

**WATER PERMIT NO. 8938-3**

Name of Applicant: Alex and Ann Falk

Address: 1411 N. 4<sup>th</sup> Street, Aberdeen SD 57401

Phone: 605-216-5773

Amount of Water Claimed: 8 cfs

Total Acres: 640

Source of Water Supply: Surface/Existing Dam

Water to be used for: Irrigation

County: Hughes

Type of Waste Disposal System:

Location: Approx. 23 miles southeast of Pierre

PRIORITY

Date Received: 03-12-25

Application/License Fee: \$1,850.00

Corrected Application Received:

Period of Annual Use: April 1 – October 31

Remarks: Nick Falk is Alex's son 605-216-8203. Using existing dam from RW 6165-3

Diversion Point: NW 1/4 SW 1/4 Sec 17-T109N-R75W

Land to be Irrigated: SW 1/4 Sec 10, N 1/2 Sec 15, NW 1/4 Sec 14; all in T109N-R75W

|    |    |  |  |    |    |
|----|----|--|--|----|----|
|    |    |  |  | 10 |    |
|    |    |  |  |    |    |
| 17 | 16 |  |  | 15 | 14 |
|    |    |  |  |    |    |

Depth of Well: N/A

Well Driller: N/A

Remarks:

Type of Map: aerial

Reviewed and the Number Assigned on: 03-13-25

By: Rachel Rodriguez

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

**SOUTH DAKOTA**  
**WATER PERMIT NO. 8938-3**

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Date of first receipt of application March 12, 2025.

The Acting Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8938-3 to Alex and Ann Faulk, 1411 N. 4<sup>th</sup> Street, 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. 8938-3 appropriates 8.02 cubic feet of water per second (cfs) from the Missouri River located in the NW 1/4 SW 1/4 Section 17 for irrigation of 640 acres located in the SW 1/4 Section 10, N 1/2 Section 15, NW 1/4 Section 14; all in T109N-R75W. This permit proposes to capture surface runoff in an existing dam (120 acre-feet storage capacity) as authorized by Water Right No. 6165-3. The existing dam is located in the NE 1/4 NW 1/4, NE 1/4 Section 16-T109N-R75W. Water from the Missouri River will be diverted to the existing dam and then to the above described 640 acres at a maximum rate of up to 8.02 cfs. This site is located approximately twenty-three miles southeast of Pierre SD.
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 March 12, 2025.
4. The date of approval of Permit No. 8938-3 is June 9, 2025.
5. One-fifth of the construction is to be completed on or before December 9, 2027.
6. All construction is to be completed on or before June 9, 2030.
7. Water is to be put to beneficial use on or before June 9, 2034.
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. No diversion of water from the Missouri River to the storage dam may occur when the water level in the dam is at or above the dam's primary spillway elevation.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

**WATER MANAGEMENT BOARD**

By: Mark Mayer  
Mark Mayer, PE  
Director of Office of Water  
Department of Agriculture and Natural Resources

7/21/25  
date



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

MAR 13 2025

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WATER

|                                                                                                               |                                                                                                                                                                        |
|---------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Mail to:<br><br>SD DANR, Water Rights<br>523 E Capitol Ave<br>Pierre, SD 57501-3182<br><br>ph. (605) 773-3352 | No. <u>8938-3</u> Hydrologic Unit <u>10140101</u><br>Basin <u>Missouri R</u><br>Newspaper <u>Pierre Capitol Journal</u><br><u>Huron Plainsman</u><br>(office use only) |
|---------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

PAID

MAR 12 2025

Ck# 5569

Rec't# \_\_\_\_\_

## 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.)

New irrigation permit

1. Name to Appear on Irrigation Permit Alex and Ann Falk

Note: The "Name to Appear on Irrigation Permit" must be the name in which the property to be irrigated is held in.

Mailing Address 1411 N. 4th St Aberdeen SD 57401  
(Address) (City) (State) (Zip Code)

Phone \_\_\_\_\_ Mobile 605-216-5773 Email aafalk@hotmail.com

2. Amount of water claimed 8 \*CFS or 3600 \*\*GPM \_\_\_\_\_ \*\*\*AF Total Acreage 640 Acres  
(\*Cubic Feet per Second) (\*\*Gallons per Minute) (\*\*\*) Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Missouri River and runoff into Dam

4. Location of point of diversion Missouri River pump station SW 1/4 17-109N-75W  
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

Irrigation Dam NE 1/4 16-109N-75W County Hughes

5. County or counties where water will be used Hughes

6. Annual period during which water is to be used April - October <sup>31</sup>

7. 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>SW 1/4 10-109N-75W</u> | <u>160</u> |                  |       |
| <u>NW 1/4 15-109N-75W</u> | <u>160</u> |                  |       |
| <u>NE 1/4 15-109N-75W</u> | <u>160</u> |                  |       |
| <u>NW 1/4 14-109N-75W</u> | <u>160</u> |                  |       |

8. Give a description of the project. (Attach sheet if more space is needed) We will pump Missouri River water from pre-existing pumping station (SW 1/4 17-109N-75W) to the pre-existing irrigation dam (NE 1/4 16-109N-75W) and the through a new pipeline to the new 4 quarters above. maximum water usage 3600 gallons per minute when all 4 quarters are irrigated which will be determined by type of irrigation system used, Rain 300 or center pivot.

I, Alex Falk OWNER, the applicant, certify under penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

## Supplemental Information

(type or print)

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- No well.*
1. Well Information (check one or both as applicable) ☐ Drilling new well(s) ☐ Using existing well(s)
- a) If new wells, how many \_\_\_\_\_ Have test holes been drilled? ☐ Yes ☐ No Drilled by \_\_\_\_\_  
(if yes, please provide copies of logs)
- b) If existing wells, how many \_\_\_\_\_ Provide copy of log(s), if available. Drilled by \_\_\_\_\_

**For either existing or proposed wells:**

- c) Well Depth (required) \_\_\_\_\_ Depth to Top of Water Bearing Material \_\_\_\_\_ Depth to Water from Surface \_\_\_\_\_
- d) Distance to nearest domestic well on applicant's property \_\_\_\_\_ Property owned by others \_\_\_\_\_
2. Wastewater Disposal System Information *No wastewater.*
- 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 *No Dugout.*
- a) Surface Dimensions \_\_\_\_\_ Depth \_\_\_\_\_
- b) Depth to water (ground surface to water level) \_\_\_\_\_

4. Water Storage Dams *See permit number 6/65-3*

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 \_\_\_\_\_
- c) Crest Width \_\_\_\_\_  
Crest Length \_\_\_\_\_
- d) Height \_\_\_\_\_
- e) Primary Outlet Capacity \_\_\_\_\_

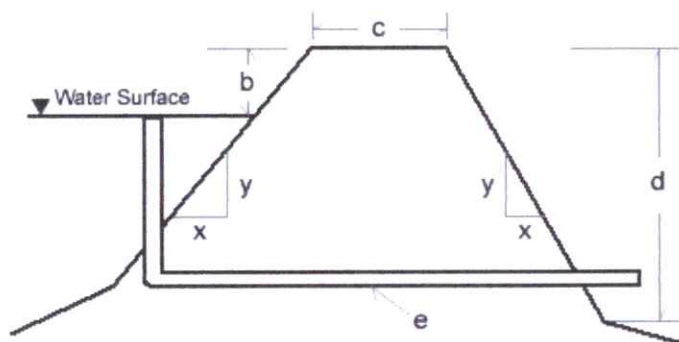
If pipe, diameter \_\_\_\_\_

- f) Secondary Spillway Capacity \_\_\_\_\_  
Spillway Width \_\_\_\_\_
- g) X & Y Slope (e.g. 3 to 1 is a typical slope)  
Upstream \_\_\_\_\_  
Downstream \_\_\_\_\_

h) Area of Impoundment \_\_\_\_\_

i) Storage \_\_\_\_\_ Acre Feet

j) Drainage Area Above Dam \_\_\_\_\_ Acres

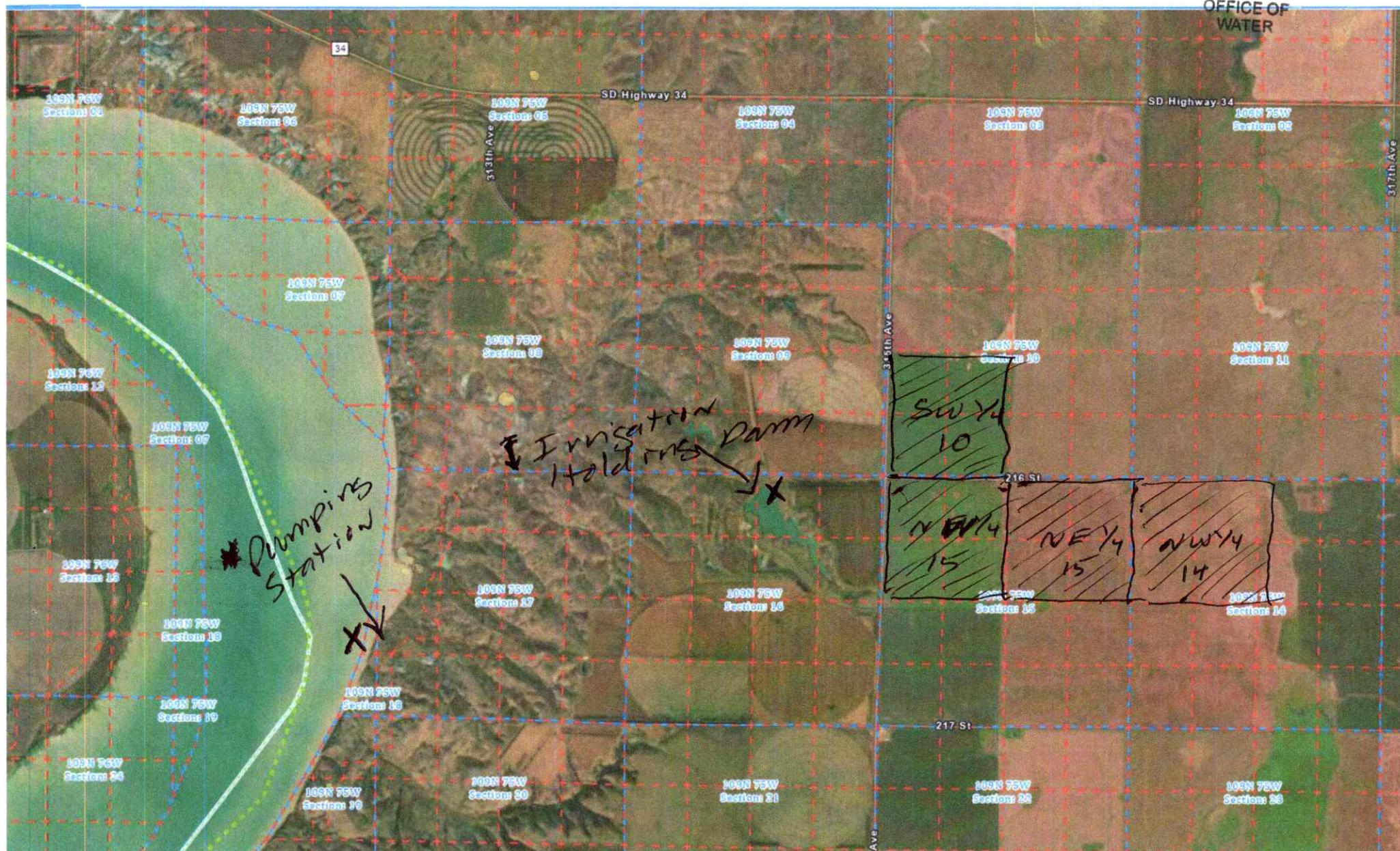


*We have an existing water storage dam on the NE 1/4 16-109N-75W. This dam was present when we purchased the property in 1992 and has been in continuous use since its construction by prior owners*

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\*Pumping Station is existing and covered under other permits. So  
↓ Irrigation Holding Dam is existing. It has been in place since the  
1980's and has been in continuous use. See permit number 6165-3

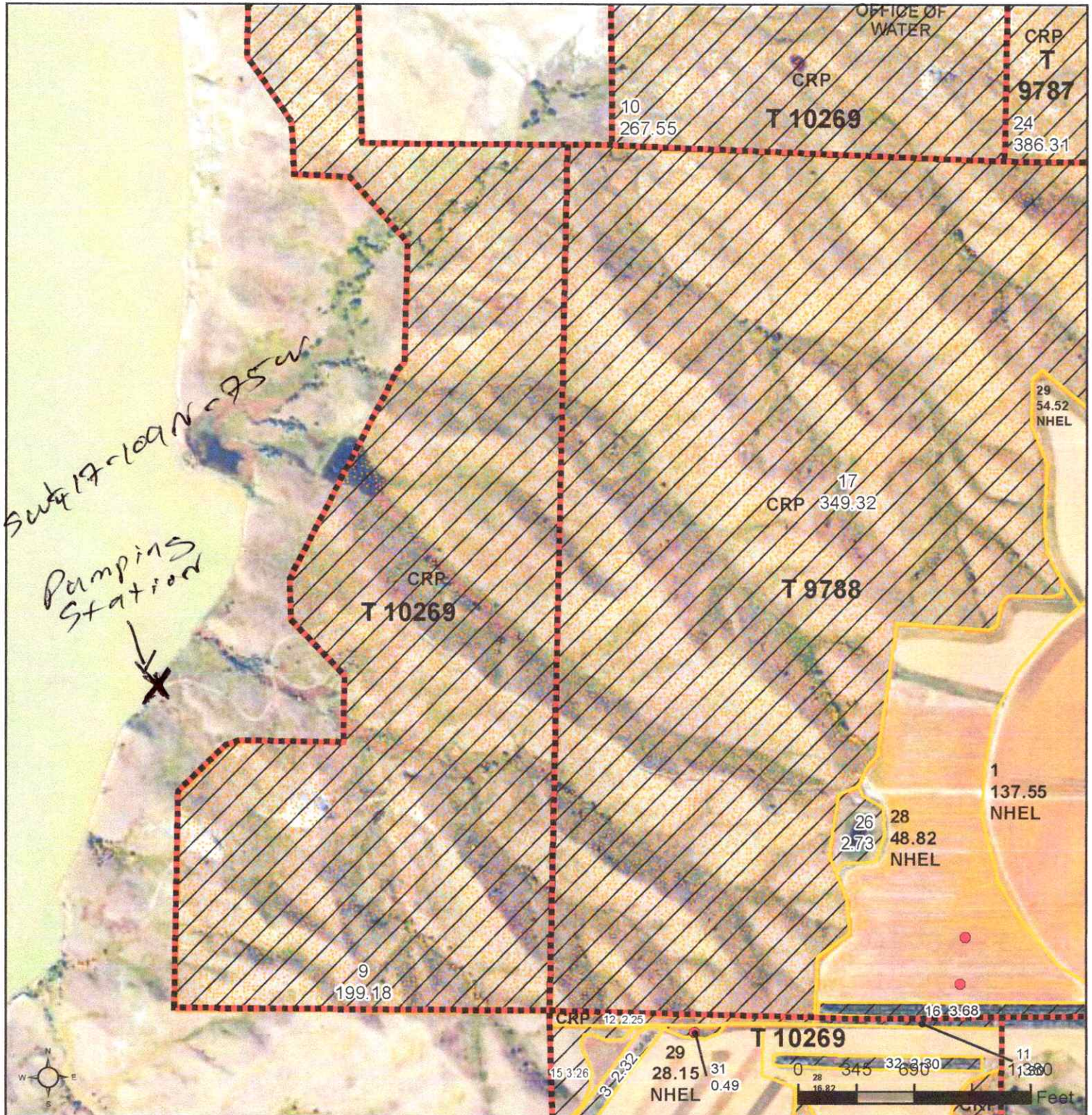


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## Hughes County, South Dakota

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MAR 13 2025



### Common Land Unit

- Non-Cropland
- Cropland

- CRP
- Tract Boundary
- PLSS

### Wetland Determination Identifiers

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

2024 Program Year

Map Created June 10, 2024

Farm 3064

17-109N-75W-Hughes

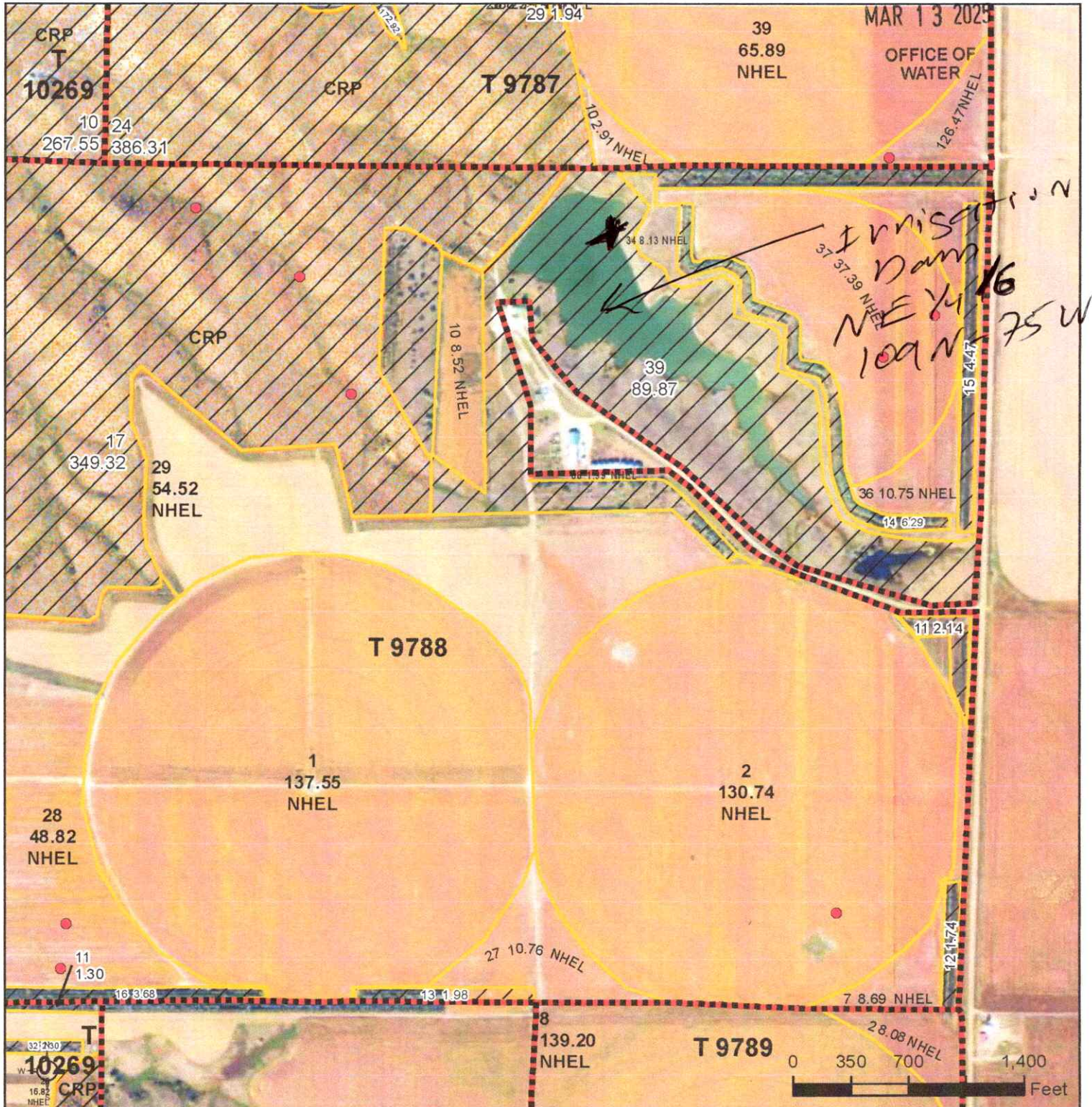
United States Department of Agriculture (USDA) Farm Service Agency (FSA) maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or National Agricultural Imagery Program (NAIP) imagery. The producer accepts the data 'as is' and assumes all risks associated with its use. USDA-FSA assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA Programs. 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 boundaries and determinations or contact USDA Natural Resources Conservation Service (NRCS).



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## Hughes County, South Dakota

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### Common Land Unit

- Non-Cropland
- Cropland

- CRP
- Tract Boundary
- PLSS

### Wetland Determination Identifiers

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

2024 Program Year

Map Created June 10, 2024

Farm 3064

16-109N-75W-Hughes

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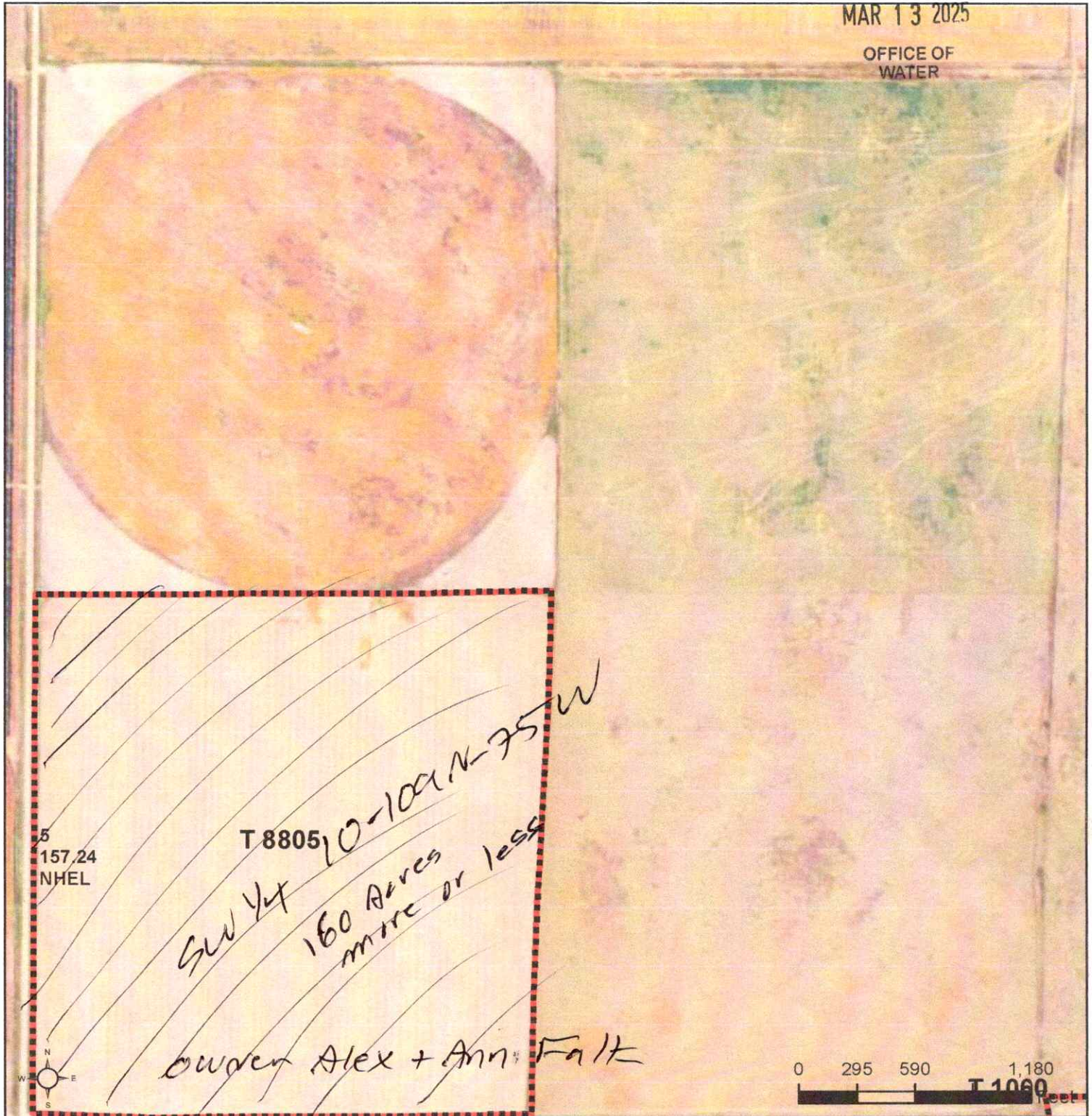
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## Hughes County, South Dakota

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### Common Land Unit

PLSS

- Cropland
- Tract Boundary

### Wetland Determination Identifiers

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

2024 Program Year

Map Created June 10, 2024

Farm 351

10-109N-75W-Hughes

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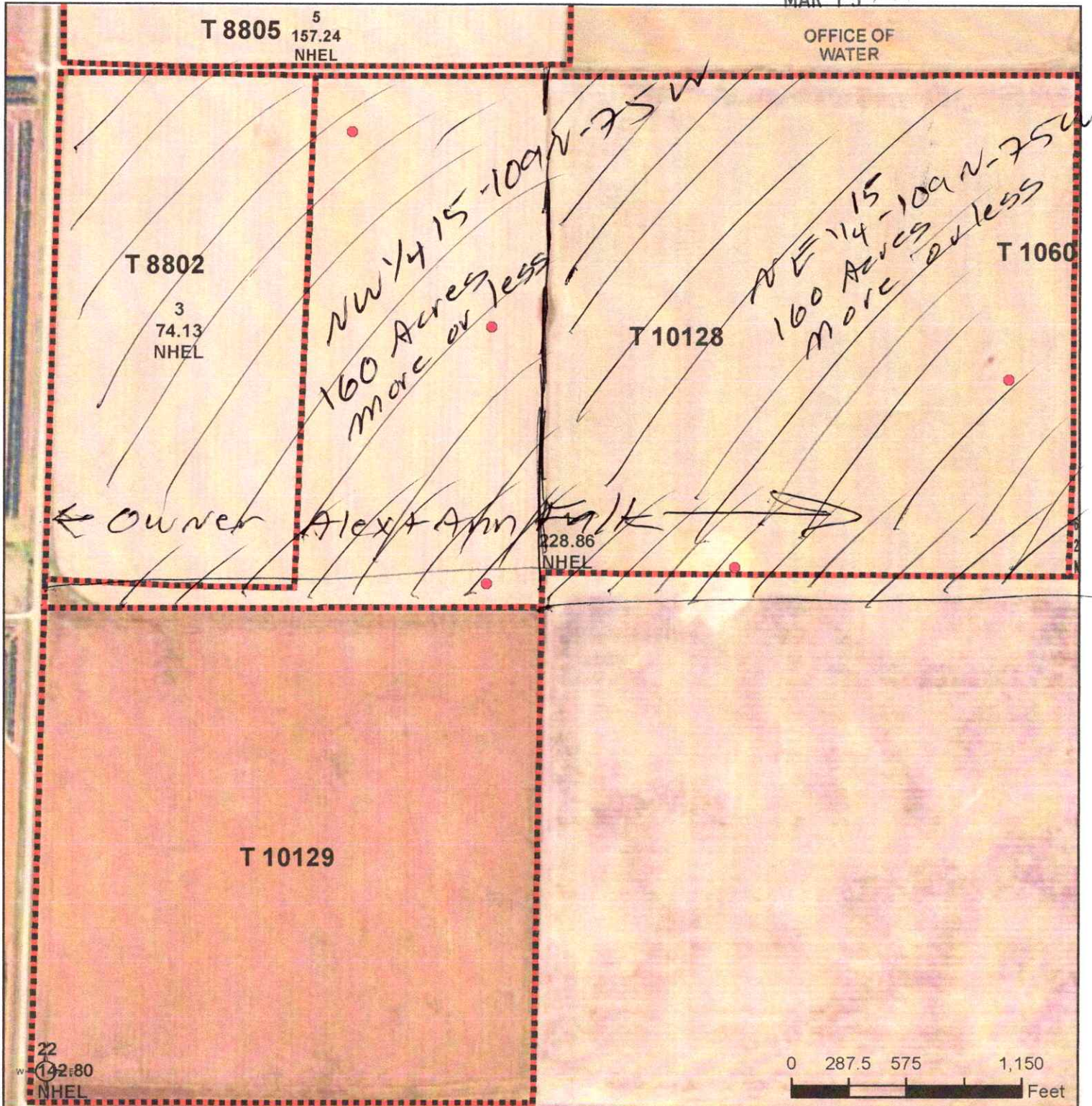


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## Hughes County, South Dakota

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MAR 13 2025



Common Land Unit PLSS

- Cropland
- Tract Boundary

Wetland Determination Identifiers

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

2024 Program Year

Map Created June 10, 2024

Farm 351

15-109N-75W-Hughes

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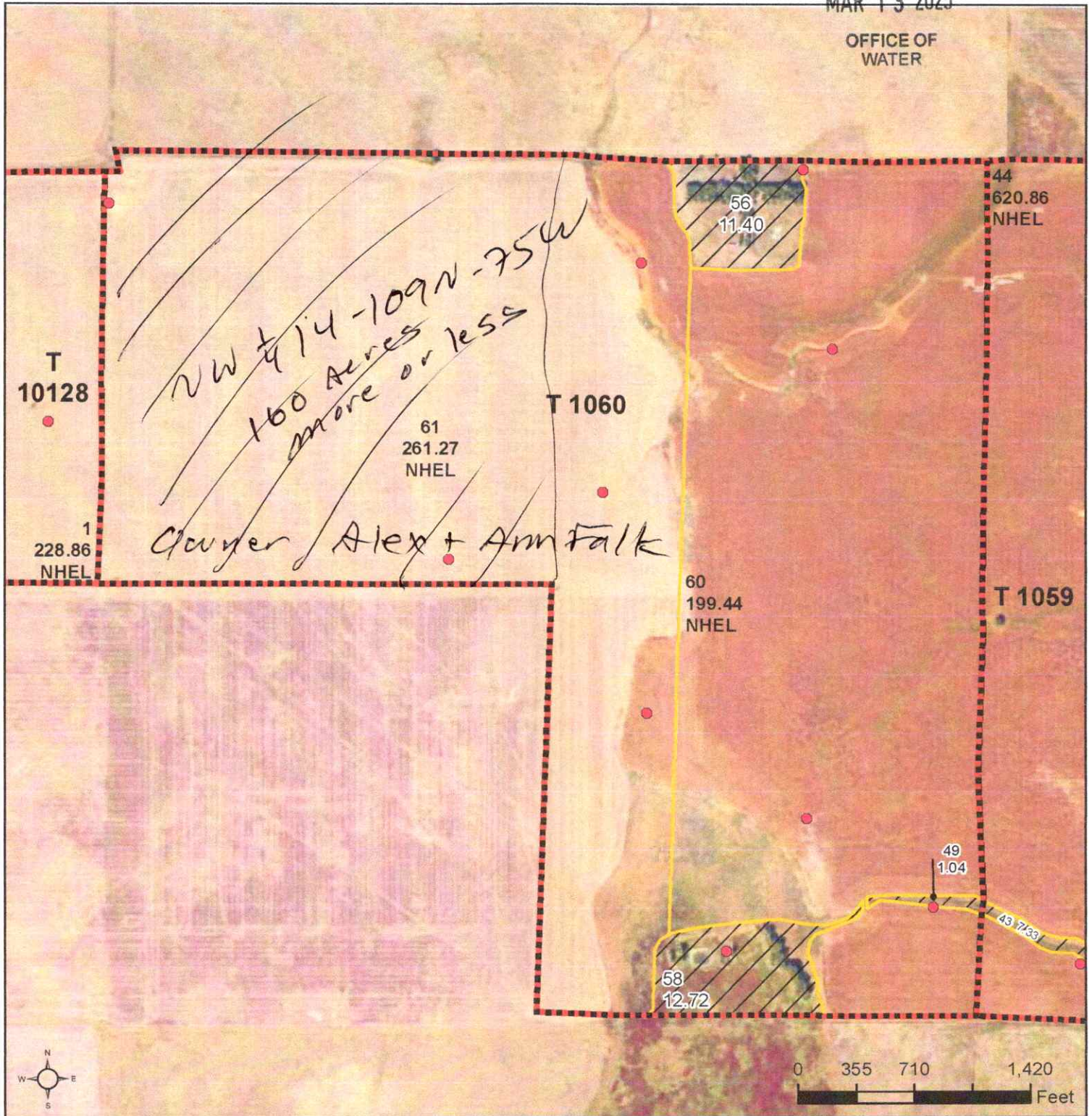
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## Hughes County, South Dakota

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Common Land Unit Tract Boundary  
 Non-Cropland  
 Cropland  
 PLSS

### Wetland Determination Identifiers

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

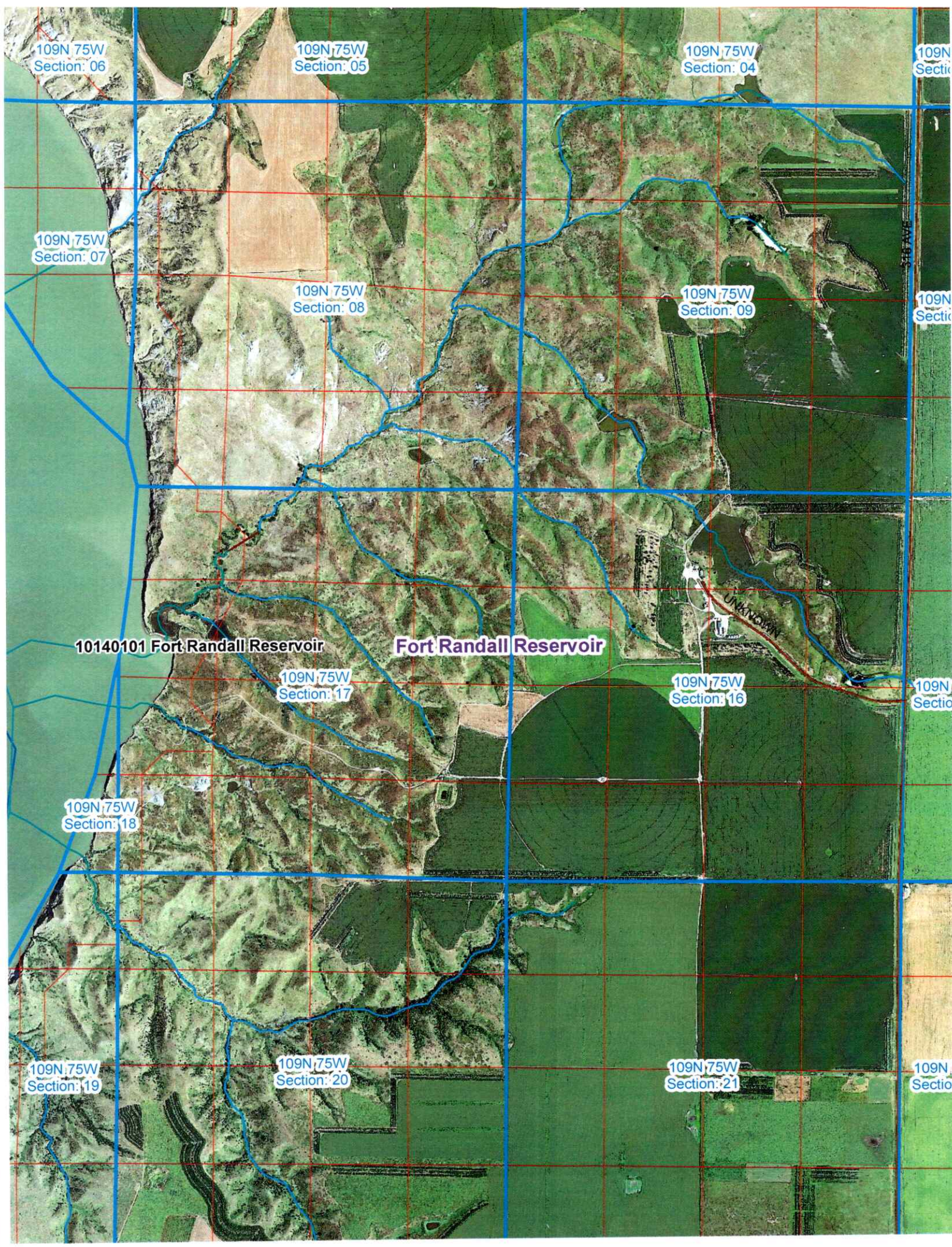
2024 Program Year

Map Created June 10, 2024

Farm 351

14-109N-75W-Hughes

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109N 75W  
Section: 06

109N 75W  
Section: 05

109N 75W  
Section: 04

109N  
Section

109N 75W  
Section: 07

109N 75W  
Section: 08

109N 75W  
Section: 09

109N  
Section

10140101 Fort Randall Reservoir

Fort Randall Reservoir

109N 75W  
Section: 17

109N 75W  
Section: 16

109N  
Section

109N 75W  
Section: 18

109N 75W  
Section: 19

109N 75W  
Section: 20

109N 75W  
Section: 21

109N  
Section

109N,75W  
Section: 04

109N,75W  
Section: 03

109N,75W  
Section: 02

109N  
Section

109N,75W  
Section: 09

109N,75W  
Section: 10

109N,75W  
Section: 11

109N  
Section

10140101 Fort Randall Reservoir

Fort Randall Reservoir

109N,75W  
Section: 16

109N,75W  
Section: 15

109N,75W  
Section: 14

109N  
Section

109N,75W  
Section: 21

109N,75W  
Section: 22

109N,75W  
Section: 23

109N  
Section

# RECEIPT

## WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date March 13th, 2025

RECEIVED OF Alex and Ann Falk 1411 N 4<sup>th</sup> Street 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 | \$ <u>1650.00</u> |
| 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>200.00</u>  |
| Fee for Filing Transfer Form _____                                                                             | \$ _____          |
| Fee for _____                                                                                                  | \$ _____          |
| Fee for Issuing New Well Driller's License No. _____                                                           | \$ _____          |
| Fee for Renewal of Well Driller's License No. _____                                                            | \$ _____          |
| Fee for Issuing Well Pump Installer's License No. _____                                                        | \$ _____          |
| Fee for Renewal of Well Pump Installer's License No. _____                                                     | \$ _____          |
| (Any Other Work Provided by Law) TOTAL                                                                         | \$ <u>1850.00</u> |

By Mark Mayer  
Chief Engineer

if center pivot system:

900 gpm to each pivot (4)

= 3600 gpm

pump rate from Missouri River  
to dam = 3600 gpm to refill  
while irrigators aren't  
running

per Alex : Nick Faulk

3/17/25 (AD)



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

**RECOMMENDATION OF ACTING CHIEF ENGINEER FOR WATER PERMIT  
APPLICATION NO. 8938-3, Alex and Ann Falk**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Acting Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Permit Application No. 8938-3, Alex and Ann Falk, 1411 N 4th Street, Aberdeen SD 57401.

The Acting Chief Engineer is recommending APPROVAL of Application No. 8938-3 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 domestic water uses and water rights, 3) the proposed use is a beneficial use and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board with the following qualifications:

1. No diversion of water from the Missouri River to the storage dam may occur when the water level in the dam is at or above the dam's primary spillway elevation.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Mark Mayer, PE  
Director of Office of Water  
May 13, 2025

*Report to the Chief Engineer*  
*Water Permit Application No. 8938-3*  
*Alex and Ann Falk*  
*05/02/2025*

Water Permit Application No. 8938-3 proposes to appropriate 8.02 cubic feet of water per second (cfs) from the Missouri River at a diversion point located in the NW  $\frac{1}{4}$  SW  $\frac{1}{4}$  of Section 17 for the irrigation of 640 acres located in the SW  $\frac{1}{4}$  of Section 10, the N  $\frac{1}{2}$  of Section 15, and the NW  $\frac{1}{4}$  of Section 14, all in T109N-R75W. This application also proposes to capture surface runoff in an existing dam (120 acre-feet storage capacity) as authorized by Water Right No. 6165-3. The existing dam is located in the NE  $\frac{1}{4}$  NW  $\frac{1}{4}$ , NE  $\frac{1}{4}$  of Section 16, T109N-R75W. Water from the Missouri River will be diverted to the existing dam and then to the above described 640 acres at a maximum rate of up to 8.02 cfs. This site is located in Hughes County, approximately 23 miles southeast of Pierre, South Dakota.

Water Source: Missouri River

South Dakota Codified Law (SDCL) 46-2A-9

A permit to appropriate water may only be issued if there is reasonable probability that unappropriated water is available for the applicant's proposed use, the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, the proposed use is a beneficial use, and the permit is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board as defined by SDCL 46-2-9 and 46-2-11.

This report will address the availability of water from the natural flows of the Missouri River and surface runoff into the existing dam, as well as whether the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights.

Background

Water Right No. 6165-3 held by the applicants is licensed to divert 3.67 cfs from the Missouri River for the irrigation of 528 acres, either directly applied or diverted into a 120 acre-feet storage dam located in the NE  $\frac{1}{4}$  NW  $\frac{1}{4}$ , NE  $\frac{1}{4}$  of Section 16, T109N-R75W. Water Permit No. 7837-3 held by the applicants also authorizes diversion from the same dam. This application is requesting water for additional acreage to be irrigated using the existing pump site and existing dam, using a new pipeline to the four, new quarters to be irrigated. The maximum pump rate from the Missouri River to the dam is 3,600 gallons per minute (gpm) (8.02 cfs) to refill the dam while the pivots aren't running. The maximum pump rate when irrigating all four new quarters at the same time is 900 gpm for each quarter or a total of 3,600 gpm (8.02 cfs).

Water Right No. 6165-3 was originally permitted to include surface runoff as an appropriated water source; however, upon licensing the surface runoff was not included, only the 3.67 cfs diversion from the Missouri River (Water Rights, 2025a). Therefore, this report will evaluate the capture of the surface runoff for the existing storage dam as well as the proposed diversion from natural flows of the Missouri River under SDCL 46-2A-9.

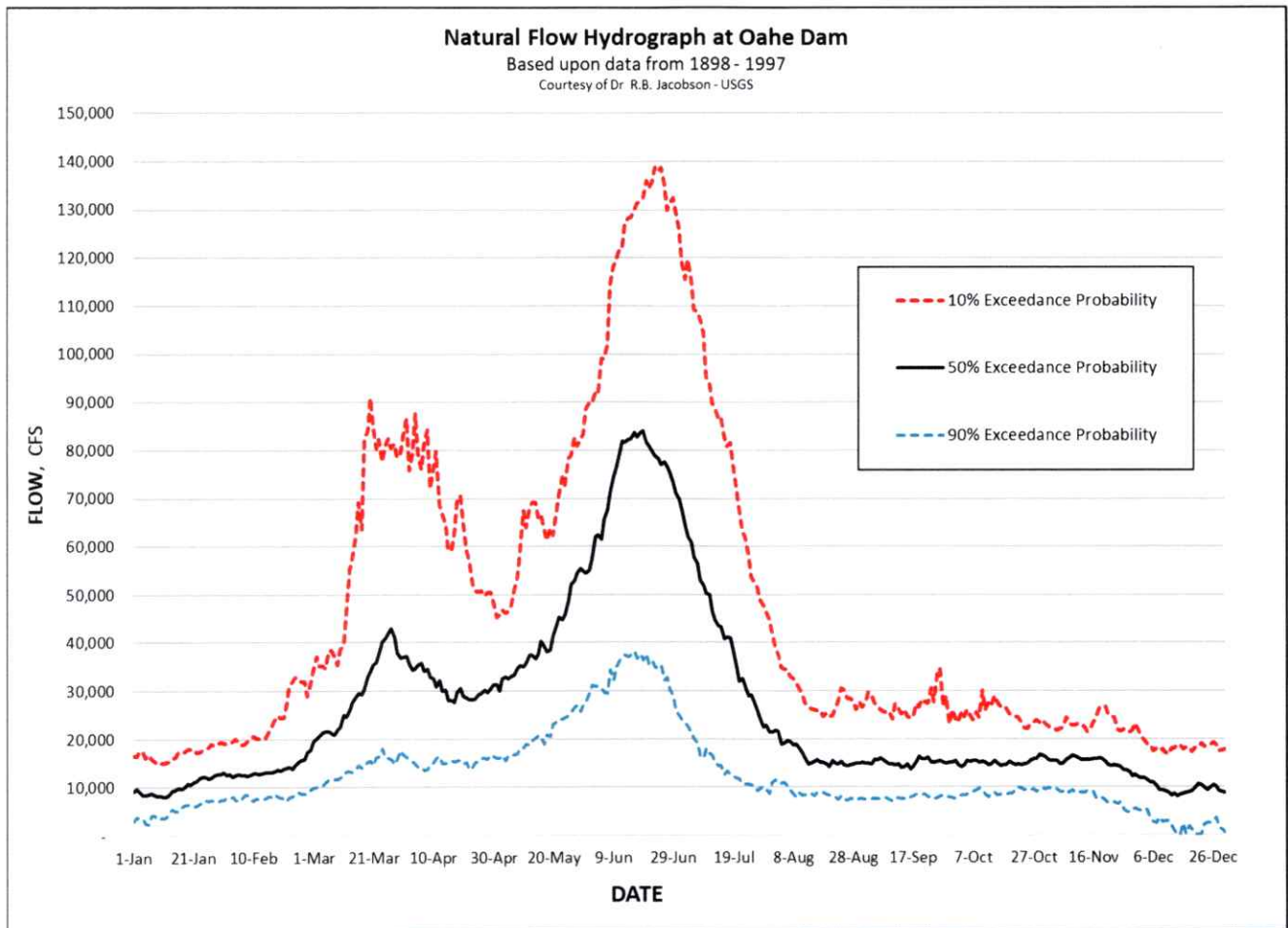
### Missouri River: Description of Proposed Water Source

The water source for this application is the natural flow of the Missouri River from a diversion point located approximately 35 river miles upstream of Big Bend Dam, along the reach of Lake Sharpe. The Missouri River is a regulated system, and flow hydrographs of the river are affected by the presence of the mainstem reservoir system, with excess natural flows stored and bypassed according to an annual operating plan. The Missouri River Basin Mainstem System is comprised of six reservoirs that were constructed by the U.S. Army Corps of Engineers (USACE) between 1933 and 1964: Fort Peck, Garrison, Oahe, Big Bend, Fort Randall, and Gavins Point (listed upstream to downstream).

The dams are managed as a single system, with eight congressionally-authorized purposes under the 1944 Flood Control Act. These purposes are flood control, navigation, irrigation, power, water supply, water quality control, recreation, and fish and wildlife.

Natural flow in an instream reservoir system like the Missouri River mainstem system is the volume of water moving past a point along a river that is not augmented by artificial releases from storage. This flow is available for appropriation without the need for releases to augment the flow. Although the general pattern of summer flows being higher than winter flows still prevails, system regulation serves to reduce high spring and summer flows in most years and to release the stored water to increase flows during the lower flow fall and winter periods (USACE, 2018).

In 2001, the United States Geological Survey (USGS) conducted a study which modeled outflow alternatives using 100 years of historical inflow data for the years 1898 to 1998 at Oahe Dam and Gavins Point Dam (Jacobson and Heuser, 2001). One of the outflow alternatives is called Run of River, where streamflow is modeled for the condition of constantly full reservoirs and provides a realistic description of flows in the absence of flow regulation by the reservoirs. For each day of the year, flow exceedance probabilities (10<sup>th</sup>, 25<sup>th</sup>, 50<sup>th</sup>, 75<sup>th</sup>, and 90<sup>th</sup> percentiles) were calculated. For example, the 90<sup>th</sup> percentile line shows the flow that was equaled or exceeded 90% of the time on that day for each year. **Figure 1** shows three exceedance probability curves (90%, 50%, 10%) showing the modeled natural outflows at Oahe Dam.



**Figure 1.** Flow exceedance probabilities for the Missouri River modeled outflow at Oahe Dam, depicting flows in the absence of regulation (Jacobson and Heuser, 2001).

The annual variability of historical natural flows for the Missouri River at Oahe Dam is reflected in the variability of output discharge shown in **Figure 1**. Vertical variation in the graph shows the annual variation of flows based on the flow exceedance probabilities, and horizontal variation shows seasonal variation throughout the year (Jacobson and Heuser, 2001). There are two large peaks throughout the year. The first peak occurs from the plains snowmelt in the early spring. The second, and largest peak, occurs in late spring to early summer resulting from rainfall over large areas of the Missouri Basin, including local thunderstorms, combined with the rapid melting of mountain snow. Late summer and fall show diminishing rainfall, and low runoff and light precipitation in the winter (USACE, 2018).

Water is more available as unregulated flows during the spring and summer months, and flows tend to decrease into the fall which is the end of the irrigation season. While this application proposes to use only natural flows of the Missouri River, normal effects of the reservoirs are that they tend to reduce and smooth out the dual peak floods, and reduce the presence of a low flow period, generally creating higher flows in fall and winter than would normally occur (USACE, 2023).

### Missouri River: Existing Users

There are currently 250 active water rights/permits appropriating water from the natural flows of the Missouri River in South Dakota. Of those 250 water rights/permits, 213 are primarily for irrigation use and 37 are primarily for a non-irrigation use. These 250 water rights/permits are authorized a total maximum diversion rate of approximately 1,219 cfs from the river (1,032 cfs primarily authorized for irrigation use, 187 cfs primarily authorized for a non-irrigation use) (Water Rights, 2025a). When evaluating water availability from a stream, it is a conservative measure to assume that all active water rights are pumping at the same time.

There are currently 21 future use permits reserving 385,966 acre-feet of water annually from the river. Future Use Permit Application No. 2881-2 for the Western Dakota Regional Water System requested to reserve 20,765 acre-feet of water per year from the Missouri River in fall 2024. Pursuant to SDCL 46-5-20.1, that future use application has been approved by the SD Legislature and by the Water Management Board.

Assuming full development of the reserved water by the 21 Missouri River future use permits, and assuming continuous pumping throughout the year, the 385,966 acre-feet of water equates to approximately 533 cfs of water pumped on a continuous basis. However, since pumping will not be on a continuous basis, the actual pump rate required to divert the full reserved volumes would, at times, exceed a rate of approximately 533 cfs. A generalized, equivalent pump rate is used here to demonstrate the diversion rate which may be expected from the full development of current future use permits.

When a future use permit requests to put their reserved water to beneficial use, a new water permit is issued, which includes a pump rate and the requested annual volume for that water permit is subtracted from the volume of water reserved by the future use permit. Therefore, any active pumping of water reserved by future use permits is included in the 1,219 cfs previously mentioned.

Future Use Permit No. US594-3 reserves approximately 1.1 million acre-feet of water from the Missouri and James Rivers for the suspended Oahe Irrigation Project, and Deferred Water Permit Application No. 4831-3 was requesting 1.5 million acre-feet of water for the CENDAK irrigation project during the time of application. The irrigation projects for which the water was reserved or applied for have not been constructed and are currently defunded. Even though the projects have been defunded, Future Use Permit No. US594-3 remains in place and Deferred Water Permit Application No. 4831-3 remains in a deferred status (Water Rights, 2025a).

The annual flows at the 90% exceedance probability are the flows likely to be exceeded on that day 90% of the time (nine out of every ten years) using modeled flow data from 1898 to 1997. This application is requesting to appropriate 8.02 cfs to divert at any given time during the irrigation season from April 1 through October 31. Comparing the natural flows likely to be exceeded 90% of the time during the irrigation season (**Figure 1**) with an overestimated pump rate from the river at any given time (active water rights/permits: 1,219 cfs and future use diversion estimates: 533 cfs), water availability is not an issue. Considering that the dam to be used for this project will be filled by surface water runoff in addition to diverted river water for the irrigation of the 640 acres, natural flows of the Missouri River are available for this application.

The nearest downstream water right/permit is approximately five river miles from the existing pump site on the Missouri River to be used for this application, which has been in use since the late 1970s (Water Rights, 2025a). It is likely existing water rights/permits and domestic use will not be adversely impacted by this project.

#### Surface Runoff

The existing dam authorized under Water Right No. 6165-3 called Falk Dam is for the storage of 120 acre-feet of surface runoff and Missouri River water. The dam is located on an unnamed tributary of the Missouri River, approximately 30 miles east and 9 miles south of Pierre. The contributing watershed above the dam is approximately one square mile (USGS, 2019).

The dam has been capturing surface runoff since the year 2000 when Water Right No. 6165-3 was permitted, and there is no other intentional capture of surface runoff occurring in the same watershed by other users (Water Rights, 2025a and 2025c). Water is available from the surface runoff for storage in Falk Dam, supplemented by Missouri River water.

There are no other water rights/permits on the same tributary as Falk Dam, and no users have been adversely affected by the dam which was originally permitted to capture surface runoff in the year 2000 (Water Rights, 2025c). Location Notice Nos. 1479-3 and 1481-3 are nearby, however those notices are from the 1950's and a 2023 plat book for Hughes County shows that the land under those location notices is owned by Alex and Annie Falk.

#### Safety of Dams Administrative Rule of South Dakota Chapter 74:02:08

Plans and specifications for Falk Dam were not reviewed as part of the permitting for Water Right No. 6165-3 since the dam was constructed prior to permitting. As part of the review for Water Right No. 6165-3, the dam was classified as a small size, category 3 dam and assigned a National Inventory of Dams id number of SD02459 (Water Rights, 2025a). Category 3 dams are defined as a low hazard dam whose failure may cause limited damage to agricultural lands or county and township roads or minimum economic loss. During the review of Water Right No. 6165-3 it was estimated that the dam could pass at least a 100 year storm event, under the Safety of Dams Rules a dam of this size and hazard is required to pass a 50 year storm event, unless constructed prior to October 27, 1986 (Water Rights, 2025a).

No modification of the existing dam is being proposed as part of this application, therefore no plan and specifications review for Safety of Dams is required as part of this application. A review of the 2023 imagery for the area of the dam indicates that no additional downstream development has occurred since the initial permitting of the dam so the downstream hazard classification for the dam should remain at category 3.

## Conclusions

1. This application proposes to appropriate 8.02 cfs from the Missouri River at a location in the NW  $\frac{1}{4}$  SW  $\frac{1}{4}$  of Section 17 for the irrigation of 640 acres located in the SW  $\frac{1}{4}$  of Section 10, the N  $\frac{1}{2}$  of Section 15, and the NW  $\frac{1}{4}$  of Section 14, all in T109N-R75W, during the irrigation season of April 1 to October 31.
2. This application also proposes to capture surface runoff in an existing dam (120 acre-feet storage capacity) as authorized by Water Right No. 6165-3. The existing dam is located in the NE  $\frac{1}{4}$  NW  $\frac{1}{4}$ , NE  $\frac{1}{4}$  of Section 16, T109N-R75W.
3. Water will be diverted from the Missouri River at a maximum diversion rate of 8.02 cfs to the existing dam where it will be applied to 640 acres at a maximum diversion rate of 8.02 cfs.
4. While the regulation of the Missouri River may supplement the river during low flow periods, water availability is not a concern when using the natural flows of the Missouri River as a source.
5. Water is available from surface runoff above the dam located in the NE  $\frac{1}{4}$  NW  $\frac{1}{4}$ , NE  $\frac{1}{4}$  of Section 16, T109N-R75W.
6. It is likely approval of this permit will not adversely impact existing rights.



Brittan R. Hullinger  
Natural Resources Engineer I  
SD DANR, Water Rights Program.

## References

- Jacobson, R.B. and Heuser, J. 2001. Visualization of Flow Alternatives, Lower Missouri River. U.S. Geological Survey. Open-File Report OF02-122.
- USACE. 2018. Missouri River Mainstem Reservoir System Master Water Control Manual. U.S. Army Corps of Engineers, Northwestern Division. Omaha, Nebraska.
- USACE. 2023. Missouri River Flow Frequency Study, Yankton, South Dakota to Hermann, Missouri. U.S. Army Corps of Engineers, Northwestern Division. Omaha, Nebraska.
- USGS. 2019. U.S. Geological Survey StreamStats. <<https://streamstats.usgs.gov/ss/>> Accessed May 2, 2025
- Water Rights. 2025a. Water Right/Permit Files. SD DANR Water Rights Program. Joe Foss Building. Pierre, South Dakota.
- Water Rights. 2025b. Location Notices Files. SD DANR Water Rights Program. Joe Foss Building. Pierre, South Dakota.
- Water Rights. 2025c. County Complaint Files. SD DANR Water Rights Program. Joe Foss Building. Pierre, South Dakota.



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

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

May 14, 2025

Alex and Ann Falk  
1411 N. 4<sup>th</sup> Street  
Aberdeen SD 57401

Dear Mr. & Mrs. Falk:

Water Permit Application No. 8938-3 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Capitol Journal printed at Pierre SD (see contact information) and the Plainsman printed at Huron SD (Ph # 605 353-7414). You will need to contact the newspapers and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Acting 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 newspapers to authorize publication of your Notice and to arrange for payment. Early contact with the papers can eliminate delays. Upon receiving authorization from you, the publishers have been instructed to publish your notice. The newspapers have 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,

*Rachel Rodriguez*

Rachel Rodriguez  
Water Rights Program  
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Acting 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.

NOTICE OF APPLICATION NO. 8938-3 to Appropriate Water

Notice is given that Alex and Ann Falk, 1411 N. 4<sup>th</sup> Street, Aberdeen SD 57401, have filed an application for a water permit to appropriate 8.02 cubic feet of water per second (cfs) from the Missouri River located in the NW 1/4 SW 1/4 Section 17 for irrigation of 640 acres located in the SW 1/4 Section 10, N 1/2 Section 15, NW 1/4 Section 14; all in T109N-R75W. This application also proposes to capture surface runoff in an existing dam (120 acre-feet storage capacity) as authorized by Water Right No. 6165-3. The existing dam is located in the NE 1/4 NW 1/4, NE 1/4 Section 16-T109N-R75W. Water from the Missouri River will be diverted to the existing dam and then to the above described 640 acres at a maximum rate of up to 8.02 cfs. This site is located approximately twenty-three miles southeast of Pierre SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8938-3 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 domestic water uses and water rights, 3) the proposed use is a beneficial use and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board. The Acting Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Acting Chief Engineer. A petition opposing the application shall be filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Acting Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by June 9, 2025.

The petition shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any interested person may file a comment on the application with the Acting Chief Engineer. The comment shall be filed on a form provided by the Acting Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Acting Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by June 9, 2025.

If the applicant does not contest the recommendation of the Acting Chief Engineer and no petition to oppose the application is received, the Acting Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. 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.

## Rodriguez, Rachel

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**From:** Rodriguez, Rachel  
**Sent:** Wednesday, May 14, 2025 8:47 AM  
**To:** Becky Bikul  
**Subject:** 8938-3 Alex and Ann Falk - Public Notice  
**Attachments:** 8938-3 public.short\_final.docx; FORM8.FRM.doc

Attached is a notice to be published on May 29, 2025, in the Capital Journal.

Alex and Ann Falk, 1411 N. 4<sup>th</sup> Street, Aberdeen SD 57401, 605-216-5773, [aafalk@hotmail.com](mailto:aafalk@hotmail.com) have been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol Ave, Pierre SD 57501.

Let me know if you have questions. Please acknowledge receipt of this email.

Thank you,

Rachel Rodriguez  
DANR | Program Assistant  
[Rachel.Rodriguez@state.sd.us](mailto:Rachel.Rodriguez@state.sd.us)



## Rodriguez, Rachel

---

**From:** Rodriguez, Rachel  
**Sent:** Wednesday, May 14, 2025 8:49 AM  
**To:** Ruby Crandall  
**Subject:** 8938-3 Alex and Ann Falk - Public Notice  
**Attachments:** 8938-3 public.short\_final.docx; FORM8.FRM.doc

Attached is a notice to be published on May 30, 2025.

Alex and Ann Falk, 1411 N. 4<sup>th</sup> Street, Aberdeen SD 57401, 605-216-5773 have been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol Ave, Pierre SD 57501.

Let me know if you have questions. Please acknowledge receipt of this email.

Thank you,

Rachel Rodriguez  
DANR | Program Assistant  
[Rachel.Rodriguez@state.sd.us](mailto:Rachel.Rodriguez@state.sd.us)



## Rodriguez, Rachel

---

**From:** Samantha Pryor <legals@wickpublicnotice.com>  
**Sent:** Wednesday, May 14, 2025 10:18 AM  
**To:** aafalk@hotmail.com  
**Cc:** Rodriguez, Rachel  
**Subject:** Re: [EXT] 8938-3 Alex and Ann Falk - Public Notice

Good Morning,

Your notice is scheduled to be published in the Capital Journal on May 29, 2025. Your payment must be received by May 23, 2025 at 12:00 PM CDT. For your convenience, you can quickly access your invoice and pay securely online using a credit/debit card or bank transfer (ACH) by clicking this link:

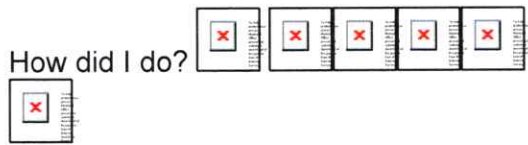
[www.column.us/invoices/x1lsMqMxLDnYhPGRK8cP/pay](http://www.column.us/invoices/x1lsMqMxLDnYhPGRK8cP/pay). Your Notice ID is: 36BSVEsLVsiVFLQDUAHA

You will be receiving a notification from Column Support with your proof. If you don't see it, check your spam folder and any email restrictions you may have.

For the fastest and most reliable placement process, use [column.us](http://column.us) to quickly place notices yourself, get proofs, view pricing, and access your invoices and affidavits. Visit our [help center](#) for tips, or sign up for one of our [training webinars](#).

If you have any questions or concerns, please don't hesitate to let us know so we can look into it!

—  
// Samantha Pryor  
// Column Pro Representative  
// [Column.us](http://column.us) is an easy-to-use online platform where you can place public notices, and access your proofs, invoices and affidavits.



On May 14, 2025 at 9:46 AM EDT [rachel.rodriguez@state.sd.us](mailto:rachel.rodriguez@state.sd.us) wrote:

Attached is a notice to be published on May 29, 2025, in the Capital Journal.

Alex and Ann Falk, 1411 N. 4<sup>th</sup> Street, Aberdeen SD 57401, 605-216-5773, [aafalk@hotmail.com](mailto:aafalk@hotmail.com) have been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol Ave, Pierre SD 57501.

Let me know if you have questions. Please acknowledge receipt of this email.

Thank you,

Rachel Rodriguez  
DANR | Program Assistant  
[Rachel.Rodriguez@state.sd.us](mailto:Rachel.Rodriguez@state.sd.us)

Proof Of Publication

Huron Plainsman  
49 3<sup>rd</sup> Street SE  
Huron, SD 57350  
605-353-7402  
Legal Notice Number: 3121

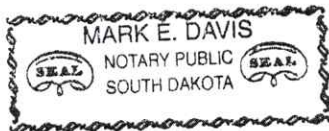
I, Shelly Ames, being duly sworn on oath say that the Plainsman is a daily paper published at Huron, Beadle County South Dakota, and that said newspaper has a bona fide circulation of at least 250 copies daily; that said newspaper has been published within said county for fifty-two consecutive weeks immediately prior to this date, that said newspaper is printed in whole or in part, in an office maintained at said place of publication; that I am a Legal Advertising Alex and Ann Falk – 8938-3 was published for one day, in said newspaper and not in any supplement of the said newspaper, the publication was on 5/30/2025. The full amount of the fee charged for publishing \$47.90 is to the benefit of the publisher of said newspaper; that no agreement or understanding of the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomever.

Shelly Ames

Subscribed and sworn to me before this date 6/23/25.

Mark E. Davis  
Notary Public, South Dakota

My Term Expires 12/27/2030



**2000 - Legals**

F. P. 05-30-25

**NOTICE OF  
APPLICATION  
NO. 6938-3 to****Appropriate Water**

Notice is given that Alex and Ann Falk, 1411 N. 4th Street, Aberdeen SD 57401, have filed an application for a water permit to appropriate 8.02 cubic feet of water per second (cfs) from the Missouri River located in the NW 1/4 SW 1/4 Section 17 for irrigation of 640 acres located in the SW 1/4 Section 15, N 1/2 Section 15, NW 1/4 Section 14; all in T109N-R75W. This application also proposes to capture surface runoff in an existing dam (120 acre-feet storage capacity) as authorized by Water Right No. 8165-3. The existing dam is located in the NE 1/4 NW 1/4, NE 1/4 Section 16-T109N-R75W. Water from the Missouri River will be diverted to the existing dam and then to the above described 640 acres at a maximum rate of up to 8.02 cfs. This site is located approximately twenty-three miles southeast of Pierre SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8938-3 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 domestic water uses and water rights, 3) the proposed use is a beneficial use and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board. The Acting Chief Engineer's recommendation with

**2000 - Legals**

qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duval for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Acting Chief Engineer. A petition opposing the application shall be filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Acting Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by June 9, 2025.

**2000 - Legals**

The petition shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any interested person may file a comment on the application with the Acting Chief Engineer. The comment shall be filed on a form provided by the Acting Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Acting Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by June 9, 2025.

If the applicant does not contest the recommendation of the Acting Chief Engineer and no petition to oppose the application is received, the Acting Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. 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.

No. 3121 (adv.) Published once at the total approximate cost of \$47.90 and may be viewed free of charge at [www.sdpublicnotices.com](http://www.sdpublicnotices.com).

**AFFIDAVIT OF PUBLICATION**

State of Florida, County of Orange, ss:

Edmar Corachia, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of Capital Journal, a newspaper printed and published in the City of Pierre, County of Hughes, State of South Dakota; that he/she has full and personal knowledge of the facts herein stated, that said newspaper is legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive, that said newspaper has been published within said County of Hughes and State of South Dakota, for at least one year next prior to the first publication of the attached public notice, and that the legal display advertisement headed NOTICE OF APPLICATION NO. 8938-3 a printed copy of which, taken from the paper in which the same was published, and which is here to attached and made a part of this affidavit, was published in said newspaper for 1 successive week(s) to wit:

May. 29, 2025

That the full amount of the fee charged for the publication of the attached public notice inures to the sole benefit of publisher or publishers; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomever; that the fees charged for the publication thereof are: 63.19

**Edmar Corachia**

(Signed) \_\_\_\_\_

**VERIFICATION**

State of Florida  
County of Orange



PAMELA BAEZ  
Notary Public - State of Florida

Commission # HH 186700  
Expires on October 14, 2025

Subscribed in my presence and sworn to before me on this: 05/30/2025

Notary Public

Notarized remotely online using communication technology via Proof.

**NOTICE OF APPLICATION  
NO. 8938-3 to Appropriate  
Water**

Notice is given that Alex and Ann Falk, 1411 N. 4th Street, Aberdeen SD 57401, have filed an application for a water permit to appropriate 8.02 cubic feet of water per second (cfs) from the Missouri River located in the NW 1/4 SW 1/4 Section 17 for irrigation of 640 acres located in the SW 1/4 Section 10, N 1/2 Section 15, NW 1/4 Section 14; all in T109N-R75W. This application also proposes to capture surface runoff in an existing dam (120 acre-foot storage capacity) as authorized by Water Right No. 6165-3. The existing dam is located in the NE 1/4 NW 1/4, NE 1/4 Section 16-T109N-R75W. Water from the Missouri River will be diverted to the existing dam and then to the above described 640 acres at a maximum rate of up to 8.02 cfs. This site is located approximately twenty-three miles southeast of Pierre SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8938-3 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 domestic water uses and water rights, 3) the proposed use is a beneficial use and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board. The Acting Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

**RECEIVED**

**JUN 09 2025**

**OFFICE OF  
WATER**

COLUMN SOFTWARE PBC  
9450 SW GEMINI DR PMB 79042  
BEAVERTON OR 97008-7105

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JUN 09 2025

OFFICE OF  
WATER

006674 1 21 21 \*\*\*\*\*AUTO\*\*MIXED AADC 956  
WATER RIGHTS PROGRAM  
523 E Capitol Ave  
Pierre SD 57501-3182



006674



Any person interested in opposing this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Acting Chief Engineer. A petition opposing the application shall be filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Acting Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by June 9, 2025.

The petition shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any interested person may file a comment on the application with the Acting Chief Engineer. The comment shall be filed on a form provided by the Acting Chief Engineer and is available online at <https://>

[danr.sd.gov/public](https://danr.sd.gov/public) or by calling (605) 773-3352 or writing the Acting Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by June 9, 2025 .

If the applicant does not contest the recommendation of the Acting Chief Engineer and no petition to oppose the application is received, the Acting Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. 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.  
Date: May 29, 2025  
CJO001178

RECEIVED

JUN 09 2025

OFFICE OF  
WATER



## Rodriguez, Rachel

---

**From:** Rodriguez, Rachel  
**Sent:** Wednesday, May 14, 2025 11:01 AM  
**To:** aafalk@hotmail.com  
**Subject:** 8938-3 Alex and Ann Falk - Public Notice  
**Attachments:** 8938-3 Rec.pdf; 8938-3 Ltr.pdf; 8938-3 PubNotice.pdf; Capital Journal Info.pdf

Hello,

Attached is a copy of the report, acting chief engineer's recommendation, and information regarding the public notice for your water permit application. As stated in the letter, please contact the paper(s) as soon as possible to authorize publication and arrange for payment. This information is also being mailed to you today.

Let me know if you have questions. Please acknowledge receipt of this email.

Thank you,

Rachel Rodriguez  
DANR | Program Assistant  
Rachel.Rodriguez@state.sd.us





**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

JUL 21 2025

Alex and Ann Faulk  
1411 N. 4<sup>th</sup> Street  
Aberdeen SD 57401

Dear Mr. & Mrs. Faulk:

Enclosed is Water Permit No. 8938-3 authorizing construction of the 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,

Mark Mayer, PE  
Director of Office of Water

enclosures



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

STATE OF SOUTH DAKOTA       )  
                                              ) SS  
COUNTY OF HUGHES         )

**Affidavit of Public Notice  
Posting on DANR Website**

Pursuant to SDCL § 46-2A-4, public notice of the following application was posted on the DANR web site at <https://danr.sd.gov/public>. The posted public notice is the same notice as published in the pertinent newspaper(s) and a copy of the public notice is maintained in the application file. If the application is contested, the posting is moved to the DANR contested case website at <https://danr.sd.gov/public/ContestedCase.aspx> until final action is taken on the application pursuant to SDCL § 46-2A-4.

**Application No.:** 8938-3

**Name of Applicant:** Alex & Ann Falk

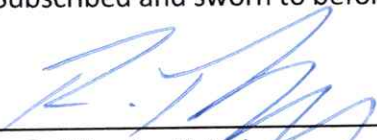
**Date of Posting:** 5/27/2025

**Date of Removal:** 7/21/2025

  
\_\_\_\_\_  
Ron Duvall, Engineer III

7/21/2025  
\_\_\_\_\_  
Date

Subscribed and sworn to before me, a notary public, this 21<sup>st</sup> day of July, 2025.

  
\_\_\_\_\_  
Notary Public - South Dakota  
My commission expires:  
**Rachel Rodriguez  
My Commission Expires  
May 16, 2029**  
(SEAL)

