

ADDITIONAL ACREAGE

1. Considered: _____, 19____ Water Right No. 4946-3
2. Name of Applicant ZOCHERT FARMS, INC
3. Post Office Address ROUTE 1, Box 155, Webster 57274
4. Amount of Water Claimed 2.28 maximum acre feet _____
5. Source of Water Supply 75' deep existing well on permit 4595-3
6. Water to be used for IRR acres to be irrigated _____
7. County DAY about 6E 3 miles north of Webster

8. PROOF OF PUBLICATION: Received 1st 5-12-83 Not Received _____

APPLICATION: Approved 10-5-83 Subject to Well Interference, I.Q.

Not Approved _____ Action Deferred _____

Application approved 7-19-83 subject adoption of FF&CL

Dated Received 2/22/83 Application complete-yes x no _____ FEE 325.00

Remarks _____

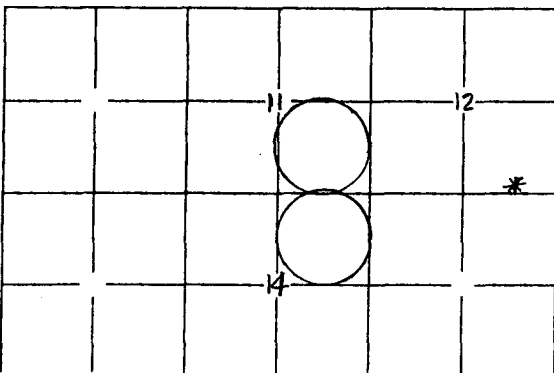
Corrected Application received _____ Period of Annual Use 5/1 thru 9/30

3/15/83

Received yes xx no _____ APPROVED/CONDITIONAL (Circle one)

W1-1 Description same as application-yes xx no _____ Remarks _____

Disapproved _____ Returned _____



Diversion Point _____
SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 12-T122N-R55W (existing
under permit 4595-3)

Land to be irrigated _____
SE $\frac{1}{4}$, Section 11 and NE $\frac{1}{4}$ Section 14-
T122N-R55W

WELL LOG Driller Anderson Well Co Licensed - yes xx no _____

Depth 75 feet deep

Remarks _____

MAP Map No. 4946-3 Map located in Water Right x x Map file _____
 Type of Map aerial Prepared by SCS

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REVIEWED This Application was received within 30 days of the date received, accepted as complete, Number assigned and ~~written up for advertisement before the Board on:~~

3/16/83

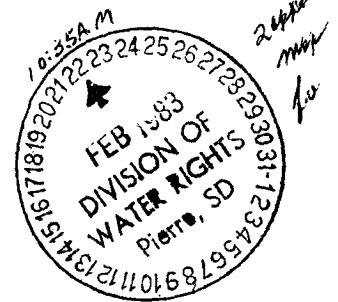
Betty Westlund
 (Signed)

+++++

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

REMARKS Date _____
 F.F. & C. Final Decision, including F.F. & C. of Law were adopted 10-5-83
 OF LAW, Date _____
 FINAL Final Decision mailed to parties and/or parties notified that Final Decision was
 DECISIONS adopted _____
 ETC. Remarks _____

BW

No. 4946-3Map No. 4946-3 Water Division No. 3 JAMES RIVER District
Above for Office Use 10160010

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

Check one of the following:

New ☒ Vested Right _____ Future Use _____

Change in Diversion _____ Additional Diversion _____

Change in Acreage _____ Additional Acreage 1000

1. Name of Applicant Zochert Farms, Inc. Phone No. 345-4293
 Post Office Address Rt. 1 Box 155 Webster State South Dakota 57274
 (Street, RR, or Box) (Town) (Zip Code)
 If a corporation show date and place of incorporation March, 1981 South Dakota
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract
3. Name of diversion work Well
4. Amount of water claimed (cubic feet per second) 2.28
5. Source of water supply existing well located SW $\frac{1}{4}$, SE $\frac{1}{4}$, SE $\frac{1}{4}$ 12-122-55
6. Location of point of diversion Existing well located SW $\frac{1}{4}$, SE $\frac{1}{4}$, SE $\frac{1}{4}$ Sec 12 122-55. Well
is presently used for two small pivots. Additional pipeline will be used to convey
water to Two new systems. County Day
7. Annual period or periods during which water is to be used 1 May through September 30
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 320 additional

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.
SE $\frac{1}{4}$ sec 11 122-55	160
NE $\frac{1}{4}$ sec 14 122-55	160

Land Description	No. Acres Irr.

Attach sheet if more space is needed

10. Time required to complete construction of water supply system two 5 years. Additional time required to complete application of water to the proposed beneficial use two 4 years.
11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Reporter and Farmer
12. Principal Features of the Proposed Water Supply System.

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

Water to be obtained from existing well which presently supplies water for two small center pivots. 1982 License issued. (4595-3 & 4169-3)

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

3400 lin. ft. of pipeline (underground) to system in sec. 14 and 2400 lin. ft. of pipeline (underground) to system in sec. 11

C. Works proposed to apply water to beneficial use.
center pivot type system .Estimated Total Cost \$ \$40,000.00Attachments: 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 Day) ss.I, Zochert Farms, Inc 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 Zochert Farms, Inc. Jan Zochert
Subscribed and sworn to before me this 15th day of February, 1983
Janet Hubsch
Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No.

4946-3

Zochert Farms Inc

RT. 1 Box 155 Webster

(Applicant)

(Post Office Address)

South Dakota

(State)

With the following qualifications.

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 needed 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

February 22, 1983

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

—, 19—

Date of receipt of corrected application

—, 19—

Approved

October 5

, 1983, Recorded in Book

Page

WATER RIGHT PERMIT NO. 4946-3

The Water Management Board hereby grants and issues this Water Right Permit No. 4946-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is February 22, 1983
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before April 5, 1986
3. The whole of said work is to be completed on or before October 5, 1988
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is October 5, 1992
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 2.28 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 irrigation purposes said appropriation must be limited to not more than 2 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 5, 1992; said water to be used during the following described

annual period: April 1 thru September

Witness my hand this 3rd day of January, 1984

THE WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Water Rights

JOHN HATCH

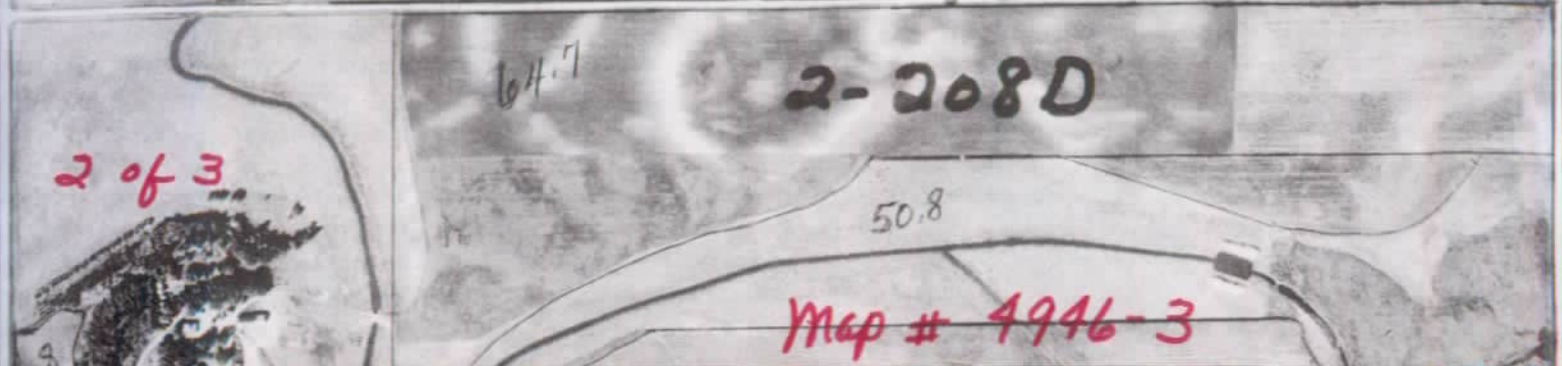
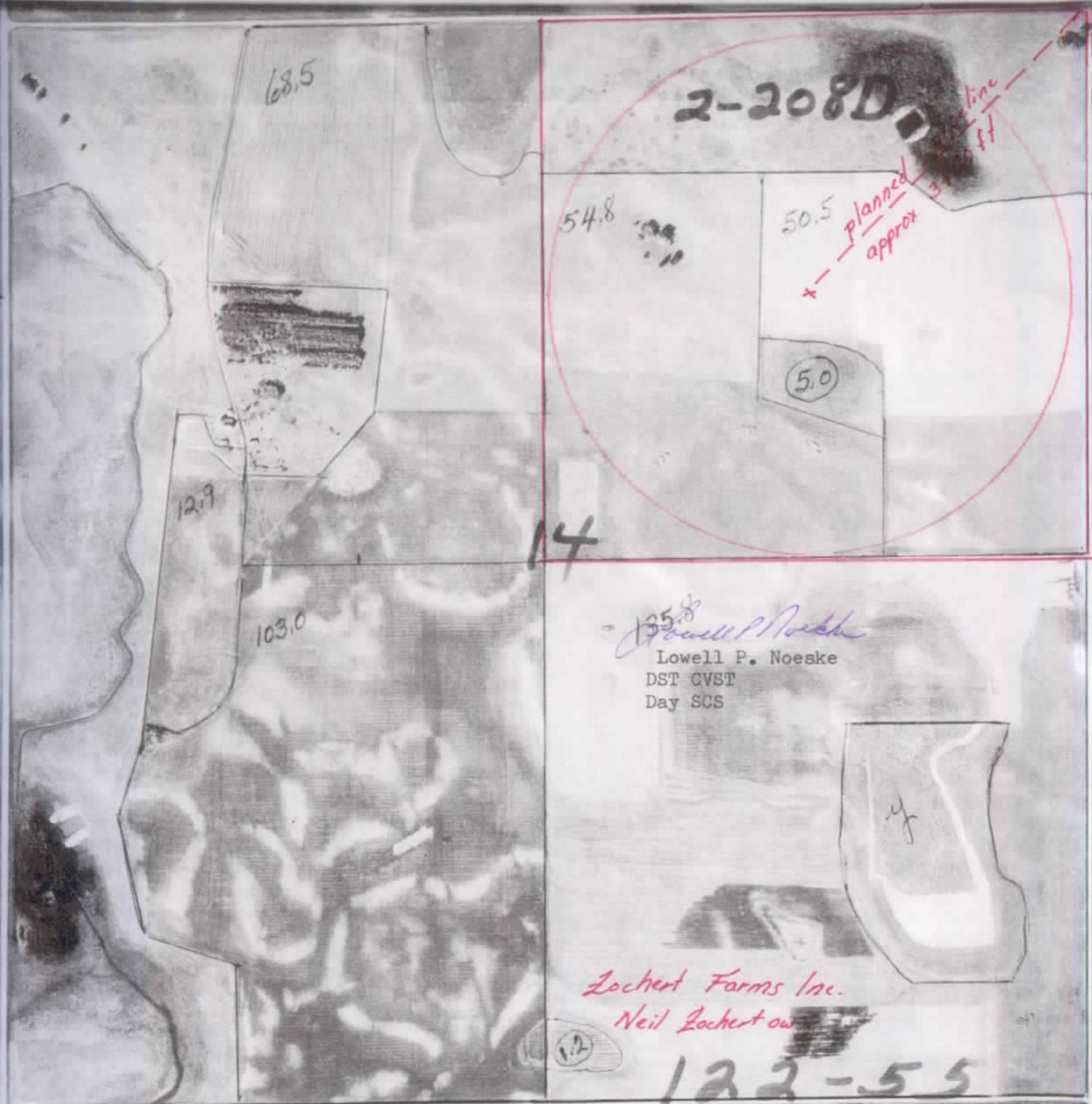
Certificate of Construction Issued

, 19

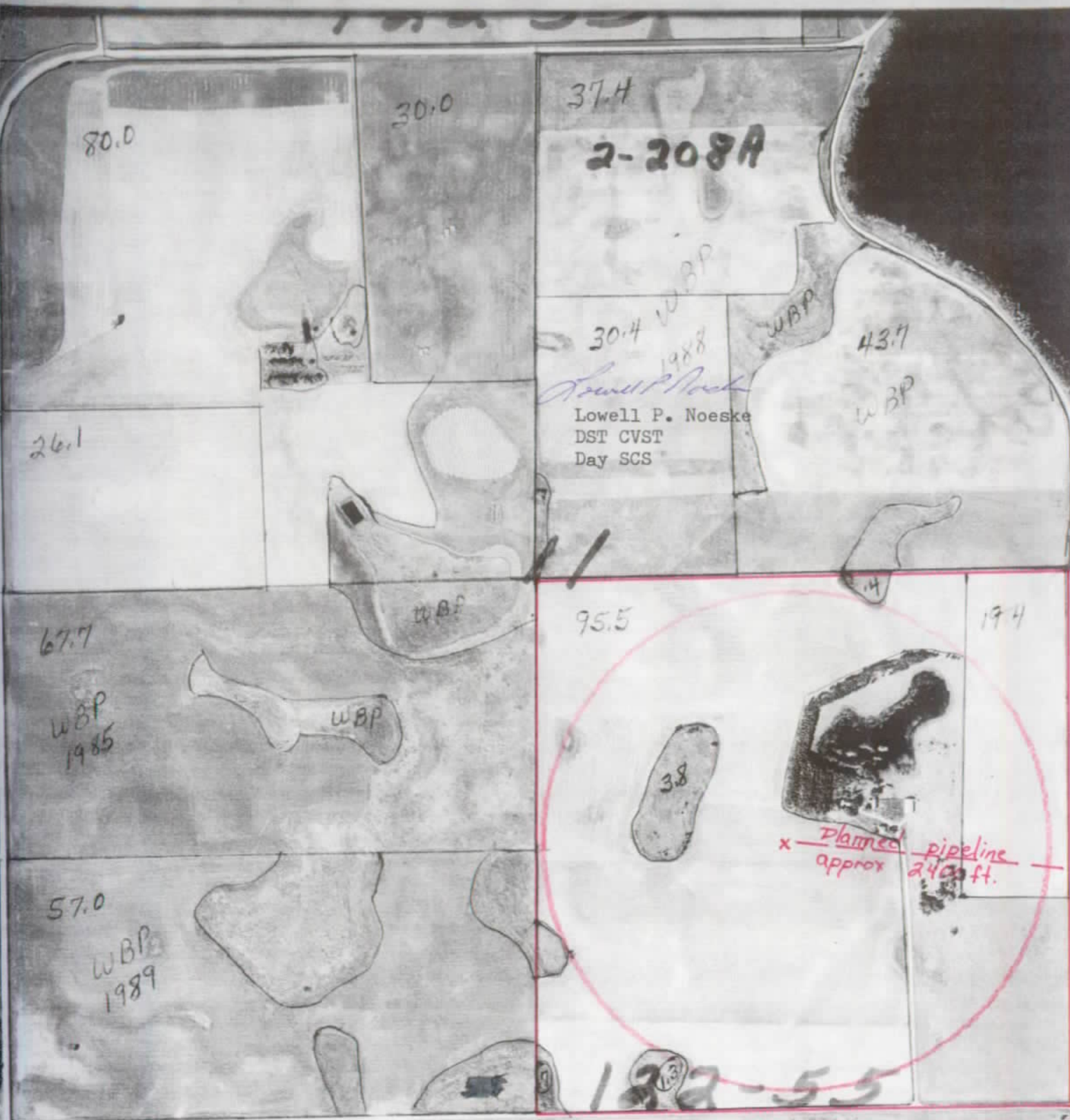
Water License Issued

, 19

NOT TO SCALE



NOT TO SCALE



Zochert Farms Inc
Neil Zochert ow.

3 OF 3

Map # 4946-3

NOT TO SCALE

122-55

NEWASTA

LAKE 2-208B

4.2

5.1

47.3

21.7

Lowell P. Noeske

Lowell P. Noeske

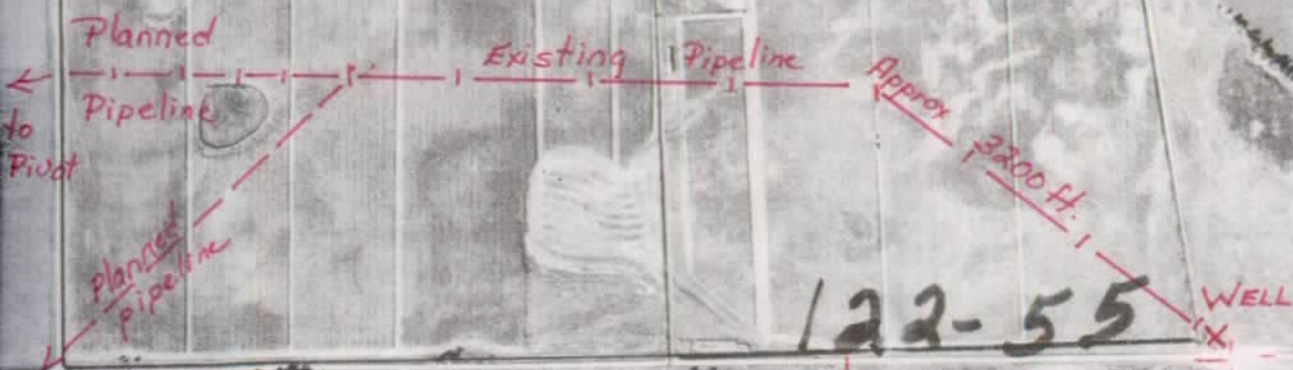
DST CVST

Day SCS

95.6

74.1

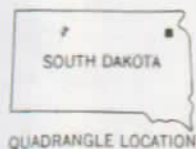
(8.1)





ROAD CLASSIFICATION

Primary highway, hard surface _____ Light-duty road, hard or improved surface _____
 Secondary highway, hard surface _____ Unimproved road _____
 Interstate Route U. S. Route State Route



ROSLYN, S. DAK.
 N4522.5—W9722.5/7.5

1970

AMS 6574 IV NW—SERIES V873

WATER RIGHTS

Location DCC-2

Section 12

22N

SSW

Well DA-78-C

Land Owner

Date: 13 SEP 78

Elevation

Drilling Company

EMPIRE

Geologist

Drill in

A. KRETZSCHMAR

Water Rights

Auger

Thickens	Lithologic Description	From to Feet
1	TOPSOIL, BLACK	0-1
4	CLAY, YELLOW-BROWN (TILL)	1-15
22	CLAY, GRAY	15-37
25	SAND, MEDIUM, SOME CLAY	37-62
13	SAND, MEDIUM TO COARSE	62-75
5	CLAY, GRAY	75-80
	T.D. - 80'	
	CASED - 77' 2" SCH 80 PVC	
	INCLUDES 5' SANDPOINT	

REVISION 25/7

ROLL NO

DATE: 10/1/78

BY: J. L. BROWN

TEST FOR TRANSMISSIBILITY OF WATER
IN
WATER RESOURCES COMMISSION OBSERVATION WELLS

Casing size: 2" PVC

	Top Casing to Top Water	Top Casing to Ground Surface	Total Length of Casing & Screen	Top of Well to Top of Sediment	Length of Sedi- ment	Date Test- ed	Date Drill- ed	Water Added
DA78C	33.8							
	34.0	3.1	78.5			9-21-78	9-13-78	1 gal

Depth to Water from top of casing after computed am't of water has been placed in Observation well.	One Min.	Five Min's	Ten Min's	Fifteen Min's	Thirty Min's	One Hour	24 Hrs.	72 Hrs.
	34.0							

REMARKS

WELL NO. DA-78C

Test and time

pumped 15 gpm sample clean
tested, posted, painted, padlocked
9-21-78

DA-78-C

Spring 1.00

Case

2" PVC

5-20-81

Control Valve

1.00
0.00

39.8

Stickup

3.1

TRANSMISSIBILITY TEST

Water Added

	1 Minute	2 Minutes	3 Minutes	5 Minutes	15 Minutes	30 Minutes
Water used						

Did you chlorinate well ☐

PUMPING DATA:

Time started _____
Time stopped _____
Well yield 1.5 gpm
Well depth 78.3
Water level _____
after pumping _____

Water sample NO

Water Sample Appearance:

Cloudy ☐ clear ☐

Sandy ☐ silty ☐

Additional Work:

Backpressure ☐

Acidized ☐

Washed ☐

Did well appear open ☒

Other _____

REMARKS:

Painted

Post

Label

Radio

Other

conductivity 9/13(x100)

Temp 70°C

MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR
SECTION 25-1 ROLL NO 2 DATE RECORDED 5-11-81

Heale III
test hole

Bay

NOTICE OF WELL CONSTRUCTION

(1) WELL CONSTRUCTION

Location of well: NE 1/4 1/4 Section 13 Township 122 Range 55
Well owner: Juan Zacher (Name) M. Zacher (Address)
Date well drilling completed: Purpose of well: (domestic, irrigation, municipal, industrial, other)

WELL LOG

Layers, top to top in feet	Description of layer	Depth to top of water producing aquifer	ft.
0-4	Top soil	Depth to static water level	ft.
4-11	sand	Name of producing aquifer (if known)	
11-13	Y clay	Total depth of drill hole	ft.
13-42	B clay	Depth to bottom of casing	ft.
42-69	sand	Casing information: In the space below show kind, size, weight, lengths per diameter, etc., for production casing and surface casing, if used.	
		Screen information: In the space below show length of screen below bottom of casing, diameter and kind of screen or casing perforations.	
		If a flowing well, flow of completed well	
		G.P.M.	

Attach sheet if more space is needed

Paul M. Zacher
Name of Drilling Contractor

(2) PUMP INSTALLATION

Company name and size of pump: HP
Type of pump: Capacity of installed pump: G.P.M.
Depth of pump placement: ft., Date of pump installation:

(3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required: See Section 46.408 of Chapter 46.4, MINIMUM WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed: ft., tube diameter: tube material:

Name of Pump Installation Contractor



le II
that hal. Bay

1) WELL CONSTRUCTION
Location of well: NE 1/4 1/4 Section 13 Township 122 Range 55
Well owner: Guan Zorholt (Name) Wichita (Address)
Date well drilling completed _____ Purpose of well _____ (domestic, irrigation, municipal, industrial, other)

Layer, top to top in feet	Description of layer	Depth to top of water producing aquifer _____ ft.
0-5	top soil	Depth to static water level _____ ft.
5-12	sand	Name of producing aquifer (if known) _____
12-45	B-clay	Total depth of drill hole _____ ft.
45-69	sand	Depth to bottom of casing _____
		Casing information: In the space below show kind, size, weight, lengths per diameter, etc., for production casing and surface casing, if used.
		Screen information: In the space below show length of screen below bottom of casing, diameter and kind of screen or casing perforations.
If a flowing well, flow of completed well _____ G.P.M.		
Attach sheet if more space is needed		

Paul T. Anderson
Name of Drilling Contractor

PUMP INSTALLATION _____ HP _____
 Cor. any name and size of pump _____ G.P.M.
 Type of pump _____ Capacity of installed pump _____
 Depth of pump placement _____ ft., Date of pump installation _____

WATER SURFACE MEASURING TUBE
On some wells an air-tight water surface measuring tube is required: See Section 46.408 of Chapter 46.4, MINIMUM WELL CONSTRUCTION STANDARDS.
Show exact vertical length of water surface measuring tube, when installed _____ ft., tube diameter _____, tube material _____.

cl. I 2. pale

Day

Well known Green Bay (Address)

WELL LOG

Attach sheet if more space is needed

If a flowing well, flow of completed well _____ G.P.M.

Robert Anderson
Name of Drilling Contractor

Company name or _____ of pump _____ HP _____

Type of pump _____ Capacity of installed pump _____ G.P.M.

Depth of pump placement _____ ft., Date of pump installation _____

On some wells an air-tight water surface measuring tube is required: See Section 46.408 of Chapter 46.4, MINIMUM WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed _____ ft., tube diameter _____ tube material _____.

Name of Pump Installation Contractor:

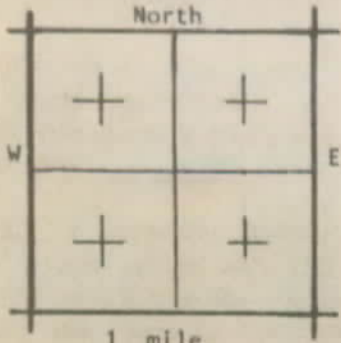


WELL DRILLERS REPORT
SOUTH DAKOTA WATER RIGHTS COMMISSION

4-78

Well Owner:
 Name
 Address

Water Level Information:
 Static water level below land surface
 If flowing: closed in pressure PSI
 rate of flow GPM
 Controlled by:
☐ Valve ☐ Reducers ☐ Other
 If other; specify

Well Location:
 Mark location with an "X"

 County
 Sec. Twp. Rg.

Well Test Data:
☐ Pumped
☐ Bailed Describe:
☐ Other
 Pumping Level Below Land Surface
 ft. After Hrs. pumped GPM
 " " " " "
 " " " " "

Proposed Use:
☐ Domestic ☐ Municipal ☐ Test Holes
☐ Irrigation ☐ Industrial ☐ Stock

Method of Drilling:
☐ Forward Rotary ☐ Bored ☐ Jetted
☐ Reverse Rotary ☐ Cable ☐ Other

Well Construction:
 Diameter of Hole
 Depth
 Casing ☐ Steel ☐ Concrete
☐ Plastic ☐ Other
 If other, specify

Was casing end left open
 Was a well screen installed
 Describe Well Screen
 Diameter Material
 Slot size
 Was well gravel packed
 Was well grouted
 Was water sample taken

Formation	Depth	
	From	To
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
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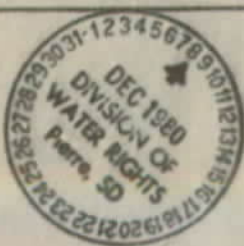
(Use Back If Necessary)

Date Completed: Oct 10 - 1980

Driller:
Anderson Well Co 293
 Driller's or Firm's Name License NO.
Webster SD
 Address

 Signed By Date Oct 10 - 80

Remarks:



Permit No. 4545-3

Water Division 3 JAMES RIVER Water District

REPORT 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 IVAN
ZOCHERT of WEBSTER holder
of Permit No. 4545-3, bearing date of priority of DECEMBER 30, 1980
authorizing the diversion of 2.14 cu. ft. per second of the waters of GROUNDWATER
for IRRIGATION purposes, in DAY 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:

72' DEEP WELL WITH 16" STEEL CASING - 20" SS SCREEN
NATIONAL PUMP CO 8" PUMP - MODEL 260N, POWERED BY
75HP US ELECTRIC MOTOR @ 1765 RPM

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

1350' OF 8" BURIED PVC FROM WELL TO E PIVOT PAD
1900' OF 8" BURIED PVC FROM E PIVOT PAD TO W PIVOT PAD

C. Works used to apply water to beneficial use.

W. PIVOT - 5 TOWER ELECTROGATOR CENTER PIVOT
E. PIVOT - 4 TOWER ELECTROGATOR CENTER PIVOT
BOTH WITH NELSON #100 END GUN

The system is in the following condition: GOOD

The point of diversion is located 3000' E & 120' N OF THE SW CORNER,
SECTION 12, T122N, R55W

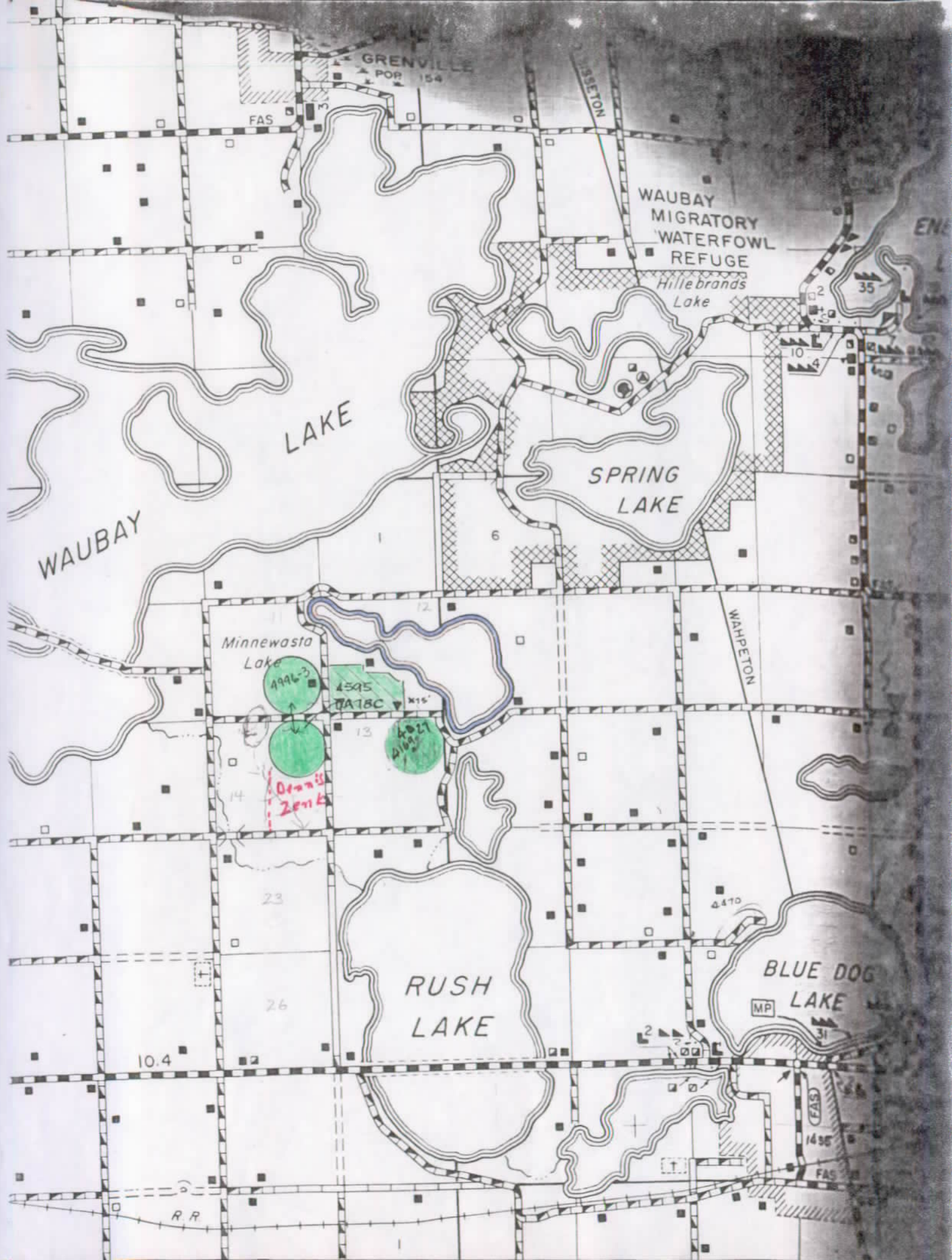
The works are capable of diverting and conveying to the place of use 400 GPM
FOR EACH PIVOT - 800 GPM 1.78 CFS
cu. ft. per second of water which is to be used for IRRIGATION

Water has been put to beneficial use to the maximum extent as follows: ALL IN SECTION 12, T122N, R55W

<u>NW¹SW¹</u>	<u>22 ACRES</u>	<u>NW¹SE¹</u>	<u>12 ACRES</u>
<u>NE¹SW¹</u>	<u>15 "</u>	<u>SW¹SE¹</u>	<u>32 "</u>
<u>SW¹SW¹</u>	<u>34 "</u>		
<u>SE¹SW¹</u>	<u>25 "</u>		

comprising a total of 140 acres of land.

RECORDED 14 1982



RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 9163

PIERRE, February 23, 1983

RECEIVED OF Zochert Farms, Inc., Route #1, Box 155, Webster, SD 57274

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)	325. 00
Fee for inspecting Construction, and issuing Cert. of Construction No.	
Fee for inspecting Beneficial Use, and issuing Water License No.	
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	325 00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer



Department of Agriculture

DIVISION OF CONSERVATION

Anderson Building, Room 322

Pierre, South Dakota 57501

Phone 605/773-3258

February 25, 1983

Neil Zochert
Rt 1, Box 155
Webster, SD 57274

Dear Mr. Zochert:

In reviewing your soil and water compatibility application for the SE $\frac{1}{4}$ 11 & NE $\frac{1}{4}$ 14-122-55 = 320 acres, the irrigation staff is recommending a Conditional Approval of your application to the State Conservation Commission at their March 10, 1983 meeting. The Conditional is based on the soils and water quality you intend to use for irrigation. The Restrictions and Management Recommendations are as follows:

RESTRICTIONS:

46/1-F = The areas of these poorly drained soils must be left in grass and or alfalfa.

60/4RF = Should not be irrigated because of steep slopes.

MANAGEMENT RECOMMENDATIONS:

Due to the drainage problems and trafficability problems in areas mapped 46/1-F and 47/1-F we suggest the following:

- 1.) All these areas be maintained in grass.
- 2.) If possible provide surface and/or internal drainage for these areas.
- 3.) To avoid irrigating some of the larger areas you may wish to install an automatic shut off in your system.

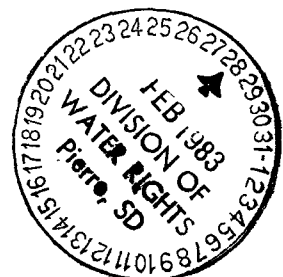
Many of the soils you intend to irrigate are subject to water erosion. The use of stubble mulching, crop residue management, strip cropping and reduced tillage practices will help control this problem. Also we suggest the same water application made by Larry Fine on your previous permits.

If you have any questions concerning your permit please feel free to contact this office.

Sincerely,

Jim Stukel
Irrigation Program Director

cf



SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

Division of Conservation

Office Use Only

4017

WR#

OWNERS NAME: Neil Zochert OWNERS ADDRESS: Rt 1 Box 155, Webster
South Dakota 57274

COUNTY LAND LOCATED IN: Day PHONE: 345-4695

TENANT'S NAME AND ADDRESS: Zochert Farms Inc.
Box 155, Rt 1 Webster, SD 57274

LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres)

1. WELL LOCATION SW 1/4, SE 1/4, SE 1/4 Sec 12 122-55

Depth 70 Feet (Existing well previously sampled Permit Number 4595-3)

2. SURFACE WATER SOURCE AND DIVERSION LOCATION: _____

Diversion Location _____

Legal Description	Acres	Legal Description	Acres
<u>SE 1/4 Sec. 11 122-55</u>	<u>160</u>		
<u>NE 1/4 Sec. 14 122-55</u>	<u>160</u>		
Total - 320			

3. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED 1977

LEGAL DESCRIPTION: NE 1/4 13-122-55; SW 1/4 & W 1/4, SE 1/4 12-122-55

IN WHAT NAME: Zochert Farms Inc.

4. LOCATION OF AREA TO BE IRRIGATED NOTE: **SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)**

5. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: XX GUN: _____ (Specify) _____

6. CROPS TO BE IRRIGATED: Corn, Alfalfa, Soybeans, Small Grains

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)	
7. WATER SAMPLE NUMBER: <u>80-1031</u>	10. ADJUSTED (SAR): <u>1.0</u>
8. SALINITY (EC X 10 ⁶): <u>1516</u>	11. PERCENT SODIUM <u>60</u>
9. SODIUM (SAR): <u>1.0535</u>	

I hereby certify that I personally obtained or that I personally observed that taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see instruction sheet) were followed, and that the sample was taken at _____ a.m./p.m., on _____, 19____, at the following location: _____

by (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

Signature

I understand that the Division of Conservation or agents thereof may obtain water samples from wells and surface bodies to be used for irrigation purposes to validate water samples taken at the time of application. The Department of Agriculture may also gather technical information necessary to protect the land. (46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS

15 DAY OF January, 1983
[Signature]
(NOTARY PUBLIC)

Zochert Farms Inc.
APPLICANT'S SIGNATURE

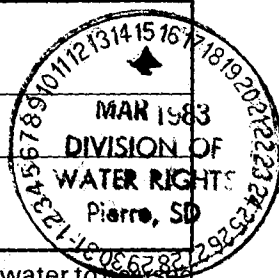
Jack M. Fyfield
Director, Division of Conservation

Date 3-10-83

APPROVED
☒ DISAPPROVED
☒ CONDITIONALLY APPROVED

IMPORTANT
Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application. In all cases a WATER RIGHT must be obtained from the Board of Water Management, Foss Building, Pierre.

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



Conditional#4017

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT: Ivan ZochertLEGAL DESCRIPTION: SE 11 & NE 14-122-55 = 320 acresSOIL RESTRICTIONS:THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

60/4RF = Should not be irrigated because of steep slopes.

THE SOILS(S) LISTED BELOW CAN BE IRRIGATED
WITH THE FOLLOWING RESTRICTIONS:46/1-F The areas of these poorly drained soils must be left in grass and
or alfalfa.RECOMMENDED MANAGEMENT: Due to the drainage problems and trafficability problems

in areas mapped 46/1-F and 47/1-F we suggest the following: 1.) All these areas be maintained in grass, 2.) If possible provide surface and/or internal drainage for these areas, 3.) To avoid irrigating some of the larger areas you may wish to install an automatic shut off in your system. Many of the soils you intend to irrigate are subject to wind erosion. The use of stubble mulching, crop residue management, strip cropping and reduced tillage practices will help control this problem. Also we suggest the same water application made by Larry Fine on your previous permits.

Tom M. Lipe
SIGNATURE3-1-83
DATE

**SOUTH Dakota Department of
Water & Natural Resources**

Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

February 23, 1983

Zochert Farms, Inc.
Rt #1 Box 155
Webster SD 57274

Dear Sir:

Your application dated February 15, 1983 for a permit to appropriate water from
groundwater through the Zochert Project was received February 22, 1983

We have not, as of this date, received the following information to further process your application, as checked below.

 The map showing the location of the diversion point(s) and lands to be irrigated. State in rods/feet from the Section line the exact location of the wells(s) (or point of diversion). Our suggestion is that you use aerial photos which can be obtained from the ASC Office.

XX The map must be signed by a licensed land surveyor or a South Dakota Registered Professional Engineer or by a governmental employee who prepares such maps as a regular part of his governmental employment.

 Statutes require that we charge \$ for the acreage specified on your application.

 A log of the well(s), signed by a South Dakota Licensed well driller must be submitted with the application.

XX The Soil/Water Compatibility (WI-1) approval must be received from the State Conservation Commission. For procedures and required forms, contact the State Conservation Commission, Anderson Building, Pierre SD 57501 (Phone 773-3259). **We forwarded the forms to that office.**

 Please completed the enclosed application forms where indicated and return to this office.

XX TO MAINTAIN YOUR PRIORITY DATE ON YOUR APPLICATION FOR PERMIT TO APPROPRIATE WATER, in accordance with SDCL 46-5-16, you will now have SIXTY DAYS from the date of this letter to correct your application and/or have the above information submitted to this office.

XX Your Receipt No. 4 9163 in the amount of \$ 325 is on file with your application.

Sincerely,

Karen Schlaak

KAREN SCHLAACK, Administrative Aide



United States
Department of
Agriculture

Soil
Conservation
Service

Subject: Zochert Farms Irrigation Application

Date: 2-28-83

To: Karen Schaak
Administrative Aide
DWNR

Enclosed please find the signed ASCS air photos of the proposed irrigation application areas that the Zochert Farms are making.

It was an oversight on my part that these forms were not originally signed.

If you have any further questions, please contact me at your convenience.

Lowell P. Noeske
District Conservationist
Day County



The Soil Conservation Service
is an agency of the
Department of Agriculture

SCS-AS-3
10-79

Conversation or File Documentation

NAME OF PERSON OR FILE: Zochert Farms Inc.

ADDRESS: _____ COUNTY _____

DATE: March 21, 1983 TELEPHONE 225-8122 (Inman Irrig)RE: Application 4946-3 (for additional)

COMMENTS:

Received call from John McDowell (Inman Irrig Aberdeen) wanted to know when hearing was for above application I told him it would not be until July. He was upset about this but I told him because of the new law we had no choice. I told him I would check and see if we could consider it earlier.

After checking there are not enough days to properly advertise before ~~July~~^{May 5}. Should call John back.

22 March 83 10:30 AM talked to Mr. McDowell and told him application could not be heard until July meeting.

David H. Silken

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Kevin C. Tarron

Water Rights Division
605 773-3352

March 23, 1984

Ivan Zochert
Zochert Farms, Inc.
RR #1, Box 155
Webster SD 57274

Dear Mr. Zochert:

Enclosed please find a cassette containing that portion of the Water Management Board Meeting July 26, 1983 pertaining to Water Permit Application No. 4946-3, Zochert Farms, Inc. as you requested.

Sincerely,

KAREN SCHLAAK
Administrative Aide

enclosure

Report on Water Permit Application No. 4946-3

March 30, 1983

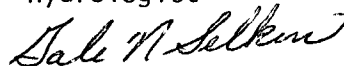
Application 4946-3, Zochart Farms Inc., proposes to irrigate 320 acres in Sections 11 and 14, T122N, R55W from one 75 foot well located in SE $\frac{1}{4}$ Section 12, T122N, R55W. The well is presently used for and licensed under permit 4595-3 for 1.78 cfs of water.

If this application is approved the well will have two priority dates with two different rates depending on which permitted lands are being irrigated.

Based on production logs and on observation well records unappropriated water is available. The only interference problems would be with permit 4027-3 and 4169-3 which are owned and operated by applicant.

Recommendation: Staff recommends approval of application 4946-3.

Gale Selken
Hydrologist



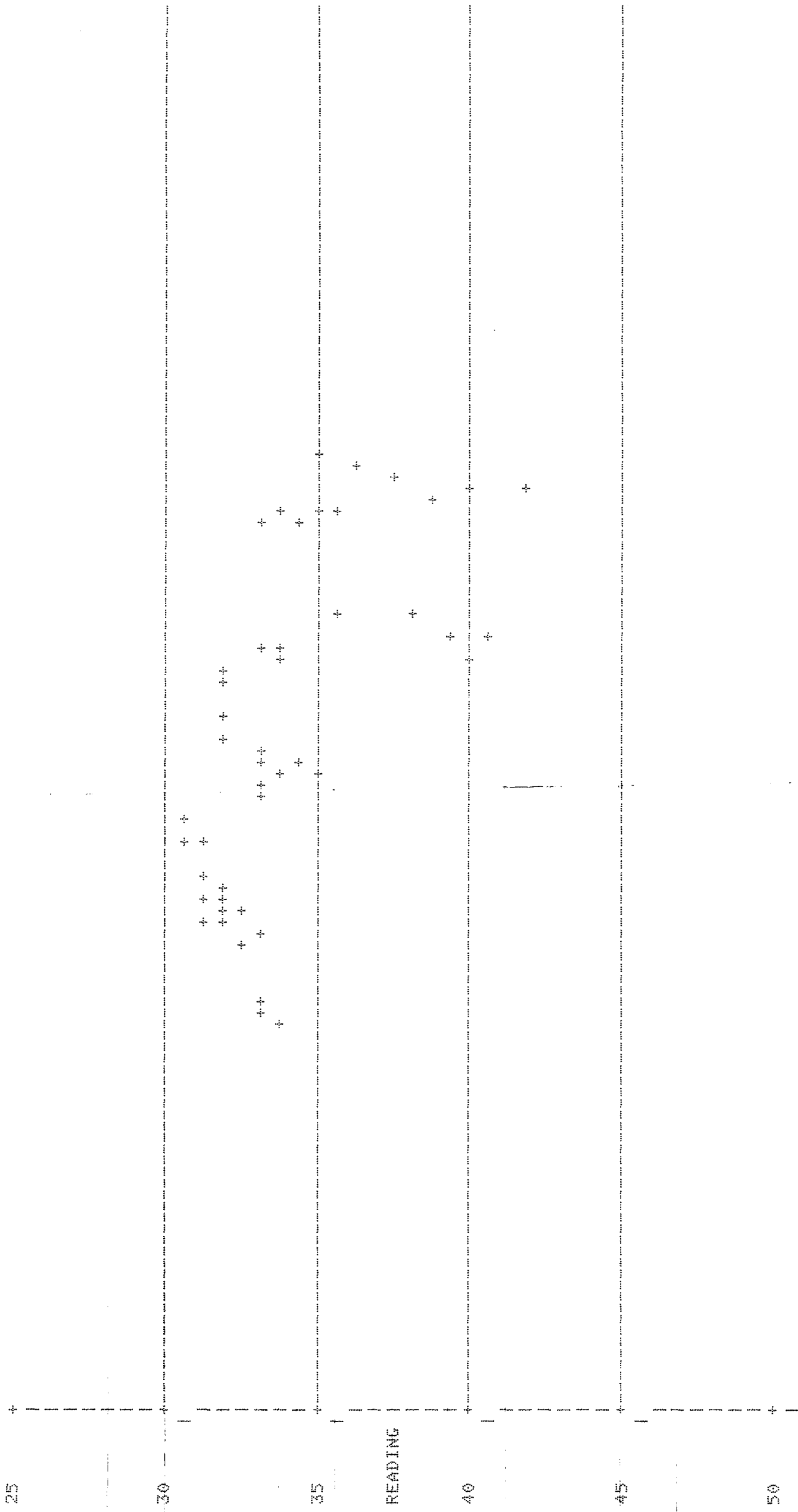
4946-3

DAY COUNTY OBSERVATION WELL WATER LEVELS 9:40 WEDNESDAY, MARCH 30, 1983 1

OBS_WELL	LOCATION	DATE	READING
DA-78C	122N-55W-12DCCC	09/27/78	33.7
DA-78C	122N-55W-12DCCC	10/16/78	33.4
DA-78C	122N-55W-12DCCC	11/28/78	33.1
DA-78C	122N-55W-12DCCC	05/02/79	32.5
DA-78C	122N-55W-12DCCC	05/31/79	33.2
DA-78C	122N-55W-12DCCC	06/12/79	31.9
DA-78C	122N-55W-12DCCC	07/03/79	31.4
DA-78C	122N-55W-12DCCC	07/20/79	32.8
DA-78C	122N-55W-12DCCC	08/01/79	32.0
DA-78C	122N-55W-12DCCC	08/16/79	31.3
DA-78C	122N-55W-12DCCC	09/05/79	32.0
DA-78C	122N-55W-12DCCC	09/27/79	31.8
DA-78C	122N-55W-12DCCC	10/25/79	31.4
DA-78C	122N-55W-12DCCC	01/15/80	31.0
DA-78C	122N-55W-12DCCC	03/06/80	30.8
DA-78C	122N-55W-12DCCC	04/16/80	30.9
DA-78C	122N-55W-12DCCC	05/29/80	33.1
DA-78C	122N-55W-12DCCC	06/23/80	33.0
DA-78C	122N-55W-12DCCC	07/10/80	33.5
DA-78C	122N-55W-12DCCC	07/24/80	35.3
DA-78C	122N-55W-12DCCC	08/06/80	34.1
DA-78C	122N-55W-12DCCC	08/20/80	33.4
DA-78C	122N-55W-12DCCC	09/10/80	33.3
DA-78C	122N-55W-12DCCC	10/29/80	32.1
DA-78C	122N-55W-12DCCC	12/09/80	31.9
DA-78C	122N-55W-12DCCC	03/10/81	32.0
DA-78C	122N-55W-12DCCC	04/16/81	31.6
DA-78C	122N-55W-12DCCC	05/20/81	39.8
DA-78C	122N-55W-12DCCC	05/27/81	34.0
DA-78C	122N-55W-12DCCC	06/10/81	33.8
DA-78C	122N-55W-12DCCC	06/23/81	33.0
DA-78C	122N-55W-12DCCC	07/08/81	39.2
DA-78C	122N-55W-12DCCC	07/22/81	39.5
DA-78C	122N-55W-12DCCC	08/05/81	40.4
DA-78C	122N-55W-12DCCC	09/01/81	38.4
DA-78C	122N-55W-12DCCC	10/21/81	35.7
DA-78C	122N-55W-12DCCC	05/05/82	33.3
DA-78C	122N-55W-12DCCC	05/25/82	34.6
DA-78C	122N-55W-12DCCC	06/08/82	33.8
DA-78C	122N-55W-12DCCC	06/22/82	34.7
DA-78C	122N-55W-12DCCC	07/08/82	35.5
DA-78C	122N-55W-12DCCC	07/20/82	39.0
DA-78C	122N-55W-12DCCC	08/03/82	40.1
DA-78C	122N-55W-12DCCC	08/18/82	41.8
DA-78C	122N-55W-12DCCC	09/01/82	37.7
DA-78C	122N-55W-12DCCC	09/29/82	36.0
DA-78C	122N-55W-12DCCC	10/27/82	35.0

N=47

PLOT OF READING*DATE SYMBOL USED IS +



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88

DATE

UQS0009 - END OF DATA SET
HECS - HIGHER EDUCATION COMPUTER SYSTEM

ENTER TSQ OR COMPLETE

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT APPLICATION

No. 4946-3, Zochert Farms, Inc.

Pursuant to Section 4, House Bill 1002, 1983 Legislature, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 4946-3, Zochert Farms, Inc. Rt 1, Box 155, Webster SD.

The Chief Engineer is recommending APPROVAL of Application No. 4946-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) that the proposed diversion can be developed without unlawful impairment of existing rights, 3) that the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

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 needed 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.

The attached report is a part of this recommendation.



JOHN HATCH, Chief Engineer
March 31, 1983

Kevin

4-20-83

George Zentk Called

RR-1

345-3568

Box 152

Webster, S.D.

Send copy of notice - he
will probably be sending
letter requesting investigation
prior to issuing permit
to Ivan Zochert. Concerned
about affect of irrigation on
his lower land located below
Zochert.

Int
4-21-83

Conversation or File Documentation

NAME OF PERSON OR FILE: Zochert Farms Inc.ADDRESS: Webster COUNTY DATE: 4-27-83 TELEPHONE RE: Advertising

COMMENTS:

Lee Engler called, he is the editor of the Webster Paper he said that the advertisement for 4946-3 did not get in the paper today. He said they received the notice 4-21-83 but somehow they lost it. I told him to send the info back and we would readvertise for July mtg.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Kevin C. Larson

Instructions to Newspaper - Publish first publication of following Notice on or before April 27, 1983 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE of HEARING on Application No. 4946-3 to Appropriate Water
~~and/or to Amend Water Permit or Water Right No. _____~~

Notice is hereby given that Zochert Farms, Inc. whose mailing address is Rt#1, Box 155

Webster, South Dakota has made an application pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-14, Section 13 of HB 1001 enacted by 1983 Legislature; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, Section 32 of HB 1001; 46-5-1 thru 46-5-8, 46-5-10, thru 46-5-16, 46-5-24, 46-5-25, 46-5-31, Sections 38, 47, 59 & 67 of HB 1001, Sections 1, 4, 5, 6, 11, 12, 13, 16, 18, 19 & 21 of HB 1002; (ground) 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; (future use) ~~46-5-38 thru 46-5-40, Section 71 of HB 1001, (transfer lands) 46-5-33 thru 46-5-35, (10,000 AFA) 46-5-20.1, 46-5-8.1; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; (future use) 74:02:01:24 thru 74:02:01:26, (10,000 AFA) 74:02:01:15:02 thru 74:02:01:15:05;~~ (several of the preceeding SDCL Sections are amended by HB 1001 & 1002 of 1983 Legislature) for a permit to add acreage and appropriate 2.28 cubic feet per second from groundwater from one existing 75 feet deep well (Permit No. 4585-3). The point of diversion is located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 12, Twp. 122N., Range 55W. Said water to be used for the purpose of providing irrigation of an additional 320 acres located in the SE $\frac{1}{4}$, Section 11 and NE $\frac{1}{4}$, Section 14, T-122N, R-55W.

Pursuant to Section 4 of HB 1002 the Chief Engineer of the Water Rights Division recommends approval of Application No. 4946-3 because 1) unappropriated water is available
rights, 2) will be no unlawful impairment of existing
rights, 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at Federal Building, Room 301
200 4th St., SW, Huron, South Dakota upon the 9th day of June at 10:00 am.
1:30 pm.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to make a determination on this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with the Chief Engineer and the Applicant by May 30, 1983. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reason for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by May 30, 1983.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, 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.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Right Division, DWNr, Joe Foss Bldg., Pierre SD (605 773-3352) for assistance prior to the hearing date.

No. 4946-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County _____ Day _____) ss.

I, Larry Ingalls hereby

certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Reporter and Farmer

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 Webster

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

May 4, 1983

May 10, 1983

Orville Anderson
(Signature)

Bookkeeper
(Title)

May 10, 1983
(Date Signed)

Hearing set

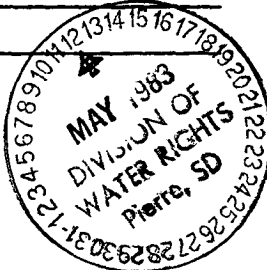
(First May 4)
**NOTICE OF HEARING
ON APPLICATION NO. 4946-3
TO APPROPRIATE WATER**

Notice is hereby given that Zochert Farms, Inc., whose mailing address is Rt. No. 1, Box 15, Webster, South Dakota has made an application pursuant to the provisions of SDCL 46-1-1 through 46-1-9, 46-1-12 through 46-1-14, Section 13 of HB 1001 enacted by 1983 Legislature; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, Section 32 of HB 1001; 46-5-1 through 46-5-8, 46-5-10, through 46-5-16, 46-5-24, 46-5-25, 46-5-31, Sections 38, 47, 59 and 67 of HB 1001, Sections 1, 4, 5, 6, 11, 12, 13, 16, 18, 19 and 21 of HB 1002; 46-6-3, 46-6-3.1, 46-6.61, 46-6-10, 46-6-13, 46-6-14; and Board Rules ARSD 74:02:01:01 through 74:02:01:15; (several of the preceding SDCL Sections are amended by HB 1001 and 1002 of 1983 Legislature) for a permit to add acreage and appropriate 2.28 cubic feet per second from ground water from one existing 75 feet deep well (permit No. 4585-3). The point of diversion is located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 12, Twp. 122N., Range 55W. Said water to be used for the purpose of providing irrigation of an additional 320 acres located in the SE $\frac{1}{4}$, Section 11 and NE $\frac{1}{4}$, Section 14, T-122N, R-55W.

Pursuant to Section 4 of HB 1002 the Chief Engineer of the Water Rights Division recommends approval of Application No. 4946-3 because 1) unappropriated water is available; 2) will be no unlawful impairment of existing right, 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at Federal Building, Room 301, 200 Fourth Street Southwest, Huron, South Dakota, upon the 9th day of June, at 1:30 p.m.

Cost of Printing: \$39.33



The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to make a determination on this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with the Chief Engineer and the Applicant by May 30, 1983. The petition may be informal, but it must include a statement describing the petitioners interest in the application, the reason for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by May 30, 1983.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, 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.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Right Division, DWR, Joe Foss Building, Pierre, S.D. (605) 773-3352 for assistance prior to the hearing date.

(Last May 10)

PETITION

TO: SOUTH DAKOTA DEPARTMENT OF WATER AND NATURAL RESOURCES
Pierre
South Dakota

The Undersigned, being legal residents and land owners of Racine Township, Day County, South Dakota, hereby petition the South Dakota Department of Water and Natural Resources to delay for a period of at least twenty (20) days the application No. 4946-3, to appropriate water made by the Zochert Farms, Inc., Route 1, Box 15, Webster, South Dakota.

The Undersigned also requests that the South Dakota Department of Water and Natural Resources make a further inspection and determination in regard to the above application and specifically in regard to the amount of run-off and under water seepage that would be caused by the granting of the above application; and for the further purpose of the Department reversing their recommendation that there would be no unlawful impairment of existing rights.

The undersigned Petitioners are of the opinion that they will be adversely affected by the granting of the above application.

Dated at Webster, South Dakota, this 2nd day of May, 1983.



James Krupp
George Zerk
Stanley Schmeller
Dennis E. Zerk



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
(605) 773-3352

May 9, 1983

NOTICE

TO: George Zenk
RR#1, Box 152
Webster, South Dakota 57274

Dennis E. Zenk
320 West 8th Avenue
Webster, South Dakota 57274

Stanley Sichmeller
RR#1
Webster, South Dakota 57274

James Knapp
RR#1
Webster, South Dakota 57274

Ivan Zochart
RR#1, Box 155
Webster, South Dakota 57274

FROM: John Hatch, Chief Engineer, Water Rights Division

SUBJECT: Automatic Extension of Time of Hearing for Consideration of Water Permit Application 4946-3

George Zenk, Dennis Zenk, Stanley Sichmeller and James Knapp have requested that the time of hearing on June 9, 1983 for consideration of Water Permit Application 4946-3 be automatically extended pursuant to subsection (8) of Section 6 and Section 11, House Bill 1002 as enacted by the 1983 Legislature.

The Water Management Board will now consider Water Permit Application 4946-3 at 10:45 am, July 19, 1983, Community Room, Day County Court House, 1st Street West & 7th Avenue West, Webster, South Dakota.

JH:ms

cc: Water Management Board

CERTIFICATION FOR MAILING NOTICES

I hereby certify that on May 9, 1983, I have personally deposited with the U.S. Mail, postage prepaid envelopes containing the attached notice of Automatic Extension of Time of hearing for consideration of Water Permit Application 4946-3.

Karen Schlaak

Karen Schlaak, Administrative Aide

STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES) ss

Sworn to, before me, this 9th day of May, 1983.

Carolyn Jorgensen

Notary Public



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

May 11, 1983

George Zenk
RR #1, Box 152
Webster SD 57274

Stanley Sichmeller
RR #1
Webster SD 57274

Dennis E Zenk
320 West 8th Ave
Webster SD 57274

James Knapp
RR #1
Webster SD 57274

Gentlemen:

This letter is in regard to your petition on the Zochert Farms, Inc. Water Permit Application No. 4946-3. Zochert Farms has advised me that you did not send them a copy of the petition to oppose their application. State Law and the notice requires that the applicant be served with the petition. Please provide Zochert Farms a copy of your petition.

Very truly yours,

A handwritten signature in black ink, reading "John Hatch". The signature is written in a cursive, flowing style.

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

May 11, 1983

Ivan Zochert
Zochert Farms, Inc.
RR #1, Box 155
Webster SD 57274

Dear Mr. Zochert:

Following up on your telephone call May 10, 1983, I have checked Water Permit Application No. 4946-3, Zochert Farms, Inc. The application was signed Zochert Farms, Inc., Ivan Zochert. Since you signed the application, we did not know who else was involved. Future correspondence will include Zochert Farms, Inc. in the address.

Enclosed for your information is a copy of the petition. I have advised the petitioners that they must provide Zochert Farms with a copy of the petition.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

enclosure

CERTIFICATION FOR MAILING NOTICES

I hereby certify that on July 22, 1983, I have personally deposited with the U.S. Mail, postage prepaid envelopes containing the attached notice regarding the preparation of Proposed Findings, Conclusions and Final Decision for Application No. 4946-3, Zockert Farms addressed to the below listed persons:

Drew Johnson, Atty
405 8 Av NW
Aberdeen SD 57401

Zockert Farms, Inc.
Ivan Zockert
Rt 1 Box 155
Webster SD 57274

Karen Schlaak
Karen Schlaak
Administrative Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 22 day of July, 1983.

Carolyn Ferguson
Notary Public



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

July 22, 1983

NOTICE

TO: Persons Intersted in Application No. 4946-3, Zockert Farms, Inc.

FROM: John Hatch, Chief Engineer, Water Rights Division

A handwritten signature in dark ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

SUBJECT: Preparation of Proposed Findings, Conclusions and Final Decision

The Water Management Board requested that proposed Findings of Fact, Conclusions of Law and a Final Decision be prepared regarding approval of Application No. 4946-3, Zockert Farms Inc. Consideration by the Board of the proposed Findings, Conclusions and Final Decision will be October 5, 1983 at 2:00 pm, Civil Defense Room, State Capitol, Pierre SD.

The Attorney General's office will prepare proposed Findings, Conclusions and Decision for consideration by the Board. This notice is provided to you in the event you wish to prepare or have prepared your own proposed Findings, Conclusions and Decision for consideration by the Board.

Please have any proposed Findings, Conclusions and Decision in this office by September 25. We will be mailing information concerning the Board meeting to the Board members September 28.

The public hearing on Application No. 4946-3 was completed at the meeting July 19, 1983. No additional testimony will be received. The only discussion October 5, 1983 will be on the proposed Findings of Fact, Conclusions of Law and Final Decision.

JH:ks

August 1, 1983

Mr. Ivan Zochert
Rural Route #1
Post Office Box 155
Webster, South Dakota 57274

RE: Water Management Board Decision

Dear Mr. Zochert:

I spoke with Mr. Johnson who is representing those neighbors of yours who were opposed to your water permit application. Mr. Johnson indicated to me that his clients were not at that time planning to appeal the decision of the Board. I informed him that I would send him a copy of the State's Proposed Findings of Fact, Conclusions of Law and Final Decision because his clients could change their minds before the next hearing.

I will also send you a copy of the State's Proposed Findings of Fact, Conclusions of Law and Final Decision when it is completed. At this time I expect to wait until the minutes are completed by the staff of the Division of Water Rights before I can start on those proposed Findings. Because it is possible that Mr. Johnson's clients may change their minds and decide to pursue the matter, you may want to consider having your own attorney keep an eye on the situation. Though the State will act to defend the decision of the Water Management Board, the state's interests and yours are not necessarily identical. Therefore, it would be misleading if I told you that the State is representing your interests in this matter as well as its own.

Mr. Ivan Zochert
Page 2
August 1, 1983

I hope this decision of the Water Management Board is not contested further so that we may both spend our time on more productive matters.

Sincerely,

Daniel J. Doyle
Assistant Attorney General
Natural Resources Section
Room B-102, Anderson Building
Pierre, South Dakota 57501
Telephone: (605) 773-4075

DJD:ln

cc: John Hatch

Zochart

4946-3

AUG 12 1983

observation well DA-78C water bearing sands
from 37-75 water levels 30.8 (3/6/80) to
41.8 (8/18/82). Year to Year decline of approximately
5 ft. But still has head pressure on well of
2 ft. Declines will decrease as well converts to water table conditions.

Pumps water from Prairie Coteau aquifer
12 permits 6,274 ac-ft. appropriated
675,000 ac-ft recoverable (Corps report)
0.4% of amount recoverable is appropriated.

Figures are only for Day county.

CERTIFICATION FOR MAILING NOTICES

I hereby certify that on October 11, 1983, I have personally deposited with the U.S. Mail, postage prepaid envelopes containing the attached notice regarding Adoption of Findings, Conclusions and Final Decision for Permit No. 4946-3, Zochert Farms addressed to the below listed persons:

Drew Johnson, Atty
405 8 Ave NW
Aberdeen SD 57401

Zochert Farms, Inc.
Ivan Zochert
Rt 1 Box 155
Webster SD 57274

Karen Schlaak
Karen Schlaak
Administrative Aide

STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES) SS

Sworn to, before me, this 11th day of October, 1983.



Carolyn Jorgensen
Notary Public



Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

October 11, 1983

NOTICE

TO: Persons Interested in Application No. 4946-3, Zochert Farms, Inc.
FROM: John Hatch, Chief Engineer, Water Rights Division *John Hatch*
SUBJECT: Adoption of Findings, Conclusions and Final Decision

This is to notify you that a final Decision including Findings of Fact and Conclusions of Law were adopted by the Water Management Board for approval of Application No. 4946-3, Zochert Farms, Inc. which was considered at the October 5, 1983 Board meeting.

The final Decision, Findings and Conclusions are on file in this office and signed copies will be furnished upon request. South Dakota Statutes provide that the decisions of the Board may be appealed to the Courts.

ks

STATE OF SOUTH DAKOTA
WATER MANAGEMENT BOARD

IN THE MATTER OF WATER PERMIT)
APPLICATION NO. 4946-3)
)

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
FINAL DECISION

Having heard and considered all the evidence presented before the Water Management Board in the above-entitled matter on July 19, 1983 at the Day County Courthouse, Webster, South Dakota the Board hereby makes the following:

FINDINGS OF FACT

1. On February 22, 1983 Water Permit Application No. 4946-3 was submitted to the Water Management Board by Zochert Farms, Inc. of Webster, South Dakota.

2. The application was for a maximum of 2.28 cubic feet per second of water from an existing seventy-five foot deep well located in SW 1/4, SE 1/4, SE 1/4, Section 12, T122N, R55E.

3. The proposed use of the water is to irrigate three hundred and twenty acres of land in Day County, South Dakota.

4. A soil/water compatibility permit has been issued for this application.

5. The application was duly advertised in the Webster Reporter and Farmer on May 4 and May 10, 1983.

6. On May 2, 1983 a petition in opposition to Application No. 4946-3 was submitted to the Water Management

Board by James Knapp, George Zenk, Stanley Sichmeller, and Dennis E. Zenk. This petition indicated that petitioners were concerned about runoff, underwater seepage and unlawful impairment of existing rights. The petition also requested an automatic twenty day stay of the consideration of the application.

7. There is no evidence that petitioners served Mr. Ivan Zochert or anyone affiliated with Zochert Farms, Inc. with a copy of the petition.

8. The hearing which was scheduled for June 9 in Huron, South Dakota was rescheduled for July 19, 1983 in Webster, South Dakota.

9. The staff of the Division of Water Rights of the Department of Water and Natural Resources recommended that Permit Application 4946-3 be approved because there is unappropriated water available in the formation involved and that interference with existing rights should not occur.

10. Mr. Drew Johnson, Attorney, of Groton, South Dakota appeared representing the petitioners, Jim Knapp, George and Dennis Zenk and Stan Sichmeller.

11. George Zenk's primary concern was that he would be affected by the drainage from the irrigated land onto his own. He also testified that the proposed project would violate a Day County Planning and Zoning Ordinance because the drainage ditches which would be necessary for this project are located in the township right-of-way.

12. Stanley Sichmeller testified that his well failed to produce water on four different occasions during

the summer of 1982, but that he did not know if his well failure was attributable to the pumping of the Zochert well.

13. Mr. Sichmeller's well is thirty-six feet deep and barely penetrates the top of the aquifer. His well is 1.5 miles from the irrigation well of the Zocherts.

14. An observation well located closer to the Zochert well than the well of Mr. Sichmeller shows no indication of a water level decline in the formation.

15. Mr. Sichmeller's well is not an adequate well.

16. Mr. George Zenk testified that in five years his one hundred and fifty-nine foot deep well has experienced a thirty-six foot water level drop. However, he is not experiencing water problems. Mr. Zenk was also concerned about the runoff from the Zochert property.

17. Unappropriated water is available to satisfy this permit.

18. Approving Permit Application No. 4946-3 will not impair the senior water right holders or existing rights of landowners who have adequate domestic wells.

19. Irrigation is a beneficial use of water.

20. It is not in the public interest to deny an application for a permit to appropriate water on the basis of the testimony of one person that he was unable to produce water from his inadequate domestic well when there is no evidence that his loss of water was caused by the pumping of an irrigation well.

21. Approving the application is in the public interest.

22. All requirements for completing an application, advertising the notice of the application, and conducting a hearing have been met.

CONCLUSIONS OF LAW

1. The Board has jurisdiction to consider the granting or denying of Water Permit Application No. 4946-3.

2. 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. All legal requirements for a water permit have been met.

4. The application by Zochert Farms, Inc. is for a new rather than an amended permit.

5. The Board has no jurisdiction to consider the possible effect of drainage or seepage problems caused by irrigation.

6. Other remedies are available to those who may be injured by drainage or seepage caused by irrigation.

7. The Board has no jurisdiction to consider alleged violations of county planning and zoning laws.

8. Petitioners in this case have no standing to assert alleged violations of county planning and zoning ordinances.

9. If any adequate wells are impaired by the irrigation pumping of Zochert Farms, Inc., the pumping of the Zochert well must be reduced or stopped in order to protect the adequate domestic wells.

FINAL DECISION

Water Permit Application No. 4946-3 is hereby approved subject to the following conditions:

1. 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 that there is not a reduction of needed water supplies in adequate domestic wells or inadequate irrigation wells having prior water rights.

2. The irrigation water use questionnaire shall be submitted each year.

Dated this 5th day of October, 1983.

Marian B. Anderson
CHAIRMAN

Merwyn H. Walter
SECRETARY



Department of Water & Natural Resources

Joe Foss Building
623 East Capitol
Pierre, South Dakota 57501

4946-3

January 5, 1984

Zochart Farms, Inc.
Route #1, Box 155
Webster, South Dakota 57274

Dear Sir:

Enclosed herewith is your Water Permit No. 4946-3 as approved by the Water Management Board authorizing you to construct your water diversion system and the water to beneficial use, not exceeding the limits as specified in said Water Permit No. 4946-3.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that your Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

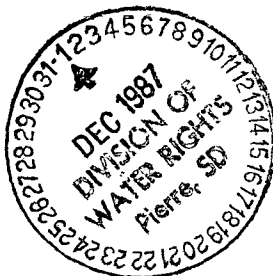
JH: ms

enclosure

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period-i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.

WNR-809-5/83

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

Post Office

Rt 1 Box 155
Webster, S. D.

Date

11-30-87

TO: Water Rights
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 maximum extent it is going to be used, not exceeding the amounts as specified in Water Right No.

4946-3.

Water Right Permit No. 4946-3 states that the diversion system is to be constructed by Oct 5, 88, and that the water is put to beneficial use by Oct 5, 92.

The diversion system was completed on 1987. Applying the water to beneficial use was completed on 1987.

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.

Ivan Zochert
(Signature)



Department of Water & Natural Resources

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

OCT 24 1990

4995-3

Ivan Zochert
Zochert Farms Inc.
RR #1 Box 155
Webster SD 57274

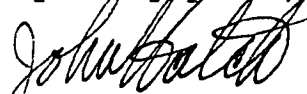
Dear Mr. Zochert:

Enclosed is Water License No. 4995-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 411228 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. 4995-3, 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

enclosures

NOTE: The applicable portions of Water Permit Nos. 4269-3, 4595-3 and Permit No. 4946-3 are incorporated into Water License No. 4995-3.