

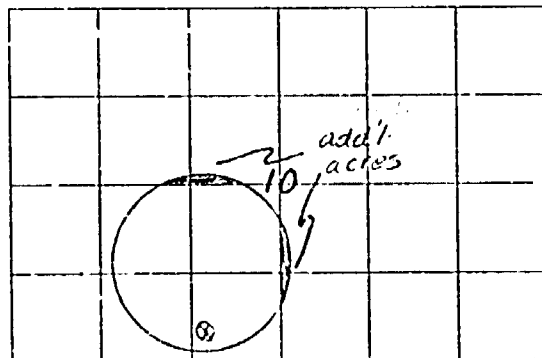
2751A-3

WATER PERMIT NO. 2751A-3

Phone: _____

Name of Applicant: Rex ZastrowPost Office Address: HCR 5, Box 68, Miller SD 57362Amount of Water Claimed: no add'l (1.66 cfs) Total Acres: no add'l (132 ac)Source of Water Supply: groundwaterWater to be used for: irrigation County: BuffaloAbout 3 miles north of Gann ValleyPRIORITY Date Received: 8-30-93 Fee: \$50.00 Remarks: Corrects thelocation of 8 acres and the location of the diversion pointCorrected Application Received: _____ Period of Annual Use: March 1 - Nov 31WATER QUALITY APPROVAL RECEIVED: 10-14-93 APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES _____ NO _____ REMARKS: _____

Diversion Point: SE 1/4 SW 1/4 Sec 10-T107N-R68WLand to be Irrigated: S 1/2 NW 1/4, W 1/2 SE 1/4,SW 1/4 Sec 10-T107N-R68W

Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: 96' REMARKS: _____Type of Map: aerial PREPARED BY: Norma Job Reviewed and the NumberAssigned on: 10-18-93 By: Karen Schlaak

FORM 2: Application for Irrigation in South Dakota

(type or print)



Mail to:
Water Rights Division
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181
605 773-3352

No. 27511-3 Hydrologic Unit 10140105
Basin Missouri River
Newspaper Brule Co. News, Box 412, Kimball 57355
(office use only)

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

Type of Application: New Vested Right X Amendment/Correction to Permit No. 2751-3

(check one)

(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. acreage change, change diversion point(s), add diversion point(s), etc.)
Corrects the location of 8 acres and the location of the diversion point

- Name of Applicant Rex Zastrow Phone
(check one) Owner Tenant/lessee
Mailing Address HCR 5, Box 68, Miller SD 57362
- Amount of water claimed no add'l (1.66 cfs) *CFS or **GPM ***AF Total Acreage no add'l (132)
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout if applicable)
- Source of water supply groundwater (one well)
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 1580 feet east and 450 feet north of the SW corner Section 10-T107N-R68W (SE 1/4 SW 1/4)
County
- County or counties where water will be used Buffalo
- Annual period during which water is to be used March 1 - November 30
- List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

correction acres

existing acres

Land Description	Acres
SW 1/4 NW 1/4 Sec 10-T107N-R68W	1
SE 1/4 NW 1/4	3
NW 1/4 SE 1/4	3
SW 1/4 SE 1/4	1

Land Description	Acres
NW 1/4 SW 1/4 Sec 10-T107N-R68W	30
SW 1/4 SW 1/4	25
NE 1/4 SW 1/4	39
SE 1/4 SW 1/4	30

- Type of Irrigation: Gravity: Towline: Center Pivot: X Gun: Other (Specify):
- Crops to be irrigated:
- Give a description of the project. (Attach sheet if more space is needed)

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

STATE OF SOUTH DAKOTA)

County of Buffalo)^{SS}

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

Signed

Rex Zastrow

Subscribed and sworn to before me this 27 day of August 19 93

Janice VanEys
Notary Public

My Comm Exp 11-7-98

**SOUTH DAKOTA
WATER PERMIT NO. 2751A-3**

Date of first receipt of application August 30, 1993.

Date Soil/Water Compatibility Permit received October 14, 1993.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2751A-3 to Rex Zastrow, HCR 5, Box 68, Miller SD 57362 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. 2751A-3 specifies the correct location of the irrigated acreage and the correct location of the diversion point. Water Permit No. 2751-3 appropriates 2.0 cubic feet of water per second (cfs) from one well located in the SW 1/4 SW 1/4 Section 10 to irrigate 140 acres located in the SW 1/4 Section 10; all in T107N-R68W. An inspection of Permit No. 2751-3 found one well constructed and supplying 1.66 cfs to irrigate 132 acres. This permit corrects the location of 8 acres of the 132 acres being irrigated. The correct location of the 8 acres is the S 1/2 NW 1/4 and the W 1/2 SE 1/4 Section 10-T107N-R68W. The correct location of the one well, 96 feet deep (Crow Creek Aquifer) is the SE 1/4 SW 1/4 Section 10-T107N-R68W. No increase in the developed diversion rate or number of acres being irrigated is authorized by this permit.
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: March 1 - November 30.
3. The date from which applicant may claim right is April 29, 1976.
4. The date of approval of Permit No. 2751A-3 is November 22, 1993.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: 
John Hatch, Chief Engineer
Water Rights Division
Department of Environment and Natural Resources

DEC 20 1993
date

REPORT ON APPLICATION NO. 2751A-3
for Rex Zastrow
October 19, 1993

Application No. 2751A-3 proposes to specify the correct location of the irrigated acreage and the correct location of the diversion point. Water Permit No. 2751-3 appropriates 2.0 cfs from one well located in the SW 1/4 SW 1/4 of section 10 to irrigate 140 acres located in the SW 1/4 of section 10; all in T107N R68W in Buffalo County. An inspection of Permit No. 2571-3 found one well constructed and supplying 1.66 cfs to irrigate 132 acres. This application is to correct the location of 8 acres of the 132 acres being irrigated. The correct location of the 8 acres is the S 1/2 NW 1/4 and the W 1/2 SE 1/4 of section 10, T107N R68W. The correct location of the well is in the SE 1/4 SW 1/4 of section 10, T107N R68W. No increase in the developed diversion rate or number of acres being irrigated is authorized by this application.

AQUIFER - CROW CREEK (CC)

The Crow Lake aquifer is a buried glacial outwash (sand and gravel) in this area. The aquifer is confined and under artesian conditions at this site. There is no estimate available for the amount of water in storage for this aquifer or for the size of the aquifer.

The Division of Water Rights monitors 5 observation wells in Buffalo County of which 4 of them are completed in the Crow Lake aquifer. One of these wells BF-77A is located within 1 mile of this application. Water levels for this well fluctuate due to pumping and also indicate seasonal changes due to climatic conditions with rising water levels during wet years and gradually declining water levels during dry years. The water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1993).

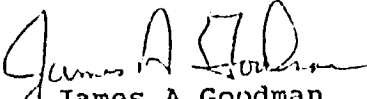
REVIEW OF EXISTING WATER PERMITS/RIGHTS

The only other permits/rights in the area are also owned by the applicant. Interference between the permitted wells is occurring now. The two wells authorized by Water Right Nos. 5708-3 and 4975A-3 and this application are all within 1 mile. This is an artesian aquifer and drawdown has occurred. This has not adversely affected the aquifer because the water levels recover when the pumping ceases.

CONCLUSIONS

1. Water is available from the Crow Creek aquifer.
2. The aquifer is confined and under artesian conditions. Drawdown due to pumping does occur. This has not adversely affected the water supply in the aquifer.

3. Approval of this application will allow the licensing of this application to reflect the system as built.
4. No additional water or any additional lands to be irrigated is authorized by this application.


James A Goodman

Natural Resources Engineer

BIBLIOGRAPHY

Water Rights, 1993, Unpublished Observation Well Records for the Crow Creek Aquifer in Buffalo County, SD DENR, Division of Water Rights, Pierre, SD, 57501.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2751A-3, Rex Zastrow

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 2751A-3, Rex Zastrow, HCR 5 Box 68, Miller, SD 57362.

The Chief Engineer is recommending APPROVAL of Application No. 2751A-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.


for JOHN HATCH, Chief Engineer
October 27, 1993



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

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

October 28, 1993

Rex Zastrow
HCR 5 Box 68
Miller, SD 57362

Dear Mr. Zastrow:

Water Permit Application No. 2751A-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Brule Co. News printed at Kimball, SD (Ph # 778-6253). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has 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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 28, 1993

Brule Co. News
Box 46
Kimball, SD 57355

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 2751A-3 to be published twice. Please publish the first notice on November 4, 1993, with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Rex Zastrow, HCR 5 Box 68, Miller, SD 57362.

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

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

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

No. _____

Date _____

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

Name

Newspaper

Instruction to Newspaper - Publish first Notice on November 4, 1993, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 2751A-3 to Appropriate Water
and to Amend Water Permit No. 2751-3

Notice is given that Rex Zastrow, HCR 5 Box 68, Miller, SD 57362 has filed an application for a water permit to specify the correct location of the irrigated acreage and the correct location of the diversion point. Water Permit No. 2751-3 appropriates 2.0 cubic feet of water per second (cfs) from one well located in the SW 1/4 SW 1/4 Section 10 to irrigate 140 acres located in the SW 1/4 Section 10; all in T107N-R68W. An inspection of Permit No. 2751-3 found one well constructed and supplying 1.66 cfs to irrigate 132 acres. This application is to correct the location of 8 acres of the 132 acres being irrigated. The correct location of the 8 acres is the S 1/2 NW 1/4 and the W 1/2 SE 1/4 Section 10-T107N-R68W. The correct location of the one well, 96 feet deep (Crow Creek Aquifer) is the SE 1/4 SW 1/4 Section 10-T107N-R68W. No increase in the developed diversion rate or number of acres being irrigated is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2751A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the 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 the 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 Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by November 22, 1993.

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 Division address to request copies of information pertaining to this application. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

AFFIDAVIT OF PUBLICATION

State of South Dakota

County of Brule



NOTICE OF APPLICATION NO. 2751A-3 TO APPROPRIATE WATER AND TO AMEND WATER PERMIT NO. 2751-3

Notice is given that Pex Zastrow, HCR 5 Box 68, Miller, SD 57362 has filed an application for a water permit to specify the correct location of the irrigated acreage and the correct location of the diversion point. Water Permit No. 2751-3 appropriates 2.0 cubic feet of water per second (cfs) from one well located in the SW 1/4 SW 1/4 Section 10 to irrigate 140 acres located in the SW 1/4 Section 10; all in T107N-R68W. An inspection of Permit No. 2751-3 found one well constructed and supplying 1.66 cfs to irrigate 132 acres. This application is to correct the location of 8 acres of the 132 acres being irrigated. The correct location of the 8 acres is the S 1/2 NW 1/4 and the W 1/2 SE 1/4 Section 10-T107N-R68W. The correct location of the one well, 96 feet deep (Crow Creek Aquifer) is the SE 1/4 SW 1/4 Section 10-T107N-R68W. No increase in the developed diversion rate or number of acres being irrigated is authorized by this application.

Pursuant to SDCL 45-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2751A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 45-2A-23, the chief engineer will act on the 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 the 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 Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by November 22, 1993.

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 Division address to request copies of information pertaining to this application.

Robert E. Roberts
Secretary, Department of Environment
and Natural Resources
(Nov. 4, Nov. 11)

Dorinda S. Verrick of said county, being, first duly sworn, on oath, says: That she is the publisher or an employee of the publisher of the Brule County News, a weekly newspaper, published in the City of Kimball, in said County of Brule, and State of South Dakota; that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper as defined in SDCL 17-2-2; that said newspaper has been published within the said County of Brule and State of South Dakota, for at least one year next prior to the first publication of the attached public notice, and that the Notice of Application No. 2751A-3 to appropriate Water and to Amend Water Permit No. 2751-3

a printed copy of which, taken from the paper in which the same was published, and which is hereto attached and made a part of this affidavit, was published in said newspaper for two successive week(s) to wit:

Nov. 4, 1993; _____, 19____;
Nov. 11, 1993; _____, 19____;
_____, 19____; _____, 19____;

That the full amount of the fee charged for the publication of the attached public notice inures to the sole benefit of the 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 whomsoever; that the fees charged for the publication thereof are:

\$50.00

Signed: Dorinda S. Verrick

Subscribed and sworn to before me this 11th day of November, 1993.

Notary Public for the County of Brule, South Dakota



Permit No. 2751-3

Missouri River Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

TO: Chief Engineer, Division of Water Rights, DENR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Irene Zastrow of HCR 5 Box 68 Miller SD 57362 holder of Permit No. 2751-3, bearing the priority of April 29, 1976 authorizing the diversion of 2.0 cu. ft. per second of the waters of groundwater for irrigation purposes, in Buffalo County.

I have to report on the conditions of the same as follows:

A. Works used to divert the water: 50 hp US Electric High Thrust model no. 326TP motor using a Vertiline pump serial number 35671589 capable of 750 gpm.

B. Works used to transport water to place of use:
1000 feet of 8 inch PVC piping and 30 feet of 8 inch steel piping.

C. Works used to apply water to beneficial use: Electrogator center pivot 1280 feet long with 8 towers and an end gun capable of 750 gpm and high pressure system.

The system is in the following condition poor. The point of diversion is located 1580 feet east and 450 feet north of the SW corner of Section 10-T107N-R63W. The works are capable of diverting and conveying to the place of use 1.66 cu. ft. per second of water which is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows: All in Section 10-T107N-R68W

<u>SW 1/4 NW 1/4 1 Acres</u>	<u>SE 1/4 NW 1/4 3 Acres</u>	<u>NW 1/4 SE 1/4 3 Acres</u>
<u>NW 1/4 SW 1/4 30 Acres</u>	<u>NE 1/4 SW 1/4 39 Acres</u>	<u>SW 1/4 SE 1/4 1 Acre</u>
<u>SW 1/4 SW 1/4 25 Acres</u>	<u>SE 1/4 SW 1/4 30 Acres</u>	

comprising a total of 132 acres of land and the license should be issued for 1.66 cfs.

Applicable permit qualifications have been complied with Yes No

Exceptions to compliance are:

Date 5-13-1992

Norma C. Job

NORMA C. JOB
Natural Resources Engineer II
DENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NUMBER 2751-3

DATE 5-13-1992

Other permit(s) associated with the project

DIVERSION POINT LEGAL LOCATION: SE 1/4 SW 1/4 Section 10-T107N-R68W

WELL INFORMATION: Well Drilling Firm Pullman Drilling Replacement well *well log not available*

No. of Wells 1 Depth(s) 96 feet

- a) Casing: 1) diameter 16 inches b) Screen: 1) type Slotted PVC
2) length 96 feet 2) length feet
3) type PVC c) Pump: 1) make Vertiline
d) Static Water Level feet 2) model SN - 35671589
e) Motor: 3) size 10 inches
1) make US Electric High thrust 4) capacity 750 GPM
2) model No. 326TP 5) turbine pump - No. of stages 7
3) horsepower rating 50 hp 6) operating pressure 60 PSI

DISTRIBUTION LINES OR CANALS:

- a) type PVC b) size 8 inches c) length 1000 feet
Steel 8 inches 30 feet

SYSTEM TYPE:

- e) Center pivot: Pivot leaks
1) make Electrogator
2) overall length 1280 feet f) Gun:
3) number of towers 8 1) make
4) distance between towers feet 2) nozzle size inches
5) end gun Y (Y/N) 3) capacity GPM
6) high or low pressure high 4) hose size inches
7) capacity 750 GPM 5) hose length feet

CHEMIGATION EQUIPMENT:

- a) does chemigate N (Y/N)

PERMIT QUALIFICATIONS AND REGULATIONS:

- a) Soil and water permit lands agree with lands being irrigated and lands listed on permit (Y/N)
b) Special qualifications to permit being abided by (Y/N)
c) All structures, wells and lands on map (Y/N)
d) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period (Y/N)

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2751A-3 FOR IRRIGATION

(1) Rex Zastrow of HCR 5, Box 68, Miller SD 57362 made Application No. 2751A-3, August 30, 1993 for a water permit to correct the location of the diversion point and acreage located in Buffalo County. South Dakota for irrigation purposes. Permit No. 2751A-3, with a priority date of April 29, 1976 was approved November 22, 1993 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

Water Perrnit No. 2751A-3 specifies the correct location of the irrigated acreage and the correct location of the diversion point authorized by Water Permit No. 2751-3. No. 2751A-3 did not allow any increase in the developed diversion rate or number of acres irrigated. The applicable portions of Water Permit No. 2751-3 have been incorporated into this Water License No. 2751A-3.

Water Permit No. 2751-3 was transferred on August 30, 1993 to Rex Zastrow.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.66 cubic feet of water per second for beneficial use. The location of the diversion point is 1580 feet E and 450 feet N of the SW corner of Section 10-T107N-R68W (SE 1/4 SW 1/4).

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 10-T107N-R68W	SW 1/4 NW 1/4	1 acre
	SE 1/4 NW 1/4	3 acres
	NW 1/4 SW 1/4	30 acres
	SW 1/4 SW 1/4	25 acres
	NE 1/4 SW 1/4	39 acres
	SE 1/4 SW 1/4	30 acres
	NW 1/4 SE 1/4	3 acres
	SW 1/4 SE 1/4	1 acre
	Total	132 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Rex Zastrow of HCR 5, Box 68, Miller SD 57362 the holder and/or owner of Incorporated Water Permit No. 2751A-3 is issued a license to appropriate water, the right to use 1.66 cubic feet of water per second from groundwater (one well) with a priority date of April 29, 1976 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Incorporated Water Permit No. 2751A-3 and subject to South Dakota State Law.


JOHN HATCH, Chief Engineer
Water Rights Division

AUG 18 1994

date



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

August 13, 1993

Irene Zastrow
HCR 5, Box 68
Miller SD 57362

Dear Mrs. Zastrow:

Enclosed are applications forms for a Permit to Appropriate Water based on an inspection of Water Permit No. 2751-3 completed May 13, 1992, by Norma Job, an engineer with this office. This inspection showed that your system was not developed as originally permitted. Water Permit No. 2751-3 (copy enclosed) authorizes irrigation of 140 acres in the SW 1/4 Section 10 with the well located in the SW 1/4 SW 1/4 Section 10; all in T107N-R68W. The enclosed map indicates 8 acres outside of the SW 1/4 are being irrigated and the well is located in the SE 1/4 SW 1/4 Section 10. This application is to correct the location of the 8 acres and the location of the well.

Enclosed is another set of partially completed application forms. Please review the application, make any necessary changes and have it signed and notarized. The filing fee for this application will be \$50.00. You will also be responsible for the publication cost of the notice of hearing.

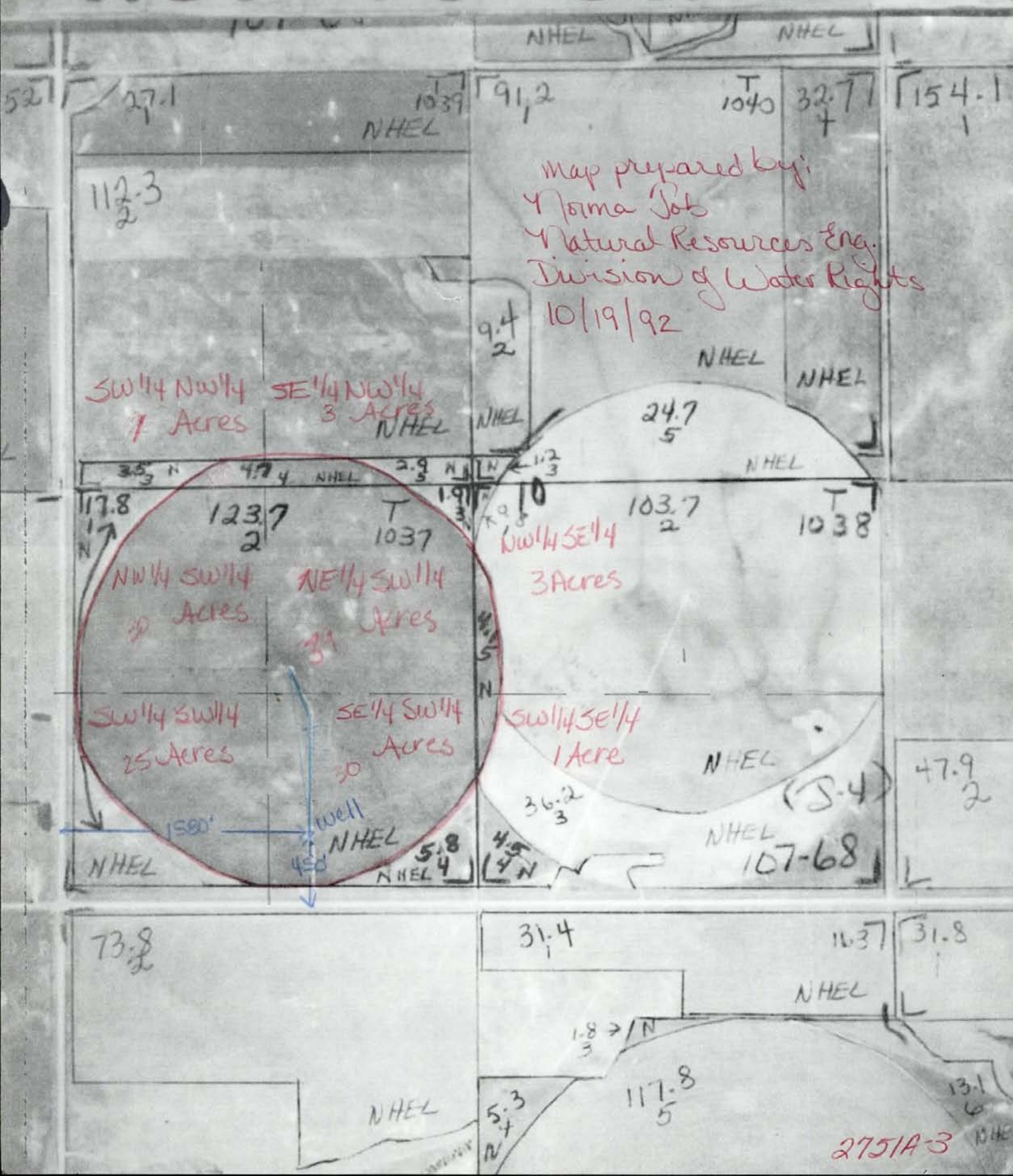
Obtaining water permits that accurately reflect your water use ultimately benefits you by protecting your right to use water. Water Permit No. 2751-3 can not be licensed until this application is processed and a permit obtained to reflect your current water use in accordance with state statutes. Except for domestic use, any water user without a water right is not entitled to receive protection in the event of interference by a new or future user who has a water right.

Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10 and 46-2-18, you must have a water permit prior to using water.

Sincerely,

Karen Schlaak
Natural Resources Analyst
Phone: (605) 773-3352

NOT TO SCALE





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

August 18, 1993

Rex Zastrow
HCR 5, Box 68
Miller SD 57362

Dear Mr. Zastrow:

Enclosed is the Notice of Transfer form for Water Permit No. 2751-3. This form must be signed, notarized and returned with a \$2.50 transfer fee. I have also enclosed application forms for a Permit to Appropriate Water with your name instead of Irene Zastrow. You can discard the first set sent to you.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

DEC 20 1993

Rex Zastrow
HCR 5 Box 68
Miller, SD 57362

Dear Mr. Zastrow:

Enclosed is Water Permit No. 2751A-3 authorizing your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

The final inspection has been completed on this Permit, and we are ready to issue the Water License. Statutes require we charge \$50 for the inspection and issuance of the final papers. Upon receipt of this amount the Water License will be sent to you.

Also enclosed is Receipt No. 413875 in the amount of \$2.50 which you paid for transfer of Water Permit No. 2751-3. Our records now reflect you as the owner of this Water Permit.

Very truly yours,

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

enclosures

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

413979

Pierre, January 5, 1991

RECEIVED OF Rex Zastrow/Susan Hearty, ECR 5 Box 68, Miller, SD 57762
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 _____		
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>2751A-5</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By *John Hatch*
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

AUG 18 1994

2751A-3

Rex Zastrow
HCK 5, Box 68
Miller, SD 57362

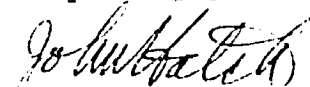
Dear Mr. Zastrow:

Enclosed is Water License No. 2751A-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 413979 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 2751A-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Very truly yours,


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

rd
enclosures

NOTE: The applicable portions of Water Permit No. 2751-3 have been incorporated into this Water License No. 2751A-3.

RECEIPT

Division of Water Rights

413874

South Dakota Department of Environment and Natural Resources

Pierre, _____ August 30 _____, 19 95

RECEIVED OF Susan Hoarty, ICR 5 Box 68, Miller, SD 57062

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

Fee for Application for Permit No. <u>8751A-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	50	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John A. Huch
Chief Engineer

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4786

WQ#

OWNERS NAME: ZASTROW, BEN

OWNERS ADDRESS: HCA 5 BOX 68

HILLER, SD 57362

COUNTY LAND LOCATED IN: BUFFALO

PHONE: _____

LEGAL DESCRIPTION:

1. LOCATION 1580' EAST & 450' NORTH OF THE SW CORNER SECTION 10-T107N-R68W (S1/4 SW1/4)
Depth _____

☒ Well

☐ Surface

Legal Description	Acres	Legal Description	Acres
PORTIONS OF:			
SW1/4 NW1/4 10-T107N-R68W	1	SW1/4 NW1/4 10-T107N-R68W	
W1/2 SW1/4 10-T107N-R68W	4		

2. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: ~~XXX~~ GUN: _____ OTHER: _____ (Specify) _____

3. CROPS TO BE IRRIGATED: _____

WATER QUALITY:

4. WATER SAMPLE NUMBER: 83-0148

7. ADJUSTED (SAR): 19.62

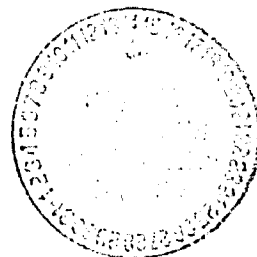
5. SALINITY (EC X 10⁶): 1600

8. PERCENT SODIUM: 70.43

6. SODIUM (SAR): 8.21

Requirements:

(SEE ATTACHED IRRIGATION MANAGEMENT PLAN -- APRIL 2, 1993).



Russell J. Stone
Director, Division of Conservation

SEPTEMBER 7, 1993

Date

☒ APPROVED

☐ DISAPPROVED

☐ WAIVER

☒ REQUIREMENTS

Soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.

Zastrow Irrigation Management Plan

2 April, 1991

In 1977 my father and I initiated irrigation. At that time we were made aware of the possibilities for sodium and salinity problems by Dr. Larry Fine. Because the irrigation water that I use is of marginal quality, I understand the importance of the use of good management for the maintenance of productivity.

The irrigation water that I am using on the South 1/2 of section 10, T107, R66W has an SAR of between 8 and 20 depending upon the leaching fraction that is assumed. Recent Soil tests have shown ESP's within the surface soil of, from as low as 5 to as much as about 10. There are higher ESP's deeper within the soil profile.

The following are specific management practices, some of which I have used in the past and some are planned for the future. I am hopeful that these practices will assure the maintenance of productivity on the land in question.

1). Water management

In the past, because of a shortage of water, I have been applying as little as .5 to .75 inches of water per revolution. After considerable discussion with Gregg Carlson, it is clear that to assure adequate leaching (and to keep the SAR's of the water low) I need to apply at least 1.5 inches (if possible, without getting stuck or having excess runoff) of water each revolution. To do this I plan on only planting 1/2 of each of the 2 pivots on the south 1/2 of section 10 to corn, leaving the other 1/2 of each pivot in small grains. This will assure adequate water to facilitate relatively deep percolation within the root zone and the continued leaching of soil water through the root zone.

2). Tillage

The maintenance of high concentrations of organic matter at the soil surface is an important part of maintaining surface soil structure and reducing the sodium impact. There is evidence to suggest that tillage can break the transmitting macropore structure at the bottom of the plow layer, keeping soil water close to the surface and reducing the leaching fraction. No-till farming should eliminate water from being held within the plow layer. To forgo some of these problems, in 1989 I began no-till / ridge-till farming practices. I have a Haybuster drill and a modified John Deer planter. I plan to rotate small grain and corn, no-tilling the small grain into the corn stubble and no-tilling the corn into the small grain stubble. I will cultivate the corn one time with a ridge-till cultivator. The haybuster drill can plant into the slight ridges made by this rotation with little difficulty. On those fields that I grow corn, I will leave the corn stalks in the field every other year. Cattle traffic can act like tillage and exaggerate the sodium problem. I will try to avoid pasturing livestock on this land when the soil is too moist for tillage operations.

2751A-3

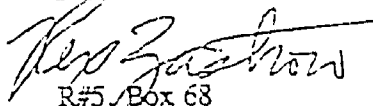
3). Manure

Manure is also an important part of my organic matter management plan. I have a Dual 800 manure spreader (540 ft³/load - 10 ton/load) that I use to spread manure with. It spreads a 6 row swath and I unload within about 1/2 the way across the field. I try to cover all irrigated lands every 4 years (38 inch/row * 6 rows * 12/12 inch * 1320 ft * 1acre/43560 ft) with about 10 ton/.57 acre which is about 17 ton/acre.

4). Future work

It is my intention to work with DSU, and the Department of Agriculture to continue to monitor the problems that we have and to look at alternative solutions. Several years ago John Bischoff did some salinity research work to reduce the sodium problems that were occurring. Results indicate that Gypsum did an effective job of reducing the sodium problem. My crop consultant, Neal Boss, and I are discussing the use of a Calcium ammendment called Cal-Sol. If things work out, I will put out some Cal-Sol test strips this year to evaluate the effect. I would like to first try the practices mentioned above but it may be necessary to use amendments in the future. I plan to stay abreast of and to take advantage of any new breakthroughs in Sodium management that are developed in the future.

Rex Zastrow



R#5, Box 68

Miller, South Dakota

57362

605-293-3237



Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

2751A-3

4a. Article Number

P378 080 591

4b. Service Type

- ☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

2-7-97

8. Addressee's Address (Only if requested and fee is paid)

REX ZASTROW
HCR 65 BOX 68
MILLER SD 57362

5. Received By: (Print Name)

Susan Hooty

6. Signature: (Addressee or Agent)

X Susan Hooty

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.



February 4, 1997

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

 JOE FOSS BUILDING
 523 EAST CAPITOL
 PIERRE, SOUTH DAKOTA 57501-3181
NOTICE
TO: REX ZASTROW, HCR 65 BOX 68, MILLER, SD 57362

FROM: Ron Duvall, Natural Resources Engineer
 for John Hatch, Chief Engineer
 Water Rights Program

SUBJECT: Violation of Water Permit No(s). 2751A-3, 4975A-3 & 5708-3

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 2751A-3, 4975A-3 & 5708-3. The request for the Questionnaire was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 2751A-3, 4975A-3 & 5708-3 qualification:

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

The hearing will be held at 2:30 pm, March 5, 1997 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2751A-3, 4975A-3 & 5708-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before February 28, 1997, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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

2751A-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

February 19, 1997

Rex Zastrow
HCR 65 Box 68
Miller, SD 57362

RE: Water Permit/Right Nos. (2751A-3) 4975A-3 and 5708-3

Dear Mr. Zastrow:

I am writing to acknowledge receipt of your 1996 irrigation questionnaires. You may disregard the February 4, 1997, Notice of Violation of Water Permit Nos. 2751A-3, 4975A-3 and 5708-3.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352



2751A-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2020

NOTICE

TO: REX ZASTROW, 36068 HWY 34, MILLER, SD 57362

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

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaire(s)

Our records indicate your 2019 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2751A-3 & 5708-3. The request for the Questionnaire was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2751A-3 & 5708-3 qualification:

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

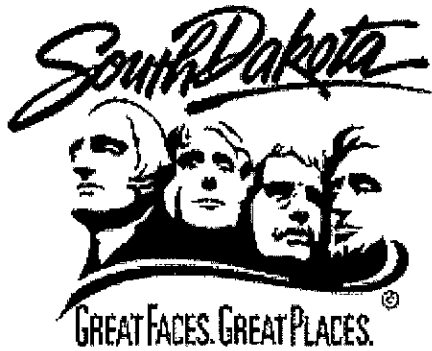
The hearing will be held at **Wednesday, February 26, 2020 at 8:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2751A-3 & 5708-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **February 26, 2020** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: RKTOTT**

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 27, 2020

2751A-3
5708-3

Rex Zastrow
36068 Hwy 34
Miller SD 57362

Dear Mr. Zastrow:

I am writing to acknowledge receipt of your 2019 irrigation questionnaires that you submitted online.

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for Water Right Nos. 2751A-3 and 5708-e. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 2021

NOTICE

TO: REX ZASTROW, 36068 HWY 34, MILLER, SD 57362

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

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaire(s)

Our records indicate your 2020 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2751A-3 & 5708-3. The request for the Questionnaire was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2751A-3 & 5708-3 qualification:

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

The hearing will be held at **Wednesday, March 3, 2021 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2751A-3 & 5708-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 3, 2021** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: GEFQTM**

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

2751A-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

February 2, 2021

2751A-3
5708-3

Rex Zastrow
36068 Hwy 34
Miller SD 57362

Dear Mr. Zastrow:

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

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for Water Right Nos. 2751A-3 & 5708-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in blue ink that reads "Genny McMath".

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