

1. Considered July 37 1977
2. Name of Applicant Willard Zueber
3. Post Office Address Honon, ID.
4. Amount of Water Claimed No add'l
5. Source of Water Supply 2-68' wells
6. Water to be used for irrig.
7. Acres to be irrigated 240 maximum acre feet
8. Water to be diverted and used in Potter County
- about 35, 1 mile East of Honon
9. PROOF OF PUBLICATION Received 7-21-77

APPLICATION

Not Received _____

Approved FFCL - 3/26/81

Subject to WI-10

Not Approved ~~4/29/81~~

Action deferred July 27-28, 1977

Priority _____ Date Received 7-11-77 Application Complete yes no _____ FEE 150⁰⁰

Remarks add'l diversion on 1622-3 - filed 1968

Date information and/or fee or corrected Application received _____

Period of Annual use April - October

WATER QUALITY

Received yes no _____ APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as application yes no _____ Remarks _____

WIQ not required on orig. permits - add'l diversions at this time did not require water analysis

Disapproved _____

Returned _____

Diversion Points _____

NW 4 - 22 - 120 - 74

Lands to be irrigated _____

W 1/2 22-120-74

WELL LOG

Remarks No log just 24'2

Driller _____ Licensed yes no _____

Depth 51' deep or 68' deep?

Water Right No. _____

MAP

Map No. 1167-3 Map located in Water Right ✓ Map file _____
Type of Map Drawn Prepared by Engz

+++++

REVIEWED This Application was reviewed within 30 days of date received, accepted as complete. Number assigned and written up for advertisement before the Board on July 11, 1977. B. F. Jones
(Signed)

+++++

PROTESTS Letters/Petitions in File - yes _____ no _____ Remarks _____

REMARKS Date
F.F. & C Final Decision, including F.F. & C of Law were adopted March 26, 1981
OF LAW, Date
FINAL Final Decision mailed to parties and/or parties notified that Final Decision
DECISIONS was adopted _____
ETC.

Remarks _____

No. 4062-3Map No. 1169.3 Water Division No. 3 MISSOURI RIVER (Blanks to be Filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

To Appropriately Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)

1. Name of Applicant Willard Zueber
 Postoffice address HAVEN, State SO. DAK.
 If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) contract and direct labor
3. Name of diversion work ZUEBER Irrigation Project No 1
4. Amount of water claimed (cubic feet per second) 3.42
5. Source of water supply ground water
6. Location of point of diversion 2 Wells in NW 1/4 - 22 - 120-74
- County POTTER
7. Annual period or periods during which water is to be used April Thru 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 240

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

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
NW 1/4 Sec 22 - 120-74	130		
SW 1/4 Sec 22 - 120-74	110		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 3 years. Additional time required to complete application of water to the proposed beneficial use _____ years.
11. Choice of newspaper for Notice of Intent to Appropriately Water publication HAVEN Review
12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

B. Works proposed to transport water to place of use.

C. Works proposed to apply water to beneficial use.

Estimated Total Cost \$ 12,000

Attachments: 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 Potter

I, Willard Zueber 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 construction

Signed Willard ZueberSubscribed and sworn to before me this 8 day of July 1977

Notary Public (or other qualified officer)

Commissary 127-83

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 4062-3

WILLARD ZWEBER
(Applicant)

HOVEN
(Post Office Address)

SOUTH DAKOTA 57450
(State)

With the following modifications:

The Irrigation well approved under this Permit will be located near domestic wells and other irrigation 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 ground water supplies in adequate domestic wells or in irrigation wells having prior water rights.

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

Date of first receipt of application July 11, 19 77
Date of return to applicant for correction, amendments or changes required _____, 19 _____
Date of receipt of corrected application _____, 19 _____
Approved March 26, 19 81, Recorded in Book 22 Page 231

WATER RIGHT PERMIT NO. 4062-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 4062-3 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 July 11, 19 77
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before September 26, 19 82
3. The whole of said work is to be completed on or before September 26, 19 84
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is September 26, 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 no additional 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 purposes 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 September 26, 19 84; said water to be used during the following described annual period: April - October

Witness my hand this 10th day of July, 19 81

WATER RIGHTS COMMISSION

By: John Hatch
Chief Engineer, Executive Officer
JOHN HATCH

Certificate of Construction Issued _____, 19 _____

Water License Issued _____, 19 _____

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 24", Depth 68'
- (2) Casing, Type (wood, concrete, steel, etc) Diameter Thickness
- (3) Perforated Screen.
Type Johnson Const. wrap Diameter 18", Length 10'
- (4) Gravel Pack. Thickness 6", Length of gravel pack 68'

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 16'
Sands + gravel!

Depth to top of water bearing material 17'
Depth to bottom of water bearing material 51'
Thickness of water bearing material 16'
Depth to water (ground surface to water level) 51'

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

On same owner's property 88 rds. On property owned by others 1/2 mile 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.

Hillard Zuber
Signature of Applicant

No. 4062-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Potter) ss.

I, Daniel W. Holsworth hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Hoven Review

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

July 14, 1977

July 21, 1977

Daniel W. Holsworth
(Signature)

Publisher
(Title)

July 19, 1977
(Date Signed)

**PUBLIC
NOTICES**
"BECAUSE THE PEOPLE
MUST KNOW"



No. 4062-3

**NOTICE
INTENT TO APPROPRIATE
WATER**

Pierre, South Dakota 57501
July 11, 1977

Notice is hereby given
that Willard Zwsber whose
post office address is Hoven,
South Dakota, has made an
application in accordance
with the provisions of SDCL
46-1-1 thru 46-1-8; 46-2-9
thru 46-2-11, 46-2-13; 46-5-
- 46-5-8, 46-5-10-46-5-22,
46-5-41, 46-6-3, 46-6-5, 46-
6-6.1, 46-6-10, 46-6-14 and
Commission Rules ARSD

52:01:01:01 thru 52:01:01:13
for a permit to appropriate
for beneficial use No addi-
tional water from ground
water through the Zwsber
Supplemental Wells, the
points of diversion of which
is to be located in the NW 1/4
of Section 22 Twp. 120N,
Range 74W. Said water to
be used for the purpose of
providing irrigation on por-
tions of the following des-
cribed land:

W 1/2, Section 22, T120N,
R74W.

This application No 4062-3
will be considered by the
Water rights Commission at
the Staurolite Inn, Brook-
ings, S.D. upon the 27th day
of July 1977, at 10 A.M. The
Commission is authorized to
make a determination on
this application at the hear-
ing. All interested persons
may appear and be heard.
Any person who may be
affected by a Commission
decision who desires to pre-
sent evidence or cross-exam-
ine witnesses according to

SDCL 1-26 may notify the
Commission in writing prior
to the hearing or orally at
the hearing.

**WATER RIGHTS
COMMISSION**

By: Burton F. Jones
Water Rights Specialist
(July 14 & 21)



Publish first publication, on or before July 14, 1977

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

July 11, 1977Notice is hereby given that Willard Zweber whose

post office address is Hoven, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-8; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, ~~Future Use 46-5-38, Temporary Permit 46-5-39, 46-5-40, Ground Water 46-6-3, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13, Future Use 52:01:01:21 thru 52:01:01:24~~, for a permit to appropriate for beneficial use No additional ~~cubic feet~~

of water ~~per second of time~~ from the ground water throughthe Zweber Supplemental Wells, the point of diversion of which isto be located in the NW 1/4

of Section 22, Twp. 12N, Range 74W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

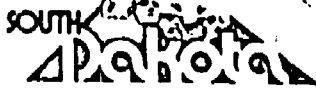
W 1/2, Section 22, T120N, R74W.

This Application No. 4062-3 will be considered by the Water Rights Commission the Staurolite Inn, Brookings, SD at their office at ~~Pierre~~ upon the 27th day of July 1977, at 10a.M. The Commission is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Commission decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Commission in writing prior to the hearing or orally at the hearing.

WATER RIGHTS COMMISSION

Burton F. Jones
Water Rights Specialist

cc. Willard Zweber, Hoven, SD 57450



No. 4062-3 & 4063-2

Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501

Phone 605/224-3151

August 9, 1977

Mr. Willard Zweber
Hoven, SD 57450

Dear Mr. Zweber:

The Water Rights Commission deferred action on your Application

No. 4062-3 & 4063-3 at the July 27 -28, 1977

Commission meeting, pending investigation by the Commission Staff.

If you have any questions, feel free to contact this Office.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Commission

JH/bw

September 14, 1977

Mr. & Mrs. Willard Zweber
Hoven, SD 57450

RE: 4062-3 & 4063-3

Dear Mr. & Mrs. Zweber:

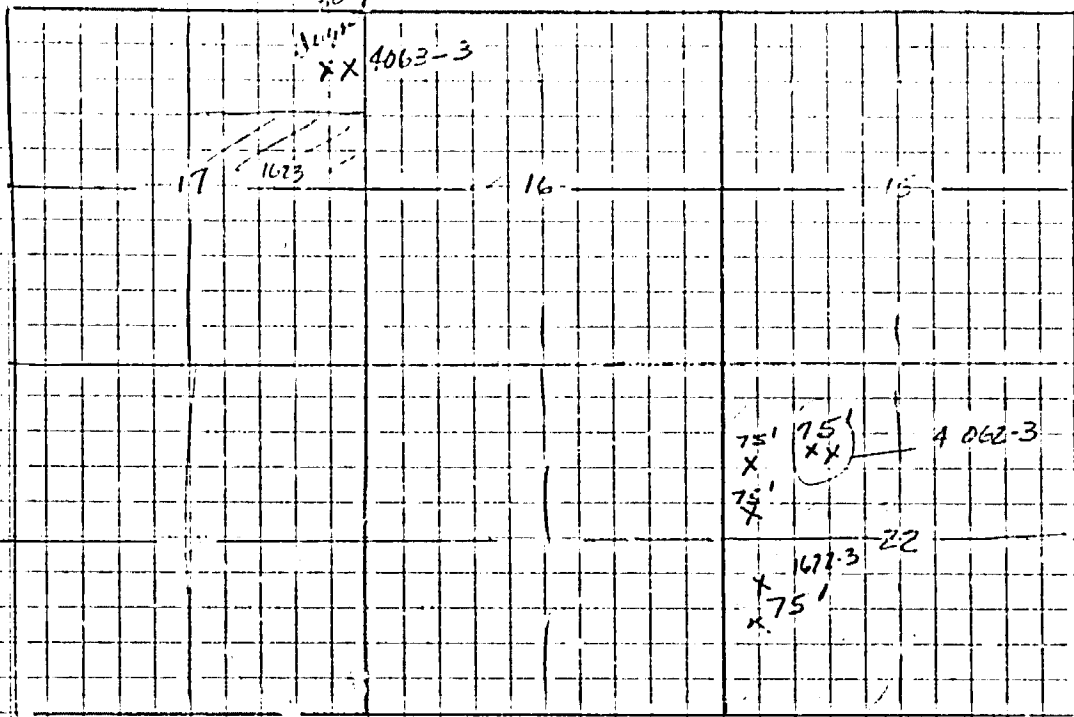
The purpose of this letter is to advise you that the Water Rights Commission Thursday Morning, July 28, 1977, approved a motion "that the Commission send notice to Mr. Zweber that the Commission will reconsider at the November 30 and December 1, 1977, meeting the actions taken July 27, 1977 concerning the additional diversion points authorized for Mr. Zweber. The purpose of the reconsideration being the misapprehension of facts of which the Commission is in doubt." We will notify you of the time and date prior to the meeting.

The Commission realizes that their motion to reconsider continues to leave this matter unresolved and yourselves in an uncertain position. However, the Commission is also concerned that any actions taken by them are correct.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Commission

JH:plh



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

406-2-3

*Copy of report is
in WR # 1623-3*

January 12, 1980

TO: People Interested in Hoven Area Water Supplies & Deferred Applications
FROM: John Hatch, Chief Engineer, Water Rights Division
SUBJECT: Review of Water Status and Reconsideration of Deferred Applications

The Water Management Board will reconsider deferred water permit applications in the Hoven Area in Potter & Walworth Counties at 8:30 am on January 29, 1981 at Meeting Room #1, Kneip Building, Church & Illinois, Pierre SD.

This reconsideration hearing will be conducted in accordance with the provisions of SDCL 46-1-1 thru 46-1-9; 46-1-14; 46-2-9 thru 46-2-11; 46-2-13; 46-5-1 thru 46-5-8; 46-5-10 thru 46-5-22; 46-5-41; 46-6-3; 46-6-5; 46-6-6.1; 46-6-10; 46-6-3.1; 46-6-14 and Board Rules ARSD 52:01:01:01 thru 52:01:01:13.

These applications were previously deferred by the Board pending staff investigation. A report on the deferred applications has been prepared by the Water Rights Staff and is enclosed.

After reconsideration of the deferred applications the Board can approve, conditionally approve, defer, or deny all or part of the Applications.

This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Board may be appealed to the Courts as provided by law.

You are also notified that SDCL 1-26 provides any interested party the opportunity to meet informally with the Water Rights Division Staff to discuss proposed recommendations by the staff to the Board prior to the scheduled hearing. If we do not hear from you, we will assume that the opportunity for an informal meeting is being waived and you wish to proceed directly to the hearing on the applications before the Board.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWNR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

Very truly yours,

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Division

kw

enclosure

Equal Opportunity Employer

STATE OF SOUTH DAKOTA
WATER MANAGEMENT BOARD

APPLICATION OF WILLARD ZWEBER)
FOR PERMIT NO. 4063-3)
)

FINDINGS OF FACT
CONCLUSIONS OF LAW
FINAL DECISION

Having heard and considered all the evidence presented before the Board in the above-entitled matter on January 29, 1981 at the Richard B. Kneip Building, Pierre, South Dakota the Board hereby makes the following:

FINDINGS OF FACT

1. That on July 11, 1977 Application No. 4063-3 was received by the Water Rights Commission from Willard Zweber.
2. That the application is complete and was duly advertised in the Hoven Review on July 14 and July 21, 1977.
3. That action on the application was deferred by the Water Rights Commission at its July 27 and 28, 1977 meeting.
4. That the application is for an additional point of diversion on lands covered by Water Permit No. 1623-3.
5. That the presently permitted well under Permit No. 1623-3 does not provide sufficient water for Zweber's irrigation system.
6. That there is unappropriated water available.
7. That approving the additional diversion point will not interfere with senior water right holders.
8. That the wells presently in existence in the Hoven south aquifer, including the one covered by Application No. 4063-3 are adequately spaced to effectively utilize the available water in the aquifer.
9. That approving the application is in the public interest and the plan of the project is feasible.

CONCLUSIONS OF LAW

1. That the Board has jurisdiction to consider the granting or denying of this application.
2. That it is in the best interest of the people of this state to maximize to the fullest extent the beneficial use of the waters of this state.
3. That all legal requirements for a water permit have been met and Application No. 4063-3 should be approved.

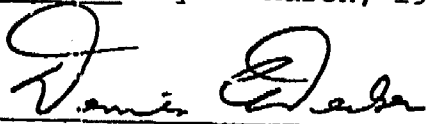
FINAL DECISION

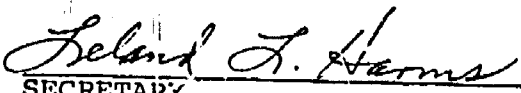
That Application 4063-3 is hereby approved subject to the following conditions:

1. That the irrigation wells approved under this Permit will be located near domestic wells and other irrigation 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 adequate domestic wells or in irrigation wells having prior water rights.

2. That the irrigation water use questionnaire be submitted each year.

Dated and signed this 26th day of March, 1981.


CHAIRMAN


SECRETARY



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

March 22, 1983

4062-3, 4063-3
Willard Zweber
Hoven SD 57540

Dear Sir:

Water Permit No. 4062-3 4063-3 was approved with the qualification that the irrigation questionnaire be submitted each year. To date we have not received the 1982 questionnaire from you.

Please complete the enclosed questionnaire and return to this office. Failure to return the questionnaire is in violation of the conditions under which the permit was approved.

Please advise, if you have any questions.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

enclosure

#4662-3
#4663-5

 **Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

February 17, 1989

Willard Zweber
RR 1, Box 106
Hoven, SD 57450

Dear Mr. Zweber:

On October 6, 1988, the Water Management Board adopted rules to implement a 1988 law for application of chemicals through irrigation systems. The rules establish equipment standards, performance standards and installation requirements for irrigation systems that apply chemicals (fertilizers, insecticides, or herbicides) with irrigation water.

You have indicated on your 1988 Water Management Board Irrigation Questionnaire that you do apply chemicals with irrigation water. A copy of the new rules for chemigation are enclosed for your information.

The new standards include:

- * a check valve between the irrigation pump and the point of chemical injection;
- * a vacuum relief valve on top of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a low-pressure drain on the bottom of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a chemical injection line check valve between the chemical injection pump and the point at which the chemical is injected into the irrigation line; a second check valve is required if the chemical injection pump is not a positive displacement pump;
- * an interlock system which ensures that the chemical injection pump will stop whenever the irrigation pump stops;
- * an inspection port between the irrigation pump and the check valve on the irrigation line;



Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02.09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

The equipment must be installed according to the manufacturer's specifications, calibrated, and maintained in good working condition. All chemical product labels must be followed and warning signs must be posted. These rules also require reporting of all spills, accidents, and system malfunctions. A 24-hour telephone number is provided.

The chemigation rules contain notification and record keeping requirements. Prior to using chemigation, notification must be given to the Chief Engineer on the enclosed Form 1C. Information that must be provided in this notification includes the water permit or right number, the name, address, and telephone number of the water permit or right holder and of the system operator, and the legal description of the lands on which the system is located. A record of the name, quantity, dates and hours of each chemical applied must be provided to the Chief Engineer on Form 2C. A copy of this form is also enclosed for your information. It will be mailed with the annual irrigation questionnaire and must be returned with the questionnaire by the date specified. If you have any questions regarding these rules or need additional copies of the forms, please contact Susan Bcwar, Water Rights Engineer (605-773-3352).

Very truly yours,

for Delwin W. Brong
JOHN HATCH, Chief Engineer
Water Rights Division



4062-3

DEPARTMENT OF WATER & NATURAL RESOURCES

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

September 9, 1992

Willard Zweber
RR
Hoven, SD 57450

Dear Mr. Zweber:

Please find enclosed a partially completed application form and instruction sheet for 3 wells located in the NE 1/4 SW 1/4 Section 22, T120N, R74W. You will not have to provide a map, as I have already prepared one.

Also, enclosed is a copy of the map that I have prepared. Please make any corrections as to the locations of the wells. Indicate who drilled which wells, and the year drilled.

The three wells on this application are not covered under Permit Nos. 1522-3 and 4062-3. The wells under the above permits were to be located in the SE 1/4 NW 1/4 and the NW 1/4 SW 1/4. Three wells were located in the SE 1/4 NW 1/4, and three wells are located in the NE 1/4 SW 1/4. The wells in the NE 1/4 SW 1/4 are not covered under Permit Nos. 1522-3 or 4062-3; therefore, a new application is required for these wells.

After the application has been sent in and approved, the permits will be licensed, as per no. 9 on the instruction sheet.

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

Sincerely,

Lynn Beck
Natural Resources Engineer
Water Rights Division
(605) 773-3352

encl



4062-3

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

NOV 14 1994

5763-3

Willard Zweber
RR 1, Box 106
Hoven, SD 57450

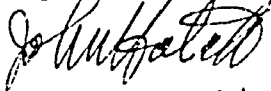
Dear Mr. Zweber:

Enclosed is Water License No. 5763-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 413936 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. 5763-3, 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 Nos. 1622-3 and 4062-3 have been incorporated into this Water License No. 5763-3.