

Considered:

4-25-84

WATER PERMIT NO.

4995-3

101600010

JR

MAP No.

4995-3

Name of Applicant Zochert Farms, Inc Ivan Zochart

Post Office Address RR 1, Webster 57274

Amount of Water Claimed no additional (6.20) Total Acres no Add'l (606.00)

Source of Water Supply Three existing wells from permits 4169-3, 4595-3 & 4946-3

Water to be used for IRR County DAY

About 6E, 3 1/2 miles north of Webster

PROOF OF PUBLICATION: Received 13T 3-21-84 Not Received

APPLICATION: Approved 4-25-84 Subject to

F.F. & C.L. Adopted Not Approved Deferred

PRIORITY Date Received 11/2/83 Fee 50.00 Remarks

additional underground pipeline to join three existing wells

Corrected Application Received Period of Annual Use 5/1 to 10/30

WATER QUALITY APPROVAL RECEIVED 1-16-84 APPROVED CONDITIONAL (Circle one)

WI-1 Description same as Application YES X NO REMARKS (DID CORRECT - 6 AC IN N²SE⁴-13) CLEARED W/SCC 1-17-84

Diversion Point

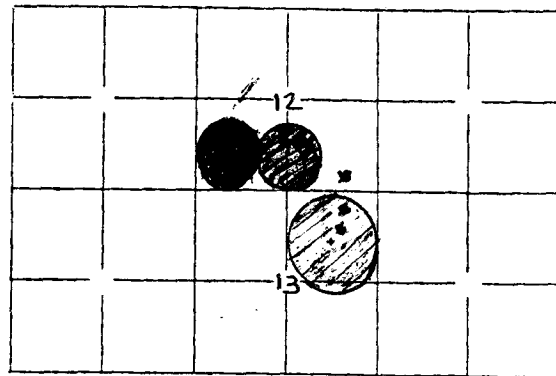
One well in SE 1/4 SE 1/4, Section 12 and

two wells in NE 1/4 NE 1/4, Section 13 all in T122N-R55W

Land to be Irrigated

SW 1/4 & W 1/2 SE 1/4, Sec 12; NE 1/4 & N 1/2 SE 1/4, Sec 13;

SE 1/4, Sec 11 and NE 1/4 Sec 14 all in T122N, R55W



Lands existing under 4169-3, 4595-3 & 4946-3

Well Log: Driller Anderson Well Co Licensed YES X NO

Depth of Well all 75' deep + REMARKS Existing under 4169-3, 4595-3 & 4946-3

Type of Map Aerial PREPARED BY Lowell Noeske DC Reviewed and the Number

assigned on 1-17-84 By B. J. Westlund

No. 4995-3

Map No. _____ 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 X

Change in Acreage _____ Additional Acreage _____

1. Name of Applicant Zochert Farms, Inc. - Ivan Zochert Phone No. 345-4293
Post Office Address Rural Route 1, Webster State South Dakota 57274
(Street, RR, or Box) (Town) (Zip Code)
If a corporation show date and place of incorporation NA

2. Method of accomplishing work (contract, employment of others, or by direct labor) Employment Of Others

3. Name of diversion work Additional underground pipeline to join three existing wells.

4. Amount of water claimed (cubic feet per second) No additional water claimed

5. Source of water supply Underground three existing wells

6. Location of point of diversion 1200' pipeline in the SW, SE #12 and NW, NE -13 Racine Twp
T-122-N, R-55-W

County Day

7. Annual period or periods during which water is to be used May 1 to October 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 No 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.
No Additional Acres	

Land Description	No. Acres Irr.

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 2 Years years. Additional time required to complete application of water to the proposed beneficial use 1 year 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.

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

Additional 1200ft. pipeline will be installed to link three wells for use to supply water to additional pivots (permit rec'd).

C. Works proposed to apply water to beneficial use.

Estimated Total Cost \$ 4,000.00

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 Day)ss.

I, IVAN ZOCHERT ZOCHERT FARMS 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.

Subscribed and sworn to before me this 11 day of November, 1983

Signed Ivan Zochert
John M. Dowell
Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 4995-3

Zochert Farms Inc.

(Applicant)

RT. 1

Webster

(Post Office Address)

South Dakota

(State)

With the following qualifications.

The irrigation wells approved under this Permit will be located near domestic wells and other 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 adequate 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 November 2, 1983

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

Date of receipt of corrected application —, 19—

Approved April 25, 1984, Recorded in Book — Page —

WATER RIGHT PERMIT NO. 4995-3

The Water Management Board hereby grants and issues this Water Right Permit No. 4995-3 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 Priorities established under following: 4027-3, 4169-3, 4595-3, 4946-3, 19—
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before September 25, 1986
3. The whole of said work is to be completed on or before April 25, 1989
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is April 25, 1993
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 add'l 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 April 25, 1993; said water to be used during the following described annual period: May 1st to October 30

Witness my hand this 8th day of May, 1984

THE WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Water Rights

Certificate of Construction Issued —, 19—

Water License Issued —, 19—

D. Well Information

- (1) Drill Hole, Diameter _____, Depth _____
- (2) Casing, Type _____, Diameter _____, Thickness _____
(wood, concrete, steel, etc.)
- (3) Screen, Type _____, Diameter _____, Length _____
- (4) Gravel Pack, Thickness _____, Length of gravel pack _____

E. Dugout Information or Estimates

- (1) Surface dimensions, _____, Depth _____

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

- (1) Water Bearing Materials. (Attach a copy of test well log)

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Depth to water (ground surface to water level) _____

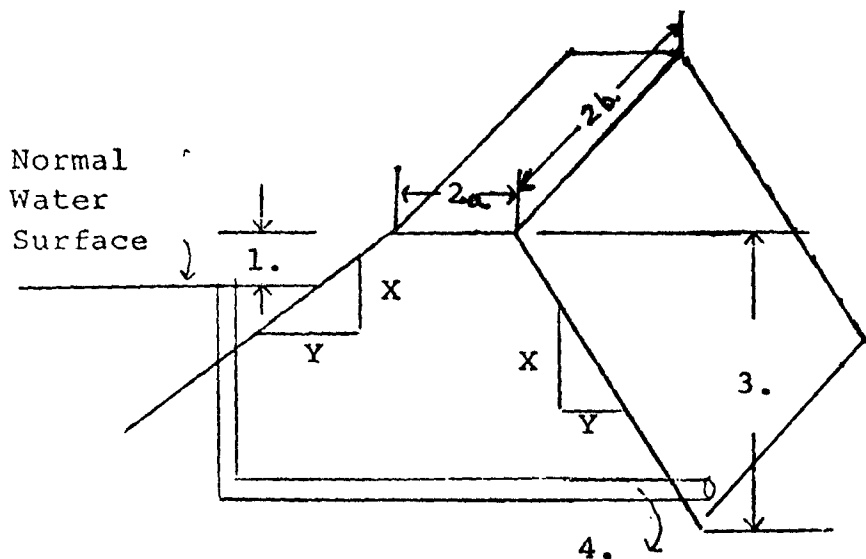
- (2) Distance to nearest existing household or livestock watering well.

On same owner's property _____ rds.

On property owned by others _____ 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, length, maximum water depth, surface area, drainage area, storage capacity, dam slope, dimensions, location and size of outlet works, of each storage dam. The location of each water storage dam should be shown on the water right map.



1. Freeboard _____
- 2a Crest width _____ b. length _____
3. Height of Dam _____
4. Outlet dimensions:
Pipe diameter _____
Spillway width _____
- X & Y slope:
Upstream _____
Downstream _____
- Surface area of impoundment _____
- Drainage area above dam _____

NOT TO SCALE

122-55

Waste Lake

NEWASTA

LAKE 2-208B
2-208B

23.0

4.2

5.1

45.8

Sections 12 & 13 Racine Township
T-122-N, R-55-W Day County

Map Completed By:

Lowell P. Noeske

Lowell P. Noeske

District Conservationist

Day County Soil Conservation
Service

93.0

Future pipeline (permit rec'd)
to future systems

Pipeline linking
existing systems

2.4

122-55

Well

change in diversion
pipeline-linking-systems
application

77.7

37.8

17.5

36.7

74.2

Well

pipeline

Well

2-208C

5.3

32.6

37.7

21.4

70.1

Appl & Map # 4995-3

Sec-12

Bldgs

Sec-12

4

3

2

1

Sec-11

5

Sec-14

NEW WIRE
NEW PIPE

TOWNSHIP
ROADS

CROSS ROAD DRIVE #3
#4 } REMOTE
#5 } HERE

EXISTING UNDERGROUND PIPE

#2 Remote here

II (400 gpm)

I (400 gpm)

HI Remote here

Sec 13

Water Right 4495-3

RECEIPT

Division of Water Rights

No 4 9410

South Dakota Department of Water and Natural Resources

Pierre, November 21, 1983

RECEIVED OF Zochart Farms, Inc., Ivan Zochart, RR#1, Box 155, Webster, SD 57274

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

Fee for Application for Permit No. 4995-3 to Appropriate Water, to construct works and to put water to beneficial use	50	00
Fee for Application for Permit No. to Appropriate Water for Future Use		
Fee to retain Future Use Permit No. after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No.		
Fee for Filing Transfer Form		
Fee for Filing Extension Request		
Fee for Certified Copy of		
Fee for Print Copy of Map		
Fee for Certifying		
Fee for (Any Other Work Provided by Law)		
Total	50	00

By

Chief Engineer

John Hatch
JOHN HATCH/ms



Department of Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

November 29, 1983

Ivan Zochert
Zochert Farms, Inc.
RR#1
Webster, South Dakota 57274

Dear Mr. Zochert:

Your application to use the three existing wells as a common diversion for lands under Water Rights 4027-3, 4169-3 and 4595-3 and Water Permit No. 4946-3 was received November 2, 1983.

Soil/Water Compatibility Approval will be required. Enclosed is a partially completed WI-1. Please check over, complete where checked in red, sign, have notarized and return to Jim Stukel, Department of Agriculture, Anderson Building, Pierre, South Dakota 57501. (phone 773-3259)

A new water sample will not be necessary. For your information the following is a description of your Water Rights and Permit.

WR-4027-3 to irrigate NE $\frac{1}{4}$, Section 13 from a well in approximate center of NE $\frac{1}{4}$, Section 13 both in T122, R55, water sample #77-779.

WR-4169-3 to irrigate NE $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$ (6 acres) from additional well in NE $\frac{1}{4}$ NE $\frac{1}{4}$ both in Section 13, T122, R55, water sample #77-779 (same sample as for WR-4027-3 was corrected for this application).

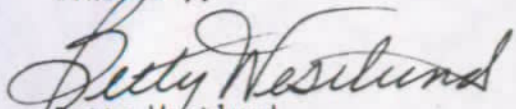
WR-4595-3 to irrigate SW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$, Section 12 from a well in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 12, both in T122, R55, water sample #80-1031.

WP-4946-3 to irrigate SE $\frac{1}{4}$, Section 11 and NE $\frac{1}{4}$, Section 14 from a well in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 12 both in T122, R55 water sample #80-1031.

To maintain your priority date on your application for permit to appropriate water, in accordance with SDCL 46-5-16, you will not have sixty days from the date of this letter to have the above information submitted to this office.

If you have any further questions feel free to contact this office.

Sincerely,


Betty Westlund
Natural Resources Analyst III

Equal Opportunity Employer

BW:ms

Enc. cc: Jim Stukel



Department of Agriculture

DIVISION OF CONSERVATION

Anderson Building, Room 322 • Pierre, South Dakota 57501
Phone 605/773-3258

Received
12/6/83

December 5, 1983

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

Dear Mr. Zochert:

In reviewing your soil and water compatibility application for portions of Sec 12, SE $\frac{1}{4}$ 11, and the NE $\frac{1}{4}$ 14-122-55 = 630 acres, the Irrigation staff is recommending a Conditional Approval of your application to the State Conservation Commission at their January 12, 1984 meeting. The Conditional recommendation is based on the salt load of the water used for irrigation. The Restrictions and Management Recommendations are as follows:

RESTRICTIONS:

NE $\frac{1}{4}$ 13-122-55

The area designated as an intermittent lake shall be restricted from irrigation. The drainageway entering the intermittent lake shall remain in grass due to wetness and erosion potential.

NE $\frac{1}{4}$ 14-122-55

The areas mapped as Parnell Silty Clay Loam (26) is subject to wetness and ponding. These areas may in size. The area found in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ due to size shall require adequate internal drainage. It may be advantageous to use an automatic shut off in this area.

MANAGEMENT RECOMMENDATIONS:

It is recommended that the area of Parnell be maintained in permanent vegetation due to wetness. It is also recommended that a form of conservation tillage be used to conserve moisture and prevent wind erosion.

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

Sincerely,

Jim Stukel
Irrigation Program Administrator

cf



Department of Agriculture

DIVISION OF CONSERVATION

Anderson Building, Room 322 • Pierre, South Dakota 57501
Phone 605/773-3258

December 21, 1983

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

Dear Mr. Zochert:

Per our discussion and the inspections of the areas on December 20, 1983. The staff will recommend a Conditional Approval of your permit to the State Conservation Commission at their January 12, 1984 meeting.

RESTRICTIONS:

NE $\frac{1}{4}$ 13-122-55 - Intermittant lake

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 14-122-55 - Large area of Parnell Silty Clay Loam

An intensive management plan is currently used to address the restricted areas. Practices used include: filling, developing drainageways, and the use of an automatic shut off, addresses these areas as needed.

Sincerely,

Jim Stukel
Irrigation Program Administrator

cf

cc: Division of Water Rights



SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

Division of Conservation

Office Use Only

WR#

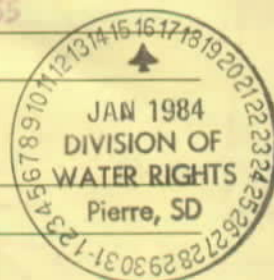
OWNERS NAME: Zochert Farms, Inc
Ivan Zochert

OWNERS ADDRESS: Rt 1, Box 155
Webster, S.D. 57274

COUNTY LAND LOCATED IN: Day

PHONE: 345-4293

TENANT'S NAME AND ADDRESS: _____



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

1. WELL LOCATION Two wells in NE 1/4 NE 1/4 Section 13; one well in SE 1/4 SE 1/4, Section 12 both in T122N-R55W
Depth 70' and 75'

2. SURFACE WATER SOURCE AND DIVERSION LOCATION: _____

Diversion Location: _____

Legal Description	Acres	Legal Description	Acres
NE 1/4, Sec. 13-122-55 (N 1/2 SE 1/4 6 AC) (Phone Call SCC Bw)	160	NE 1/4, Sec. 14-122-55	160
SW 1/4, Sec. 12-122-55	105		
W 1/2 SE 1/4, Sec. 12-122-55	45	Total	630
SE 1/4, Sec. 11-122-55	160		

3. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED 1977
1980

LEGAL DESCRIPTION: same as above

IN WHAT NAME: _____

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: ☒ GUN: _____ (Specify) _____

6. CROPS TO BE IRRIGATED: alfalfa - soybeans - grains

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

7. WATER SAMPLE NUMBER: 77-779/80-1031 10. ADJUSTED (SAR): 10(70)
8. SALINITY (EC X 10⁶): 1407 1516 11. PERCENT SODIUM 5.47 6.00
9. SODIUM (SAR): 0.34 0.35

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

2nd DAY OF Dec, 1983

John McDonald
(NOTARY PUBLIC)

Zochert Farms Inc. Ivan Zochert
APPLICANT'S SIGNATURE

John H. L. L.
Director, Division of Conservation

Date

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.

#4072

Conditional Approval

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT: Ivan Zochert - Zochert Farms - Day County

LEGAL DESCRIPTION: NE 1/4 13; SW 1/4 12; NW 1/4 12; SE 1/4 11-122-55

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

NE 1/4 13-122-55 - Intermittant Lake

NE 1/4 NW 1/4 14-122-55 - Large area of Pannell Silty Clay Loam

THE SOILS(S) LISTED BELOW CAN BE IRRIGATED
WITH THE FOLLOWING RESTRICTIONS:



RECOMMENDED MANAGEMENT:

extensive management
A ~~large area~~ management plan is currently used to address the restricted areas. Practices used include: filling, developing drainageways, and the use of an automatic shut off, addresses these areas as needed.

[Signature]
SIGNATURE

DATE

REPORT ON PERMIT APPLICATION NO. 4995-3

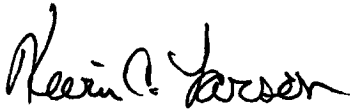
ZOCHERT FARMS, INC.

February 28, 1984

Permit Application No. 4995-3 is to connect three existing wells to form a common distribution system to irrigate land covered under Water Permit Nos. 4169-3, 4595-3 and 4946-3. Soil/Water Compatibility has been recieved for this application.

Conclusions:

1. Soil/Water Compatibility approval has been obtained.
2. Approval of this application does not allow a combined diversion rate in excess of 4.42 cubic feet per second.
3. Existing rights will not be adversely affected.

A handwritten signature in cursive script, reading "Kevin C. Larson".

KEVIN C LARSON

Water Resources Engineer

RECOMMENDATION OF CHIEF ENGINEER FOR WATER

PERMIT APPLICATION NO. 4995-3, Zochert Farms, Inc.

Pursuant to SDC1 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 4995-3, Zochert Farms Inc., RR 1, Webster SD.

The Chief Engineer is recommending APPROVAL of Application No. 4995-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) in the public interest with the following qualifications:

The irrigation wells approved under this Permit will be located near domestic wells and other 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 adequate wells having prior water rights.

This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See the attached report for additional information.

A handwritten signature in cursive script, reading "John Hatch", is written over a horizontal line.

JOHN HATCH, Chief Engineer

March 6, 1984

Instruction to Newspaper - Publish first publication of the following Notice on or before March 14, 1984 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 4995-3 ~~to Appropriate Water and/or to Amend Water Permit or Water Rights No. _____~~

Notice is hereby given that Zochert Farms, Inc. whose mailing address is RR 1, Webster, South Dakota has made an application for a permit

to add additional pipeline to connect three existing wells to allow irrigation of 606 acres authorized by Water Rights on Permit No. 4169-3, 4595-3 and 4946-3. The points of diversion are located in the SE 1/4 SE 1/4 Section 12 and the NE 1/4 NE 1/4 Section 13, both in T122N, R55W. There will be no additional cubic feet per second of water appropriated.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends Approval of Application No. 4995-3 because ~~1) unappropriated water is available,~~
1) will be no unlawful impairment of existing rights, 2) is beneficial use of water and
3) is in the public interest.

This application will be considered by the Water Management Board at Room 216, Joe Foss Building, 523 E Capitol, Pierre, South Dakota on April 25 19 84 at 10:00 am.

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 BOTH the Applicant and the Chief Engineer by April 13, 1984. 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.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17, 46-5-1 thru 46-5-16, 46-5-24, 46-5-25, 46-5-30.2, 46-5-31; 46-2A-1 thru 46-2A-10, 46-2A-12; ~~(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; ~~(transfer lands)~~ ~~46-5-30.4, 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 74:02:01:25; (10,000 AFA) 74:02:01:15:02 thru 74:02:01:15:05.~~

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 Rights Division, DWNR, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. 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 April 13, 1984.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
County Day)

I, Orvilla Syverson 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 Webster
of

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

March 14, 1984

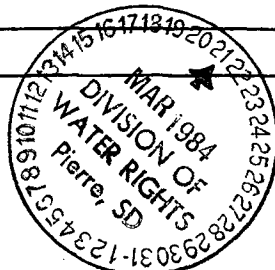
March 21, 1984

Orvilla Syverson
(Signature)

Bookkeeper
(Title)

March 21, 1984
(Date Signed)

Cost of Printing: \$40.15



Application hearing set

(First March 14)

DW NR 806-7-83

WP No. 4995-3

NOTICE OF HEARING

ON APPLICATION NO. 4995-3

Notice is hereby given that Zochert Farms, Inc., whose mailing address is R.R. 1, Webster, South Dakota, has made an application for a permit to add additional pipeline to connect three existing wells to allow irrigation of 606 acres authorized by Water Rights on Permit No. 4169-3, 4595-3 and 4946-3. The points of diversion are located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 12 and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 13, both in T122N, R55W. There will be no additional cubic feet per second of water appropriated.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends Approval of Application No. 4995-3 because 1) will be no unlawful impairment of existing rights, 2) is beneficial use of water and 3) is in the public interest.

This application will be considered by the Water Management Board at Room 216, Joe Foss Building, 523 E. Capitol, Pierre, South Dakota on April 25, 1984, at 10:00 a.m.

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 BOTH the Applicant and the Chief Engineer by April 13, 1984. 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. Legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17, 46-5-1 thru 46-5-16, 46-5-24, 46-5-25, 46-5-30.2, 46-5-31; 46-2A-1 thru 46-2A-10, 46-2A-12; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

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 Rights Division, DWR, Joe Foss Bldg., Pierre, S.D. (605-773-3352) for assistance prior to the hearing date. 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 April 13, 1984.

(Last March 21)

March 27, 1984

Water Management Board
Room 216
Joe Foss Building
523 E. Capitol
Pierre, S. D.

Dear Members:

The Board of Supervisors of Racine Township oppose the Application No. 4995-3. The points of diversion are located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 12 and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 13, both in T122N, R55W.

These wells are to pump water onto the SE $\frac{1}{4}$ of Section 11 and the NE $\frac{1}{4}$ of Section 14. (owned by Neil Zochert). In the Spring of 1983 this land was extensively drained and ditched with a scraper and onto a Township Road and onto adjoining land owned by Mr. Kenneth Peckham, Spearfish, S.D. (copy of Peckham letter enclosed)

The extension of this pipeline has to cross Township roads and as of this date the applicant has no easement filed or recorded.

Enclosed are correspondence from The Day County Planning and Zoning Commission who have acted on the Township ditch. The Zochert's have not complied with the Zoning Boards order and at present the case is pending.

Due to the lack of compliance and legal easements we ask the Water Management Board to delay the permit until all matters are resolved and all parties are satisfied.

Sincerely, *Willard C. Hubert*
Joe Dzikowski
George Zenk

Racine Township Supervisors.
Rural Route 1
Webster, S. D. 57274

(3)encl.
Day County Planning and Zoning(2)
Kenneth Peckham

cc. Zochert Inc.



Day County Commissioners

Box 598
Webster, S.D. 57274

September 15, 1983

Mr. Ivan Zochert
Rural Route 1
Webster, South Dakota 57274

Re: Variance Request; Water Diversion Ditch
Denial of Request; and Notice to Conform with County Regulations

Dear Mr. Zochert:

Pursuant to our previous conversations and your request for a variance of the Day County Planning and Zoning Regulations, it was the unanimous decision of the Day County Planning and Zoning Commission to decline your request.

Attached is a copy of your original request and the action of denial by the Commission. Therefore, we respectfully request you abide by the decision of the Day County Planning and Zoning Commission and move the water diversion ditch to a distance of 200 feet from the center of a Day County Public Road prior to freezing this Fall.

Thank you.

Sincerely,

Ron R. Bendixen

Ron R. Bendixen, Secretary
Day County Planning and Zoning Commission

cc. Day County States Attorney
Mr. Neil Zochert, Owner
Racine Township

APPLICATION for VARIANCE from ZONING ORDINANCES
(MUST BE COMPLETED BY APPLICANT)

DAY COUNTY
STATE OF SOUTH DAKOTA

DATE: July 20, 1983

To: Day County Planning and Zoning Board

The undersigned do hereby request a variance from the Day County Zoning Ordinance to build a water diversion ditch _____ feet from the center of a Day County public road or the shoreline of a Day County lake.

Structure would be located on the (give name of Township and complete legal description) _____

NE 1/4 of Section 14-122-55; Racine Township; Day County, South Dakota

Reason for Request: applicant's
for proper drainage of water from ~~township~~ farmland

Slope of ditch will be as recommended by Day County Planning and Zoning Commission
so as not to create a road or public hazard.

Owner's Signature: Neil Zochert

Agent's Signature: Neil Zochert

Inspection Report: Written and verbal objections received indicating same would or could
be a public hazard. Date: August 15, 1983

Planning Board Action: Unanimously disapproved and notice to be sent requesting relocation.
Date: August 16, 1983

Requested Approval by Two Township Supervisors:

- 1) _____
- 2) _____

Ron R. Bendixen
Ron R. Bendixen, Secretary

Requested Additional Information:

- 1) _____
- 2) _____

DAY COUNTY PLANNING & ZONING COMMISSION
RON R. BENDIXEN, SECRETARY

Spokane, S. Dak.
May 24, 1933

Willard Hubach
Hobart, S. Dak.

Dear Mr. Hubach,

I own the farm formerly known as the "Greiner
Place." I understand that water has been
drained from the Rice place and it drains onto
my property.

I have given no consent for this and want to
have it stopped.

If you have any further questions regarding this
you may contact me at the address below.

Sincerely,

K. N. Peckham

Kenneth N. Peckham

139 Evans Lane

Spokane, S. Dak., 57703

642-3626

Water Rights Division
605 773-3352

April 3, 1984

Ivan Zochert
RR 1
Webster SD 57274

RE: Water Permit Application No. 4995-3

Dear Mr. Zochert:

Application No. 4995-3 will not be continued until the July 11, 1984 Water Management Board meeting, unless an automatic continuance request is filed by April 13, 1984.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

LEON J. VANDER LINDEN, STATES ATTORNEY
JAMES R. DELANEY, DEPUTY
KENT DELANEY, DEPUTY

OFFICE OF STATES ATTORNEY
DAY COUNTY
WEBSTER, S. DAK. 57274

April 23, 1984



Mr. Ron Bendixen
Secretary
Day County Planning and Zoning
Webster, SD 57274

Re: Ivan Zochert Drainage Ditch

Dear Ron:

You have requested our opinion concerning Ivan Zochert placing a drainage ditch along a Racine Township road. We have researched the South Dakota law concerning this situation and find the following:

1. Day County has adopted certain planning and zoning regulations which affect County and Township roads.
2. SDCL 11-2-2 gives the County Commissioners authority to appoint a County Planning Commission for the purpose of promoting health, safety, morals, and the general welfare of the County. This law applies strictly to County jurisdiction and can only apply to Township, State and Municipal land when these government entities adopt the County's plan.
3. The Code gives special authority for joint County - Municipal planning activities and we would assume gives the same authority to a Township providing the Township passes a resolution entering into such a plan.

Under the present situation, we understand that Zochert placed a drainage ditch along a Township road which would violate that portion of the County's regulations which state that no structure shall be placed closer than 150 feet from the center of a County or Township Road.

Black's Law Dictionary describes the word "structure" as any construction or any production or piece of work artificially built up or composed of parts joined together in some definite manner. Using this definition, it would appear that the County's

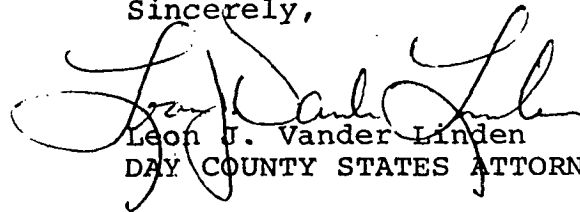
Page Two

regulation is somewhat vague as to whether or not a drainage ditch can be considered a structure. Only the Court could make this decision under the present wording. To make this regulation more clear, it would be our opinion that the word "drainage ditch" should be used in the County's regulation to eliminate any question as to whether or not it is a structure which violates the regulation.

It would be our further opinion that unless the Racine Township has formally adopted the County's Planning and Zoning regulations, there is nothing the County can do in regard to Mr. Zochert's ditch. In other words, the County would be without jurisdiction to proceed against Mr. Zochert.

If you want further research in regard to this matter, we would be happy to reply.

Sincerely,



Leon J. Vander Linden
DAY COUNTY STATES ATTORNEY

LJVL:ijb



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

4995-3

May 10, 1984

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

Dear Sir:

Enclosed herewith is your Water Permit No. 4995-3 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. 4995-3.

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



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

May 15, 1984

N O T I C E

TO: Persons Interested in Application No. 4995-3, Zochert Farms, Inc.
FROM: John Hatch, Chief Engineer, Water Rights Division *John Hatch*
SUBJECT: Approval of Application No. 4995-3

The Water Management Board at its meeting April 25, 1984 approved Application No. 4995-3, Zochert Farms, Inc. to connect three existing wells to form a common piping system for the Zochert Irrigation project with the following qualifications:

The irrigation wells approved under this Permit will be located near domestic wells and other 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 adequate wells having prior water rights.

This permit is approved subject to the irrigation water use questionnaire being submitted each year.

South Dakota Statutes provide that the decision by the Board may be appealed to the Courts.

JH:ks

Equal Opportunity Employer

I hereby certify that on May 15, 1984, I have personally deposited with the U.S. Mail, postage prepaid envelopes containing the attached notice on the Approval of Application No. 4995-3 sent to those people listed below:

Ron R Pendixen
Day Co. Commission
Box 598
Webster SD 57274

Caroline Ferguson
Notary Public



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

Post Office 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.

4995-3

Water Right Permit No. 4995-3 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.

Dean Zochert
(Signature)

LICENSE FOR PERMIT NUMBER 4946-3 & 4995-3

1. Legal location of wells: Well #1, SE 1/4 NE 1/4 13-122-55
Well #2, NE 1/4 NE 1/4 13-122-55, Well #3 SE 1/4 SE 1/4 12-122-55

dams & structures: _____

2. Well Information: Well Drilling Firm Peckham

No. of wells 3 Depth ≈ 70'

Casing a) diameter 16" Screen a) type St. Steel
b) length ≈ 50' b) length 20'
c) type Steel Static Water Level _____

Pump Well #1 a) make National Motor Well #1 a) make U.S. Electrical
b) model N-260 b) ~~I.D.~~ model no. R-6229-04-193
c) size AM 8" c) horsepower rating 40
d) capacity 400 GPM d) motor efficiency rating _____
e) turbine pump no. of stages _____

3. Distribution lines:

a) size of lines 8"
b) type PVC (buried)
c) length ≈ 9700'

Well #2 National Pump U.S. Elec. Motor
8" N-260 R-6229-04-168
400 gpm 40 H.P.

Well #3 National Pump U.S. Elec. Motor
8" N-260 R-6326-05-096
800 gpm 75 H.P.

4. Dam information:

a) height to crest _____
b) height to spillway _____
c) crest width _____
d) crest length _____
e) spillway length _____
f) spillway width _____
g) approx. storage _____
h) Distribution lines or canals:
1) size _____
2) type _____
3) length _____

- i) Outlet tubes:

1) diameter _____
2) type _____
3) valued (Y/N) _____
4) valve type _____
5) location on structure _____

5. System Type: a) sideroll:

1) length _____ feet
2) diameter of pipe _____
3) make, model & number of sprinklers _____
4) spacing of sprinklers _____
5) nozzle size _____

- b) towline:

1) length _____ feet
2) make, model & number of sprinklers _____
3) spacing of sprinklers _____
4) nozzle size _____

5. System Type: c) center pivot ^{Sec. 11}

≈ 133 acres

- 1) make Reinke
- 2) number of towers 7
- 3) distance between towers _____
- 4) overall length _____
- 5) End gun (Y/N)
- 6) high or (low) pressure _____
- 7) make & size of nozzles _____
- 8) PSI reading while system is running 52
- 9) GPM 800

g) Gun

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____
- 6) hose size _____
- 7) hose length _____

d) Gate Pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

e) Siphons

- 1) number _____
- 2) size _____

f) Portable boom

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____

h) Hydromatic

- 1) make _____
- 2) model _____
- 3) serial number _____
- 4) length _____
- 5) nozzle size _____
- 6) spacing _____
- 7) PSI _____
- 8) capacity (GPM) _____

YES

NO

Check Items

☒
☒
☒
☐

1. Soil and water permit lands agree with lands being irrigated and lands listed on permit.
2. Special Qualifications to permit being abided by.
3. All Structures, wells and lands on map.

REMARKS:

Sec. 14
Reinke
8 towers
End Gun - Yes
Low Pressure
52 psi
800 gpm

≈ 133 acres

4027-3
Permit No. 4169-3, 4595-3, 4946-3, & 4995-3

James River Water District
10160010

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

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

I have this day made a thorough examination of the water use system constructed by Ivan Zochert
Rt. 1 Box 155 of Webster, SD 57274 holder of
Permit No. See Addl. Shts., bearing the priority of See Addl. Sheets 19 authorizing
the diversion of 6.70 cu. ft. per second of the waters of groundwater (3 wells)
for irrigation purposes, in Day County.

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

A. Works used to divert the water: All 3 wells are $\approx$ 70' deep with 16" steel casing and 20' of st. steel screen. All 3 wells have National Pumps (Model # N-260). All 3 wells have U.S. Electrical Motors. (Wells 1 & 2 - 40 H.P.; Well 3 - 75 H.P.)

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

$\approx$ 14,300' of buried 8" PVC Pipe

C. Works used to apply water to beneficial use:

See Addl. Sheets.

The system is in the following condition good

The point of diversion is located See Addl. Sheets.

The works are capable of diverting and conveying to the place of use 3.56

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: Sec. 13 - 122 N - 55 W

NW 1/4 NE 1/4 - 30 acres NW 1/4 SE 1/4 - 3 acres

NE 1/4 NE 1/4 - 30 " NE 1/4 SE 1/4 - 3 "

SE 1/4 NE 1/4 - 35 " * (See Addl. Sheets For

SW 1/4 NE 1/4 - 35 " more acreage)

comprising a total of 540 acres of land and the license should be issued for 3.56 cfs

Applicable permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are: _____ Date 4-20-88

James L. Wendt
(signature)

- Permit No. 4027-3 & 4169-3 have a priority date of June 6, 1977 From Wells #1 & #2 and a priority date of Nov. 2, 1983 From Well #3. (Combined rate of diversion From the 3 wells shall not exceed 1 cfs per 70 acres.)
- Permit No. 4595-3 has a priority date of Dec. 30, 1980 From all 3 wells.
- Permit No. 4946-3 has a priority date of Feb. 22, 1983 From all 3 wells.

- C. — NE $\frac{1}{4}$ & Part of SE $\frac{1}{4}$ of 13-122 N-55 W
8 tower Electrogator center pivot with Nelson #100 end gun.
- SE $\frac{1}{4}$ of 12-122 N-55 W
4 tower Electrogator center pivot with Nelson #100 end gun.
- SW $\frac{1}{4}$ of 12-122 N-55 W
5 tower Electrogator center pivot with Nelson #100 end gun.
- SE $\frac{1}{4}$ of 11-122 N-55 W
7 tower Reinke center pivot with end gun & operated at 52 psi.
- NE $\frac{1}{4}$ of 14-122 N-55 W
8 tower Reinke center pivot with end gun & operated at 52 psi

— Pts. of Diversion

- Well #1 - SE $\frac{1}{4}$ NE $\frac{1}{4}$ of 13-122 N-55 W
1450' S & 1350' E of the NW corner of
the NE $\frac{1}{4}$ of Sec. 13.
- Well #2 - NE $\frac{1}{4}$ NE $\frac{1}{4}$ of 13-122 N-55 W
820' S & 1420' E of the NW corner of
the NE $\frac{1}{4}$ of Sec. 13.
- Well #3 - SE $\frac{1}{4}$ SE $\frac{1}{4}$ of 12-122 N-55 W
1390' E & 120' N of the SW corner of
the SE $\frac{1}{4}$ of Sec. 12.

— Addl. Irrigated Acreage

— Sec. 12 - 122 N-55 W

NW $\frac{1}{4}$ SW $\frac{1}{4}$ - 22 acres

NE $\frac{1}{4}$ SW $\frac{1}{4}$ - 15 "

SW $\frac{1}{4}$ SW $\frac{1}{4}$ - 34 "

SE $\frac{1}{4}$ SW $\frac{1}{4}$ - 25 "

NW $\frac{1}{4}$ SE $\frac{1}{4}$ - 12 acres

SW $\frac{1}{4}$ SE $\frac{1}{4}$ - 32 "

— Sec. 11 - 122 N-55 W

NW $\frac{1}{4}$ SE $\frac{1}{4}$ - 33 acres

NE $\frac{1}{4}$ SE $\frac{1}{4}$ - 33 acres

SW $\frac{1}{4}$ SE $\frac{1}{4}$ - 33 acres

SE $\frac{1}{4}$ SE $\frac{1}{4}$ - 33 "

— Sec. 14 - 122 N-55 W

NW $\frac{1}{4}$ NE $\frac{1}{4}$ - 33 acres

NE $\frac{1}{4}$ NE $\frac{1}{4}$ - 33 "

SW $\frac{1}{4}$ NE $\frac{1}{4}$ - 33 acres

SE $\frac{1}{4}$ NE $\frac{1}{4}$ - 33 "



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 4995-3

April 28, 1988

Ivan Zachert
Route 1, Box 155
Webster, South Dakota 57274

Dear Mr. Zachert:

The inspection of your water use system and inspection of the extent of the application of water to beneficial use, as developed under your Water Right No. 4995-3 has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuing of the Water License. Upon receipt of the \$50.00 fee from you, your Water License will be sent to you.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until this \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Maxine Stirling
Secretary

ms/

NOTE: On check or money order, please indicate the number of the water permit. This insures proper handling of the fee.

The water license for
permit # 4995-3 has
not been received.

A check was mailed in
April, '88.



 **Department of
Water & Natural Resources**

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

4995-3

August 31, 1988

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

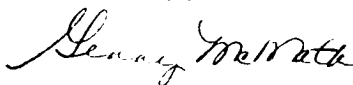
Dear Mr. Zochert:

I am writing in response to your letter received today concerning the status of Water License No. 4995-3. The \$50.00 fee you submitted for the inspection and licensing of No. 4995-3 was received May 2, 1988.

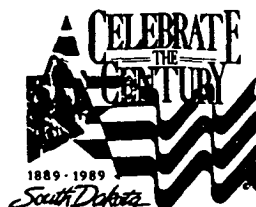
At the present time, the water license has not been written up. You have complied with all of the requirements for obtaining the license, the remaining work to be done before the license can be issued rests with our office. The intervening time between the inspection, your payment of the fee, and the actual issuance of the license has no bearing on your water right.

Thank you for bringing this matter to our attention. If you have any questions, please contact us.

Sincerely,



GENNY MCMATH
Natural Resources Analyst



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411228

Pierre, May 2, 1988

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 No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>4995-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer JOHN HATCH 

4167-3

4595-3

4995-3

 **Department of
Water & Natural Resources**

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

February 17, 1989

Zochert Farms Inc
RR 1, Box 155
Webster, SD 57274

Dear Sirs:

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;

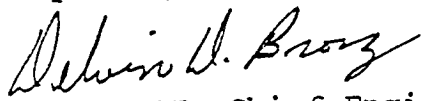


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

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 Bowar, Water Rights Engineer (605-773-3352).

Very truly yours,

for 
JOHN HATCH, Chief Engineer
Water Rights Division

SOUTH Dakota Department of
Water & Natural Resources

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

July 24, 1990

Jim Peckham
Peckham Well Drilling
Box 243
Clark, SD 57225

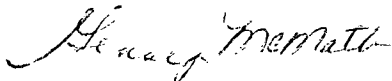
Dear Mr. Peckham:

I am in the process of trying to finalize a water license for Zochert Farms Inc of Webster, SD. In order to complete the file and before the license can be issued, we need to have copies of the well logs for wells you drilled for Mr. Zochert.

The three wells are located as follows: 1) SE 1/4 NE 1/4, Section 13, 2) NE 1/4 NE 1/4 Section 13 and 3) SE 1/4 SE 1/4 Section 12, all in T122N, R55W. If you have copies of these logs, please forward them to our office as soon as possible. I have enclosed a postage paid envelope for your convenience in returning the logs.

If you have any questions, please contact me.

Sincerely,



Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosure

8-24-90

Peckham Well Co.
Clark, SD

Zocker Farms
Webster, SD

Well No. 1 Drilled 1977 SE $\frac{1}{4}$ Sec. 13

0-1 Top soil
1-12 yellow clay some small rocks
12-40 blue clay-some sand and gravel seams
40-72 sand and gravel
72-80 blue clay

Well No. 2 Drilled 1977 NE $\frac{1}{4}$ Sec. 13

0-1 top soil
2-16 yellow clay some sand streaks
16-44 blue clay-some sand and gravel streaks from 38' to 44'
44-70 sand and gravel
70-85 blue clay

Well No. 3 Drilled 1981 SE $\frac{1}{4}$ Sec. 12

0-1 top soil
1-14 yellow clay-some small rocks
14-38 blue clay-sand-gravel seams
38-72 sand and gravel
72-80 blue clay





Department of Water & Natural Resources

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

4995-3

OCT 24 1990

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

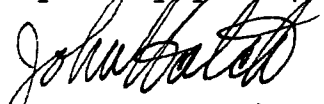
Dear Mr. Zochert:

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.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 4995-3

(1) Ivan Zochert, Zochert Farms, Inc. of RR #1 Box 155, Webster SD 57274 made Application No. 4995-3, November 2, 1983 for a water permit to appropriate no add'l cubic feet of water per second from groundwater (3 existing wells), Day County, South Dakota for irrigation purposes. Permit No. 4995-3 with priority dates of June 6, 1977; December 30, 1980 and February 22, 1983 was approved April 25, 1984 and issued to applicant(s) for diversion of water with construction of the described water supply system to be completed on or before April 25, 1989 and for the application to beneficial use of said water on or before April 25, 1993.

Water Permit No. 4995-3 was issued to connect three existing wells to form a common distribution system to irrigate land covered under Water Right Nos. 4169-3 and 4595-3 and Water Permit No. 4946-3. No additional water appropriation or acreage were authorized by No. 4995-3.

The applicable portions of Water Right Nos. 4169-3 and 4595-3 and Permit No. 4946-3 are incorporated into this Water License No. 4995-3.

Priority dates are as follows:

June 6, 1977 for Wells #1 and #2 to irrigate the land in Section 13 (established by No. 4169-3);

December 30, 1980 for Well #3 to irrigate the land in Section 12 (established by No. 4595-3);

February 22, 1983 for Well #3 to irrigate land in Sections 11 and 14 (established by No. 4946-3); and

November 2, 1983 for Wells #1 and #2 to irrigate lands in Sections 11, 12 and 14 (established by No. 4995-3).

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 3.56 cubic feet of water per second for beneficial use. The location of the diversion points are: Well #1 - 1450'S and 1350'E of the NW corner of the NE1/4 Section 13 (SE1/4 NE1/4); Well #2 - 820'S and 1420'E of the NW corner of the NE1/4 Section 13 (NE1/4 NE1/4); Well #3 - 1390'E and 120'N of the SW corner of the SE1/4 Section 12 (SE1/4 SE1/4) all in T122N, R55W.

page 2

Water License No. 4995-3

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

T122N, R55W

Section 11				Section 13			
NW1/4	SE1/4	33	acres	NW1/4	NE1/4	30	acres
NE1/4	SE1/4	33	"	NE1/4	NE1/4	30	"
SW1/4	SE1/4	33	"	SE1/4	NE1/4	35	"
SE1/4	SE1/4	33	"	SW1/4	NE1/4	35	"
				NW1/4	SE1/4	3	"
				NE1/4	SE1/4	3	"
Section 12				Section 14			
NW1/4	SW1/4	22	acres	NW1/4	NE1/4	33	acres
NE1/4	SW1/4	15	"	NE1/4	NE1/4	33	"
SW1/4	SW1/4	34	"	SW1/4	NE1/4	33	"
SE1/4	SW1/4	25	"	SE1/4	NE1/4	33	"
NW1/4	SE1/4	12	"				
SW1/4	SE1/4	32	"				
				Total 540 acres			

(4) Pursuant to Section 46-5-30.1 Ivan Zochert, Zochert Farms Inc. of RR #1 Box 155, Webster SD 57274 the holder(s) and/or owner(s) of Incorporated No. 4995-3 is issued a license to appropriate water, the right to use 3.56 cubic feet of water per second from groundwater (3 wells) with priority dates of June 6, 1977, December 30, 1980, February 22, 1983 and November 2, 1983 from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Incorporated No. 4995-3 and subject to South Dakota State Law.


OCT 24 1990
JOHN HATCH, Chief Engineer
Water Rights Division
Department of Water and Natural
Resources

NOT TO SCALE



James L. Wendt
Natural Resources Eng.
4-27-88

Water
Right
4995-3

[illegible][illegible]

This is an aerial photograph of a coastal or wetland area, overlaid with a grid of land parcels. The map is heavily annotated with handwritten text in black and red ink. Key features include:

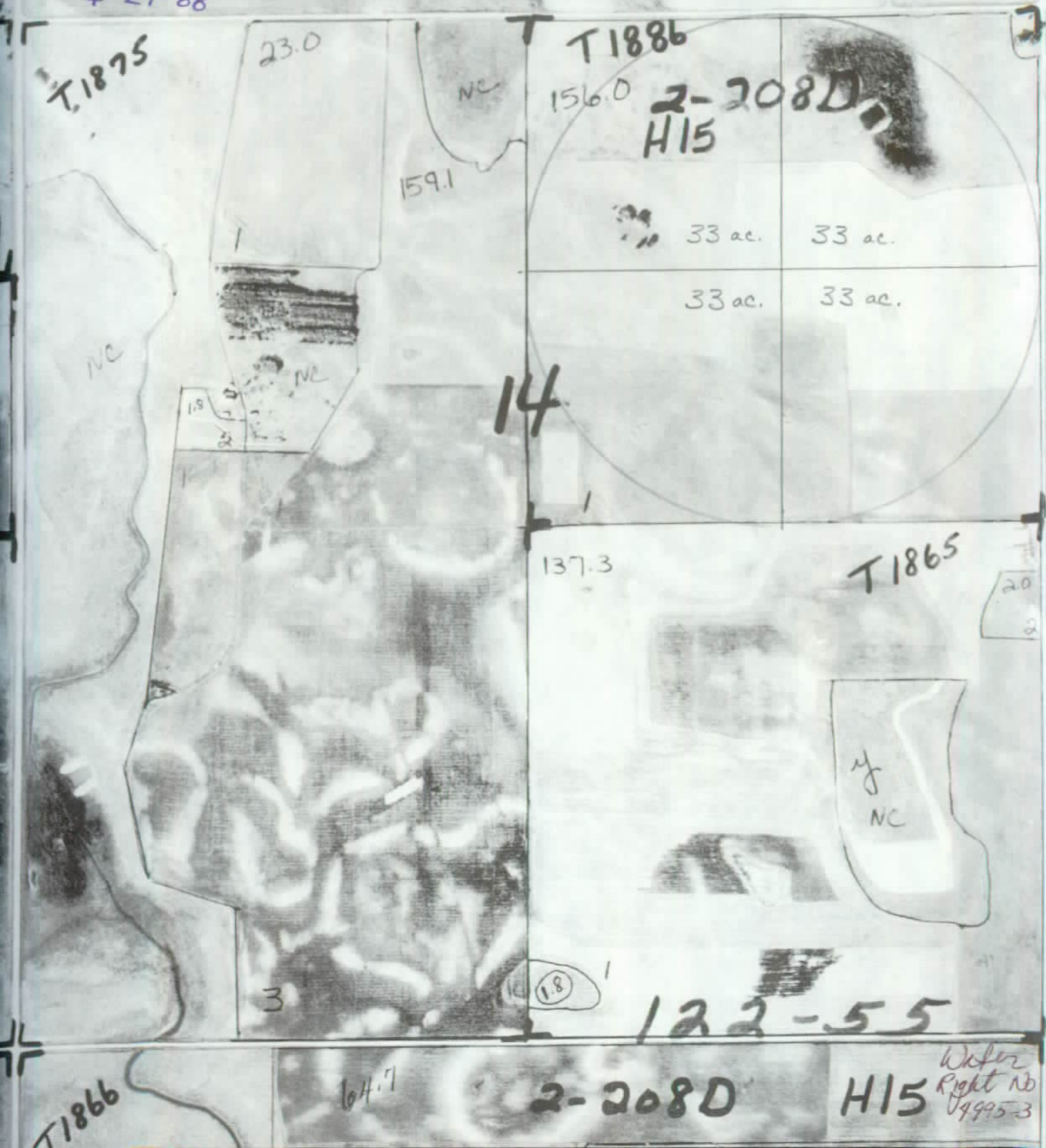
- Well Locations:** Three wells are marked with red dots and labeled in red ink: "Well #1", "Well #2", and "Well #3".
- Parcel Identification:** Several parcels are labeled with "T" followed by a number (e.g., T1852, T1878, T3026, T1862, T1863, T3027).
- Survey Data:** Numerous numerical values are written across the map, likely representing acreage or dimensions (e.g., 1390', 1420', 1350', 820', 1450', 120', 175, 36.7, 32.6, 37.7, 81.0, 46.3, 35.9, 20.4, 45.4, 11.9).
- Other Markings:** The letters "NC" appear in several locations. A large handwritten number "122-55" is visible near the bottom center. A "Water Right" is noted near the bottom right with the number "4995-3".

3

NOT TO SCALE

James L. Wendt
Natural Resources Eng.

4-27-88





4995-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 14 1994

5223-3

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

Dear Mr. Zochert:

Enclosed is Water License No. 5223-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 413442 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. 5223-3, 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

gm
enclosures

NOTE: The applicable portions of Water Right No. 4995-3 have been incorporated into this Water License No. 5223-3.

No. 4995-3

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Right No. 4995-3, Zochert Farms

ADDRESS: COUNTY: Day County

DATE: November 2, 2015 TELEPHONE:

RE: minor acreage shift

Neil Zochert called. He indicated they are changing the 30 year old pivot located in the SE $\frac{1}{4}$ Section 11, T122N, R55W. In doing so the irrigation supply company is telling them that the pivot will now be able to irrigate 136.8 acres instead of the 132 acres listed on Water License No. 4995-3. An increase of 4.8 acres.

Water License No. 4995-3 is issued for irrigation of a total of 540 acres located in the SE $\frac{1}{4}$ section 11, SW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 12, NE $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 13 and NE $\frac{1}{4}$ Section 14; all in T122N, R55W. Mr. Zochert explained that a portion of the acres in Section 13 are not irrigated currently due to high lake levels. It has been that way for quite some time and is expected to continue for an extended period of time until the lake recedes. He indicated due to the flooding likely only 500 acres are actually being irrigated. This flooding is likely a legal excuse to the nonuse of water on the non-irrigated authorized acres.

The minor shift in acres is allowed because it will be in the same legal descriptions listed on the permit and 540 acres of irrigation under Water Right No. 4995-3 will not be exceeded. Mr. Zochert fully understands that if the lake level recedes and irrigation of more than 540 acres occurs that Zochert Farms will need a new permit for the additional acres. Mr. Zochert does not expect the lake level to recede anytime soon.

NAME: Eric Humlund