

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 5271A-3
DIVISION OF 5271-3 INTO 5271A-3 AND 5271B-3

(1) Warren Falk, 45384 154th St., South Shore, SD 57263 made Application No. 5271-3, January 24, 1989 for a water permit to divert an additional 1.78 cubic feet of water per second (cfs) from ground water (2 wells), Grant County, South Dakota for irrigation purposes. Permit No. 5271-3, with a priority date of January 24, 1989 was approved March 1, 1989 and issued to the applicant 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. 5271-3 authorizes replacement of the 112' deep helper well authorized under Water Right No. 4417-3 irrigating the E½ of Section 15, T120N, R52W with a 58' deep well and the addition of a new well to supplement the irrigation system. The replacement well and the new well described in No. 5271-3 are from the Prairie Coteau Aquifer and the Big Sioux North Aquifer. No. 5271-3 is being divided and reissued to separate the two water sources. The water permits will be licensed as follows:

Water Right No. 5271A-3, with a priority date of April 29, 1975, authorizes diversion of 1.00 cfs from a 58 feet deep well in the Big Sioux North Aquifer located in the NE¼ NE¼ Section 15, T120N, R52W to irrigate 132 acres in the NE¼ Section 15. Note: the acreage and diversion rate associated with the helper well have been transferred to No. 5271A-3, allowing it to retain an April 29, 1975 priority date.

Water Right No. 5271B-3, with a priority date of January 24, 1989, authorizes diversion of 1.00 cfs from a 134 feet deep well in the Prairie Coteau Aquifer located in the center of the SE¼ Section 15, T120N, R52W to irrigate 132 acres in the SE¼ Section 15.

(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 1.00 cubic feet of water per second for beneficial use. The location of the diversion point is (Big Sioux North Aquifer) - 1100'W and 950'S of the NE corner (NE¼ NE¼); all in Section 15, T120N, R52W (RES).

(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:

Section 15, T120N, R52W (RES)	NW¼ NE¼	33 acres
	NE¼ NE¼	33 acres
	SE¼ NE¼	33 acres
	SW¼ NE¼	33 acres
	Total	132 acres

Note: The center pivot system that irrigates the above land operates at a diversion rate of 900 gallons per per minute (2.00 cfs). The pivot is supplied water from a well (Big Sioux North Aquifer) in the NE¼ Section 15, as described on this license, and from a well (Prairie Coteau Aquifer) in the SE¼ Section 15 described under No. 5271B-3.

continued

Water License No. 5271A-3

Warren Falk

Page 2

(4) Pursuant to South Dakota Water Law 46-5-30.1 Warren Falk, 45384 154th St., South Shore, SD 57263 the holder and/or owner of Water Permit No. 5271A-3 is issued a license to appropriate water, the right to use 1.00 cubic feet of water per second from ground water (one well) with a priority date of January 24, 1989 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 5271-3 and subject to South Dakota State Law.



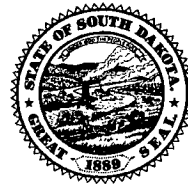
JOHN HATCH, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

NOV 12 1997

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 12 1997

4417-3
5271A-3
5271B-3

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

Dear Mr. Falk:

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

Water Permit No. 5271-3, approved in 1989, authorized replacement of the 112' deep helper well authorized under Water Right No. 4417-3 irrigating the E½ of Section 15, T120N, R52W with a 58' deep well and the addition of a new well to supplement the irrigation system. The replacement well and the new well described in No. 5271-3 are from the Prairie Coteau Aquifer and the Big Sioux North Aquifer. No. 5271-3 was divided and reissued to separate the two water sources.

Water License No. 4417-3 was reissued to delete the land and diversion point located in the E½ Section 15, T120N, R52W. The irrigation system and the two wells supplying water to the E 1/2 Section 15 are now described in Water License Nos. 5271A-3 and 5271B-3.

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

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

Very truly yours,

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

enclosures

gm

SOUTH DAKOTA WATER WELL COMPLETION REPORT

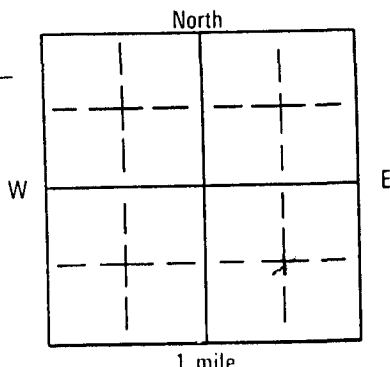
10-85

Location S 1/4 Sec 15 Twp 120 Rg 51-52

County

GRANT

Please mark well location with an "X"



Well Completion Date

8-5-89

PROPOSED USE:

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

Method of Drilling:

Direct Rotary

CASING DATA:

- ☐ Steel ☐ Plastic ☒ Other
 If other describe Fiberglass

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	12 IN	2' FT	109 FT	18 IN
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? 20 FEETWhat is grouting material? Portland CementIf cement, number of sacks? 20Describe grouting procedure Tremie pipeWhat was grout weight? 1512 LB/GALSCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 12 IN Length 25 FEET

Material

Slot Size 0.00 Set From 109 Feet To 134 Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information Packed Flint Rock
20Was a packer or seal used? ☐ YES ☐ NO

If so, what material?

Describe packer(s) and location?

Was well disinfected upon completion? ☒ YES ☐ NOExplain H.T.H. TabsBacteriological analysis ☒ YES ☐ NOLaboratory sent to Brookings Co SD

Well Owner:

Name

Warren Folk

Address

Southshore, S.P.

Well Log:

Depth

Formation

From

To

<u>Top soil</u>	<u>0</u>	<u>3'</u>
<u>Yellow clay</u>	<u>3'</u>	<u>30'</u>
<u>Blue clay</u>	<u>30'</u>	<u>105'</u>
<u> gravel medium</u>		
<u>Yellow (took water good)</u>	<u>105'</u>	<u>134'</u>
<u>Blue clay</u>	<u>134'</u>	<u>140'</u>

STATIC WATER LEVEL 32' 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:

☒ PumpedTurbine☐ Bailed

Describe: _____

☐ Other

Pumping Level Below Land Surface

<u>59'</u>	ft.	After <u>24</u>	Hrs.	pumped <u>1,000</u>	GPM
_____	ft.	After _____	Hrs.	pumped _____	GPM
_____	ft.	After _____	Hrs.	pumped _____	GPM

REMARKS:

This well was drilled under license # 337

And this report is true and accurate.

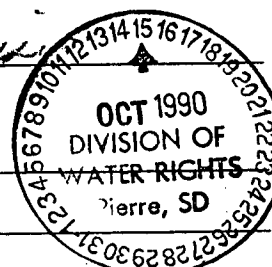
Drilling firm Kain Well Drilling

Signature of License Representative:

Donald L. Kain

Signature of Well Owner:

Date

6-21-89



5271A-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

File No. 4417-3

5271A-3
5271B-3

Water Rights Program -- File Documentation

NAME: Jay Grinols

ADDRESS: 15473 451st Ave, South Shore SD 57263

DATE: August 18, 2004

COUNTY: Grant

TELEPHONE: 886-8174

RE: Pivot overspray

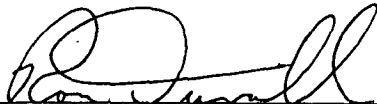
COMMENTS:

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

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

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

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



Ron Duvall, Natural Resources Engineer
Water Rights Program





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 30, 2004

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

Dear Mr. Falk:

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

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

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

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

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

c: Jay Grinols



5271A-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.



5271A-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



5271A-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.



**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 -



5271A-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.



5271A-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

denr.sd.gov

No. 5271A-3
5271B-3

August 1, 2016

Warren Falk
45268 155th St
South Shore SD 57263

Dear Mr. Falk:

During the week of July 5th, a staff member from the Department of Environment and Natural Resources (DENR) observed indications of overspray from the irrigation systems located in the E 1/2 Section 15-T120N-R52W onto the adjacent roads (see attached photo). The irrigation systems are covered by Water Right Nos. 5271A-3 and 5271B-3.

It is common for center pivots to have stops which are used to shut off the end gun when the pivot nears a road. If you haven't already done so, please take steps to insure end gun stops are functioning properly so there is not direct overspray on to the road.

A water right holder is not allowed to operate an irrigation system in violation of state water law, which includes end gun overspray upon land not authorized by the water right.

If you don't believe this irrigation system is causing the overspray, or if you have any questions, please contact me at (605) 773-3352 or by email at eric.gronlund@state.sd.us.

Thank you for your cooperation,

Eric Gronlund
Water Rights Program, DENR
605 773-3352

enclosures

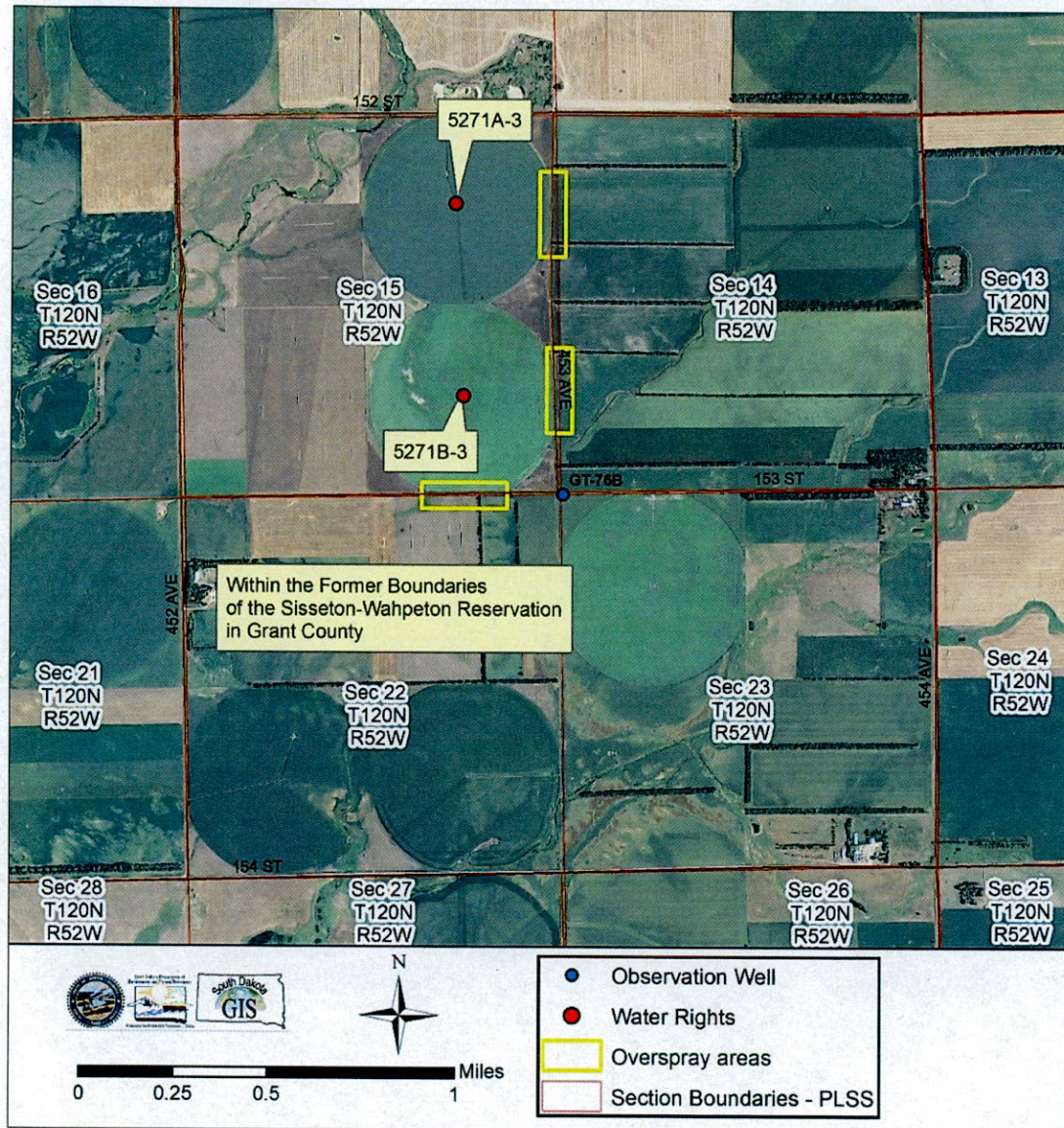


Figure 1- Map of the area of Water Right Nos. 5271A-3 and 5271B-3

Overspray Report

Date Reported: July 13, 2016

Grant County

Right Nos. 5271A-3 and 5271B-3

Reported by: Adam Mathiowetz, Water Rights Engineer

During a well complaint investigation in the area, Mathiowetz was informed there has been overspray on the road from the pivots authorized by Water Right Nos. 5271A-3 and 5271B-3. Upon investigation, a history of overspray from center pivots authorized by Water Right Nos. 5271A-3 and 5271B-3 was discovered. Picture 1 is facing north with the center pivot authorized by Right No. 5271B-3 to the left of the image. Picture 2 is facing south with the center pivot authorized by Right No. 5271A-3 to the right of the image. Both images show rutting in the shape of an arc that is consistent with impact of water from an end gun. There is no picture but along the road on the south end of the pivot authorized by Water Right No. 5271B-3 there is also some rutting in the road indicating overspray. Figure 1 is a map of the area around the water rights.



Picture 1- Facing north with the pivot authorized by Water Right No. 5271B-3 to the left of the image



Picture 2- Facing south with the pivot authorized by Water Right No. 5271A-3 to the right of the image