

WATER PERMIT NO. 7837-3

Name of Applicant: Alex A & Annie L Falk

Address: 1411 N 4<sup>th</sup> St, Aberdeen SD 57401 Phone: 605 216-5773

Amount of Water Claimed: 8.89 cfs Total Acres: 629 acres

Source of Water Supply: Missouri River

Water to be used for: irrigation County: Hughes

Type of Waste Disposal System:

Location: 25 miles southeast of Pierre

PRIORITY Date Received: 5-2-13 Application/License Fee: \$1,850

Corrected Application Received: Period of Annual Use: April 1 - November 30

Remarks: Add'l acres and diversion rate utilizing diversion points authorized by Water Right No. 6165-3

Diversion Point: NW 1/4 SW 1/4 Sec 17-T109N-R75W and storage dam - NW 1/4 NE 1/4 Sec 16-T109N-R75W

Land to be Irrigated: E 1/2, E 1/2 SW 1/4 Sec 9; E 1/2 NW 1/4, SW 1/4 NW 1/4, E 1/2, SW 1/4 Sec 16; E 1/2 SE 1/4 Sec 17; NE 1/4 Sec 21; E 1/2 Sec 20; all in T109N-R75W

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|  |  |  |  |  |  |

Depth of Well: NA

Well Driller:

Remarks:

Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 5-7-13

By: Karen Schlaak

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

SD EForm - 0499LD V4

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

|                                                                                                                 |                                                                        |
|-----------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|
| Mail to:<br>PMB 2020<br>DENR - Water Rights<br>523 E Capitol Ave<br>Pierre, SD 57501-3182<br>ph. (605) 773-3352 | No. <u>7837-3</u> (office use only)<br>Hydrologic Unit <u>10140101</u> |
|                                                                                                                 | Basin <u>Missouri River</u>                                            |
|                                                                                                                 | Newspaper <u>Capital Journal P.O. Box 878</u>                          |
|                                                                                                                 | <u>Pierre 57501 - 605-224-7301</u>                                     |

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## Application For Permit To Appropriate Water For Irrigation

 Type of Application: ☒ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 6165-3  
 (Use predates Mar 2, 1955) (See attached)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)

change of address, increase in pumping capacity  
to existing pivots and add additional acres.1. Name to Appear on Irrigation Permit Alex A. and Annie L. Falk(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent

(name and complete address if different than above name)

new Mailing Address 1411 N. 4th Street Aberdeen SD 57401Home Phone 605 229-3035 Cell 605 216-5773 Email aafalk@hotmail.com2. Amount of water claimed 9.19 CFS or 1650 GPM add 4125 new 629 new  
 (\*Cubic Feet per Second) (\*\*Gallons per Minute) (\*\*Here First - storage capacity of dam/dugout or annual use if applicable) Total Acreage 528 existing3. Source of water supply Lake Sharpe - Missouri River4. Location of point of diversion same as Licence 6165-3 - Missouri River - 760 feet east  
and 2150 feet north of the south west corner of the (example - 3' well in SW 1/4 NE 1/4 section 12-T104N-R5W)5. County or counties where water will be used HUGHES  
County6. Annual period during which water is to be used April to Nov7. 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 |
|----------------------------------------------|-------|------------------|-------|
| <u>see attached for land description and</u> |       |                  |       |
| <u>acres.</u>                                |       |                  |       |
|                                              |       |                  |       |
|                                              |       |                  |       |

 8. Give a description of the project. (Attach sheet if more space is needed) We are requesting  
additional diversion rate and additional acreage  
to the 1650 gpm and 528 acres authorized by  
water right 6165-3. We have added new pipe  
from river to field (permitted by Corp of Engineers)  
with increased capacity. Thank you.

 I, Alex A. Falk, the applicant, certify that I have read this application,  
 have examined the attached map, and that the matters stated are true.
Alex A. Falk 5/1/13

2012-09

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

(1)

**SOUTH DAKOTA  
WATER PERMIT NO. 7837-3**

Date of first receipt of application May 2, 2013.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7837-3 to Alex A and Annie L Falk, 1411 N 4<sup>th</sup> St, Aberdeen SD 57401 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. 7837-3 appropriates an additional 9.19 cubic feet of water per second (cfs) and 629 additional acres to what is currently authorized by Water Right No. 6165-3. Water Right No. 6165-3 authorizes 3.67 cfs from the Missouri River located in the NW 1/4 SW 1/4 Section 17 and a 120 acre-feet storage dam located in the NW 1/4 NE 1/4 Section 16; all in T109N-R75W to irrigate 528 acres. The irrigated acreage authorized by Water Right No. 6165-3 consists of four center pivots located in the SE 1/4 Section 9, S 1/2 Section 16 and the NE 1/4 Section 21; all in T109N, R75W. This permit authorizes an additional 9.19 cfs utilizing the existing Missouri River diversion point location to irrigate 629 additional acres located in the E 1/2, E 1/2 SW 1/4 Section 9; E 1/2 NW 1/4, SW 1/4 NW 1/4, E 1/2, SW 1/4 Section 16; E 1/2 SE 1/4 Section 17; NE 1/4 Section 21; E 1/2 Section 20; all in T109N-R75W. Water Right No. 6165-3 and this permit authorize a total diversion rate of 12.86 cfs and irrigation of 1,157 acres. Missouri River water may be diverted for direct application of the described land or to the storage dam prior to irrigating.
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 – November 30.
3. The date from which applicant may claim right is May 2, 2013.
4. The date of approval of Permit No. 7837-3 is June 3, 2013.
5. One-fifth of the construction is to be completed on or before December 3, 2015.
6. All construction is to be completed on or before June 3, 2018.
7. Water is to be put to beneficial use on or before June 3, 2022.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

**QUALIFICATION**

This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

**WATER MANAGEMENT BOARD**

By:   
Jeanne Goodman, Chief Engineer  
Water Rights Program  
Department of Environment and Natural Resources

JUN 07 2013

date





# Land Description

Acres

Each quarter + corner 10' street in NW + water discharge

|                      |                                |                     |
|----------------------|--------------------------------|---------------------|
| 1                    | NW 1/4 of NE 1/4 9-109 N 75 W  | 15 A.               |
| 2                    | NE 1/4 of NE 1/4 9-109 N 75 W  | 30 A                |
| 3                    | SE 1/4 of NE 1/4 9-109 N 75 W  | 30 A                |
| 4                    | SW 1/4 of NE 1/4 9-109 N 75 W  | 15 A                |
| 5                    | NW 1/4 of SE 1/4 9-109 N 75 W  | 5 A.                |
| 6                    | NE 1/4 of SE 1/4 9-109 N 75 W  | <del>7 A</del> (1)  |
| 7                    | SE 1/4 of SE 1/4 9-109 N 75 W  | 7 A                 |
| 8                    | SW 1/4 of SE 1/4 9-109 N 75 W  | <del>7 A</del> (1)  |
| 9                    | NE 1/4 of SW 1/4 9-109 N 75 W  | 15 A                |
| 10                   | SE 1/4 of SW 1/4 9-109 N 75 W  | 5 A                 |
| 11                   | SE 1/4 of NW 1/4 16-109 N 75 W | 20 A                |
| 12                   | NE 1/4 of NW 1/4 16-109 N 75 W | 15 A                |
| 13                   | SW 1/4 of NW 1/4 16-109 N 75 W | 30 A                |
| 14                   | NW 1/4 of NE 1/4 16-109 N 75 W | 30 A                |
| 15                   | NE 1/4 of NE 1/4 16-109 N 75 W | 40 A                |
| 16                   | SE 1/4 of NE 1/4 16-109 N 75 W | 15 A                |
| 17                   | SW 1/4 of NE 1/4 16-109 N 75 W | 18 A                |
| 18                   | NW 1/4 of SE 1/4 16-109 N 75 W | <del>7 A</del> (-3) |
| 19                   | NE 1/4 of SE 1/4 16-109 N 75 W | 5 A.                |
| 20                   | SE 1/4 of SE 1/4 16-109 N 75 W | <del>7 A</del> (-2) |
| 21                   | SW 1/4 of SE 1/4 16-109 N 75 W | 6 A                 |
| 336 A - 72 A = 264 A |                                | 264 A               |

-and Description

Acres.

- (22) NW $\frac{1}{4}$  SW $\frac{1}{4}$  16-109N-75W ~~(+7)~~ ~~10~~ <sup>(-3)</sup>
- (23) NE $\frac{1}{4}$  SW $\frac{1}{4}$  16-109N-75W ~~(+7)~~ ~~10~~ <sup>(-3)</sup>
- (24) SE $\frac{1}{4}$  SW $\frac{1}{4}$  16-109N-75W 6A.
- (25) SW $\frac{1}{4}$  SW $\frac{1}{4}$  16-109N-75W 7A
- (26) Map for reference

- (27) { NE $\frac{1}{4}$  SE $\frac{1}{4}$  17-109N-75W 28A  
SE $\frac{1}{4}$  SE $\frac{1}{4}$  17-109N-75W 38A

(28) Map for reference

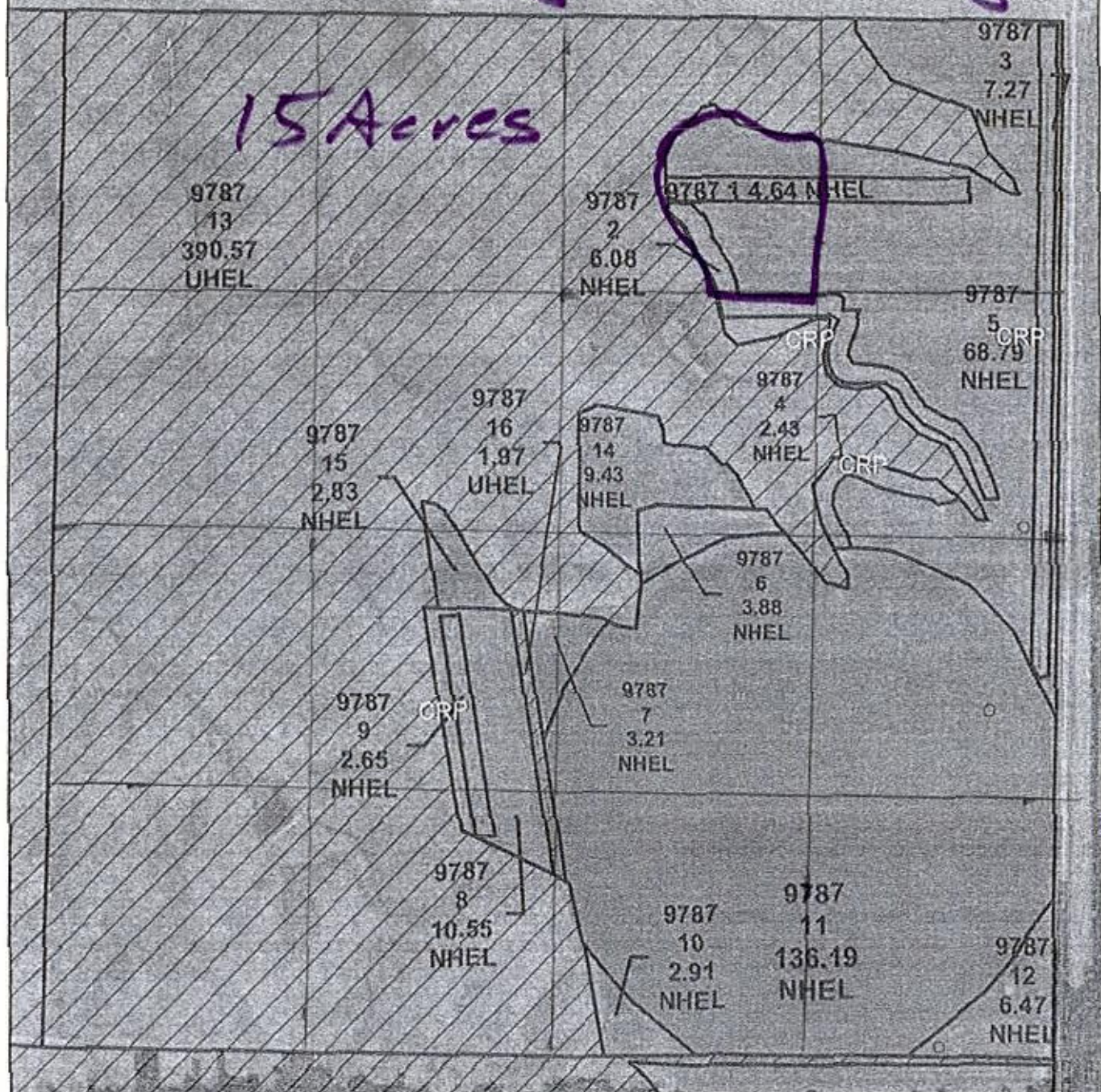
- (29) NW $\frac{1}{4}$  NE $\frac{1}{4}$  21-109N-75W 6A
- (30) NE $\frac{1}{4}$  NE $\frac{1}{4}$  21-109N-75W 6A
- (31) SE $\frac{1}{4}$  NE $\frac{1}{4}$  21-109N-75W 3A
- (32) SW $\frac{1}{4}$  NE $\frac{1}{4}$  21-109N-75W 4A
- PAGE 33:
- (33) NW $\frac{1}{4}$  NE $\frac{1}{4}$  20-109N-75W 36A  
blue
- (34) NE $\frac{1}{4}$  NE $\frac{1}{4}$  20-109N-75W 20A  
pink
- (35) NW $\frac{1}{4}$  SE $\frac{1}{4}$  20-109N-75W 27A  
orange
- (36) NW $\frac{1}{4}$  SE $\frac{1}{4}$  20-109N-75W 40A  
green
- (37) SW $\frac{1}{4}$  SE $\frac{1}{4}$  20-109N-75W 30A  
yellow
- (38) SE $\frac{1}{4}$  SE $\frac{1}{4}$  20-109N-75W 35A  
purple

306A - 6A = 300A

~~306~~ <sup>rise</sup> (3)

NW 1/4 of NE 1/4 of 9

15 Acres



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**Hughes County, SD**

PLSS: 9\_109N\_75W

Farm: 2626



October 11, 2012

## Wetland Determination Identifiers

- ☐ Restricted Use
- ☐ Limited Restrictions
- ☐ Exempt from Conservation Compliance Provisions

☐ Common Land Units

☐ Non Cropland

Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.

Alex Falk

2012 Ortho-Photography - Not to Scale

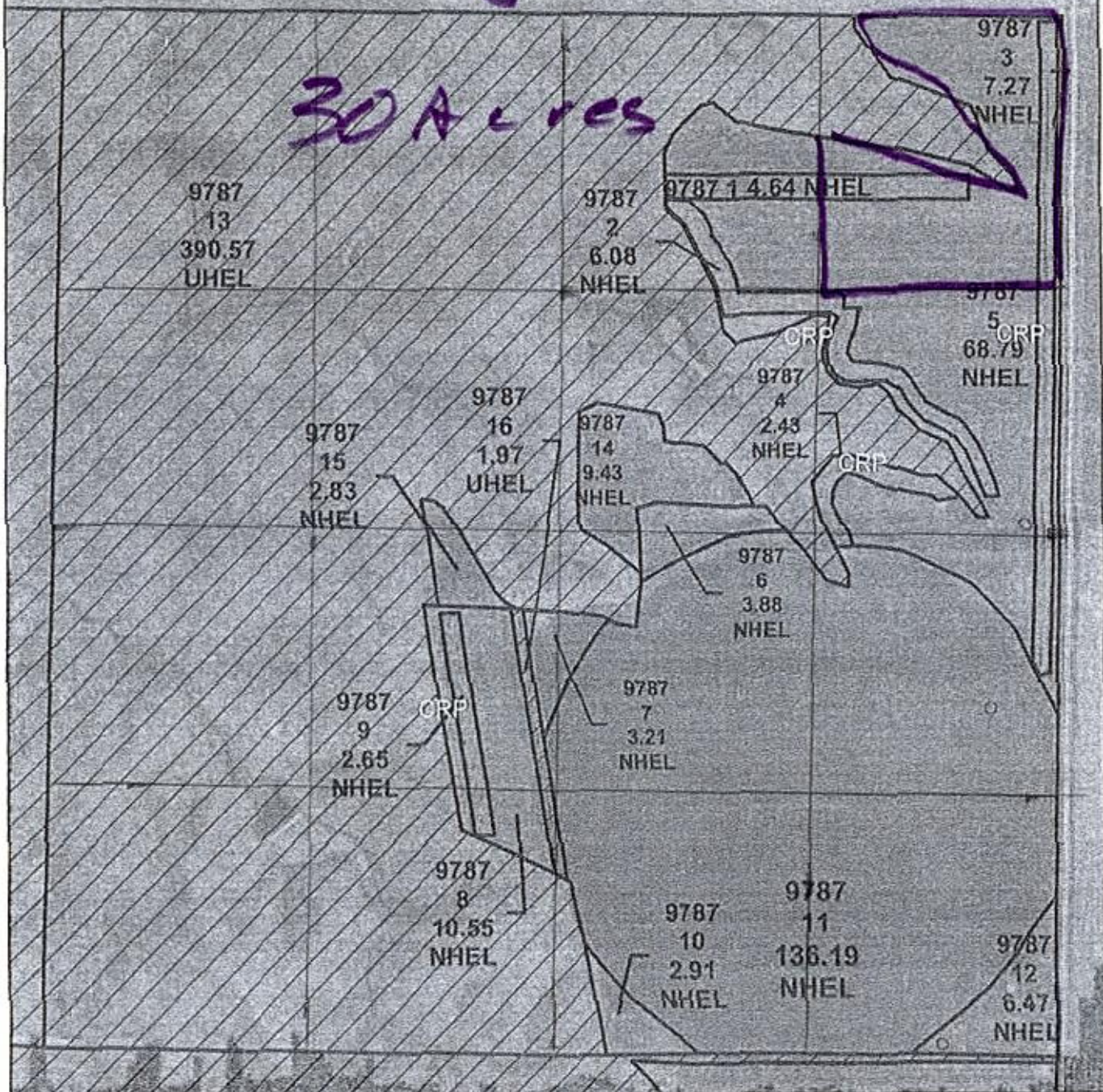
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①

NE 1/4 of NE 1/4 of 9

30 Acres



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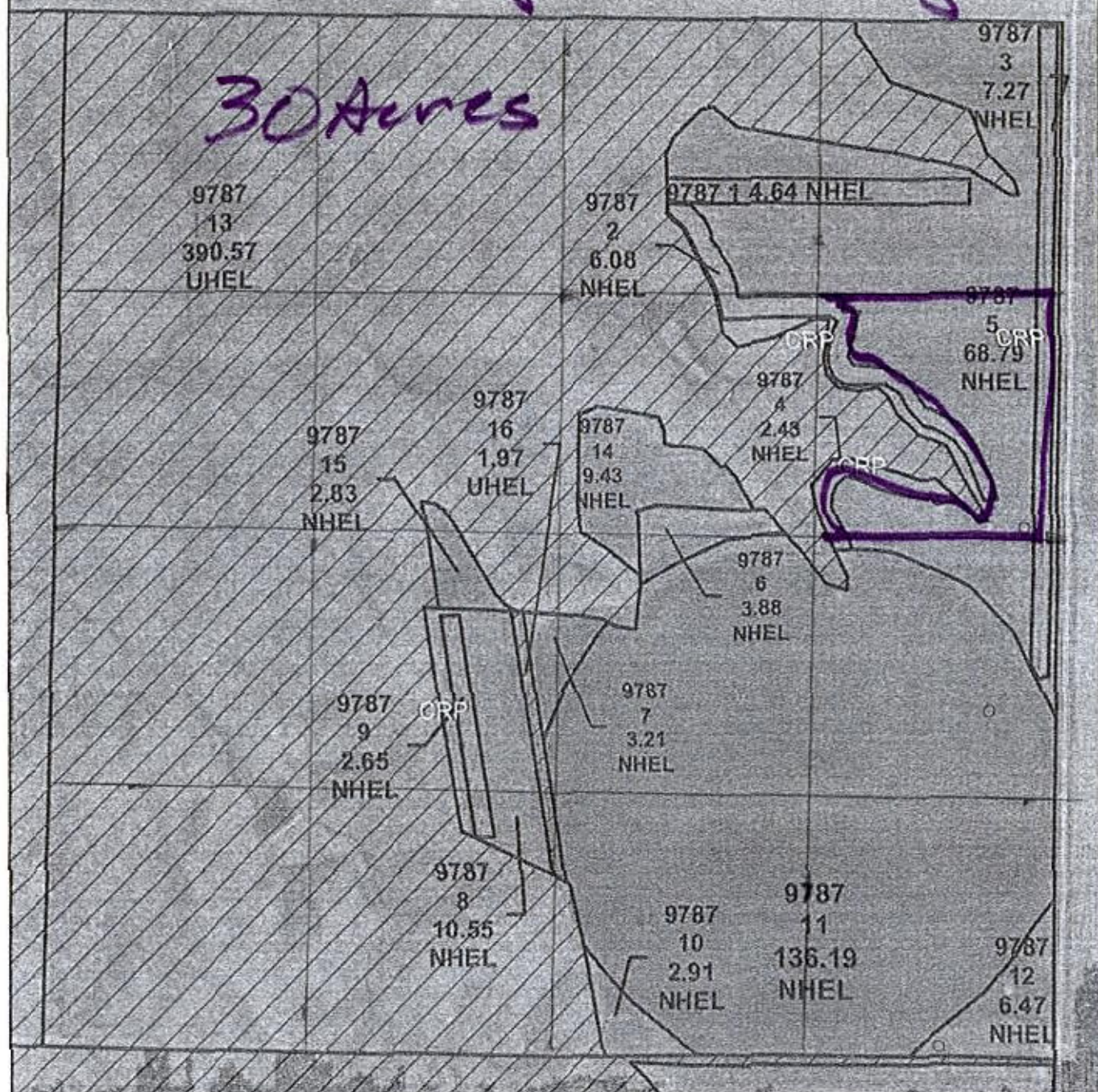
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(2)

SE 1/4 of NE 1/4 of 9

30 Acres



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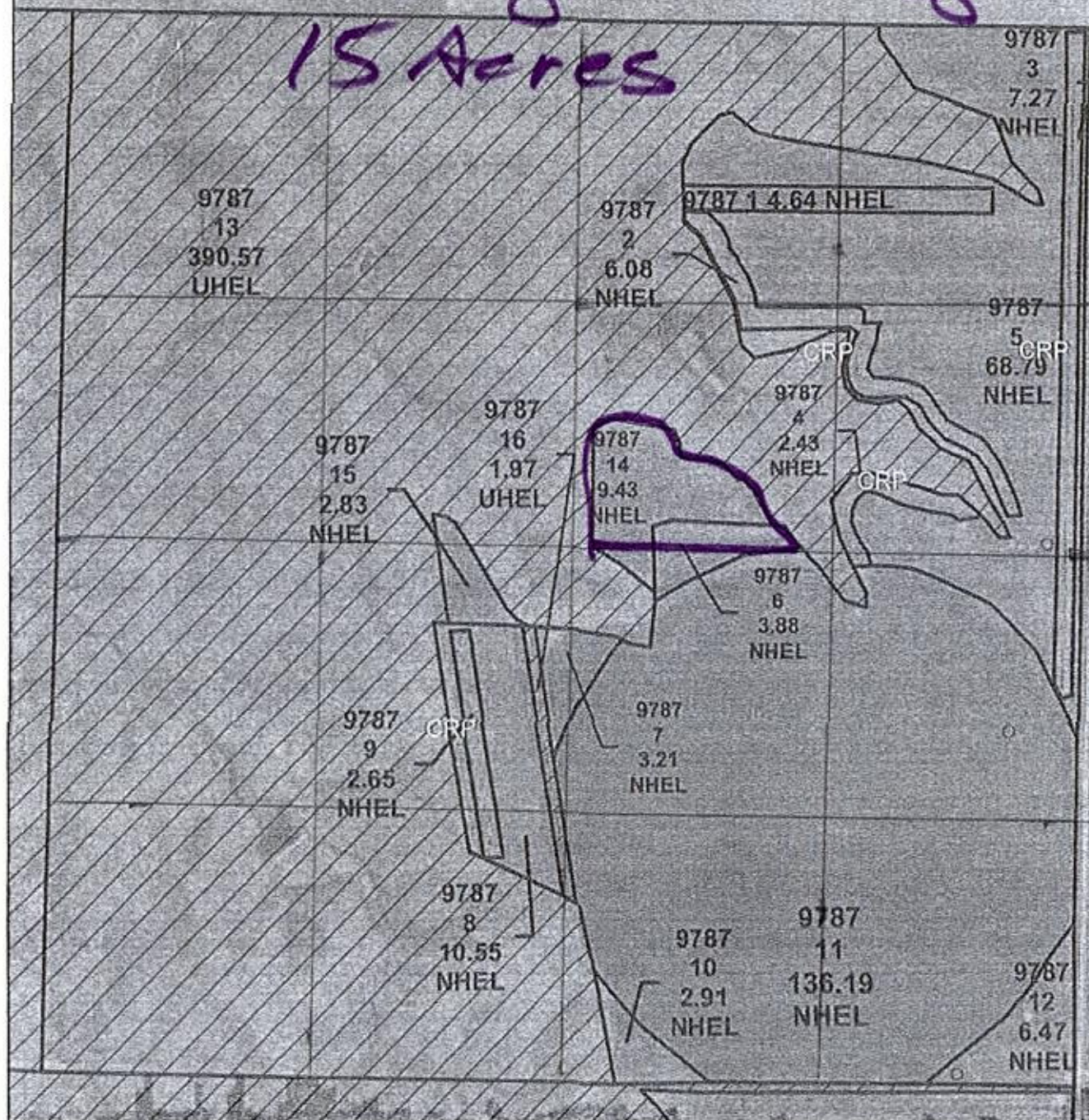
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(3)

SW 1/4 of NE 1/4 of 9  
15 Acres



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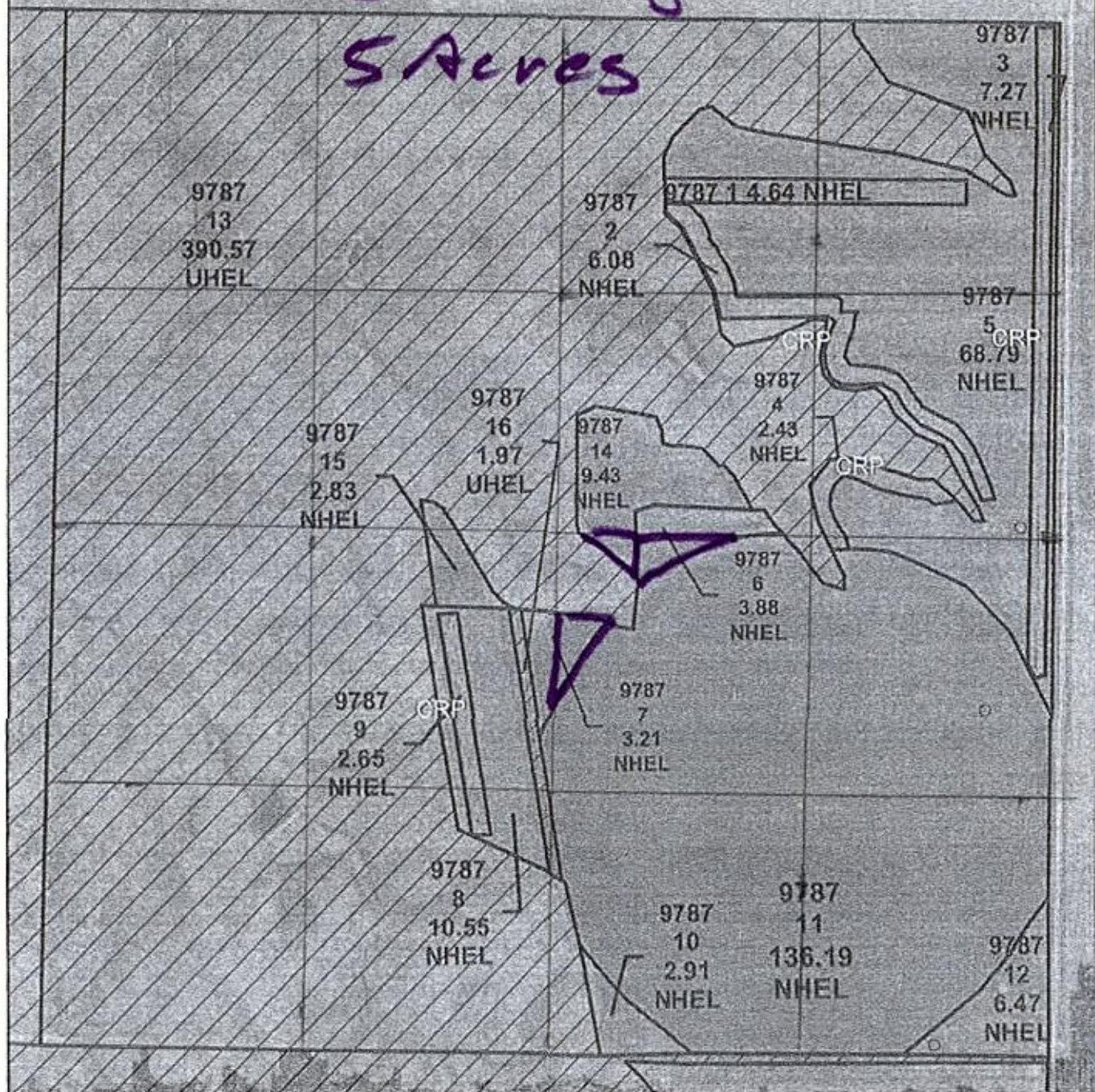
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(4)

NW 1/4 & SE 1/4 of 9  
5 Acres



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PLSS: 9\_109N\_75W  
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October 11, 2012

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Common Land Units

Non Cropland

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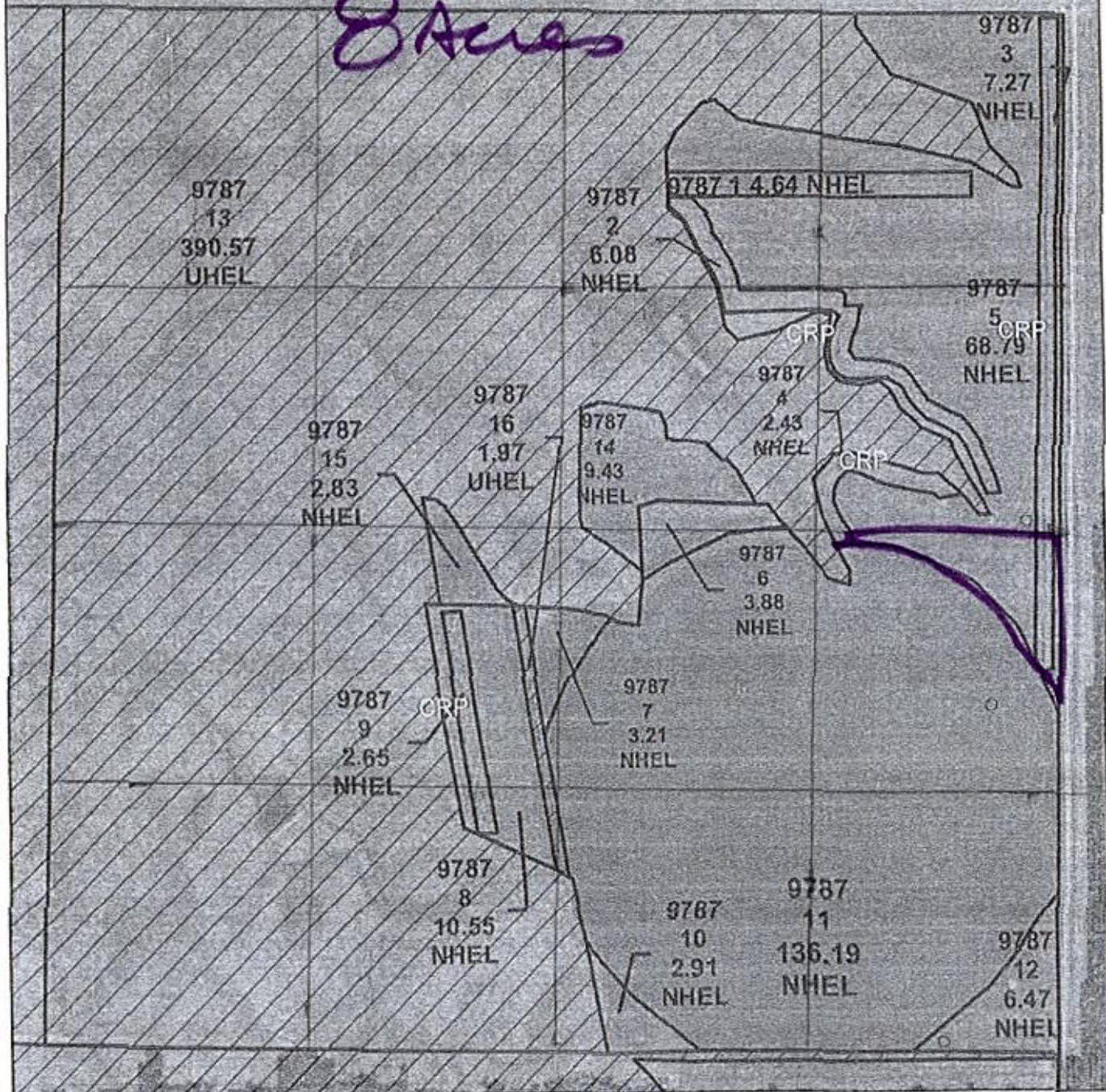
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3

NE 1/4 of SE 1/4 of 9  
8 Acres



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**Hughes County, SD**  
PLSS: 9\_109N\_75W  
Farm: 2626



October 11, 2012

**Wetland Determination Identifiers**  
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☐ Limited Restrictions  
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☐ Common Land Units  
☐ Non Cropland

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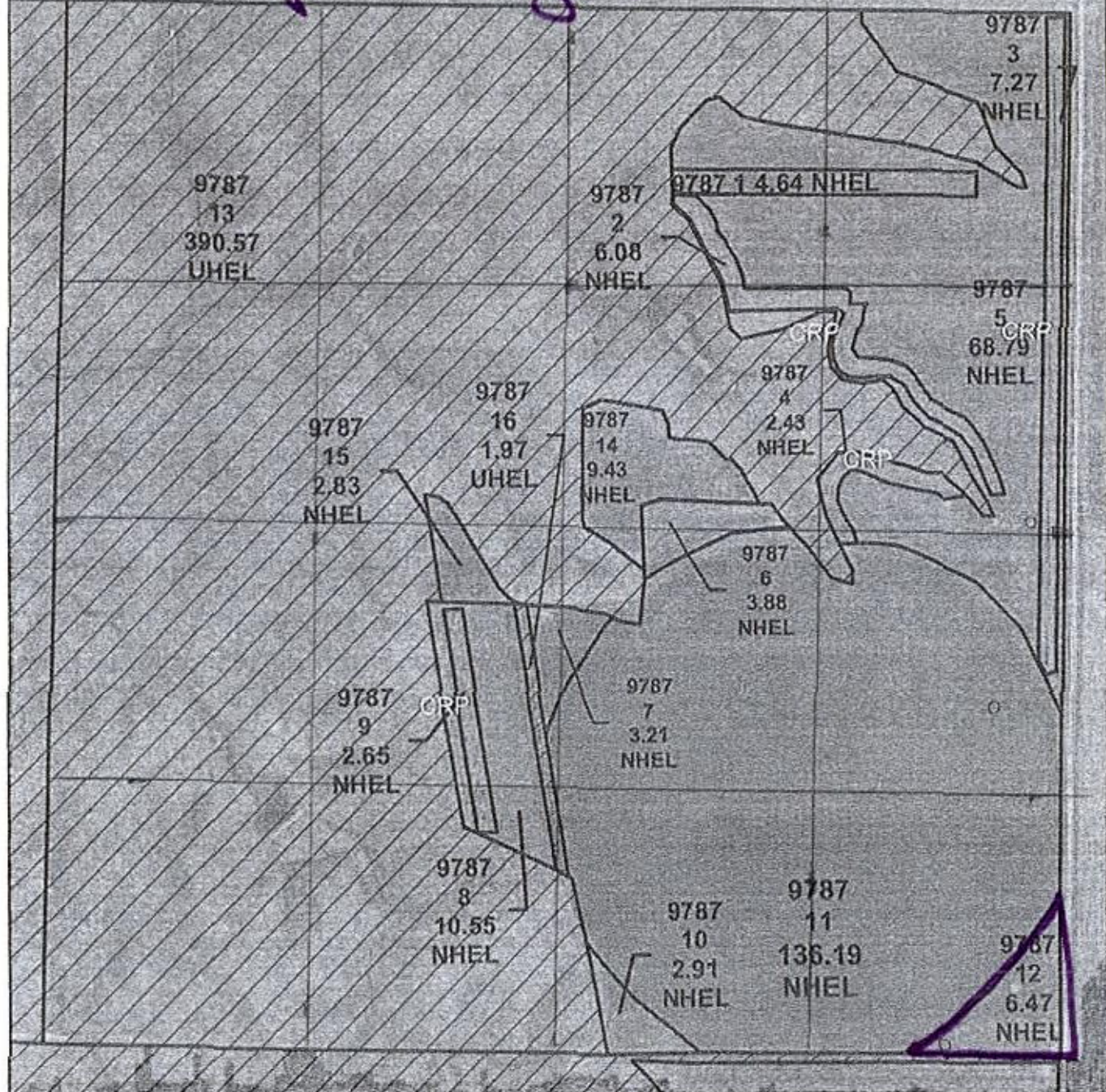
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(6)

SE 1/4 of SE 1/4 of 9 - 7 Acres



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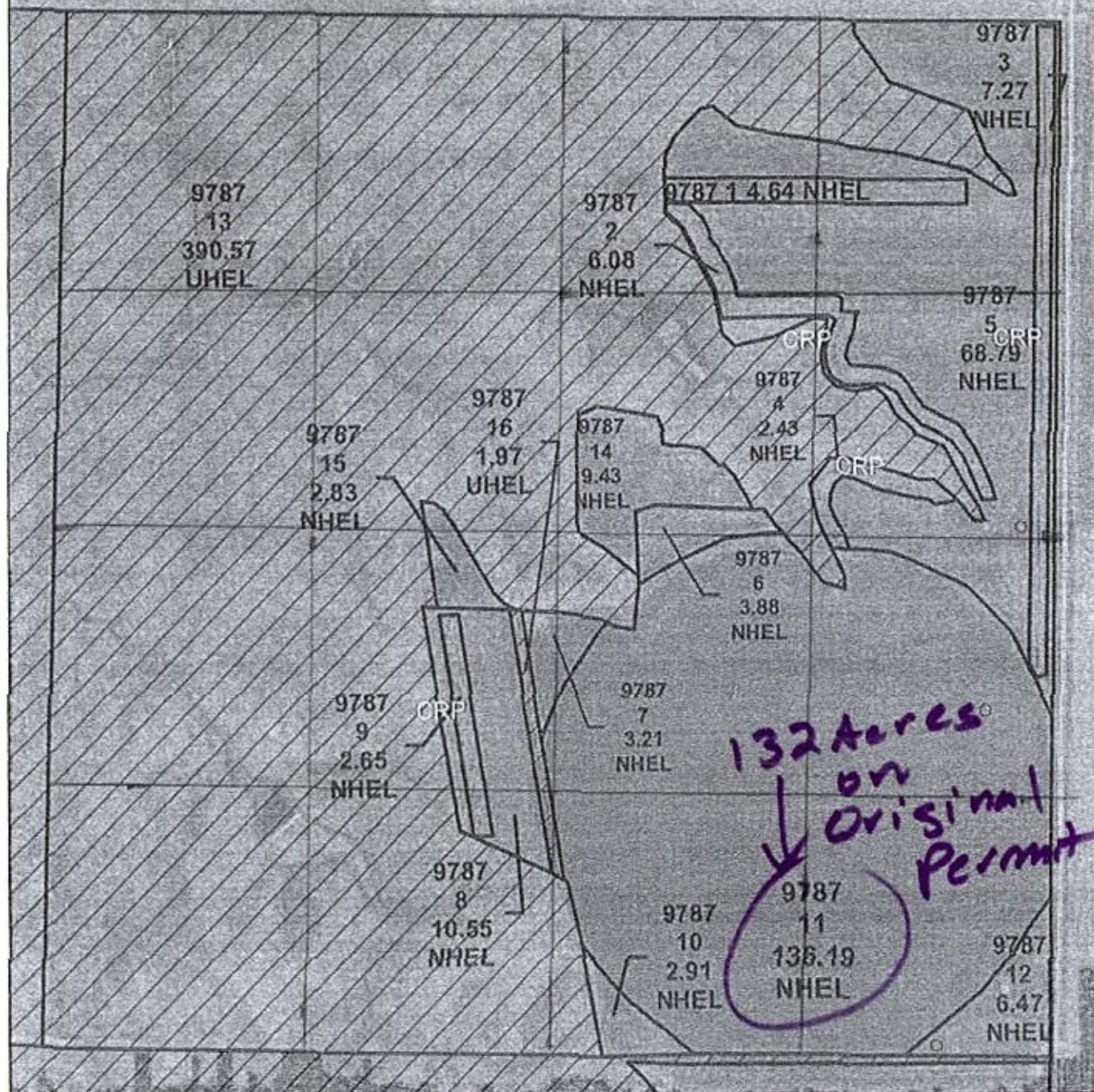
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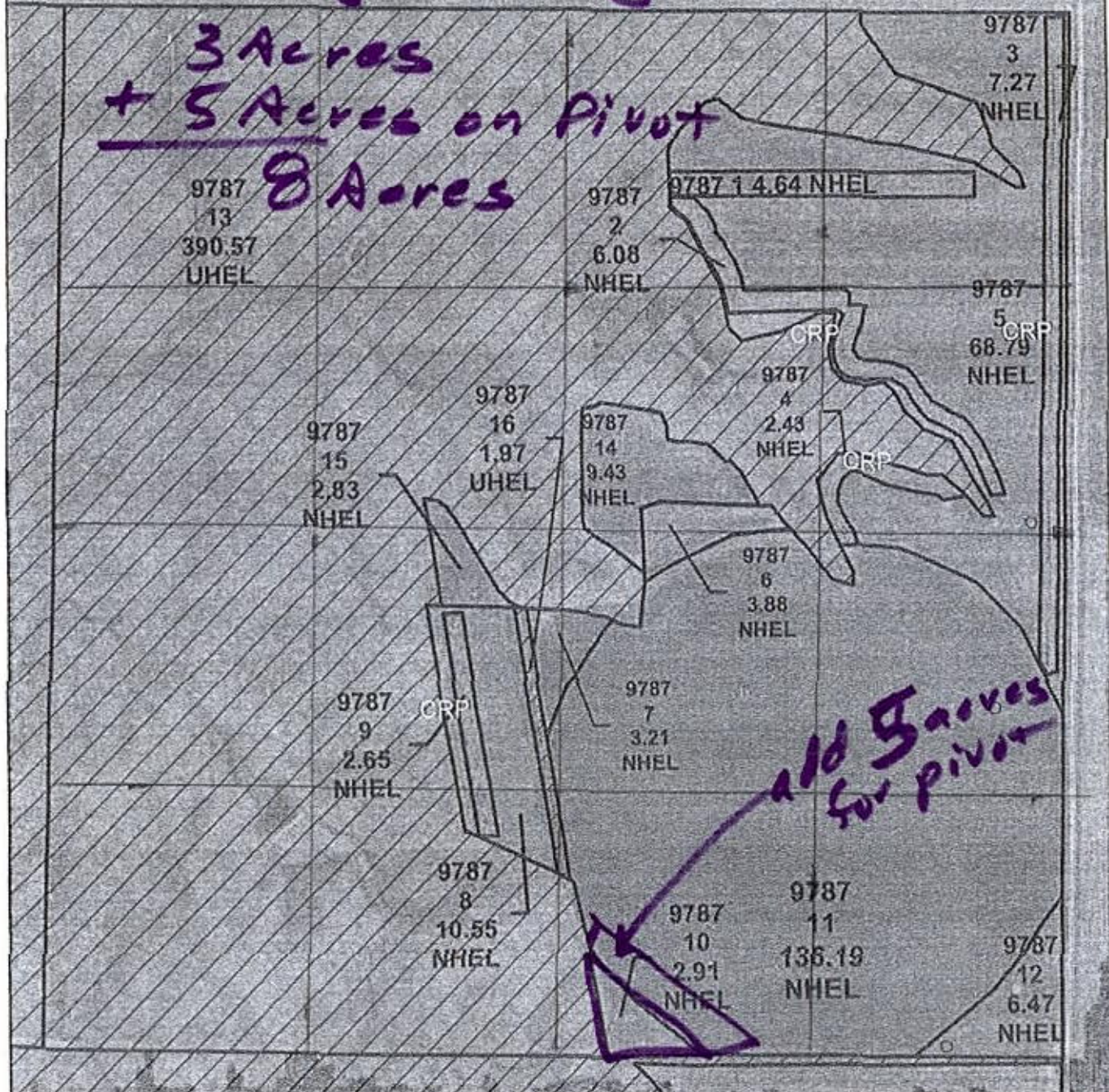
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8a

SW 1/4 of SE 1/4 of 9

3 Acres  
+ 5 Acres on Pivot  
8 Acres



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**Hughes County, SD**

PLSS: 9\_109N\_75W

Farm: 2626



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Common Land Units  
Non Cropland

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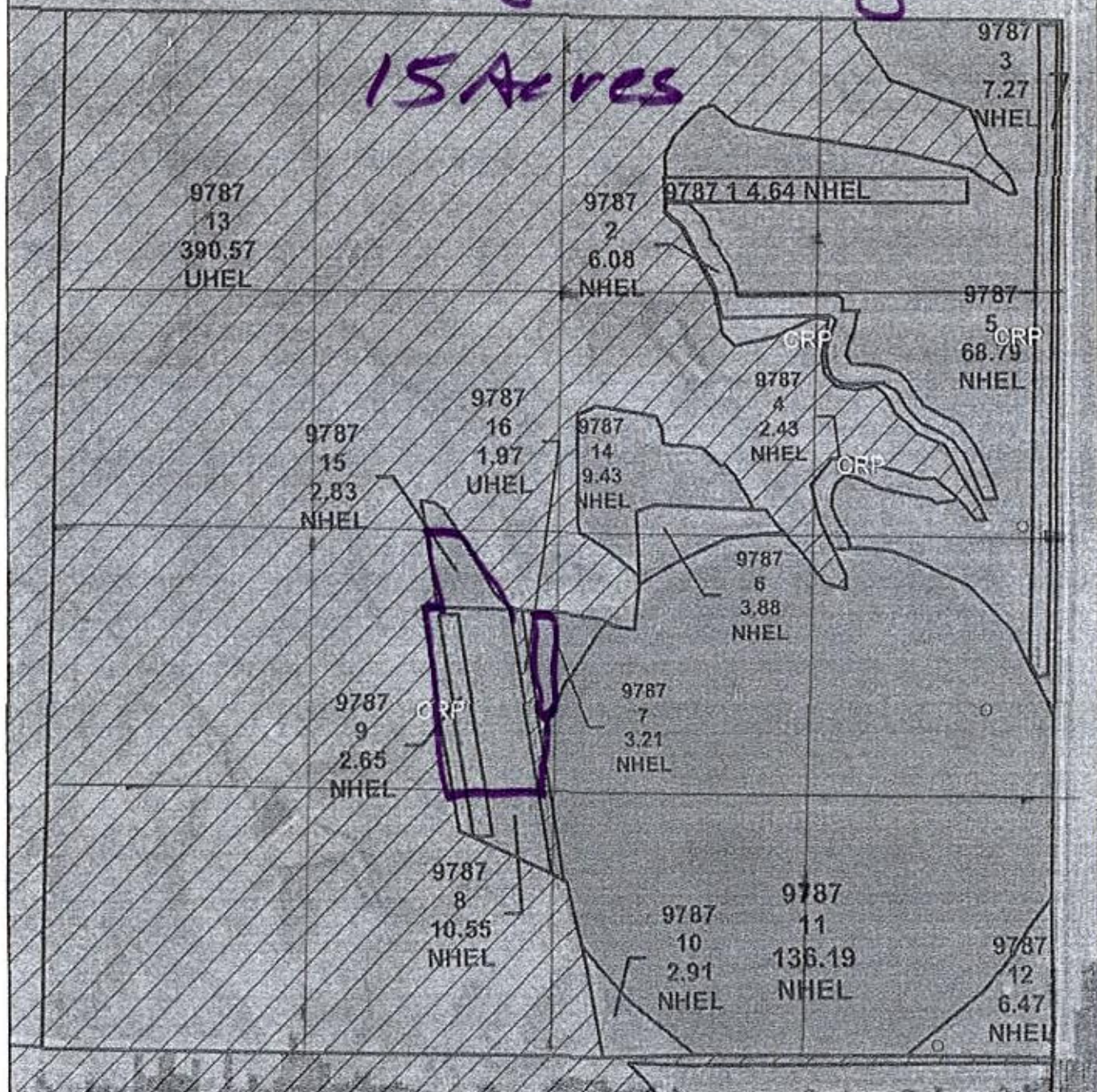
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NE 1/4 of SW 1/4 of 9

15 Acres



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**Hughes County, SD**

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Common Land Units

Non Cropland

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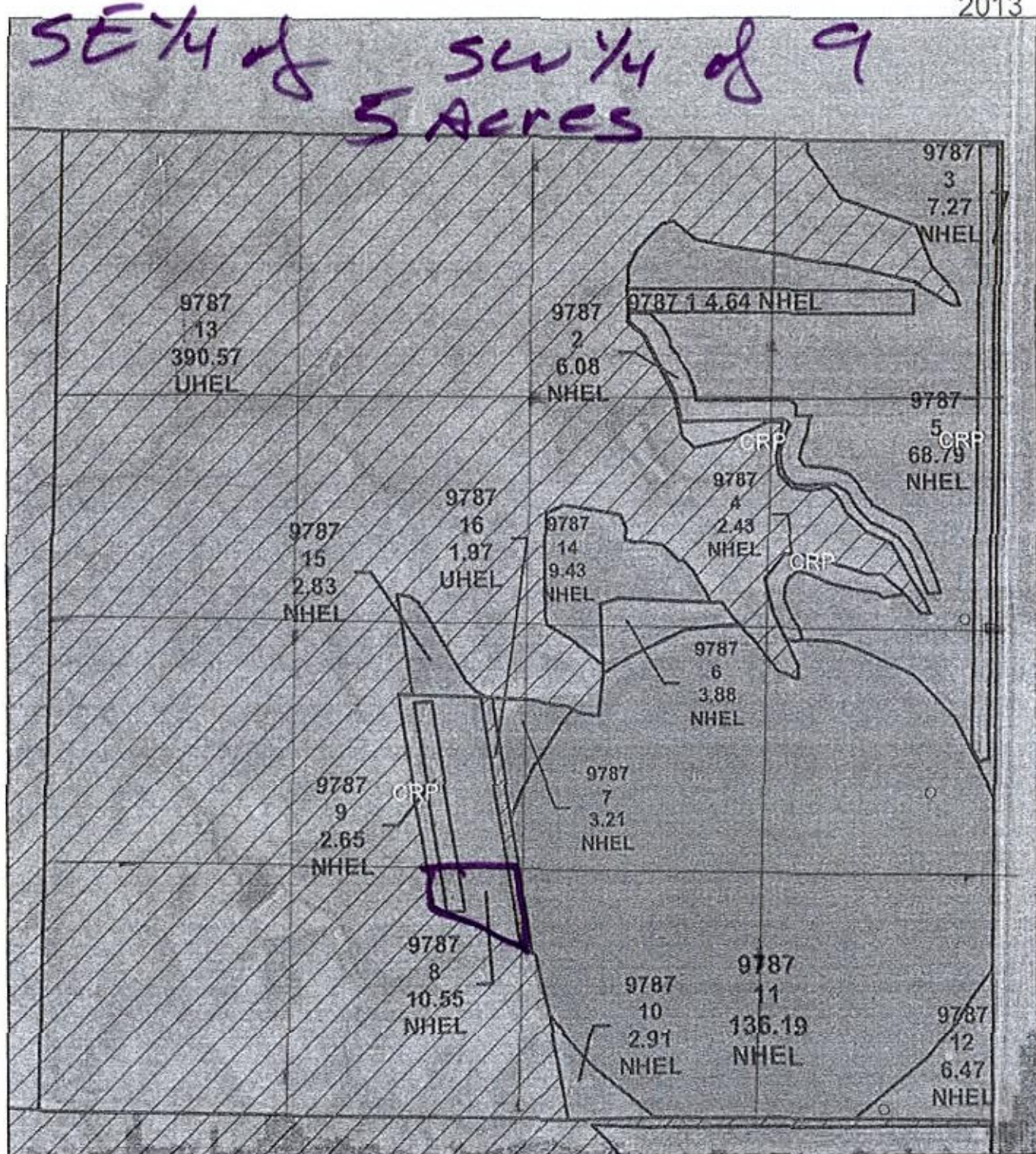
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**Hughes County, SD**

PLSS: 9\_109N\_75W

Farm: 2626



October 11, 2012

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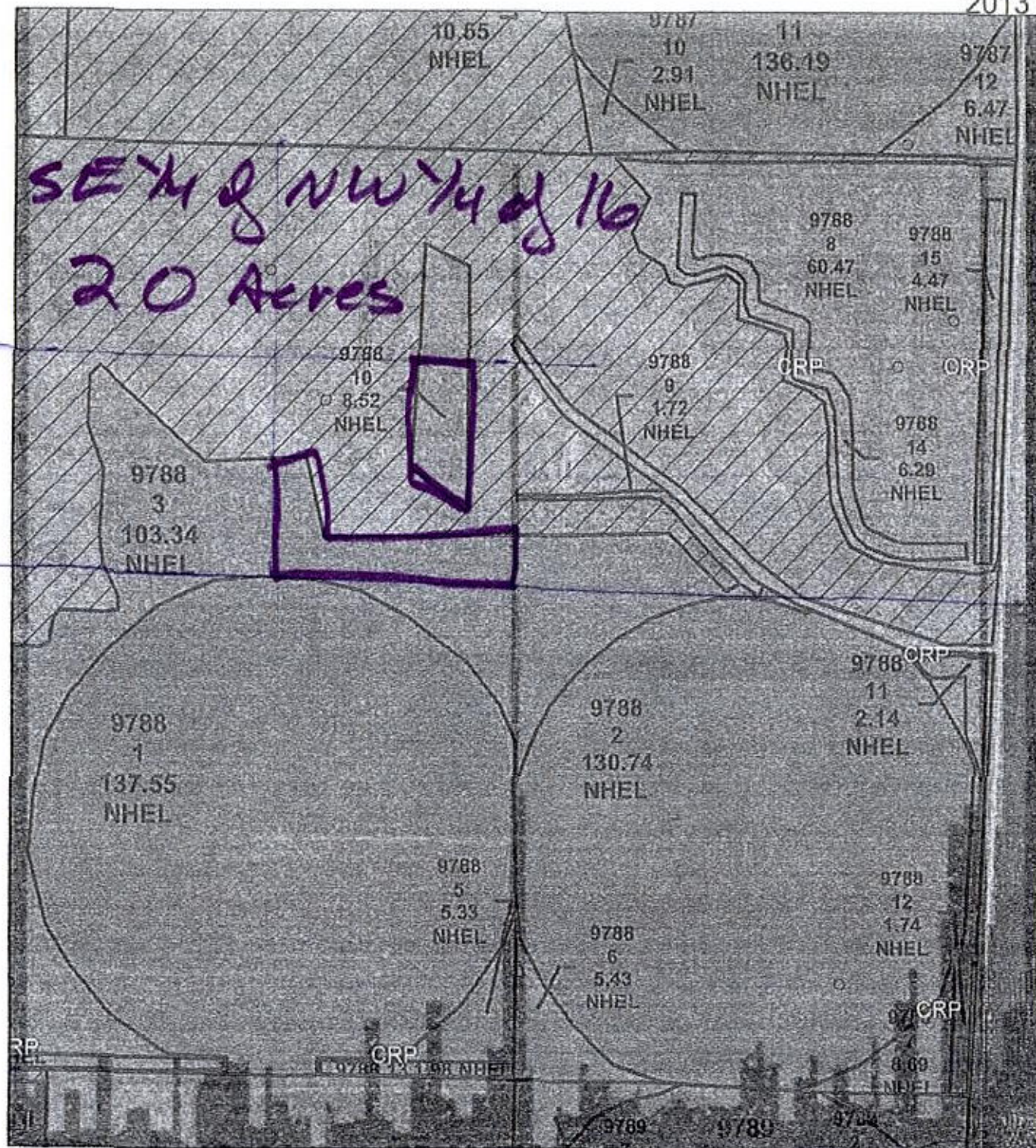
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**Hughes County, SD**

PLSS: 16\_109N\_75W

Farm: 2626

October 11, 2012



**Wetland Determination Identifiers**

- Restricted Use
- ▽ Limited Restrictions
- Exempt from Conservation Compliance Provisions

□ Common Land Units

□ Non Cropland

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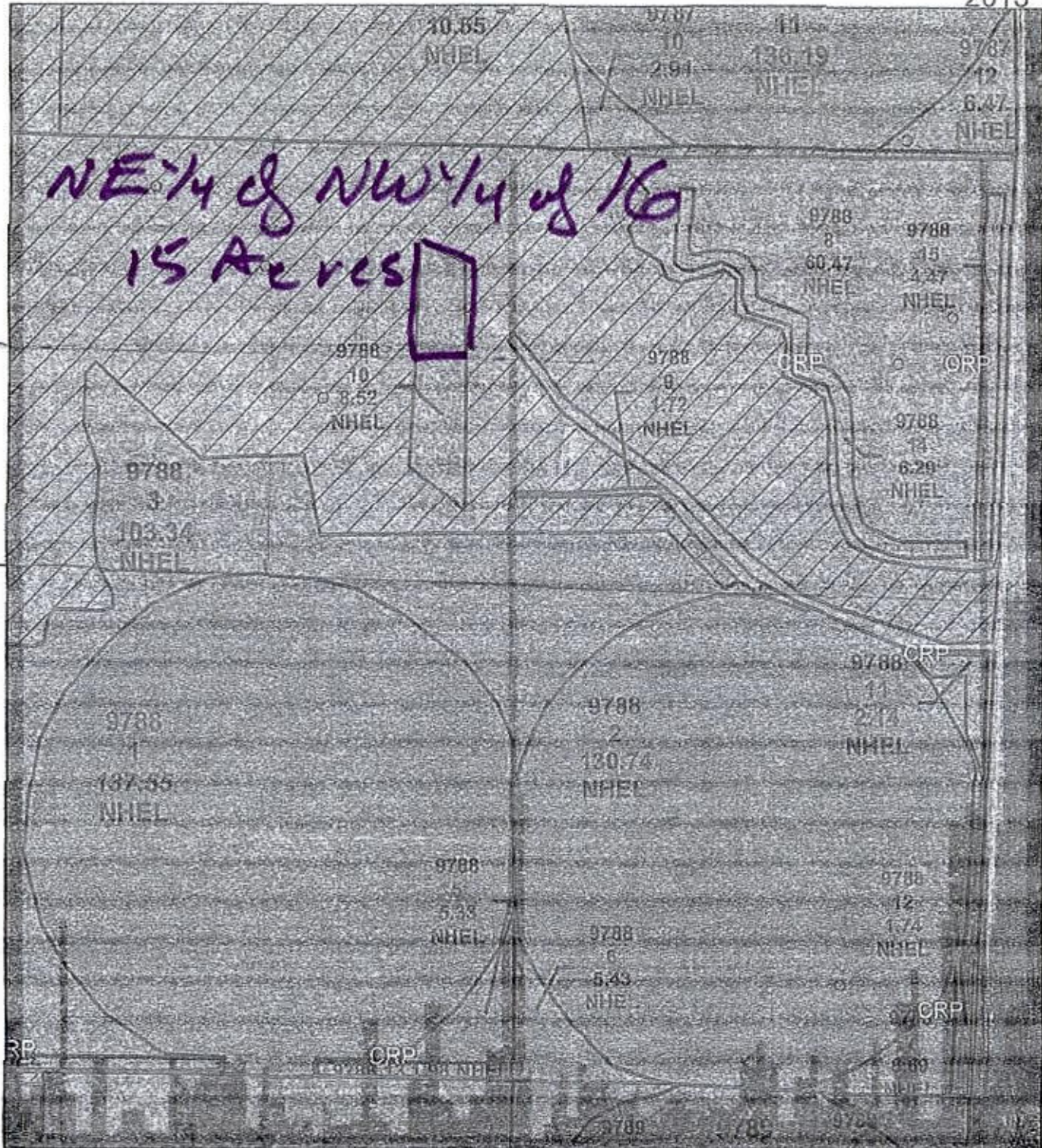
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**Hughes County, SD**  
**PLSS: 16\_109N\_75W**  
**Farm: 2626**



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**Wetland Determination Identifiers**

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- Exempt from Conservation Compliance Provisions

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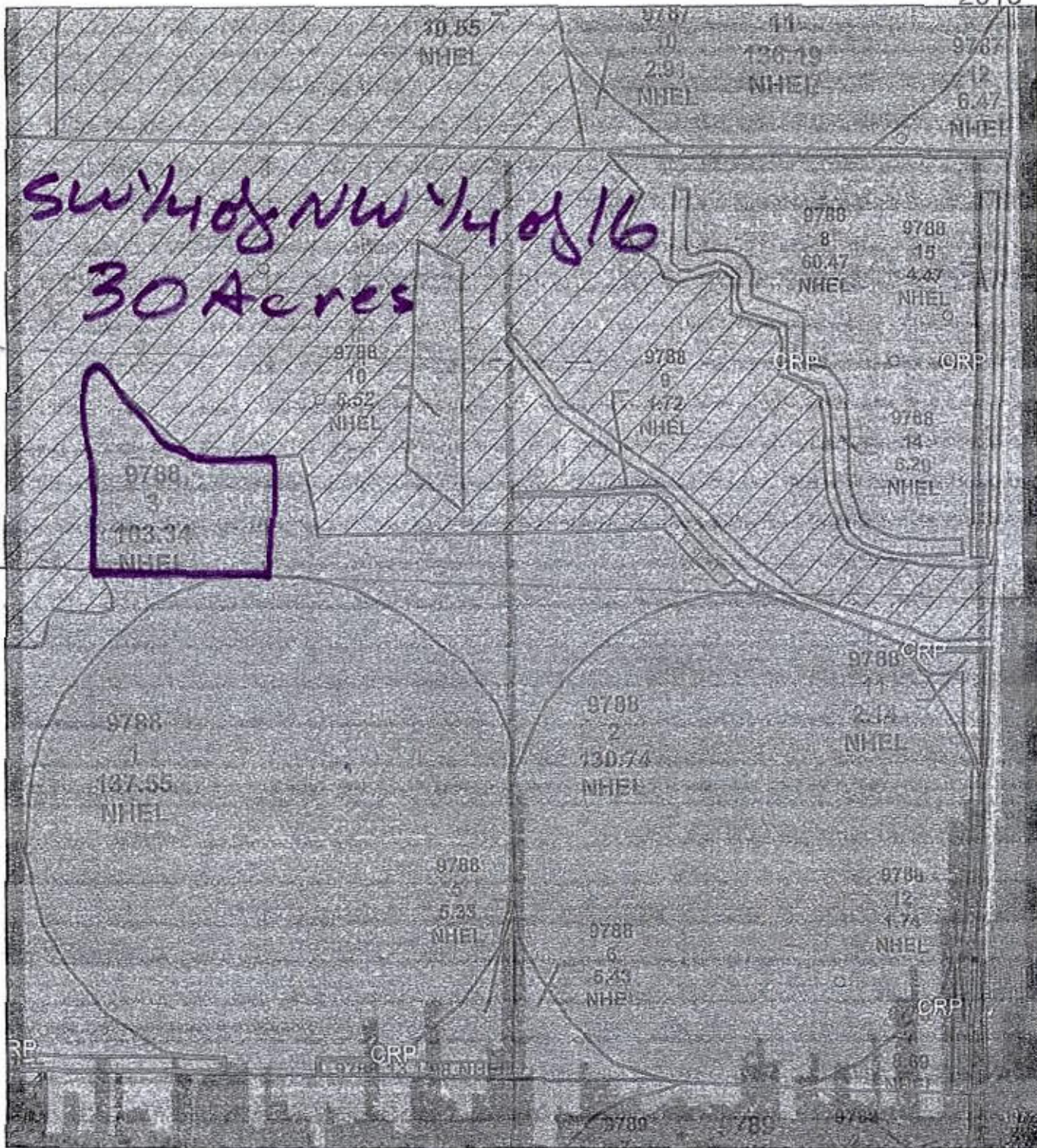
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**Hughes County, SD**

PLSS: 16\_109N\_75W

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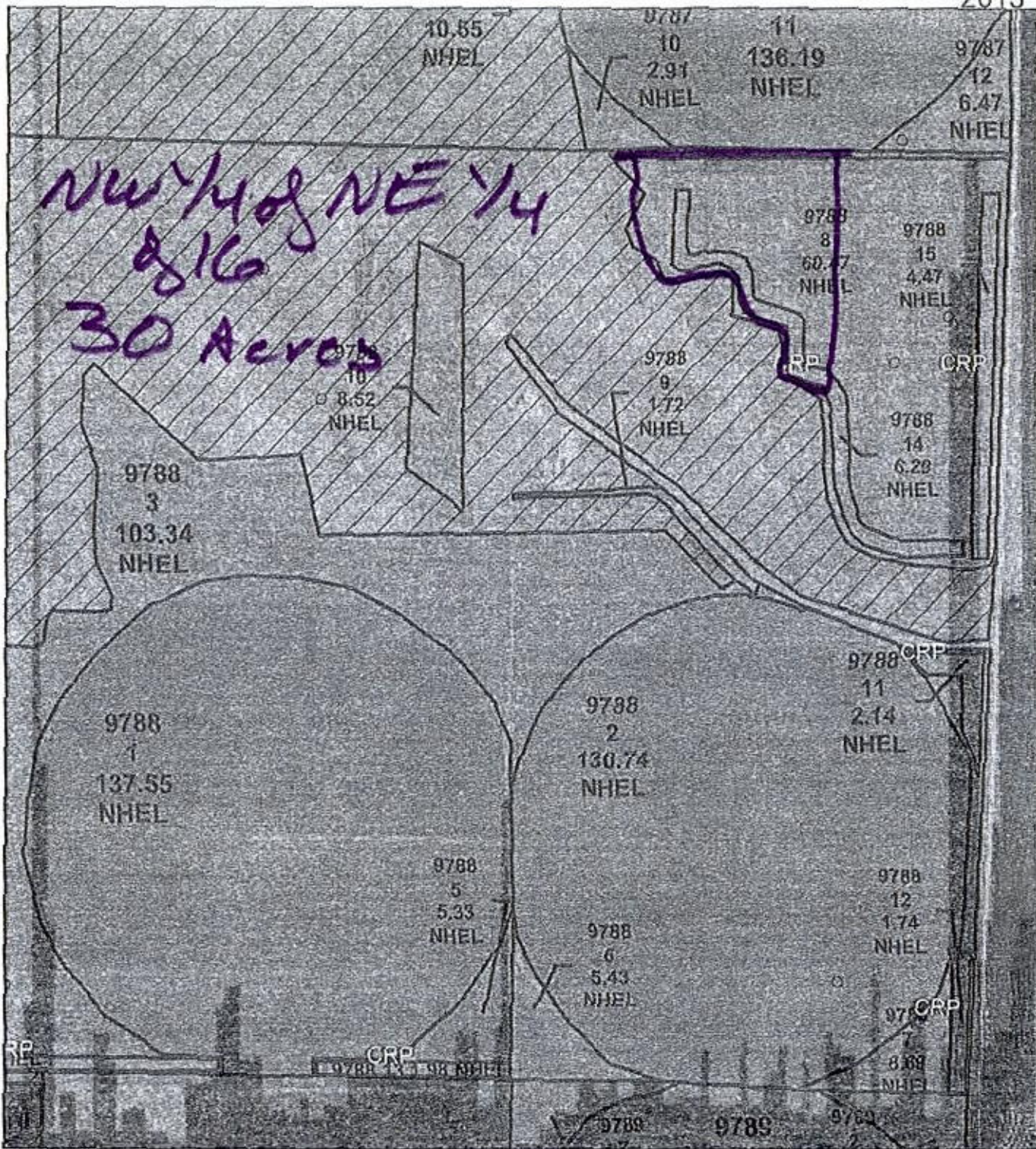
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**Hughes County, SD**

**PLSS: 16\_109N\_75W**

**Farm: 2626**

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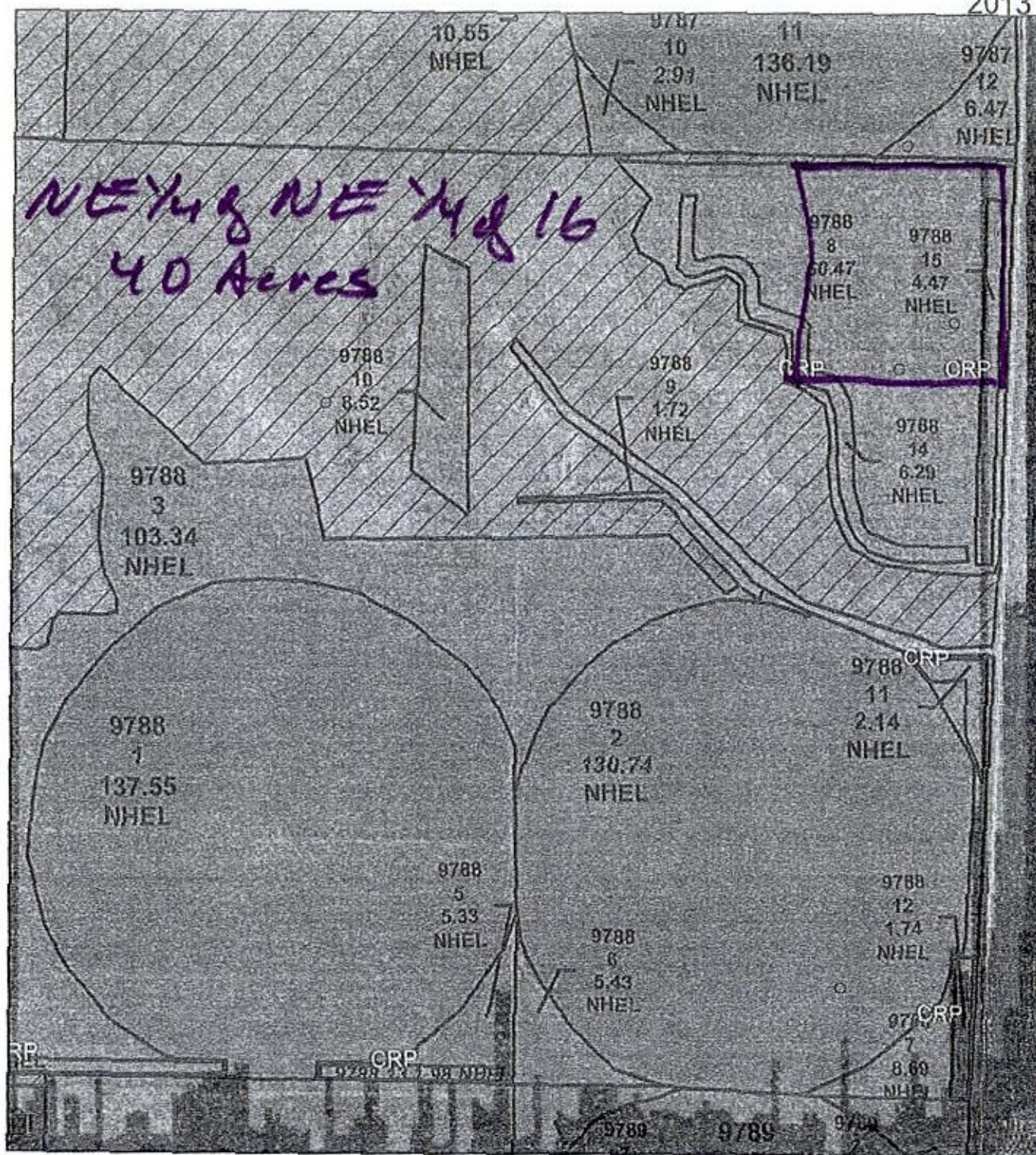
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Farm Service Agency

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**Hughes County, SD**

**PLSS: 16\_109N\_75W**

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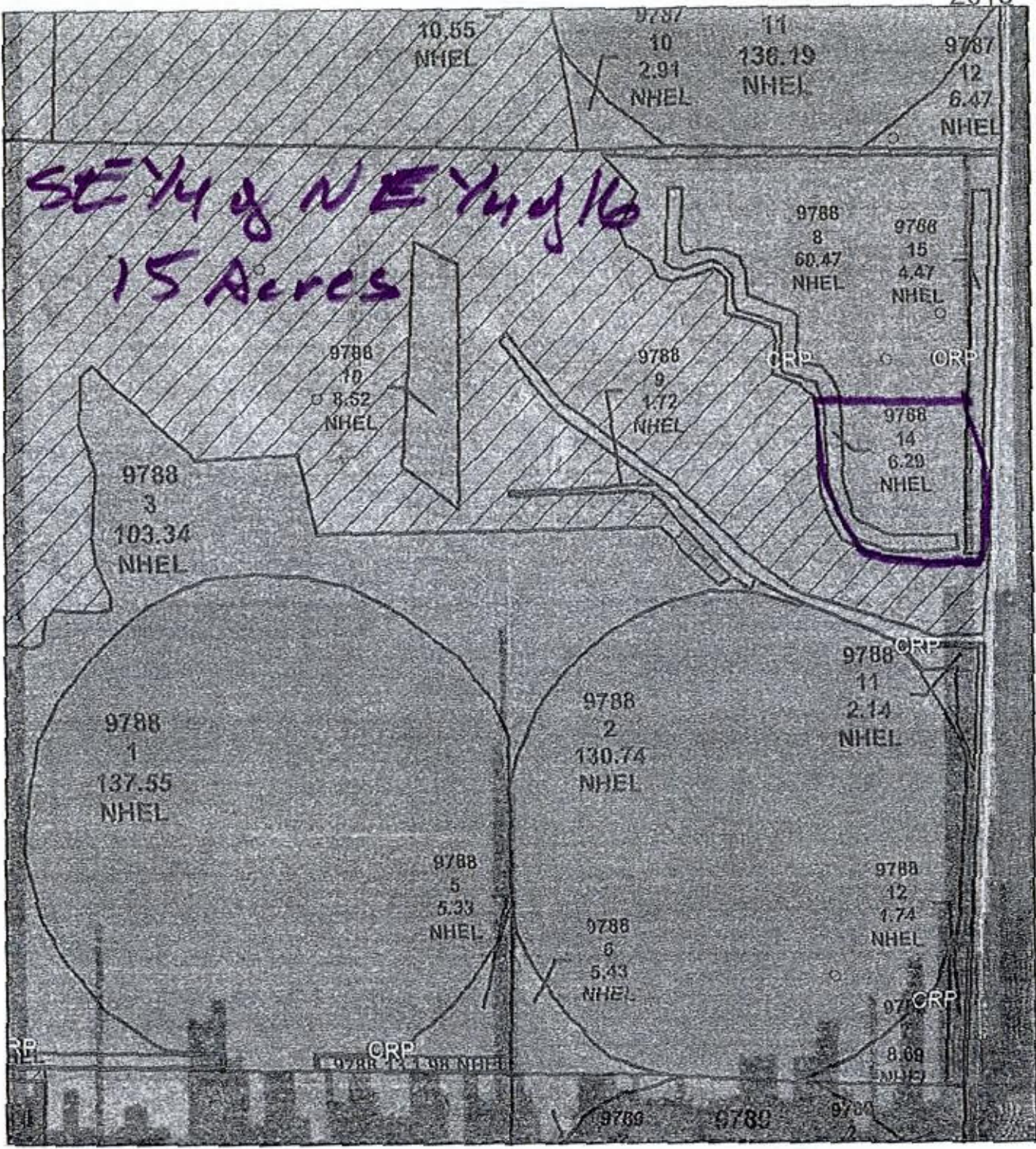
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United States Department of Agriculture  
Farm Service Agency

1:8,941

**Hughes County, SD**  
PLSS: 16\_109N\_75W  
Farm: 2626



October 11, 2012

**Wetland Determination Identifiers**  
 ● Restricted Use  
 ▽ Limited Restrictions  
 □ Exempt from Conservation Compliance Provisions

□ Common Land Units  
 ▣ Non Cropland

Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.

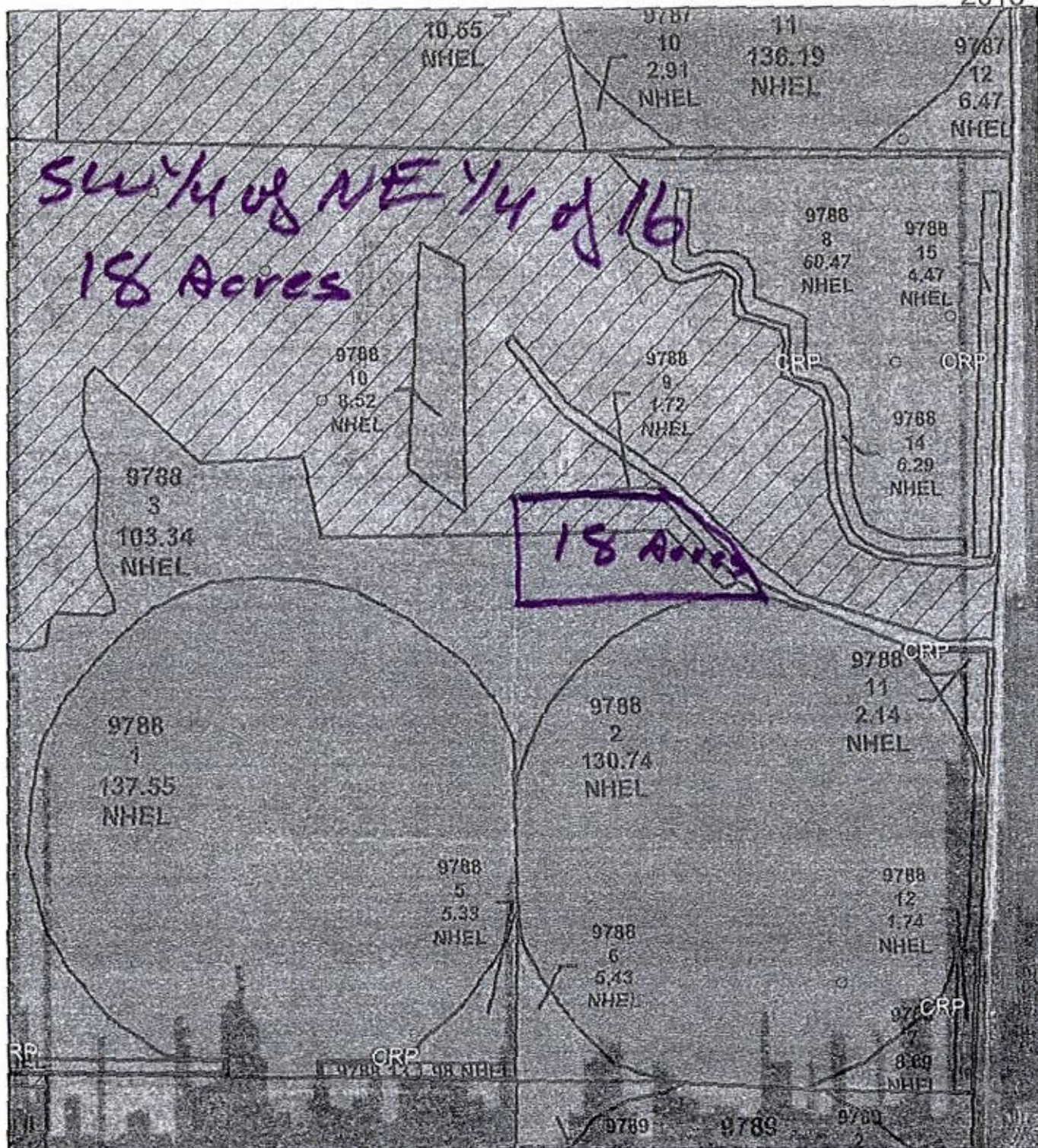
Alex Falk

2012 Ortho-Photography - Not to Scale

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(16)



United States Department of Agriculture  
Farm Service Agency

October 11, 2012

1:8,941

**Hughes County, SD**

PLSS: 16\_109N\_75W

Farm: 2626



**Wetland Determination Identifiers**

- ⊗ Restricted Use
- ▽ Limited Restrictions
- Exempt from Conservation Compliance Provisions

□ Common Land Units

□ Non Cropland

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Alex Falk

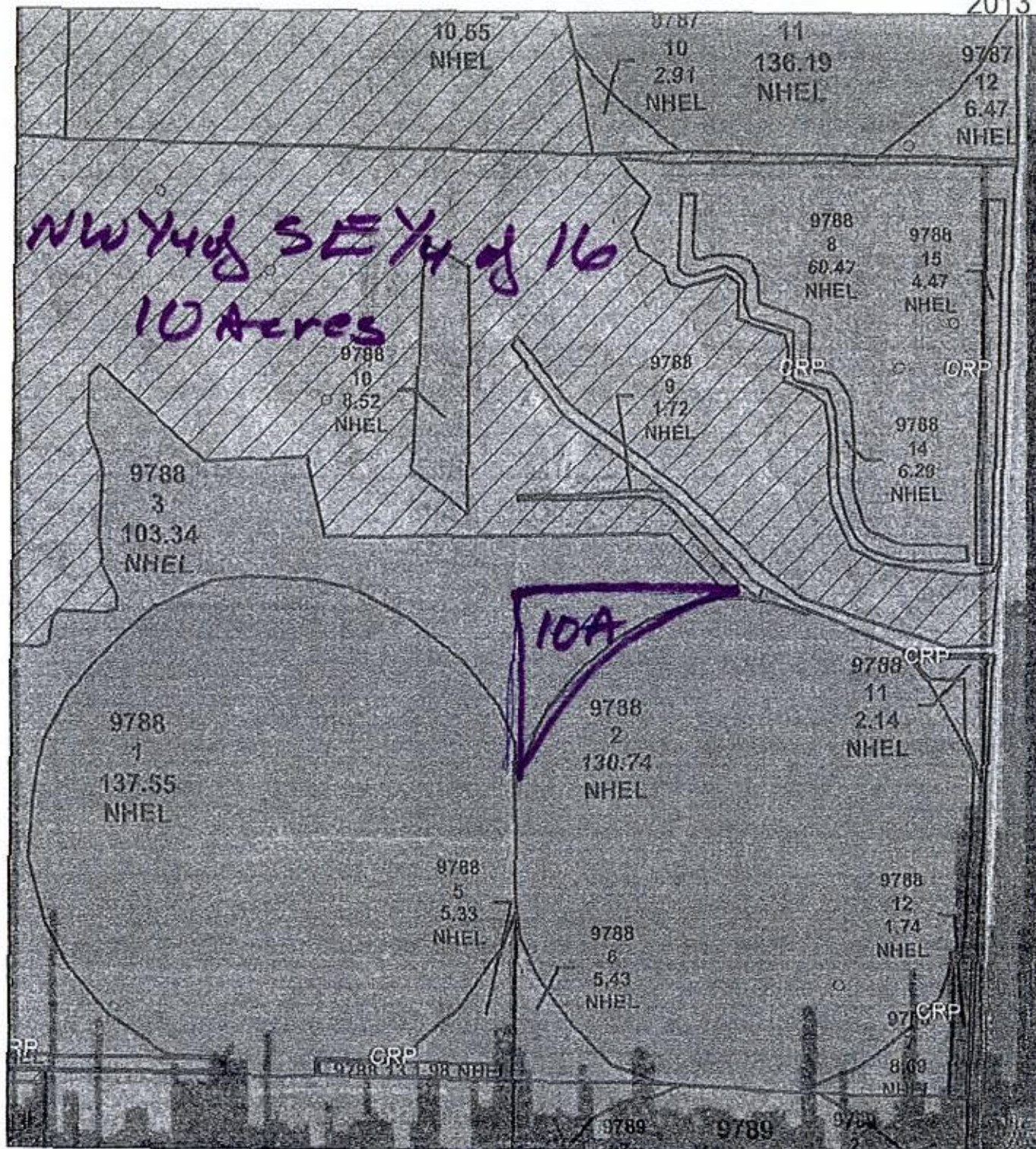
2012 Ortho-Photography - Not to Scale

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17



United States Department of Agriculture  
Farm Service Agency

1:8,941

**Hughes County, SD**

**PLSS: 16\_109N\_75W**

**Farm: 2626**



October 11, 2012

**Wetland Determination Identifiers**

- Restricted Use
- ▽ Limited Restrictions
- Exempt from Conservation Compliance Provisions

□ Common Land Units

■ Non Cropland

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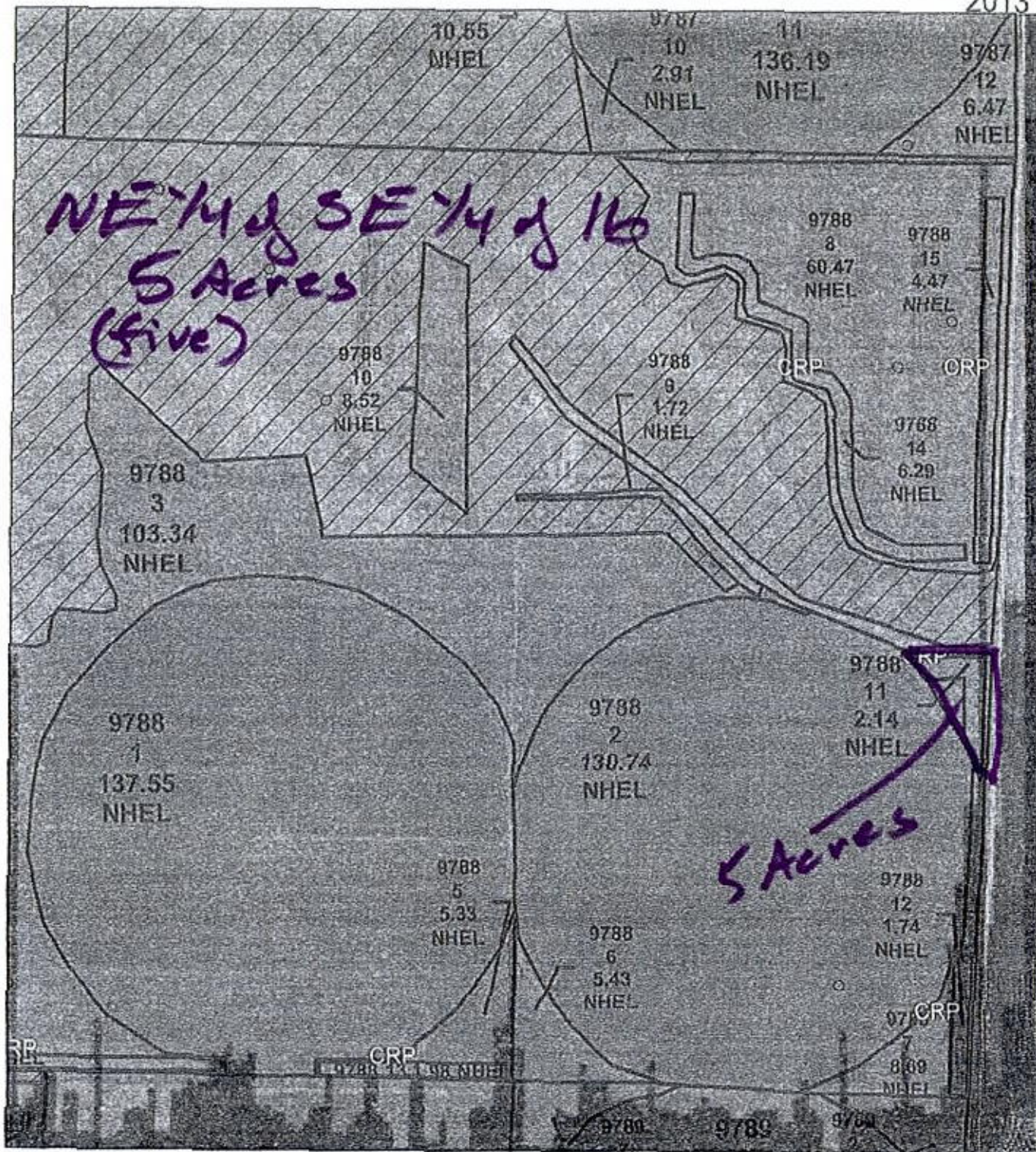
Alex Falk

2012 Ortho-Photography - Not to Scale

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145



United States Department of Agriculture  
Farm Service Agency

1:8,941

**Hughes County, SD**

**PLSS: 16\_109N\_75W**

**Farm: 2626**



October 11, 2012

**Wetland Determination Identifiers**

- Restricted Use
- ▽ Limited Restrictions
- Exempt from Conservation Compliance Provisions

□ Common Land Units

▣ Non Cropland

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Alex Falk

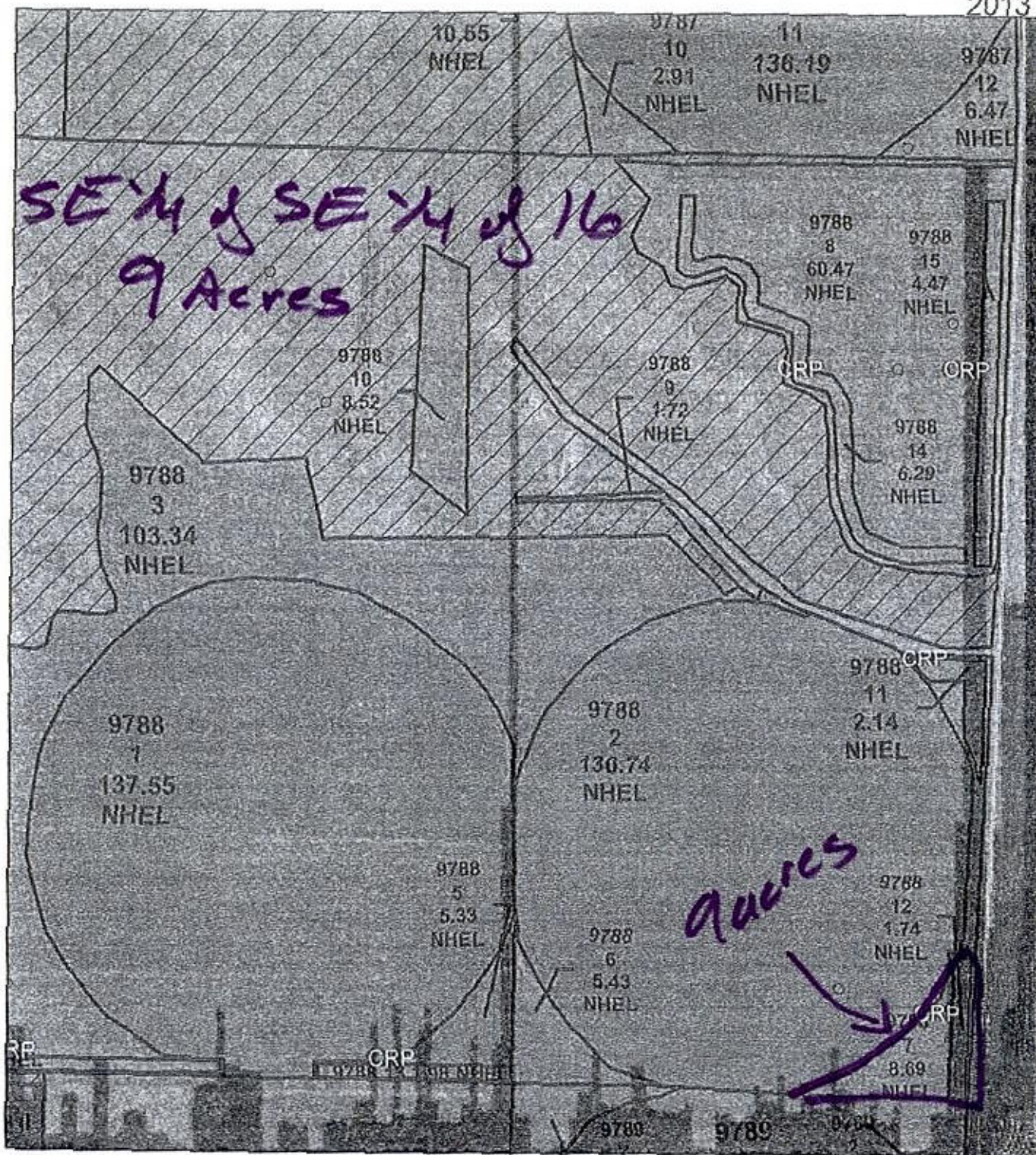
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(19)



United States Department of Agriculture  
Farm Service Agency

1:8,941

**Hughes County, SD**

PLSS: 16\_109N\_75W

Farm: 2626



October 11, 2012

**Wetland Determination Identifiers**

- Restricted Use
- ▽ Limited Restrictions
- Exempt from Conservation Compliance Provisions

□ Common Land Units

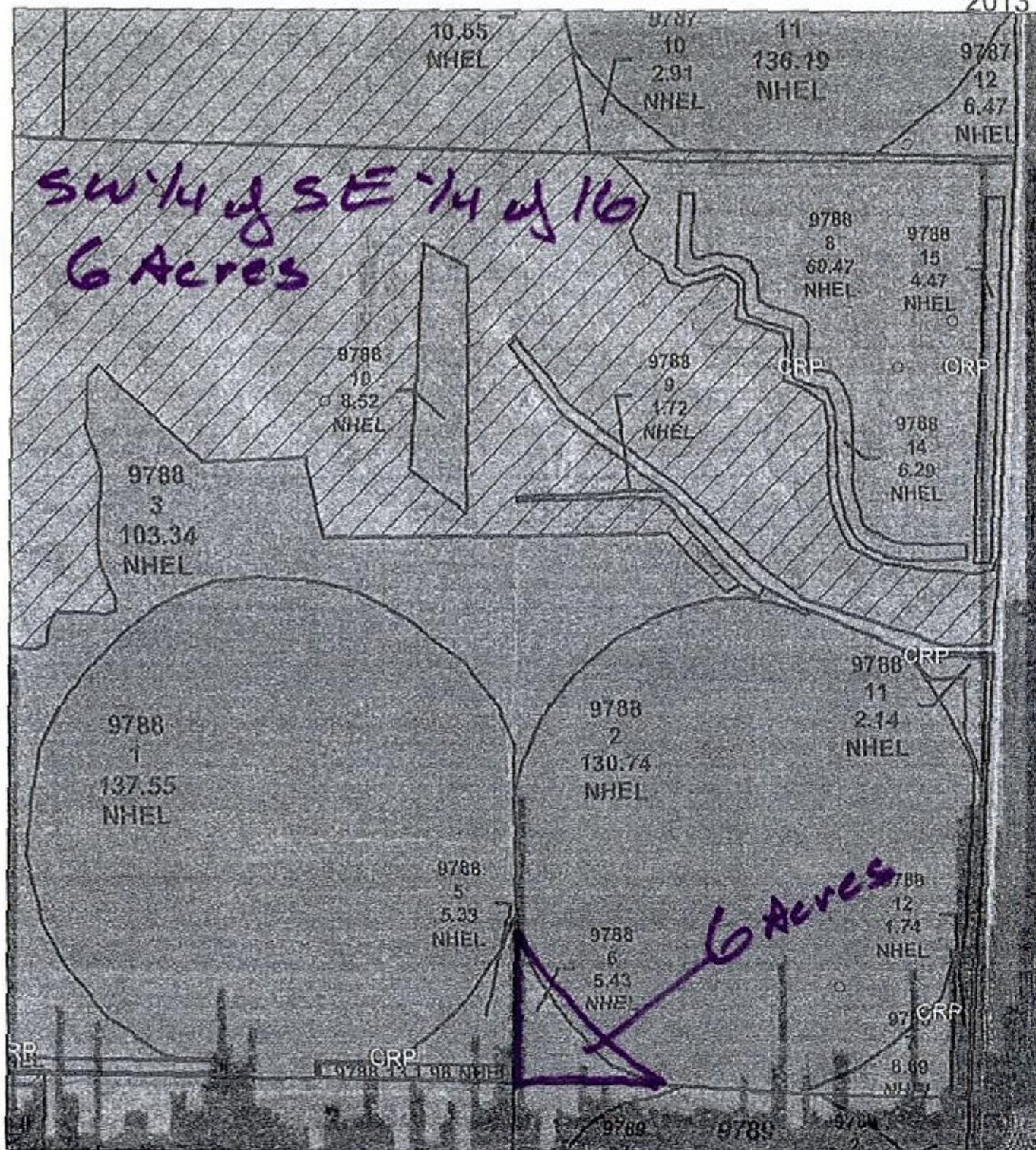
□ Non Cropland

Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.

Alex Falk

2012 Ortho-Photography - Not to Scale

(20)



United States Department of Agriculture  
Farm Service Agency

1:8,941

**Hughes County, SD**

**PLSS: 16\_109N\_75W**

**Farm: 2626**



October 11, 2012

**Wetland Determination Identifiers**

- Restricted Use
- ▽ Limited Restrictions
- Exempt from Conservation Compliance Provisions

□ Common Land Units

□ Non Cropland

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Alex Falk

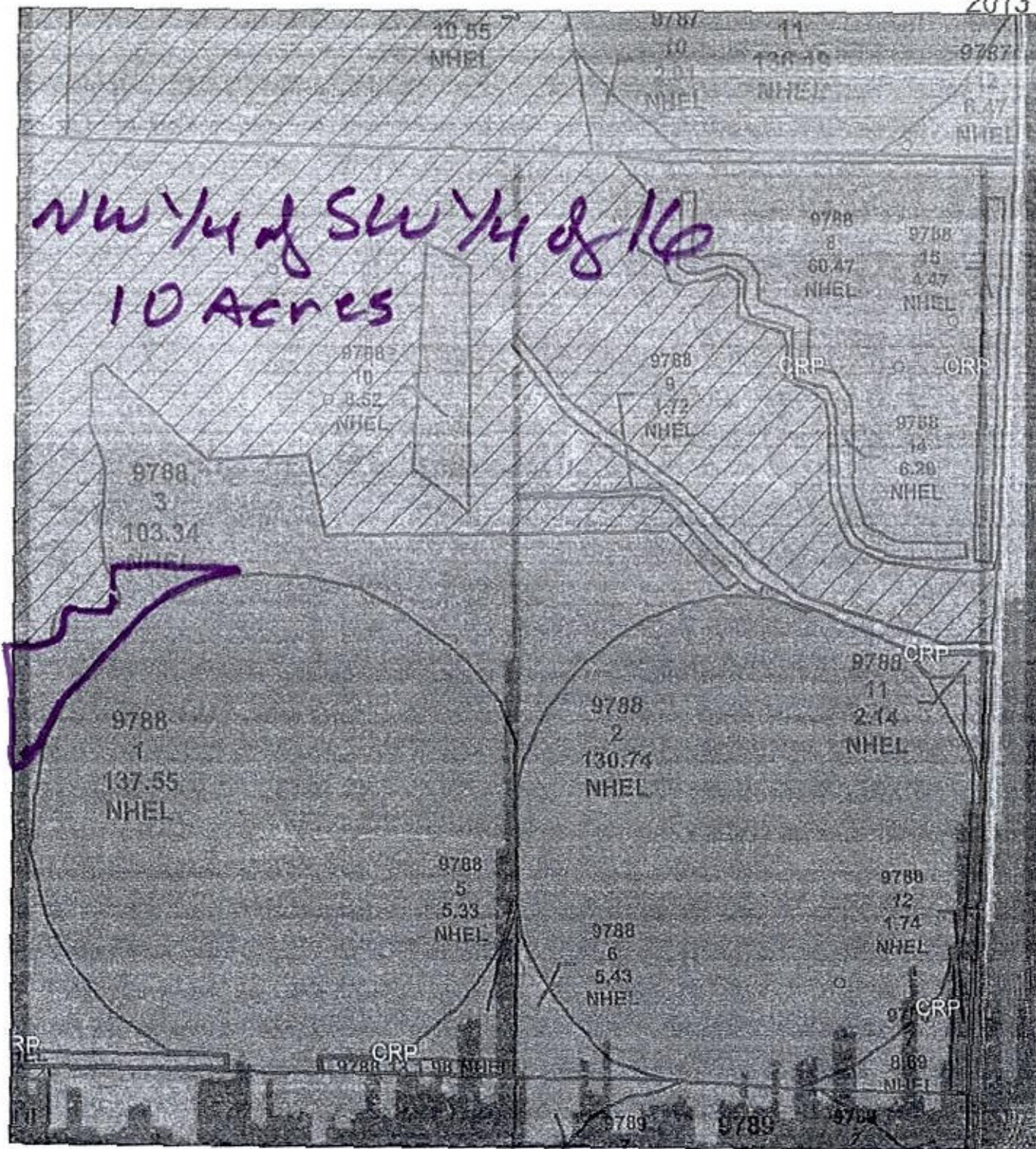
2012 Ortho-Photography - Not to Scale

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21



United States Department of Agriculture  
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1:8,941

**Hughes County, SD**

PLSS: 16\_109N\_75W

Farm: 2626



October 11, 2012

**Wetland Determination Identifiers**

- Restricted Use
- ▽ United Restrictions
- Exempt from Conservation Compliance Provisions

□ Common Land Units

□ Non Cropland

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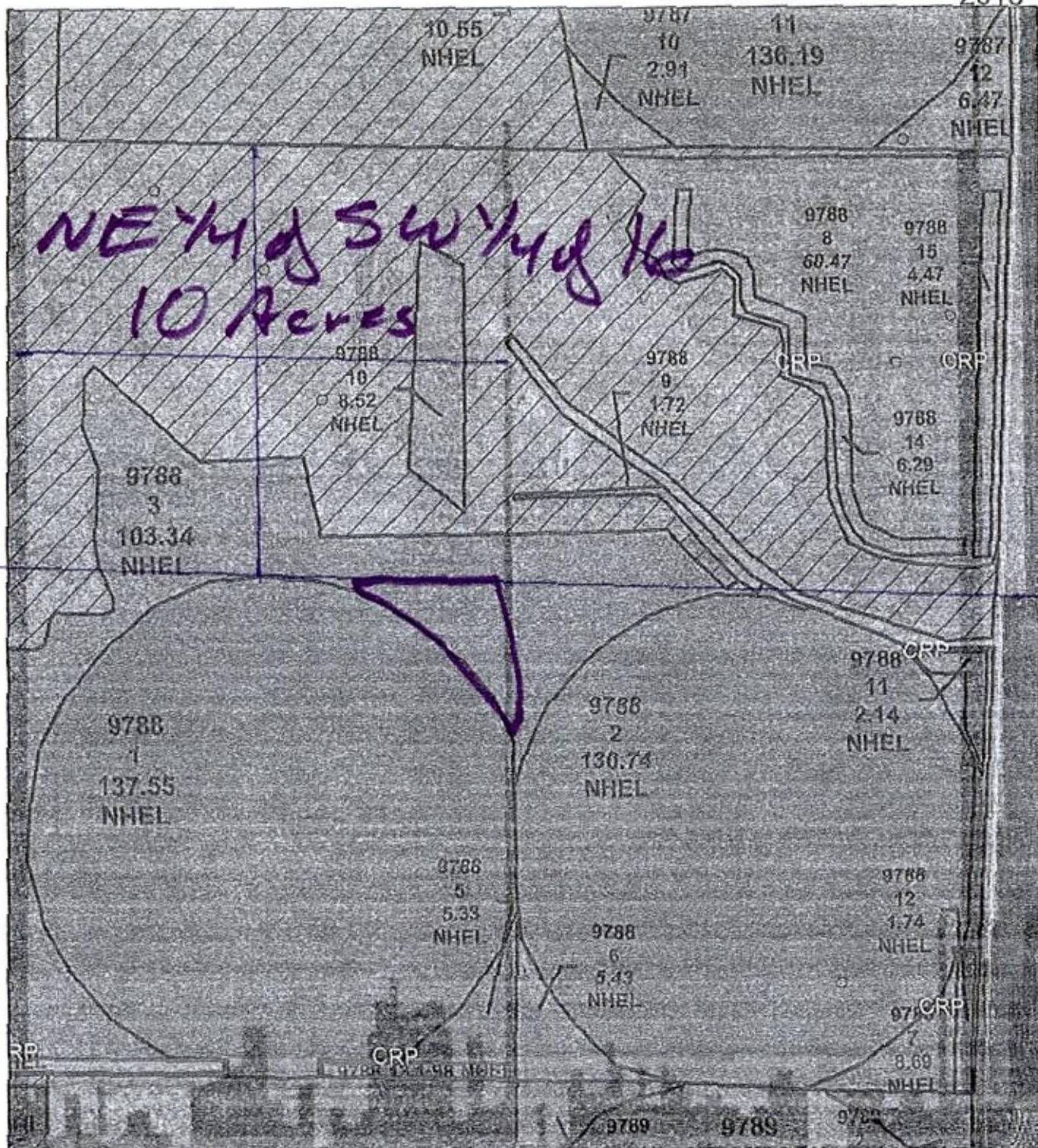
Alex Falk

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22



United States Department of Agriculture  
Farm Service Agency

1:8,941

**Hughes County, SD**  
PLSS: 16\_109N\_75W  
Farm: 2626



October 11, 2012

**Wetland Determination Identifiers**

- ☐ Restricted Use
- ☐ Limited Restrictions
- ☐ Exempt from Conservation Compliance Provisions

☐ Common Land Units

☐ Non Cropland

Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.

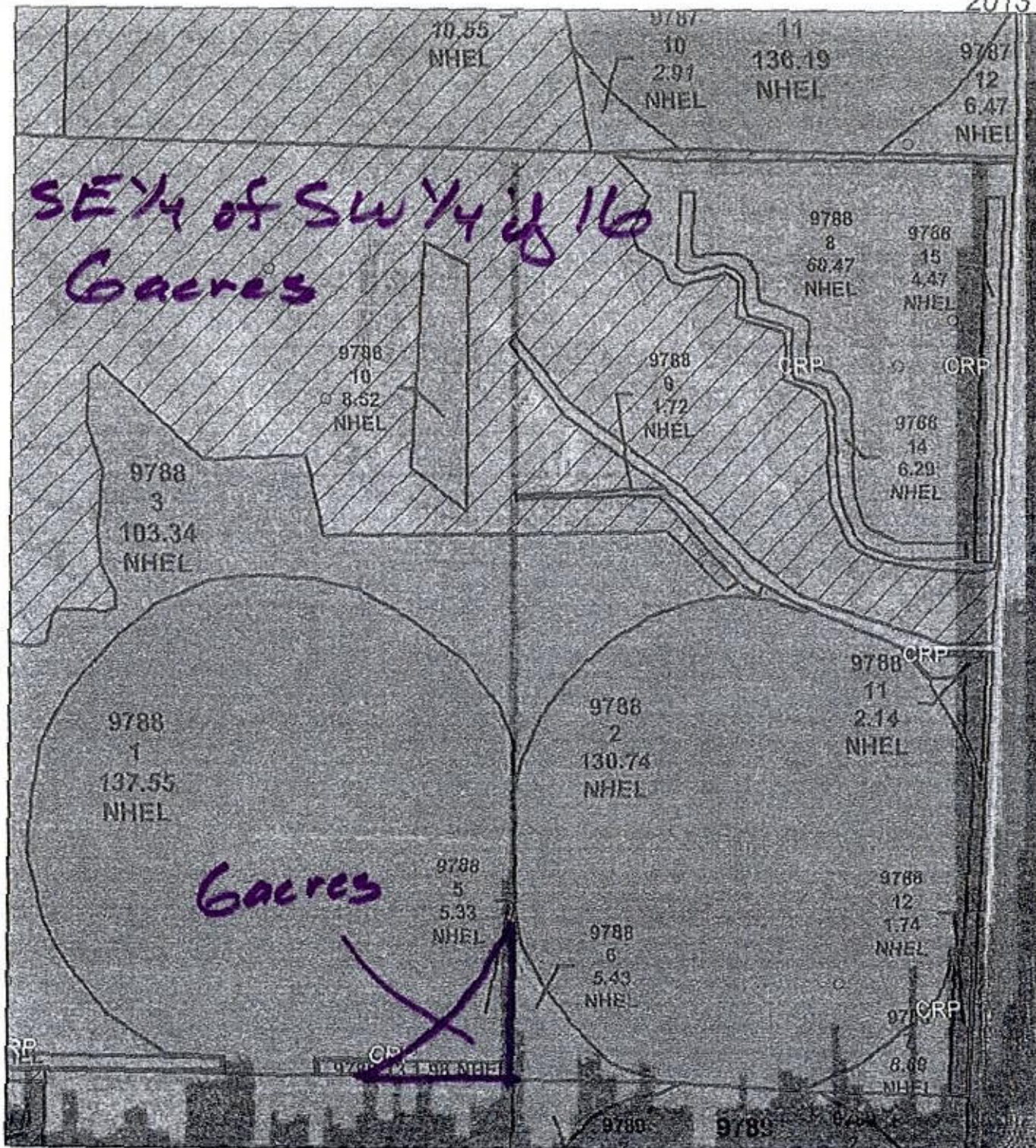
Alex Falk

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United States Department of Agriculture  
Farm Service Agency

1:8,941

**Hughes County, SD**

PLSS: 16\_109N\_75W

Farm: 2626



October 11, 2012

**Wetland Determination Identifiers**

- Restricted Use
- ▽ Limited Restrictions
- Exempt from Conservation Compliance Provisions

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□ Non Cropland

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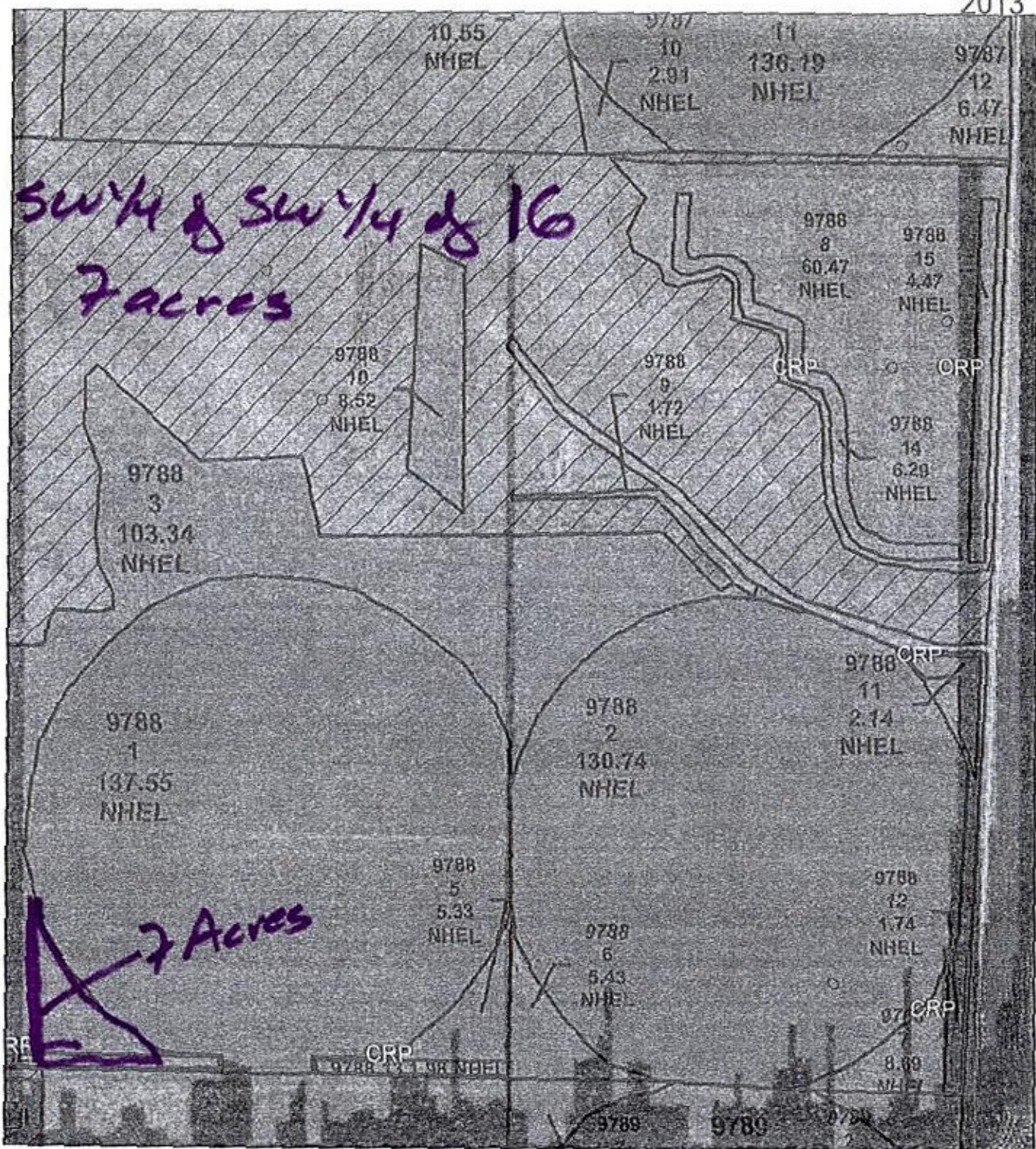
Alex Falk

2012 Ortho-Photography - Not to Scale

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(24)



**USDA** United States Department of Agriculture  
Farm Service Agency

1:8,941

**Hughes County, SD**  
PLSS: 16\_109N\_75W  
Farm: 2626



October 11, 2012

- Wetland Determination Identifiers**
- Restricted Use
  - ▽ Limited Restrictions
  - Exempt from Conservation Compliance Provisions

- ☐ Common Land Units
- ☒ Non Cropland

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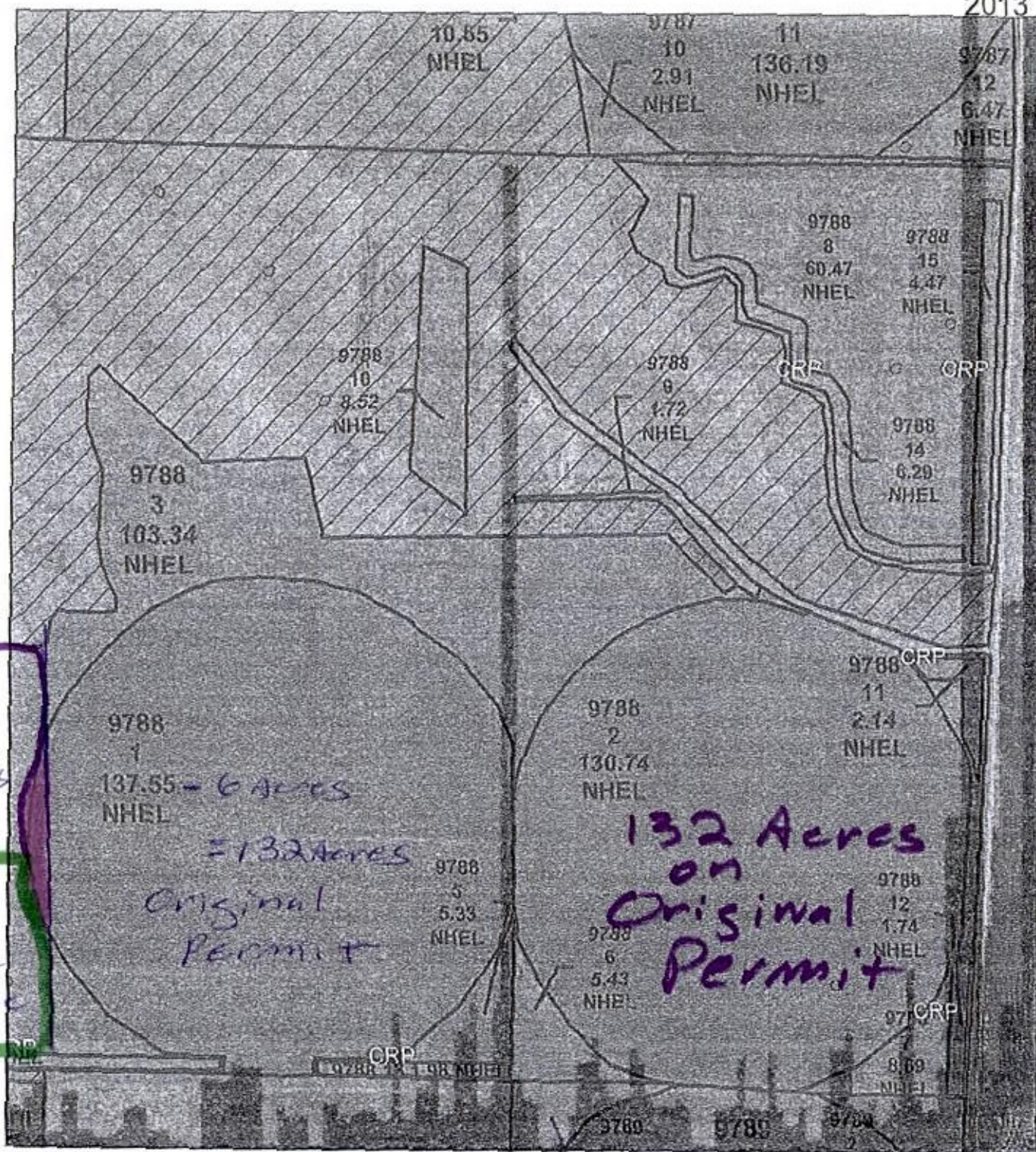
Alex Falk

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25



United States Department of Agriculture  
Farm Service Agency

1:8,941

## Hughes County, SD

PLSS: 16 109N 75W

**Farm: 2626**

October 11, 2012



### Wetland Determination Identifiers

- ☒ Restricted Use
- ☐ Limited Restrictions
- ☐ Exempt from Concentration Compliance Provisions

 **Common Land Units**

 Non Cropland

Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original dermation (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.

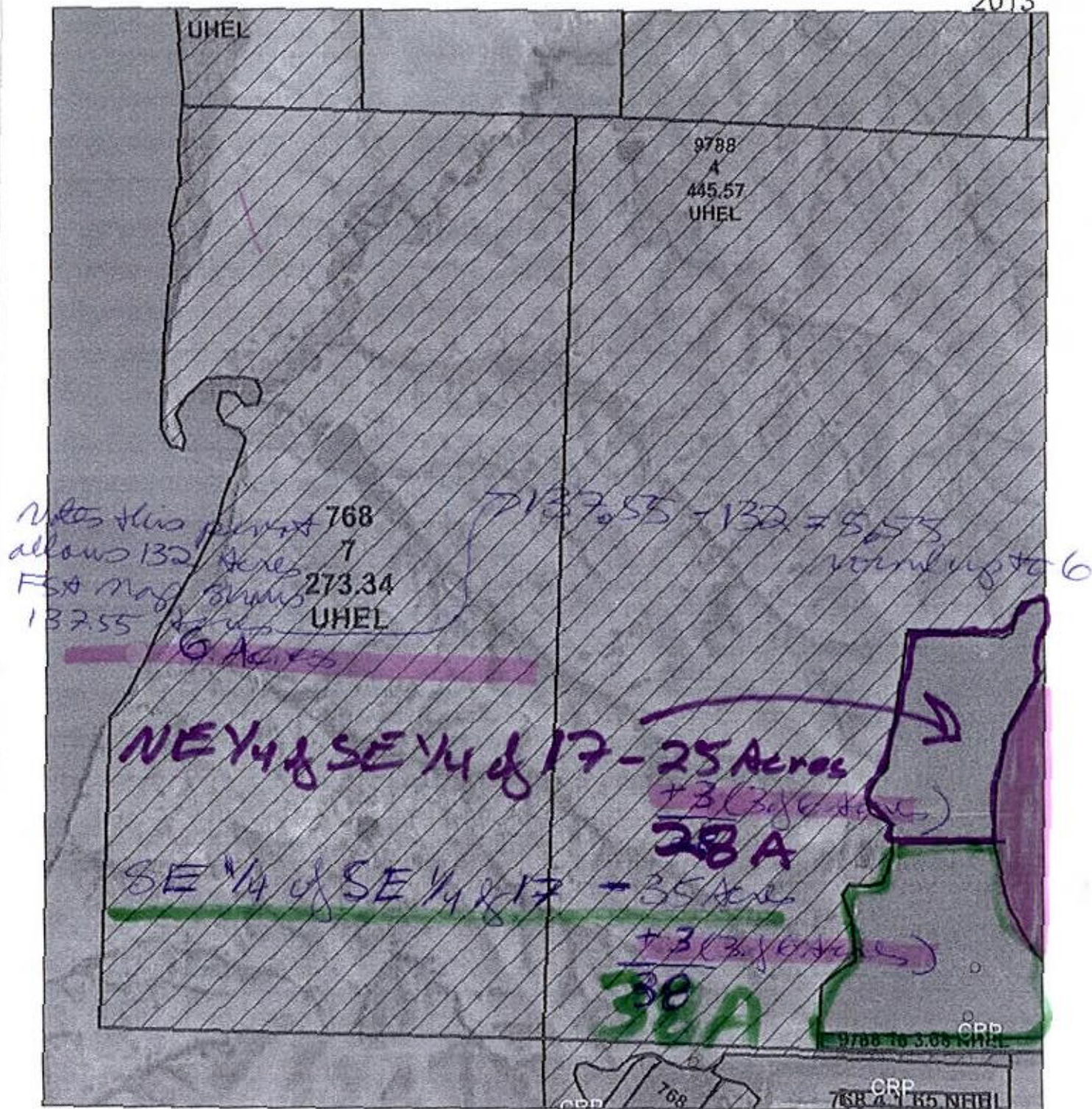
Alex Falk

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(26)



United States Department of Agriculture  
Farm Service Agency

1:8,804

**Hughes County, SD**

PLSS: 17\_109N\_75W

Farm: 2626



October 11, 2012

**Wetland Determination Identifiers**

- ☒ Restricted Use
- ☒ Limited Restrictions
- ☐ Exempt from Conservation Compliance Provisions

☐ Common Land Units

☒ Non Cropland

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Alex Falk

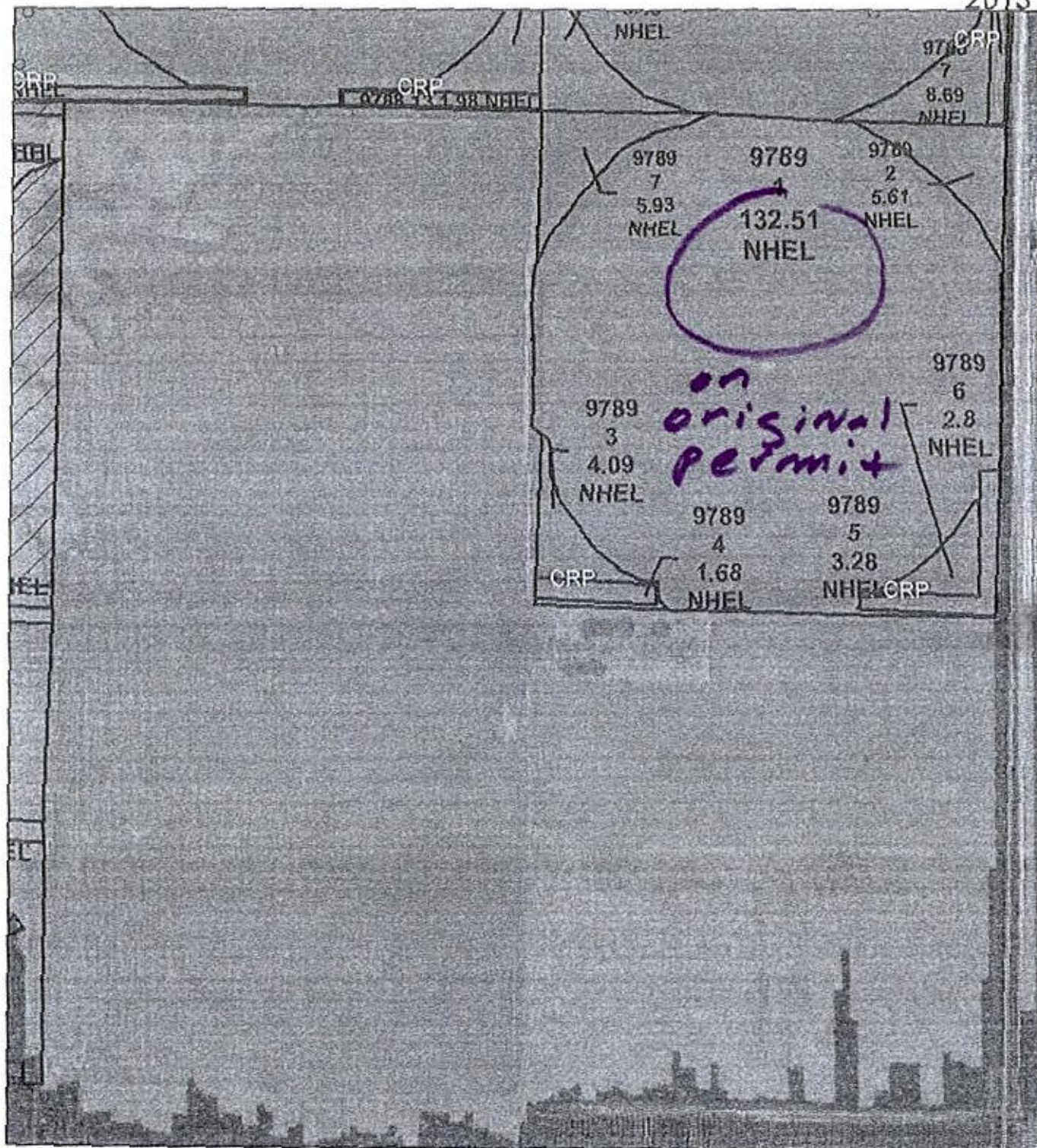
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(27)



United States Department of Agriculture  
Farm Service Agency

1:8,749

**Hughes County, SD**  
PLSS: 21\_109N\_75W  
Farm: 2626



October 11, 2012

**Wetland Determination Identifiers**

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□ Non Cropland

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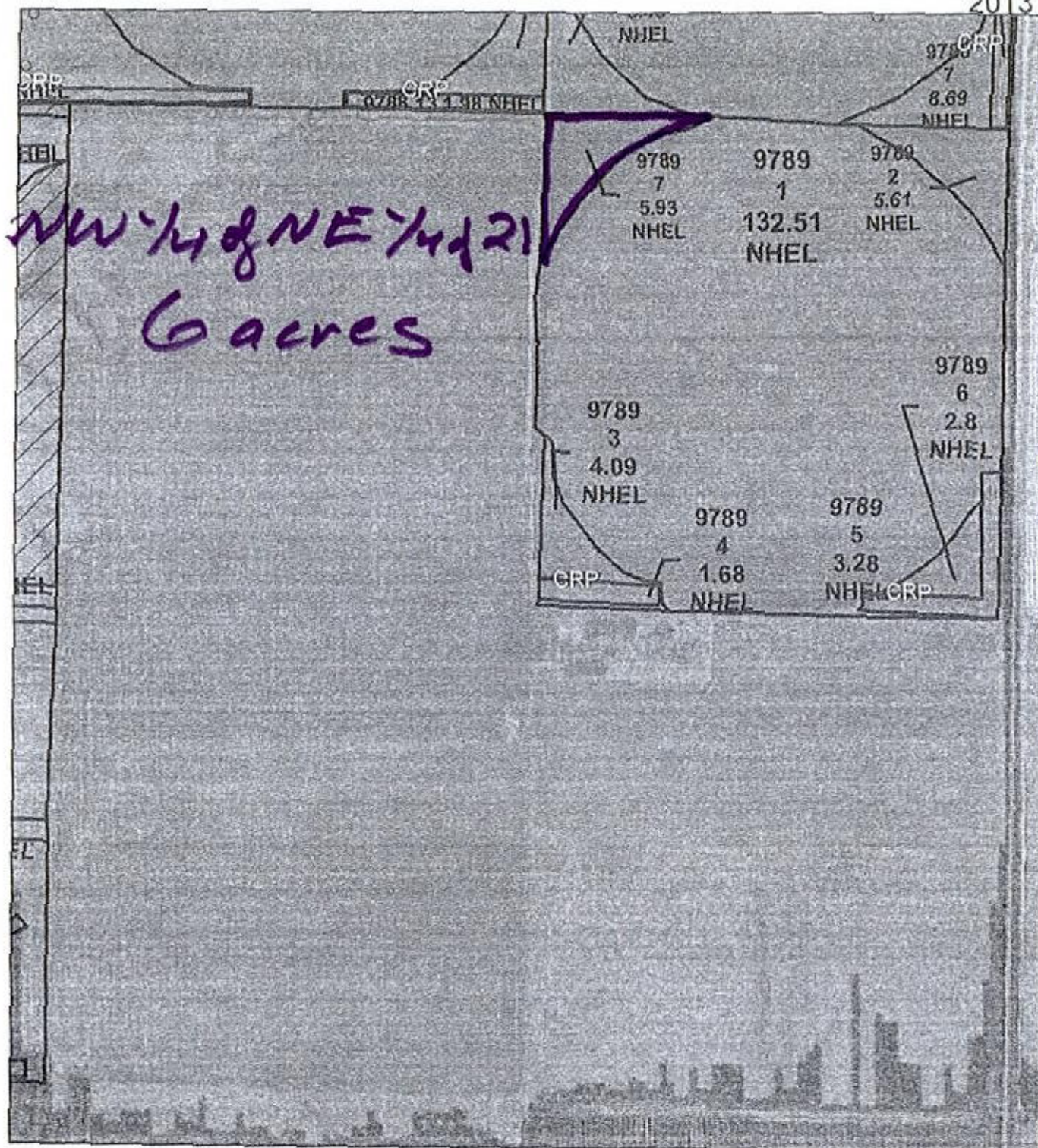
Alex Falk

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United States Department of Agriculture  
Farm Service Agency

1:8,749

**Hughes County, SD**  
PLSS: 21\_109N\_75W  
Farm: 2626



October 11, 2012

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□ Non Cropland

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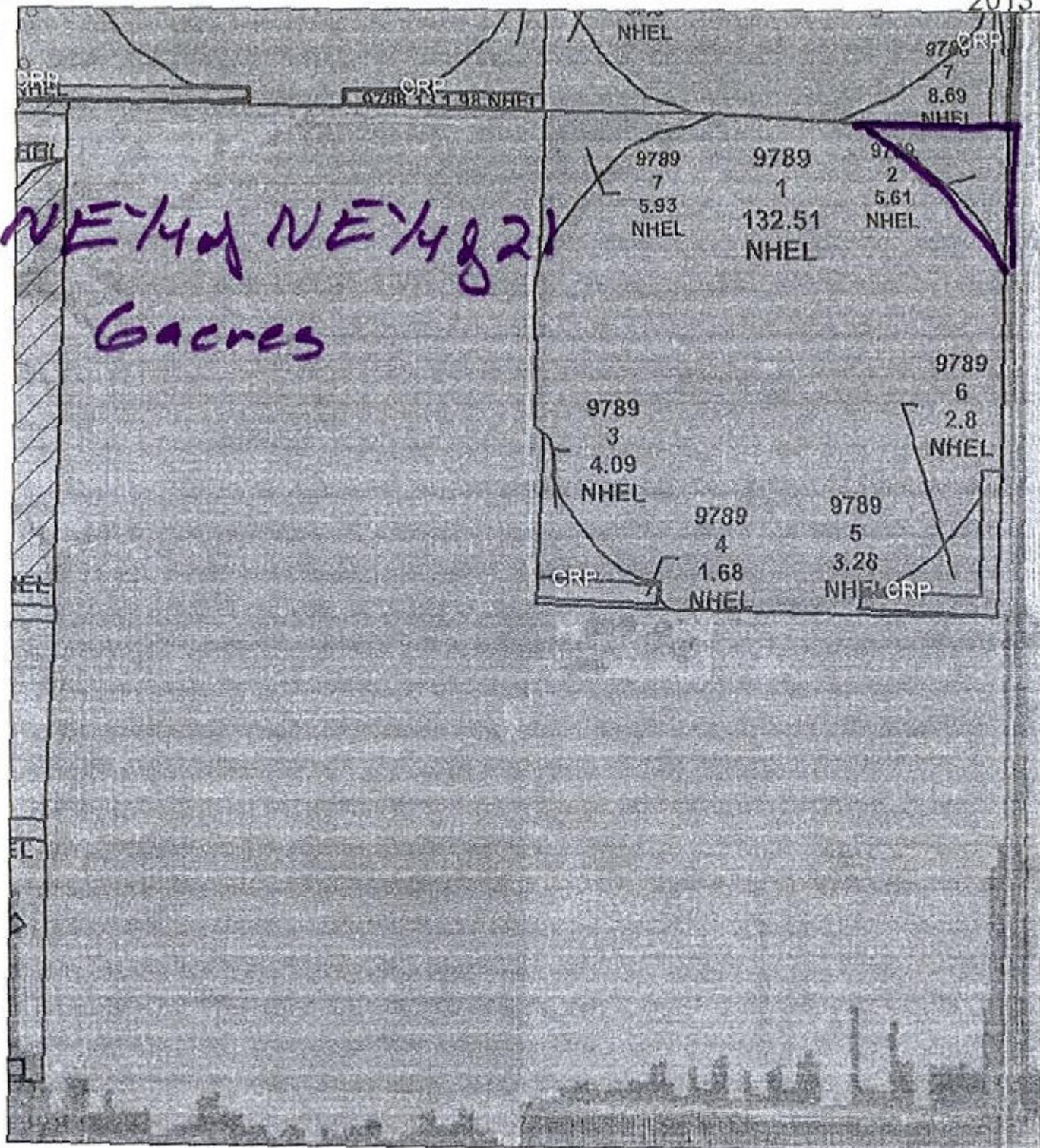
Alex Falk

2012 Ortho-Photography - Not to Scale

MAY - 2 2013

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29



United States Department of Agriculture  
Farm Service Agency

1:8,749

**Hughes County, SD**

PLSS: 21\_109N\_75W

Farm: 2626



October 11, 2012

**Wetland Determination Identifiers**

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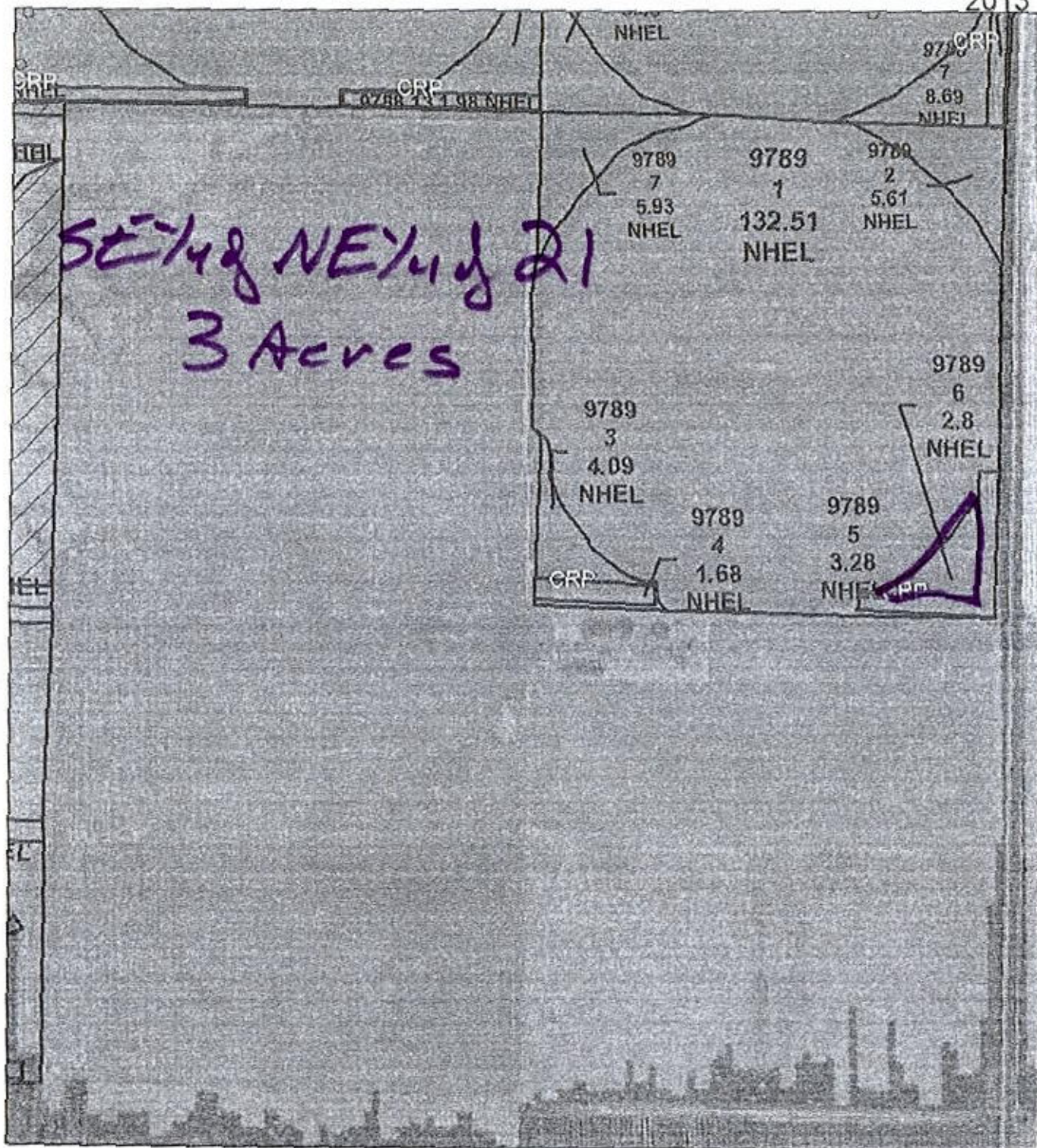
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(30)



United States Department of Agriculture  
Farm Service Agency

1:8,749

**Hughes County, SD**  
PLSS: 21\_109N\_75W  
Farm: 2626



October 11, 2012

**Wetland Determination Identifiers**

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Alex Falk

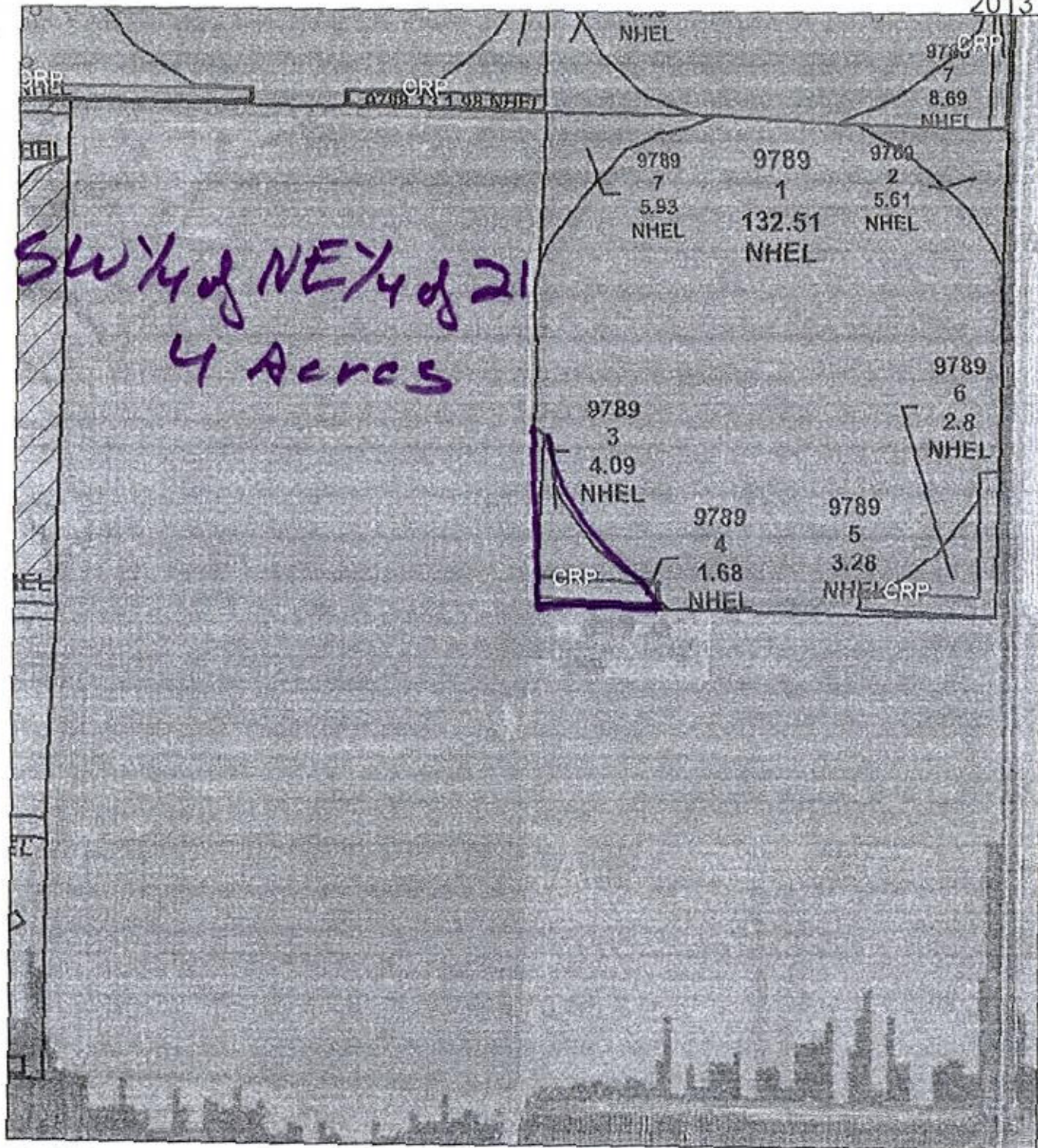
2012 Ortho-Photography - Not to Scale

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31



United States Department of Agriculture  
Farm Service Agency

1:8,749

**Hughes County, SD**  
PLSS: 21\_109N\_75W  
Farm: 2626



October 11, 2012

**Wetland Determination Identifiers**

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Alex Falk

2012 Ortho-Photography - Not to Scale

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32

33

NW 1/4 & NE 1/4 of 20  
 9.82 Acres  
 8 Acres (estimate)  
 7.85 Acres  
 10 Acres (from 22.65 Acres to East)

35.67 Acres. Round up to  
36 Acres

34

NE 1/4 & NE 1/4 of 20  
 22.65 - 10 Acres went to above  
 = 12.65  
 1.65

14.30 → Looks more like  
20 Acres

35

NW 1/4 & SE 1/4 20  
 40 - 13.71 Acres = 26.29 Acres  
27 Acres

36

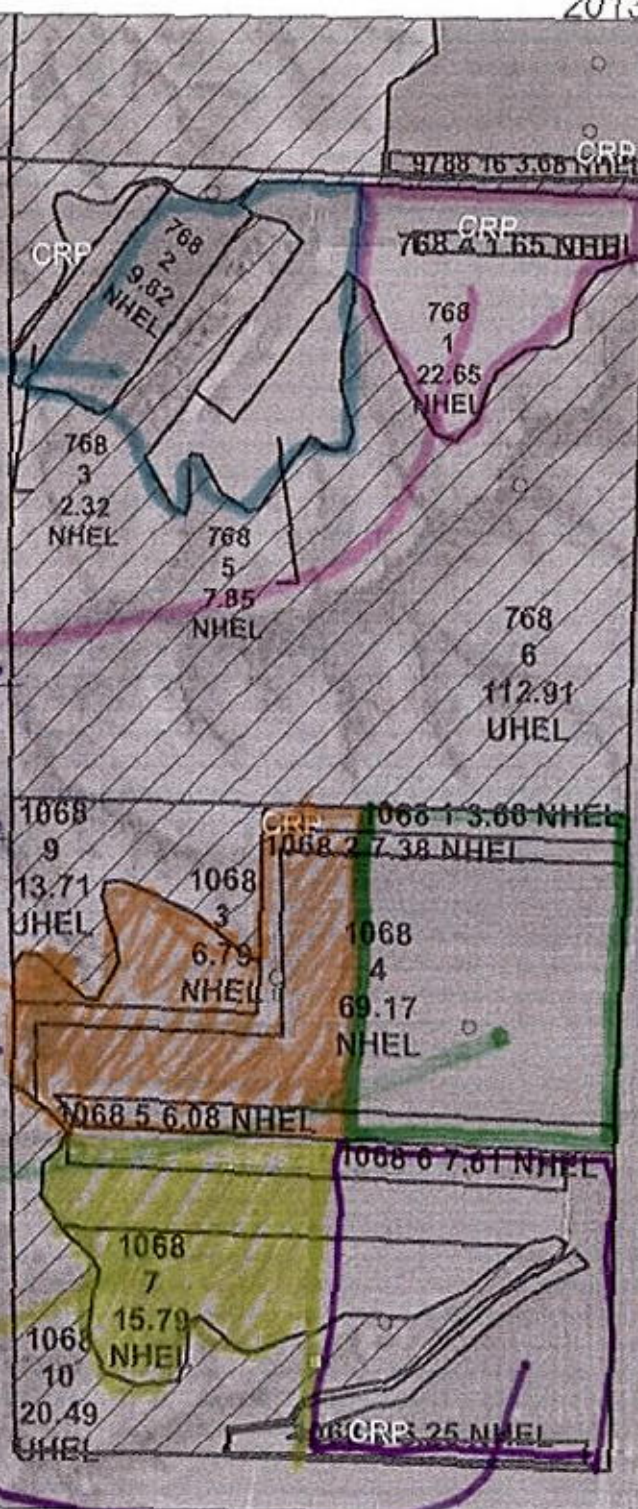
NW 1/4 & SE 1/4 20  
 40 Acres

37

SW 1/4 & SE 1/4 of 20  
 30 Acres

38

SE 1/4 & SE 1/4 of 20  
 35 Acres



United States Department of Agriculture  
 Farm Service Agency

1:8,760

**Hughes County, SD**

PLSS: 20\_109N\_75W

Farm: 2626



October 11, 2012

## Wetland Determination Identifiers

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Alex Falk

2012 Ortho-Photography - Not to Scale

WATER RIGHTS  
 PROGRAM

page 33

# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 5/3, 2013

RECEIVED OF Big Bend Ranch A Park 1301 N 4th Aberdeen SD 57401

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 | 1650  | 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. _____            | 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 | 1850 00 |

No. 06326

By Jessie Goodman  
Chief Engineer



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182

[denr.sd.gov](http://denr.sd.gov)

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT  
APPLICATION NO. 7837-3, Alex A and Annie L Falk**

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. 7837-3, Alex A and Annie L Falk, 1411 N 4<sup>th</sup> Street, Aberdeen SD 57401.

The Chief Engineer is recommending APPROVAL of Application No. 7837-3 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 qualification:

This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Jeanne Goodman, Chief Engineer  
May 15, 2013

# REPORT TO THE CHIEF ENGINEER ON WATER PERMIT APPLICATION NO. 7837-3

Alex A. & Annie L. Falk

May 15, 2013

Application No. 7837-3 proposes to appropriate an additional 9.19 cubic feet of water per second (cfs) and irrigate 629 additional acres to what is currently authorized by Water Right No. 6165-3. Water Right No. 6165-3 authorizes 3.67 cfs from the Missouri River located in the NW 1/4 SW 1/4 Section 17 and a 120 acre-foot storage dam located in the NW 1/4 NE 1/4 Section 16; all in T109N-R75W. The irrigated acreage authorized by Water Right No. 6165-3 consists of four center pivots located in the SE 1/4 Section 9, S 1/2 Section 16 and the NE 1/4 Section 21; all in T109N, R75W. This application proposes to appropriate an additional 9.19 cfs utilizing the existing Missouri River diversion point location and the storage dam to irrigate 629 additional acres located in the E 1/2, E 1/2 SW 1/4 Section 9; E 1/2 NW 1/4, SW 1/4 NW 1/4, E 1/2, SW 1/4 Section 16; E 1/2 SE 1/4 Section 17; NE 1/4 Section 21; E 1/2 Section 20; all in T109N-R75W. Water Right No. 6165-3 and this application, if approved, will authorize a total diversion rate of 12.86 cfs and irrigation of 1,157 acres. The project is located approximately 25 miles SE of Pierre SD in Hughes County.

## Review of the Water Source

The water source for this application is the Missouri River impounded on Lake Sharpe behind Big Bend Dam. The U.S. Army Corps of Engineers (USACE) constructed Big Bend Dam in the early 1960's as part of a six reservoir Pick-Sloan project for the Missouri River. The six project dams, Ft Peck, Garrison, Oahe, Big Bend, Ft Randall and Gavins Point, are operated as a system providing storage and water releases for the Congressionally authorized purposes of which irrigation is included. Specifically Lake Sharpe Reservoir impounds approximately 1.7 million acre-feet of water (MAF) with normal operations. Water availability is not a concern when using the natural flows of the Missouri River as a source.

## Review of Existing Water Rights

There are 263 existing water rights/permits appropriating water from the natural flows of the Missouri River in South Dakota with a total authorized appropriation of 1279.71 cfs. Since water availability is not an issue, approval of this permit would not adversely affect these existing water rights.

## Conclusions

1. This application proposes to appropriate an additional 9.19 cubic feet of water per second (cfs) and irrigate 629 additional acres to what is currently authorized by Water Right No. 6165-3.
2. Water Right No. 6165-3 authorizes 3.67 cubic feet of water per second from an existing Missouri River diversion point and a storage dam.
3. This application, if approved, combined with No. 6165-3 will authorize a total diversion rate of 12.86 cfs and irrigation of 1,157 acres.
4. Water availability is not an issue and approval of this permit would not adversely affect existing water rights.



for Mark D. Rath  
Natural Resources Engineer III

[illegible]



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182

[denr.sd.gov](http://denr.sd.gov)

May 16, 2013

Capital Journal  
PO Box 878  
Pierre SD 57501

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7837-3 to Appropriate Water. Please publish the notice once on May 24, 2013. 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 and arrange for payment. Please **BILL the APPLICANT for the cost of publication.** The APPLICANT is Alex A and Annie L Falk, 1411 N 4<sup>th</sup> St, Aberdeen SD 57401 (Ph # 605-229-3035).

**Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.**

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



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182

[dent.sd.gov](http://dent.sd.gov)

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

May 16, 2013

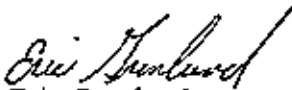
Alex A and Annie L Falk  
1411 N 4<sup>th</sup> St  
Aberdeen SD 57401

Dear Sir:

Water Permit Application No. 7837-3 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 Capital Journal printed at Pierre SD (Ph # 605-224-7301). You will need to contact the newspaper(s) 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(s) to authorize publication of your Notice and to arrange for payment. Early contact with the paper(s) can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. 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  
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 the Notice on May 24, 2013. 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. 7837-3 to Appropriate Water

Notice is given that Alex A and Annie L Falk, 1411 N 4<sup>th</sup> St, Aberdeen SD 57401 have filed an application for a water permit to appropriate an additional 9.19 cubic feet of water per second (cfs) and irrigate 629 additional acres to what is currently authorized by Water Right No. 6165-3. Water Right No. 6165-3 authorizes 3.67 cfs from the Missouri River located in the NW 1/4 SW 1/4 Section 17 and a 120 acre-foot storage dam located in the NW 1/4 NE 1/4 Section 16; all in T109N-R75W. The irrigated acreage authorized by Water Right No. 6165-3 consists of four center pivots located in the SE 1/4 Section 9, S 1/2 Section 16 and the NE 1/4 Section 21; all in T109N, R75W. This application proposes to appropriate an additional 9.19 cfs utilizing the existing Missouri River diversion point location to irrigate 629 additional acres located in the E 1/2, E 1/2 SW 1/4 Section 9; E 1/2 NW 1/4, SW 1/4 NW 1/4, E 1/2, SW 1/4 Section 16; E 1/2 SE 1/4 Section 17; NE 1/4 Section 21; E 1/2 Section 20; all in T109N-R75W. Water Right No. 6165-3 and this application, if approved, will authorize a total diversion rate of 12.86 cfs and irrigation of 1,157 acres. Missouri River water may be diverted for direct application of the described land or to the storage dam prior to irrigating.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7837-3 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, S23 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 June 3, 2013.

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.

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DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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JUN 07 2013

Alex A & Annie L Falk  
1411 N 4<sup>th</sup> St  
Aberdeen SD 57401

Dear Mr. & Mrs. Falk:

Enclosed is Water Permit No. 7837-3 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,

Jeanne Goodman, Chief Engineer  
Water Rights Program  
(605) 773-3352

enclosures