

**WATER PERMIT NO. 7244-3**

Name of Applicant: Randall J Backman

Address: 45538 BIA Hwy 700, Peever SD 57257

Phone: 605 268-2032

Amount of Water Claimed: 0.53 cfs

Total Acres: 51 acres

Source of Water Supply: groundwater (existing dam)

Water to be used for: irrigation

County: Roberts

Type of Waste Disposal System: NA

Location: 15 miles south of Sisseton

PRIORITY

Date Received: 4-6-2011

Application/License Fee: \$700

Corrected Application Received:

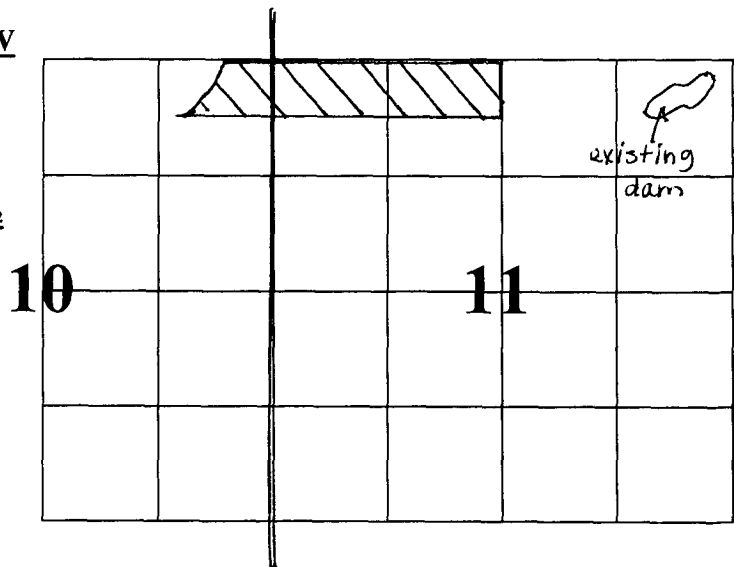
Period of Annual Use: April 1 – October 31

Remarks: Utilize existing dam authorized by Water Right No. 4862B-3

Diversion Point: NE ¼ NE ¼ Sec 11-T123N-R51W

Land to be Irrigated: NE ¼ NE ¼ Sec 10 and N ½

NW ¼ Sec 11; all in T123N-R51W



Depth of Well: NA

Well Driller:

Remarks:

Type of Map: aerial

Prepared by: Eric Gronlund

Reviewed and the Number Assigned on: 4-7-2011

By: Karen Schlaak

Notice of Hearing - date to intervene: \_\_\_\_\_

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

|                                                                                                                    |                                                                     |
|--------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|
| Mail to:<br>Water Rights Program<br>Joe Foss Building<br>523 E. Capitol<br>Pierre, SD 57501-3181<br>(605) 773-3352 | No. <u>7244-3</u> (office use only) Hydrologic Unit <u>07020001</u> |
|                                                                                                                    | Basin <u>Minnesota - White River</u>                                |
|                                                                                                                    | Newspaper <u>Lisbon Courier PO Box 169</u>                          |
|                                                                                                                    | <u>605-698-3641</u> <u>57262</u>                                    |

RECEIVED  
APR - 6 2011  
WATER RIGHTS  
PROGRAM

## Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. \_\_\_\_\_  
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)  
additional acreage and diversion rate authority to WR No. 4862B-3 that is to be transferred to me

- Name of Applicant Randall J Backman Phone 605-268-2032  
(check one) ☒ Owner ☐ Tenant/lessee  
Mailing Address 45538 BIA Hwy 700 Peever SD State 57257-7500  
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.53 \*CFS or 240 \*\*GPM \*\*\*AF Total Acreage 51 acres  
(\*Cubic Feet per Second) (\*\*Gallons per Minute) (\*\*Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Dam (existing) See WR No. 4862B-3
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)  
NE 1/4 NE 1/4 Section 11, T123N, R51W County Roberts County
- County or counties where water will be used Roberts County
- Annual period during which water is to be used April 1 - October 31
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.  
(Attach sheet if more space is needed)

| Land Description                      | Acres | Land Description                     | Acres |
|---------------------------------------|-------|--------------------------------------|-------|
| NE 1/4 NE 1/4 Section 10, T123N, R51W | 10.67 | N 1/2 NW 1/4 Section 11, T123N, R51W | 40.33 |
|                                       |       |                                      |       |
|                                       |       |                                      |       |
|                                       |       |                                      |       |

8. Give a description of the project, (Attach sheet if more space is needed)  
Adding acreage to existing irrigation system. Transferred portion of WR No. 4862B-3 to my name is 260 gpm for 161 acres. Intend to increase the diversion rate to 500 gpm (a increase of 240 gpm)

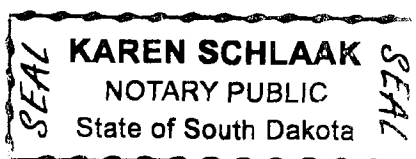
STATE OF SOUTH DAKOTA)  
County of Hughes SS

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

I, Randall J Backman, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature Randall J Backman

Subscribed and sworn to before me this 4<sup>th</sup> day of April 20 11



Karen Schlaak  
Notary Public signature

My Commission Expires 4/1/13

**SOUTH DAKOTA  
WATER PERMIT NO. 7244-3**

---

Date of first receipt of application April 6, 2011.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7244-3 to Randall J Backman, 45538 BIA Hwy 700, Peever SD 57257 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. 7244-3 appropriates an additional 0.53 cubic feet of water per second (cfs) and irrigate 51 additional acres to what is currently authorized by Water Right No. 4862C-3. Water Right No. 4862C-3 appropriates 0.58 cfs from two storage dams located in the NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  and SE  $\frac{1}{4}$  SE  $\frac{1}{4}$  Section 11 to irrigate 161 acres located in the SW  $\frac{1}{4}$  SW  $\frac{1}{4}$  Section 1 and SE  $\frac{1}{4}$  Section 2; all in T123N-R51W. This permit authorizes an additional 0.53 cfs from the existing dam (21 acre-feet storage capacity) located in the NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  Section 11 to irrigate the NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  Section 10 and N  $\frac{1}{2}$  NW  $\frac{1}{4}$  Section 11; all in T123N-R51W. This permit and Water Right No. 4862C-3 will authorize a total of 1.11 cfs for irrigation of 212 acres.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The date from which applicant may claim right is April 6, 2011.
4. The date of approval of Permit No. 7244-3 is July 29, 2011.
5. One-fifth of the construction is to be completed on or before January 29, 2014.
6. All construction is to be completed on or before July 29, 2016.
7. Water is to be put to beneficial use on or before July 29, 2020.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

**QUALIFICATIONS**

1. Pumping shall be controlled to protect prior water rights and low flows must be by-passed as needed for downstream domestic use, including livestock water and prior water rights.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

**WATER MANAGEMENT BOARD**

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

AUG 30 2011  
date



## Supplemental Information

(type or print in ink)

### 1. Well Information - Proposed Construction

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

### 2. Wastewater Disposal System Information

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

### 3. Dugout Information

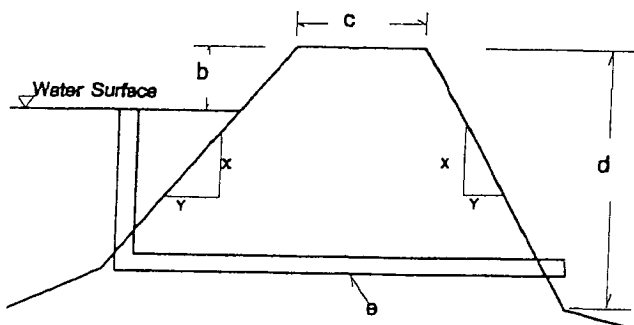
- a) Surface Dimensions \_\_\_\_\_ Depth \_\_\_\_\_
- b) Depth to water (ground surface to water level) \_\_\_\_\_

### 4. Water Storage Dams

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

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



- b) Freeboard 7 feet
- c) Crest Width 10 feet  
Crest Length 500 feet
- d) Height 24 feet
- e) Primary Outlet Capacity \_\_\_\_\_  
If pipe, diameter 18 inch
- f) Secondary Spillway Capacity \_\_\_\_\_  
Spillway Width 40 feet length 50ft
- g) X & Y Slope \_\_\_\_\_  
Upstream 3-1  
Downstream 2-1
- h) Surface Area of Impoundment 5
- i) Storage 21 Acre Feet
- j) Drainage Area Above Dam 1100 Acres

# Irrigation

Date: 1/18/2011

Customer(s): RANDY BACKMAN

Field Office: SISSETON SERVICE CENTER

Legal Description: N2, 11-T123N-R51W

State and County: SD, ROBERTS



## Legend

-  Diversion-field distance
-  Additional Fields
-  Sections



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PROGRAM

510 0 510 1,020 1,530 2,040 Feet



Water Permit Application for Randall J Backman - additional acreage and diversion rate authority  
(in T123N, R51W)



*Eric Grönlund*  
Eric Grönlund PE  
Water Rights Program

# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 4/6, 2011

RECEIVED OF Randy J Backman 45538 BIA Hwy 700 Peever SD 57257

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

|                                                                                                                         |        |
|-------------------------------------------------------------------------------------------------------------------------|--------|
| Fee for Application for Permit No. <u>71244-3</u> to Appropriate Water, to construct and to put water to beneficial use | 500 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>7244-3</u>             | 200 00 |
| Fee for Filing Transfer Form _____                                                                                      |        |
| Fee for _____                                                                                                           |        |
| Fee for Issuing New Well Driller's License No. _____ for C.Y. _____                                                     |        |
| Fee for Renewal of Well Driller's License No. _____ for C.Y. _____                                                      |        |
| Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____                                                  |        |
| Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____                                               |        |
| (Any Other Work Provided by Law)                                                                                        |        |
| TOTAL                                                                                                                   | 700 00 |

No.

04964

By

Garland White  
Chief Engineer



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

July 5, 2011

Orris Swayze  
705 Ordway Street  
Wilmot SD 57279

Milton Swayze  
13644 461<sup>st</sup> Ave  
Wilmot SD 57279

Gentleman:

Water Right No. 4862B-3 originally held by Milton Swayze is being divided to reflect a land ownership change where Orris Swayze and Randy Backman each own a portion of the land authorized for irrigation. In addition, Mr. Backman has applied for addition acres and diversion rate authority for the storage dam located in the NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  Section 11, T123N, R51W.

Enclosed is the staff report, recommendation and public notice for Mr. Backman's application. The notice is to be published in the Sisseton Courier on July 12 and 19, 2011.

The approval of the permit application does not allow access to another landowner's property without the permission of that individual.

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

Sincerely,

Eric Gronlund  
Water Rights Program, DENR  
605 773-3352  
[eric.gronlund@state.sd.us](mailto:eric.gronlund@state.sd.us)

enclosures



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
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PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT  
APPLICATION NO. 7244-3, Randall J. Backman**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 7244-3, Randall J. Backman, 45538 BIA Hwy 700, Peever SD 57257.

The Chief Engineer is recommending APPROVAL of Application No. 7244-3 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) it is in the public interest with the following qualifications:

1. Pumping shall be controlled to protect prior water rights and low flows must be by-passed. as needed for downstream domestic use, including livestock water and prior water rights.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer  
July 1, 2011

## **REPORT ON WATER PERMIT APPLICATION NO. 7244-3**

Randall J. Backman  
45538 BIA Hwy 700  
Peaver, SD 57257  
June 15, 2011

Water Permit Application No. 7244-3, proposes to appropriate 0.53 cubic feet per second (cfs) of water from a storage dam along an unnamed tributary to Big Coulee Creek located in the NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  Section 11 to irrigate 51 additional acres located in the NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  Section 10 and N  $\frac{1}{2}$  NW  $\frac{1}{4}$  Section 11; all in T123N-R51W. Water Right No. 4862C-3 appropriates 0.58 cfs from two storage dams located in the NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  and SE  $\frac{1}{4}$  SE  $\frac{1}{4}$  Section 11 to irrigate 161 acres located in the SW  $\frac{1}{4}$  SW  $\frac{1}{4}$  Section 1 and SE  $\frac{1}{4}$  Section 2; all in T123N-R51W. This application, if approved, and Water Right No. 4862C-3, will authorize a total of 1.11 cfs for irrigation of 212 acres. The project is located in Roberts County, approximately 15 miles south of Sisseton, SD.

### **Review of the Water Source and Existing Water Rights**

The source of water for this application is from a storage dam along an unnamed creek. The creek has a drainage area of approximately 2.5 square miles which includes one other unnamed creek which confluence with this creek approximately one-half-mile upstream from the proposed diversion point. The United States Geological Survey (USGS) has designated these waterways as intermittent streams. Intermittent streams are streams that flow only at certain times when they receive water from springs or from some surface water source such as melting snow or runoff from rainfall. These streams can carry water a considerable portion of the time, but cease to flow occasionally or seasonally because bed seepage and evapotranspiration exceed the available water supply. During dry periods, intermittent streams cannot be considered a reliable source of water.

This unnamed creek is a tributary to Big Coulee Creek, Jorgenson River and eventually into the Little Minnesota River approximately 28 downstream stream miles. There are no existing water rights between the proposed diversion point and the confluence with the Little Minnesota River.

However, Water Right No. 4862A-3 is also authorized to divert 0.87 cfs from either this dam, and another storage dam located in the SE  $\frac{1}{4}$  SE  $\frac{1}{4}$  Section 11-T123N-R51W. Water Right No. 4862A-3 will have a senior priority date to Water Permit Application No. 7244-3.

### **Discussion**

Sufficient water may not be available throughout the entire requested period of use, particularly during dry periods and still protect downstream domestic use. The possibility exists that pumping of water from the creek at the requested rate could, in dry climatic conditions, dry up the creek. If approved, the water permit should contain a qualification that at all times sufficient flow must be bypassing the diversion point while pumping to protect domestic use downstream.

### Conclusions

1. Application No. 7244-3 proposes to appropriate 0.53 cfs from an unnamed tributary to Big Coulee Creek located in the NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  Section 11 to irrigate 51 additional acres located in the NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  Section 10 and N  $\frac{1}{2}$  NW  $\frac{1}{4}$  Section 11; all in T123N-R51W.
2. The USGS has designated this waterway as an intermittent stream that flows only at certain times when they receive water from springs or from some surface water source such as melting snow or runoff from rainfall, but which cease to flow occasionally or seasonally because bed seepage and evapotranspiration exceed the available water supply. During dry periods, intermittent streams cannot be considered a reliable source of water.
3. The possibility exists that pumping of water from the creek at the requested rate could, in dry climatic conditions, dry up the creek. If approved, the water permit should contain a qualification that low flows as needed for domestic use; including livestock watering and prior water rights must be bypassed.
4. Water Right No. 4862A-3 is also authorized to divert 0.87 cfs from either this dam, and another storage dam located in the SE  $\frac{1}{4}$  SE  $\frac{1}{4}$  Section 11-T123N-R51W. Water Right No. 4862A-3 will have a senior priority date to Water Permit Application No. 7244-3.



Mike DeFea  
Natural Resources Project Engineer  
DENR, Water Rights Program

Reviewed by:



Mark D. Rath  
Natural Resources Engineer Specialist  
DENR, Water Rights Program

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JUL 20 2011

WATER RIGHTS  
PROGRAM

# Affidavit of Publication

STATE OF SOUTH DAKOTA }  
County of Roberts } ss.

Harley E. Deutsch of said county, being first duly sworn, on oath says, that he is publisher of THE SISSETON COURIER, a weekly newspaper printed and published in Sisseton, in said county of Roberts, and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bonafide circulation of at least two hundred copies weekly, and has been published within said county for 52 successive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the Notice of Notice Of Application No. 7244-3 etc, a printed copy of which, taken from the paper in which the same was published, is attached to this sheet, and is made a part of this affidavit, was published in said newspaper at least once in each week for two successive weeks, on the day of each week on which said newspaper was regularly published, to-wit:

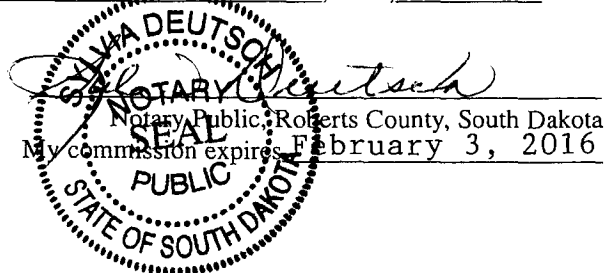
July 12, 2011; \_\_\_\_\_;  
July 19, 2011; \_\_\_\_\_;  
\_\_\_\_\_, \_\_\_\_\_;  
\_\_\_\_\_, \_\_\_\_\_;  
\_\_\_\_\_, \_\_\_\_\_;

that the full amount of the fee is charged for publication of said Notice insures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division there has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever and that the fees charged for the publication there of are \$ 45.25

Harley E. Deutsch

Subscribed and sworn to before me this 19th day of

July, A.D., 2011



## NOTICE OF APPLICATION NO. 7244-3 TO APPROPRIATE WATER

Notice is given that Randall J Backman, 45538 BIA Hwy 700, Peever, SD 57257 has filed an application for a water permit to appropriate an additional 0.53 cubic feet of water per second (cfs) and irrigate 51 additional acres to what is currently authorized by Water Right No. 4862C-3. Water Right No. 4862C-3 appropriates 0.58 cfs from two storage dams located in the NE 1/4 NE 1/4 and SE 1/4 SE 1/4 Section 11 to irrigate 161 acres located in the SW 1/4 SW 1/4 Section 1 and SE 1/4 Section 2; all in T123N-R51W. This application proposes to appropriate an additional 0.53 cfs from the existing dam (21 acre-foot storage capacity) located in the NE 1/4 NE 1/4 Section 11 to irrigate the NE 1/4 NE 1/4 Section 10 and N 1/2 NW 1/4 Section 11; all in T123N-R51W. This application, if approved, and Water Right No. 4862C-3 will authorize a total of 1.11 cfs for irrigation of 212 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7244-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recom-

mendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre, SD 57501 (605-773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 29, 2011.

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

Steven M. Pirner, Secretary,  
Department of Environment and  
Natural Resources

Published twice at the total  
approximate cost of \$45.25.  
(Jul. 12-19--2 wks)



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

PMB 2020  
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PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

July 5, 2011

Sisseton Courier  
PO Box 169  
Sisseton SD 57262

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7244-3 to Appropriate Water to be published twice. Please publish the first notice on July 12, 2011 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Randall J Backman, 45538 BIA Hwy 700, Peever SD 57257 (Ph # 605-268-2032).

**Please send the Water Rights Program the first publication immediately.** The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

  
Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures

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

No. 7244-3

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

Date \_\_\_\_\_

We are in receipt of your letter of July 5, 2011 enclosing Notice to Appropriate Water by Application No. 7244-3 which was first published in our issue of \_\_\_\_\_. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Newspaper



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

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

July 5, 2011

Randall J Backman  
45538 BIA Hwy 700  
Peever SD 57257

Dear Mr. Peever:

7642

Water Permit Application No. 7244-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Sisseton Courier printed at Sisseton SD (Ph # 605-698-3641). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund  
Natural Resources Engineer  
(605) 773-3352  
[eric.gronlund@state.sd.us](mailto:eric.gronlund@state.sd.us)

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

Instruction to Newspaper - Publish first Notice on July 12, 2011 with the second publication 7 days later. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

---

NOTICE OF APPLICATION NO. 7244-3 to Appropriate Water

Notice is given that Randall J Backman, 45538 BIA Hwy 700, Peever SD 57257 has filed an application for a water permit to appropriate an additional 0.53 cubic feet of water per second (cfs) and irrigate 51 additional acres to what is currently authorized by Water Right No. 4862C-3. Water Right No. 4862C-3 appropriates 0.58 cfs from two storage dams located in the NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  and SE  $\frac{1}{4}$  SE  $\frac{1}{4}$  Section 11 to irrigate 161 acres located in the SW  $\frac{1}{4}$  SW  $\frac{1}{4}$  Section 1 and SE  $\frac{1}{4}$  Section 2; all in T123N-R51W. This application proposes to appropriate an additional 0.53 cfs from the existing dam (21 acre-feet storage capacity) located in the NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  Section 11 to irrigate the NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  Section 10 and N  $\frac{1}{2}$  NW  $\frac{1}{4}$  Section 11; all in T123N-R51W. This application, if approved, and Water Right No. 4862C-3 will authorize a total of 1.11 cfs for irrigation of 212 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7244-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 29, 2011.

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

Published twice at the total approximate cost of \_\_\_\_\_.



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

AUG 30 2011

Randall J Backman  
45538 BIA Hwy 700  
Peever SD 57257

Dear Mr. Backman:

Enclosed is Water Permit No. 7244-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

enclosures

**Water Rights Program - DENR**

## Conversation or File Documentation

**Name of Person:** *Randall J Backman*   **File No.** 7244-3  
**Address:** 45538 BIA Hwy 700, Peever SD   **County:** Roberts County  
**Date:** 11/14/2016   **Telephone:** 605-268-2032 cell  
**RE:** *Inspection of No. 7244-3*

**Comments:** *I made an inspection of the irrigation covered by No. 7244-3. At the time of the inspection, I found the land is capable of being irrigated by the towable irrigation system Mr. Backman uses, but he indicated it is not efficient for him to move the system around to cover the acres. Mr. Backman said he plans to replace that towable irrigator with a linear irrigator within the next year.*

*Water Rights staff should plan to schedule an inspection in 2018 when the new system should be in place, so that the inspection will reflect those changes.*



Mark D Rath  
Natural Resources Engineer III



**DENR**  
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

January 22, 2021

**NOTICE**

TO: RANDALL J BACKMAN, 45538 BIA HWY 700, PEEVER, SD 57257  
FROM: Ron Duvall, Natural Resources Engineer  
for Jeanne Goodman, Chief Engineer  
Water Rights Program

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaire(s)

Our records indicate your 2020 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4862C-3 & 7244-3. The request for the Questionnaire was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 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) 4862C-3 & 7244-3 qualification:

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

The hearing will be held at **Wednesday, March 3, 2021 at 10:00 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) 4862C-3 & 7244-3 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, 2021** 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](mailto: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: BADFRK**

**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.



**DENR**  
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

February 23, 2021

4862C-3  
7244-3

Randall Backman  
45538 BIA Hwy 700  
Peever SD 57257

Dear Mr. Backman:

I am writing to acknowledge receipt of your 2020 irrigation questionnaires.

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for Water Right No. 4862C-3 and Water Permit No. 7244-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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



7244-3

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: RANDALL J BACKMAN, 45538 BIA HWY 700, PEEVER, SD 57257

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) 4862C-3 & 7244-3. 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) 4862C-3 & 7244-3 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) 4862C-3 & 7244-3 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](mailto: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: FFCLUC**

**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.

7244-3



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

January 31, 2022

4862C-3  
7244-3

Randall J Backman  
45538 BIA Hwy 700  
Peever SD 57257

Dear Mr. Backman:

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

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Permit Nos. 4862C-3 and 7244-3. 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