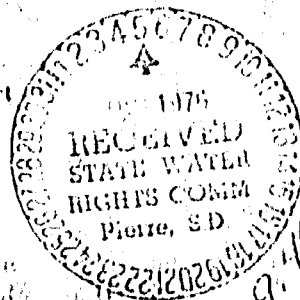


Water Right Number 3044-3

1. Considered 10-21, 1976
2. Name of Applicant Dale Gistel
3. Post Office Address Ortley
4. Amount of water claimed 2.0
5. Source of water supply 60' deep well
6. Water to be used for irrigation
Acres to be irrigated no additional
7. Water to be diverted and used in Grant ~~County~~ County
about 15 7W Miles 1 of Summit
8. Proof of Publication Received 10-20-76
Not received _____
9. Application Approved _____
Subject to _____
Not approved _____
Action deferred _____
10. Remarks:
Error in Adv. Notice
Planned for
Range 52W.

No. 3044-3Map No. 2368-3 Water Division No. 3 BIG SIOUX RIVER District
(Blanks to be filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE: Draw a line through items not applicable)

1. Name of Applicant Dale Zierbel
Postoffice address Ortley State South Dakota
If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract Direct Labor
3. Name of diversion work Dale Zierbel Irrigation Project #1
4. Amount of water claimed (cubic feet per second) 3 in original permit # 2820-3 plus added 2 cfs
for total of 5 cfs
5. Source of water supply third well
6. Location of point of diversion Well H 3 - 1485' N 25.0° E of SW corner
Section 4 - 121-52

County Grant

7. Annual period or periods during which water is to be used April through October
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation
9. For irrigation use, Total number of acres to be irrigated 362 - same as original permit

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Description	No. Acres Irr.	Land Description	No. Acres Irr.
<u>Same as original permit # 2820-3</u>	<u>3</u>		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system Five years. Additional time required to complete application of water to the proposed beneficial use three years.

11. Choice of newspaper for Notice of Intent to Appropriate Water publication Water Times in Public Opinion

12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source. well with electrically driven deep well turbineB. Works proposed to transport water to place of use. closed conduitC. Works proposed to apply water to beneficial use. center pivot irrigation machineEstimated Total Cost Added \$10,000Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
(See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

County of BrookingsI, Dale Zierbel the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary constructionSigned Dale ZierbelSubscribed and sworn to before me this 18 day of Sept 1976

Notary Public (or other qualified officer)

this is a request for added point of diversion to permit # 2820-3 and also requesting an additional 2 cfs giving a total of 5 cfs for this land

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 3044-3

DALE ZIRBELL
(Applicant)

ORTLEY
(Post Office Address)

SOUTH DAKOTA 57256 With the following modifications:
(State)

The irrigation well approved under this Permit is located near domestic wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in existing domestic wells.

Date of first receipt of application OCTOBER 5, 19 76

Date of return to applicant for correction, amendments or changes required _____, 19 _____

Date of receipt of corrected application OCTOBER 6, 19 76

Approved OCTOBER 21, 19 76, Recorded in Book 16 Page 147

WATER RIGHT PERMIT NO. 3044-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 3044-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is OCTOBER 5, 19 76
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before APRIL 21, 19 79
3. The whole of said work is to be completed on or before OCTOBER 21, 19 81
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is OCTOBER 21, 19 84
5. The water appropriated shall be used for the purpose of IRRIGATION

6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

7. The amount of the appropriation herein granted shall not exceed 2.0 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purpose said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before OCTOBER 21, 19 84; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 1ST day of DECEMBER, 19 76

WATER RIGHTS COMMISSION

By:

John H. Helt
Chief Engineer, Executive Officer

Certificate of Construction Issued SEPTEMBER 24, 19 81

Water License Issued SEPTEMBER 24, 19 81

STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-6-3 AS AMENDED
(THIS FORM REQUIRED FOR PROPOSED GROUND WATER IRRIGATION ONLY)

NAME _____

ADDRESS

COUNTY

LEGAL DESCRIPTION

1. WELL LOCATION

2. LOCATION OF AREA TO BE IRRIGATED

TYPE OF IRRIGATION

3. GRAVITY

TOWLINE

σ^2 CENTER PIVOT

GUN

4. CROPS TO BE IRRIGATED

WATER QUALITY

5. SAMPLE NUMBER

6. SALINITY (EC $\times 10^6$)

7. SODIUM (SAR)

8. RESIDUAL SODIUM CARBONATE (meq/l.)

I do hereby certify that a chemical analysis of the ground water representative of that used to irrigate shall be acquired from South Dakota State University and: the soils information has been acquired from _____ Conservation District, County Extension office or Soil Conservation Service.

and:
that the legal description for the location of the well and land to be irrigated is true and correct.

APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS

23 DAY OF June 19 76

(TITLE OR SEAL)

APPROVED/DISAPPROVED.

(SOILS INFORMATION ON REVERSE SIDE)

IRRIGATION SURVEY REPORT - Dale Zirbel

Mapping unit 11 - This unit consists of Maryland loam, 0 to 2 percent slopes. This is subirrigated soil.

Mapping unit 12A - This unit consists of Divide loam, 0 to 2 percent slopes. These are moderately deep, moderately well to somewhat poorly drained soils that are calcareous at or within 16 inches of the surface. They are underlain with sand and gravel at depths of about 20 to 36 inches. These soils have a fluctuating water table that tends to concentrate lime and some salts in the upper part of the soil. Permeability is moderate over very rapid and the available water capacity is low to moderate depending on thickness of soil over sand and gravel. These soils are suitable for irrigation as long as soil drainage does not become a problem.

Mapping unit 14A - This unit consists of Fordville loam, 0 to 2 percent slopes. These are moderately deep, well drained soils formed in loamy alluvium underlain by sand and gravel at depths of 20 to 40 inches. Permeability is moderate in the soil and rapid in the underlying sand and gravel. The available water capacity is moderate to high depending on depth to the underlying sand and gravel. Fordville soils are in the 1.0 intake family and have a moderate water intake rate. This soil is well suited for irrigation in regard to available water capacity and internal drainage.

Mapping unit 17A - This unit consists of Renshaw loam, 0 to 2 percent slopes. These are shallow, somewhat excessively drained soils formed in loamy alluvium underlain by sand and gravel at depths of 10 to 20 inches. Renshaw soils have moderately rapid permeability in the upper part and rapid permeability in the sand and gravel. Available water capacity is low, averaging between 4.50 to 5.50 in the 5 foot depth with the majority being in the portion above the sand and gravel. These soils have a fast water intake rate and are in the 2.0 intake family. Renshaw soils are suited to irrigation, but are considered droughty and normally require frequent periods of irrigation to realize the maximum benefit.

Mapping unit 17B - This unit consists of Renshaw loam, 2 to 6 percent slopes. The soils in this unit are like those described in mapping unit 17A. This unit would have a moderate water erosion hazard.

Mapping unit 18D - This unit consists of Renshaw-Sioux loams, 6 to 15 percent slopes. The Renshaw soils, except for slope are like those described in the 17B mapping unit. The Sioux soils are excessively drained soils that are underlain by sand and gravel at depths of 10 inches or less. The available water capacity is very low. Permeability is rapid. The Sioux soil is not suited for cultivation.

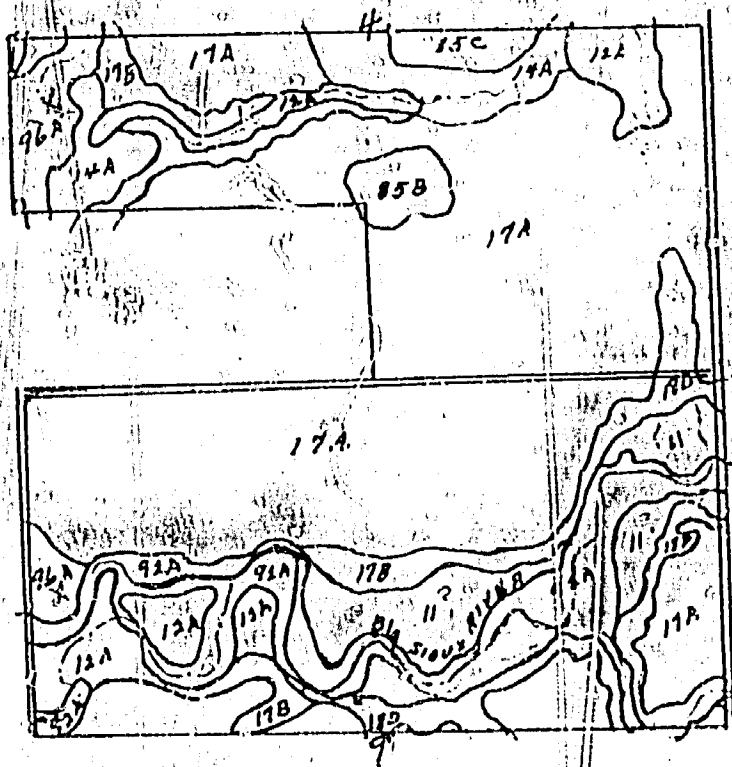
Mapping unit 85B - This unit consists of Vienna silt loam, 2 to 6 percent slopes. This is silty range site, and has IIc2 dryland capability.

Mapping unit 92A - This unit consists of LaDelle soils, channeled.

Mapping unit 96A - This unit consists of Roubille silty clay loam, 0 to 2 percent slopes. This is wetland.

1/2 of Section 2 - 101-52

1/2 of Section 9 - 101-52



REPORT OF ANALYSIS
Water Quality Laboratory
Water Resources Research Institute
South Dakota State University
Brookings, South Dakota 57006

Submitted by: Dale Kirbel
 Address: Ortley, SD 57256

Date Rec'd: June 23, 1976
 Sample No.: 76-694
 Identification: Well-40'
Well, Sec. 9, T. 12N, R. 52E

WATER ANALYSIS

Calcium (Ca)	89	ppm*	4.45	me/l**
Magnesium (Mg)	30	ppm	2.46	me/l
Sodium (Na)	10	ppm	0.4	me/l
Potassium (K)	8	ppm	0.21	me/l
Sulfate (SO ₄)	41	ppm	0.84	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	4	ppm	0.11	me/l
Bicarbonate (HCO ₃)	327	ppm	5.36	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	268	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	565	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.23			
Sodium	5.69	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.52			
Others:				

*ppm=parts per million

**me/l=millequivalents per liter

***g.p.g.=grains per gallon

COMMENTS: Total cations 7.55 me/l
 Total anions 6.31 me/l

By: Shirley Pittap

Service Performed

Amount Due

Irrigation analysis

\$8.00 PAID

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 76-694

Amount Enclosed \$

Signed

RECEIVED
STATE WATER
RIGHTS COMM.
Pierre, S.D.

(THIS FORM REQUIRED FOR PROPOSED GROUND WATER IRRIGATION ONLY)

LEGAL DESCRIPTION

- TYPE OF IRRIGATION

- ## WATER QUALITY

- I do hereby certify that a chemical analysis of the ground water representative of that used to irrigate shall be acquired from South Dakota State University and:
the soils information has been acquired from _____ Conservation District,
County Extension office or Soil Conservation Service.
and:
that the legal description for the location of the well and land to be irrigated is true
and correct.

APPLICANT'S SIGNATURE

Arrival does not imply that this project can be carried out successfully in all circumstances. Jack's last agreement will to a large degree determine the relative success of this venture.

(TITLE OR SEAL)

APPROVED/REMOVED

(SOILS INFORMATION ON REVERSE SIDE)

REPORT OF ANALYSIS
 Water Quality Laboratory
 Water Resources Research Institute
 South Dakota State University
 Brookings, South Dakota 57006

Submitted by: Dale Zirbel
 Address Ortley, SD 57256

Date Rec'd September 17, 1976
 Sample No. 76-1386
 Identification Well-60
SW 1, Sec. 4, T 121N, R 52W

WATER ANALYSIS

Calcium (Ca)	66	ppm*	3.30	me/l**
Magnesium (Mg)	31	ppm	2.54	me/l
Sodium (Na)	7	ppm	0.30	me/l
Potassium (K)	5	ppm	0.13	me/l
Sulfate (SO ₄)	58	ppm	1.21	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	6	ppm	0.17	me/l
Bicarbonate (HCO ₃)	312	ppm	5.12	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	256	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	600	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.18			
Sodium	4.78	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.52			

*ppm=parts per million

**me/l=millequivalents per liter

***g.p.g.=grains per gallon

COMMENTS: Total cations 6.27 me/l
 Total anions 6.50 me/l

Baytown - 441 sample due and paid

Same as above

By: Shirley Kitten

Service Performed	Amount Due
Irrigation analysis	\$8.00 PAID

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 76-1386

Amount Enclosed 15

Signed

June 30, 1976

Mr. Dale Zirbel
Ortley, SD 57256

Dear Mr. Zirbel:

We have completed the analysis of the water sample submitted here about a week ago. The original copy of the report of analysis is enclosed herewith. You should keep this in a safe place. After studying the analysis, take a look at the water quality chart on the outside back cover of AES publication #13 enclosed for your use. I have plotted the quality of this water for irrigation uses by means of a red cross in that chart. As you will see, it is in the medium salinity, low sodium category.

Accordingly, it is quite well suited to irrigation and should cause no chemical changes in the soils which you irrigate with it.

However, there are some soils which are seriously deficient for irrigation uses in the area you propose to irrigate. The low, wet ground which is called Rauville and given the symbol 96A should never be irrigated. Likewise, the delineations marked with an 11 are questionable because they do have subsurface irrigation and occasionally a very high water table. Thus, these areas should be avoided in your planning for the development of this project. If you should cause the water table to rise unduly in these areas, salinity may cause the stoppage of all crop production entirely.

A copy of this letter, and the application materials, including the water analysis copy are being sent to the State Conservation Commission for their action.

Sincerely yours,

L. O. Fine

L. O. Fine
Water Quality Lab

LOF:ckb
Enclosures

cc: State Conservation Commission
D. Pahl
Vern Beare, County Extension Agent



Form 2A - Wells, Dugouts or Water Storage Dams (Supplement to form 2)

12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates

- (1) Drill Hole, Diameter 30", Depth 60'
- (2) Casing, Type Fiberglass Diameter 16" Thickness 3/8"
(wood, concrete, steel, etc)
- (3) Perforated Screen.
Type Sloped Fiberglass, Diameter 16", Length 40'
- (4) Gravel Pack, Thickness 6", Length of gravel pack 40'

E. Dugout Information or Estimates.

- (1) Surface dimensions , Depth

F. Fill out for Either a Well or a Dugout.

- (1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials 0' to 7' top soil material
7' to 60' mixed sand + gravel - a test pump
indicated 100 gpm yield for 1' of drawdown

Depth to top of water bearing material 7'

Depth to bottom of water bearing material 60'

Thickness of water bearing material 53'

Depth to water (ground surface to water level) 7'

- (2) Distance to nearest existing household or livestock watering wells.

On same owner's property 320 rds. On property owned by others 300 rds.

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

Saleh Zaid
Signature of Applicant

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 3044-3

(1) WHEREAS, On the 5th day of October A. D. 1976
Date 21st bel

made Water Right Application No. 3044-3 for a permit to use 5.0* cubic feet per second of the waters of ground water (three wells)
 County of Grant, State of South Dakota, for Irrigation

(2) WHEREAS, On the 21st day of October A. D. 1976
 Permit No. 3044-3, with a date of priority of 1.33 cfs from June 29, 1976 & 1.00 cfs from
October 5, 1976*
 was issued to said applicant _____ for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 21st day of October A. D. 1981 and for the application to beneficial use of said water on or before the 21st day of October A. D. 1984

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 2.33 cubic feet per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent,

to irrigate the following lands all in T121N, R52W

Section 4	NW$\frac{1}{4}$ SW$\frac{1}{4}$ (CB) 34 acres	Section 9	NW$\frac{1}{4}$ NW$\frac{1}{4}$ (BB) 24 acres
	NE $\frac{1}{4}$ SW $\frac{1}{4}$ (CA) 76 "		NE $\frac{1}{4}$ NW $\frac{1}{4}$ (BA) 30 "
	NW $\frac{1}{4}$ SE $\frac{1}{4}$ (DB) 28 "		NW $\frac{1}{4}$ NE $\frac{1}{4}$ (AB) 30 "
	NE $\frac{1}{4}$ SE $\frac{1}{4}$ (DC) 34 "		NE $\frac{1}{4}$ NE $\frac{1}{4}$ (AA) 6 "
	SW $\frac{1}{4}$ SE $\frac{1}{4}$ (DA) 29 "		
	SE $\frac{1}{4}$ SE $\frac{1}{4}$ (DD) 31 "		TOTAL - 270 acres

*The applicable portions of Permit No. 2820-3 have been incorporated into this License
 No. 3044-3

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to Dale Zirbel

_____ of Ortley, South Dakota
the holder _____ and owner _____ of said permit No. 3044-3 a water right, dating from June 29, 1976 and
October 5, 1976 to use of 2.33 cubic feet per second of the waters
of ground water (three wells)
in the County of Grant and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted ~~at~~ ^{xxx} the North well - 330' & 1340'N; South well - 2700'E
& 1000'S; SE well - 3300'E & 1000'S all from NW corner Section 9, T121N, R52W
(two in AB and one in CB)

and conducted to and upon portions of lands in Section 4 and 9, both in T121N, R52W,
more fully described on the face of this License

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 3044-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 24th day of September A. D.
Nineteen Hundred and Eighty-one

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer JOHN HATCH

Permit No. 3044-3

Water Diversion No. 3 Big Sioux River Water District
10170202

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Dale Zirbel

_____ the holder _____ of
Permit No. 3044-3, issued upon Application No. 3044-3, bearing date of priority of June 29, 1976
& October 5, 1976* authorizing the diversion of 5.0* cu. ft. per second of the waters of _____
ground water (three wells) County of Grant, State of South Dakota ~~at~~ the
North well-330' & 1340'N; South well-2700'E & 1000'S; SE well-3300'E & 1000'S,
all from NW corner Section 9, T121N, R52W (two in AB and one in CB)
_____, for irrigation

_____ purposes, has _____ complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit, that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 2.33 cu. ft. per second of water.

Date September 24, 1981

*The applicable portions of
Permit No. 2820-3 have been
incorporated into this Water
License.



JOHN HATCH, Chief Engineer
Water/Rights Division

Form 8 - Proof of Publication - Notice of
Intent to Appropriate Water

No. 3044-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Codington) ss.

I, John R. Lowrie hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Watertown Public Opinion

A newspaper which during the whole time of publication, of said notice
herein after stated, has been and is printed and published in the

city of Watertown

County of Codington and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

Oct. 11th, 1976

Oct. 18th, 1976

[Signature]
(Signature)

General Manager

(Title)

Oct. 18th, 1976

(Date Signed)

PUBLIC NOTICE

NO. 3044-3
NOTICE INTENT TO
APPROPRIATE WATER
Pierre, South Dakota 57501
October 5, 1976
Notice is hereby given that Dale
Zirbel who post office address is
Ortley, South Dakota, has made an
application in accordance with the
provisions of the water laws of South
Dakota for a permit to add one well,
and to appropriate for beneficial use
2.0 cubic feet of water per second of
time from ground water through the
Zirbel No. 1, the point of diversion of
which is to be located in the
NW1/4SW1/4 of Section 4, Twp. 121N,
Range 51W. Said water to be used for
the purpose of providing irrigation
on the same lands as approved
under Permit No. 2820-3.
This application No. 3044-3 will be
considered by the Water Rights
Commission at their office at Pierre
upon the 21st day of October, 1976, at
1:00 P.M. All interested persons
may appear and be heard.
WATER RIGHTS
COMMISSION
By: Burton F. Jones
Water Rights Specialist
(October 1, 1976) 3/4 1/2 1/2 1/2



Form 6 - Notice of Intent to Appropriate Water

No. 3044-3

Publish first publication, on or before October 12, 1976

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

October 6, 1976

Notice is hereby given that Dale Zirbell

whose post office address is Crtley, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use to add one well, and

2.0 cubic feet of water per second of time from the ground water through the

Zirbel # 1, the point of diversion of which is to be located in the

NW 1/4 SW 1/4

of Section 4, Twp. 121N, Range 51W. Said water to be used for the purpose of providing irrigation on ~~the following described land:~~

The same lands as approved under Permit No. 2820-3

This application No. 3044-3 will be considered by the Water Rights Commission at their office at Pierre upon the 21st day of October, 1976, at 1:00 P. M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION

By

BURTON F. JONES
Water Rights Specialist

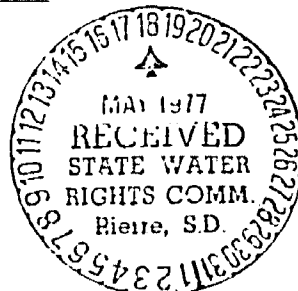
BFJ/bw

cc: Dale Zirbell, Crtley, S. D. 57256

Form 10.

No. 2820-3

3044-3



NOTICE OF COMPLETION OF WORKS AND/OR
APPLICATION OF WATER TO BENEFICIAL USE

Post Office Ortley, S.D.

Date _____

TO: Water Rights Commission
Joe Foss Building
Pierre, South Dakota 57501

Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to the maximum extent it is going to be used, not exceeding the amounts as specified in Water Right Permit No. 2820-3 and Permit No. 3044-3.

Water Right Permit No. 2820-3 states that the diversion system is to be constructed by Edna Zibel, 1977 and that the water is to be put to beneficial use by _____, 19____.

The diversion system was completed on 5-15-77, 1977.
Applying the water to beneficial use was completed on 5-15-77, 1977.

You may schedule an inspection so that the Certificate of Construction and/or the Water License may be issued, thus completing my acquisition of a water right.

Edna Zibel
(Signature)

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8480

September 24, 1981

PIERRE,

RECEIVED OF Dale Zirbell, Ortley, SD 57256

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

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for Inspecting Construction, and Issuing Cert. of Construction No. 3044-3	50	00
Fee for Inspecting Beneficial Use, and Issuing Water License No. 3044-3		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL	50	00

WATER RIGHTS COMMISSION

By (J. H. Hatch)
Chief Engineer, Executive Officer
JOHN HATCH / (b5)

Permit No. 3044-3Water Division 3 Big Sioux River Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / FOSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by DALEZIRBEL of ORTLEY holder.of Permit No. 3044-3 bearing date of priority of JUNE 20, 1976 & OCTOBER 5, 1976 *authorizing the diversion of 5.0 * cu. ft. per second of the waters of GROUNDWATERfor IRRIGATION purposes, in GRANT County.

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

The Water Use System consists of,

A. Works used to divert the water:

N. WELL - 58' DEEP WELL WITH 16" STEEL CASING - 10' SS SCREEN
FAIRBANKS MORSE 8" PUMP 4-12M. POWERED BY 100HP
US ELECTRIC MOTOR.S. WELLS - BOTH 39' DEEP WITH 14" STEEL CASING WITH 10' SS SCREEN
BOTH WITH FAIRBANKS MORSE 6" PUMPS - 4 STAGE ~~TYPE~~ TYPE 1100
BOTH WITH 60HP US ELECTRIC MOTORS

B. Works used to transport water to place of use:

N. WELL - 1250' OF 8" BURIED PVC TO W PIVOT PAD (NW⁴ SEC 4)
2510' OF 8" BURIED PVC TO E PIVOT PAD (NE⁴ SEC 4)S. WELLS - TOTAL OF 2550' OF 6" BURIED PVC FROM WELLS TO
3 PIVOT PADS. (N²N² SEC 9) (ONLY ONE WELL PUMPED AT ONE TIME)

C. Works used to apply water to beneficial use:

N. WELL - 9 TOWER GIFFORD HILL CENTER PIVOT WITH
NELSON #100 END GUN-TOWED TO 2 PIVOT POINTS IN S² SEC 4S. WELLS - 4 TOWER GIFFORD HILL CENTER PIVOT WITH NELSON #100 END GUN
TOWED TO 3 PIVOT POINTS IN N²N² SEC 9The system is in the following condition: GOODThe point of diversion is located N. WELL 830' & 1340' N; S. WELL 2700' E & 1000' S; SE WELL -
3300' E & 1000' S, ALL FROM NW CORNER 2, SECTION 9, T12N, R52WThe works are capable of diverting and conveying to the place of use 2.33 (600 GPM - N PIVOT)
(450 GPM - S PIVOT)cu. ft. per second of water which is to be used for IRRIGATIONWater has been put to beneficial use to the maximum extent as follows: ALL IN T12N, R52W

SECTION 4				SECTION 9	
NW ⁴ SW ⁴	34 AC	SW ⁴ SE ⁴	29 AC	NW ⁴ NW ⁴	24 AC
NE ⁴ SW ⁴	24 "	SE ⁴ SE ⁴	31 AC	NE ⁴ NW ⁴	30 AC
NW ⁴ SE ⁴	28 "			NW ⁴ NE ⁴	30 AC
NE ⁴ SE ⁴	34 "			NE ⁴ NE ⁴	6 AC

comprising a total of 270 acres of land.THE APPLICABLE PORTIONS OF PERMIT NO 2802-3 HAVE
BEEN INCORPORATED INTO THIS WATER LICENSEDate AUGUST 27, 1981
Burton Jones
(Signature)

No. 3044-3

South Dakota Department of
Water & Natural Resources
Joe Foss Building Water Rights Division
Pierre, South Dakota 57501 (605) 773-3352

September 24, 1981

Dale Zirbel
Ortley, SD 57256

Mr. Zirbel:

Enclosed herewith are, Water License No. 3044-3 and Certificate of Construction.

Water License No. 3044-3 is the final water right document completing your process of obtaining a water right.

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.

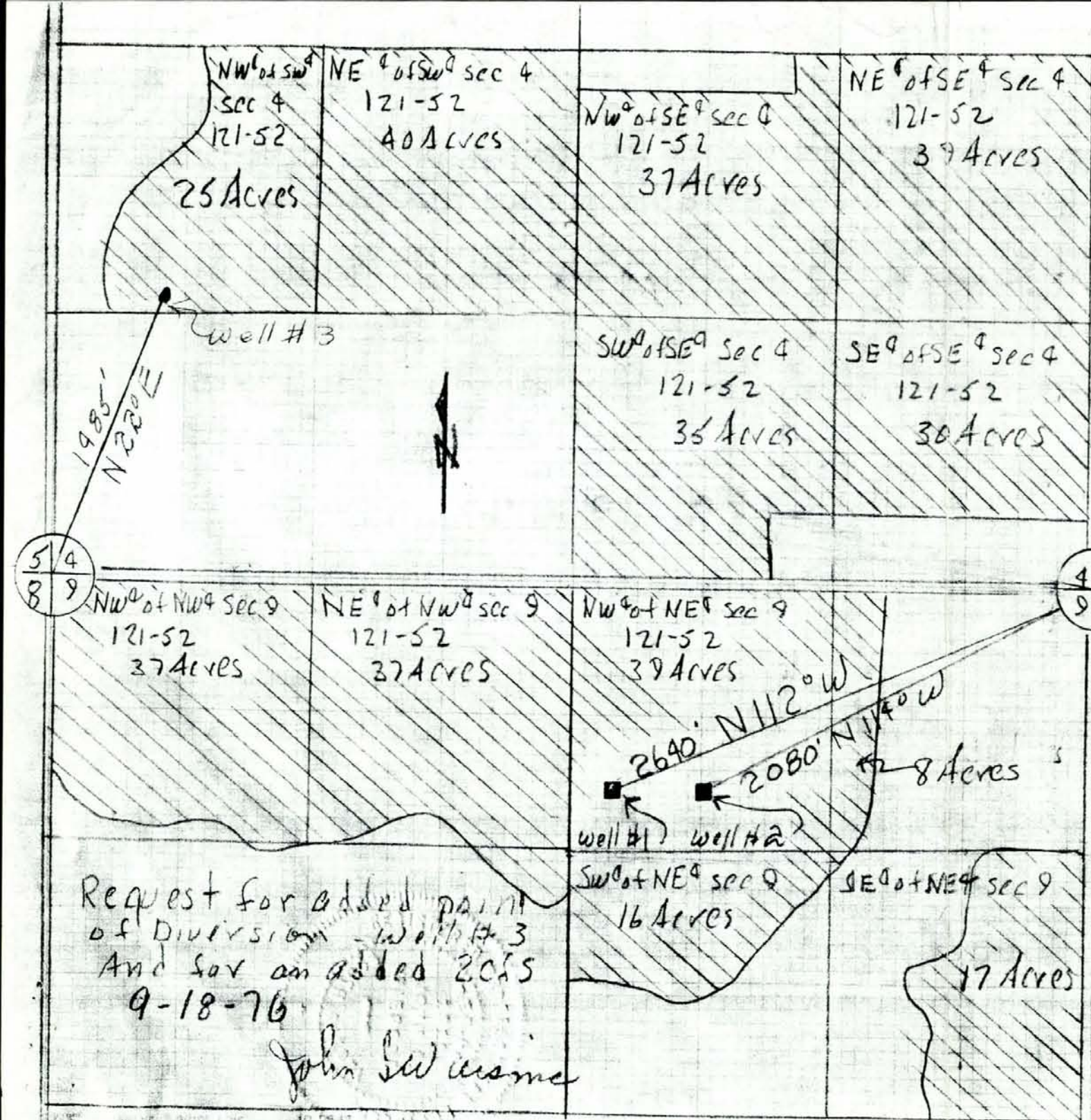
Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:gy

enclosures

NOTE: The applicable portions of Permit No. 2810-3 have been incorporated into this Water License.



DALE ZIRBEL
Irrigation Project #1
Ortley, South Dakota
Grant County

Water claimed - 3.0 cfs Original Per ml
Acres Irrigated - 362 # 2820-3
Point of Division - Well #1 - 2640' N 112° W
Well #2 - 2080' N 114° W
Both at NE corner Sec 9 - 121-52
Well #3 - 1985' N 22° E
SW corner sec 4 - 121-52

Scale - 1" = 660'

Surveyor's Certificate

I, John L. Wiersma, do hereby certify that this map identifies a reasonably accurate record of the land of:

Dale Zirbel

Ortley
Grant County
Drawing 11W

John L. Wiersma

South Dakota
6-24-76
P.E. #1916
Brookings

11W 11E 121-52 3044.3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 19, 2006

5746-3
3044-3

Zirbel Dairy
Ferdy Zirbel
45202 145th St
Ortley SD 57256

Dear Mr. Zirbel:

As requested, enclosed are partially completed "Notice of Transfer" forms for use in filing an ownership/name change on Water Right Nos. 3044-3 and 5746-3. The water rights are currently listed in the name of Dale U Zirbel.

The transfer forms should be checked over for accuracy and signed by the new owner. Upon completion, return the form to our office with a required filing fee of \$2.50 each (\$5.00 total).

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352
email: karen.schlaak@state.sd.us

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 3044-3

Date: 04/23/06

I/We request that Water Right No. 3044-3

formerly owned by: Dale Zirbel

be transferred to: (name & address) Zirbel Dairy, 45202 145th St, Ortleigh SD 57256

Telephone No. 605-398-6565

Title to the following described land(s)/property has been transferred as described above:

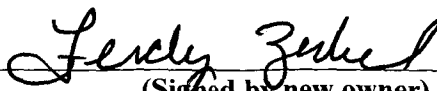
270 acres – N ½ SW1/4, SE ¼ Section 4 and N ½ NW ¼, N ½ NE ¼ Section 9; all in T121N-R52W

I/We understand that the validity of Water Right No. 3044-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Ferdy Zirbel, the new owner, certify that the above information is true and correct.


(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIVED
APR 25 2006
WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date April 25, 2006

RECEIVED OF Zirbel Dairy, 45202 145th St., Ortley SD 57256

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	2	50
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 <u>3044-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

0248

By

Darland Erbe
Chief Engineer
gm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAY 10 2007

5746-3
3044-3

Ferdy Zirbel
Zirbel Dairy
45202 145th St
Ortley SD 57256

Dear Mr. Zirbel:

Enclosed is your Water License No. 5746-3. This is the final water right document completing your process of obtaining a Water Right. A map prepared by the staff engineer who conducted the field investigation is included with your license. Also enclosed are receipts for fees you submitted for the inspection and licensing of the water right and the transfer of ownership of both Water Right Nos. 3044-3 and 5746-3.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by Water Right No. 5746-3, 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.

Sincerely,

A handwritten signature in black ink that reads "Garland Erbele".

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

Note: The applicable portions of Water Right No. 3044-3 were incorporated into Water License No. 5746-3.

enclosures