. 5269-3) is retained.

(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 0.86 cubic feet of water per second for beneficial use. The location of the diversion point is: 950'W and 550'N of the SE corner of Section 1, T120N, R52W (SE 1/4 SE 1/4) (Reservation).

(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 1 (Reservation)	NW 1/4 SE 1/4	11 acres
	NE 1/4 SE 1/4	2 "
	SE 1/4 SE 1/4	11 "
	SW 1/4 SE 1/4	36 "
	Total	60 acres

(4) Pursuant to Section 46-5-30.1 Warren Falk of RR 1 Box 59, South Shore, SD 57263 the holder(s) and/or owner(s) of Incorporated No. 5269-3 is issued a license to appropriate water, the right to use 0.86 cubic feet of water per second from groundwater (one well) with a priority date of January 24, 1989 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. 5269-3 and subject to South Dakota State Law.


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

SEP 18 1991



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 18 1991

5269-3
4637-3

Warren Falk
RR 1 Box 59
South Shore, SD 57263

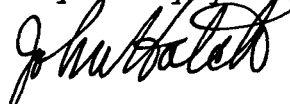
Dear Mr. Falk:

Enclosed is Water License No. 5269-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 412660 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

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. 5269-3, 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.

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

Very truly yours,


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

enclosures

Note: The applicable portions of Permit No. 4637-3 have been incorporated into Water License No. 5269-3.



**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 9:15 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,

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



5269-3

**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



5269-3
**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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

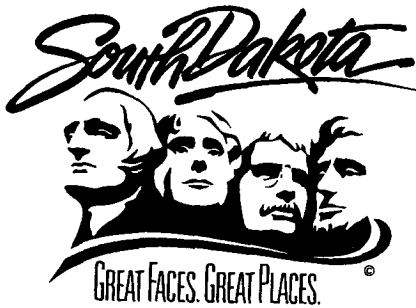
I am writing to acknowledge receipt of your 1999 irrigation questionnaires. You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Permit or Right Nos. 4417-3, 5269-3, 5271A-3 and 5271B-3.

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



5269-3

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.



5269-3

**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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 15, 2010

5269-3

Wendell Falk
45384 154th St
South Shore SD 57263

Dear Mr. Falk:

I am contacting you in follow-up to the 2010 irrigation questionnaire submitted for Water Right No. 5269-3. The water right is currently in the name of Warren Falk. It is my understanding from the notation included on the questionnaire that ownership should be transferred to you.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 10, 2011

5269-3

Wendell Falk
45384 154th St
South Shore SD 57263

Dear Mr. Falk:

I am contacting you in regard to ownership of land described in Water Right No. 5269-3 (copy enclosed). Last year when the 2010 irrigation questionnaire was submitted, a notation was made to cross off Warren's name and add your name and address. In December, 2010, a partially completed transfer form was sent to you for changing ownership and to date, we have not received anything back from you.

In the event you no longer have the original form, I am sending you another partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

If ownership has not changed and the notation on the questionnaire only meant future questionnaires should come to you, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

enclosures



5269-3
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.

5269-3



**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,

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



5269-3
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.



5269-3
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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 11, 2018

5269-3

William Bucklin
15029 455th Ave
Summit SD 57266

Dear Mr. Bucklin:

I am contacting you in regard to Water Right No. 5269-3, listed in the name of Warren Falk. It is our understanding you have purchased the land described in the water right.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

I have included a copy of the water right for your records. 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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

SEP 21 2018

WATER RIGHTS
PROGRAM

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

No. 5269-3

Date: 9-18-18

I/We request that Water Right No. 5269-3

formerly owned by: Warren Falk

be transferred to: (name & address) William and Lisa Bucklin
15029 455 Ave
Summit, SD 57266

Telephone No. 605-949-2861

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

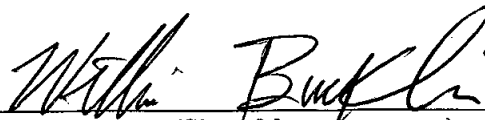
60 acres - SE 1/4 Section 1, T120N, R52W (within boundaries of former reservation)

I/We understand that the validity of Water Right No. 5269-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

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


(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date September 24, 20 18

William or Lisa Bucklin 15029 455th Ave Summit SD 57266

RECEIVED OF _____

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>5269-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **08769**

By

Jeanne Goodman
Chief Engineer *JMG*



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 25, 2018

5269-3

William & Lisa Bucklin
15029 455th Ave
Summit SD 57266

Dear Mr. & Mrs. Bucklin:

I am writing to acknowledge receipt of the transfer form and filing fee submitted for changing ownership on Water Right No. 5269-3.

The ownership change has been processed. Water Right No. 5269-3 formerly held by Warren Falk is now listed in your names.

Enclosed for your records is Receipt No. 08769 in the amount of \$50 which you paid for filing the ownership change. If you have any questions, please contact me.

Sincerely,

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

enclosure



5269-3
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 23, 2020

NOTICE

TO: WILLIAM & LISA BUCKLIN, 15029 455TH AVE, SUMMIT, SD 57266

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaire(s)

Our records indicate your 2019 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5269-3. The request for the Questionnaire was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 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) 5269-3 qualification:

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

The hearing will be held at **Wednesday, February 26, 2020 at 8:30 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) 5269-3 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 **February 26, 2020** 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: <https://denr.sd.gov/iq> using this password: BCFQVK**

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 27, 2020

5269-3

William & Lisa Bucklin
15029 455th Ave
Summit SD 57266

Dear Mr. & Mrs. Bucklin:

I am writing to acknowledge receipt of your online submission of the 2019 irrigation questionnaire.

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for Water Right No. 5269-3. 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



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 20, 2022

NOTICE

TO: WILLIAM & LISA BUCKLIN, 15029 455TH AVE, SUMMIT, SD 57266

FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5269-3. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 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) 5269-3 qualification:

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

The hearing will be held at **Wednesday, March 2, 2022 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) 5269-3 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 2, 2022** 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: <https://danr.sd.gov/iq> using this password: BDURYF**

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 31, 2022

5269-3

William & Lisa Bucklin
15029 455th Ave
Summit SD 57266

Dear Mr. & Mrs. Bucklin:

I am writing to acknowledge receipt of your 2021 irrigation questionnaire.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right No. 5269-3. 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
Genny.mcmath@state.sd.us