

Considered: _____

WATER PERMIT NO. 5708-3

Phone: 293-3237

Name of Applicant: Rex Zastrow

Post Office Address: HCR 5, Box 68, Miller SD 57362

Amount of Water Claimed: no add'l Total Acres: 5 add'l

Source of Water Supply: groundwater

Water to be used for: irrigation County: Buffalo

About 2 miles N, 1 E of Gann Valley

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 7-2-92 Fee: \$50 Remarks corrects

location of 24 acres

Corrected Application Received _____ Period of Annual Use March 1 - Nov 30

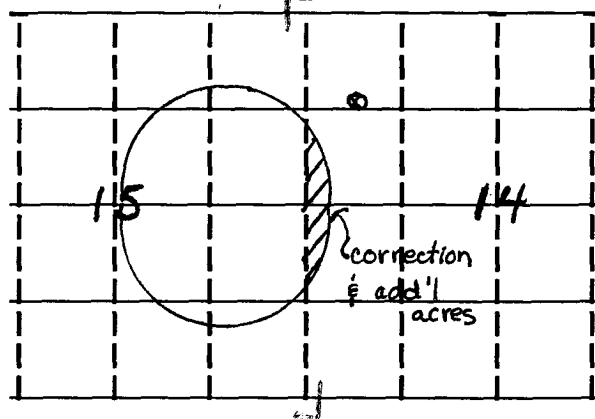
WATER QUALITY APPROVAL RECEIVED 9-17-92 APPROVED/CONDITIONAL (Circle one)

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

Diversion Point: NW 1/4 NW 1/4 Sec 14-T107N-R68W

Land to be Irrigated: E 1/2 Sec 15 and W 1/2 NW 1/4

NW 1/4 SW 1/4 Sec 14; all in T107N-R68W



Well Log: Driller: Huron Drilling Licensed YES X NO _____

Depth of Well: 96' REMARKS _____

Type of Map: aerial PREPARED BY: Norma Job Reviewed and the Number

Assigned on 9-3-92 By Karen Schlaak

(See instructions)

No. 5708-3 Hydrologic Unit 10140105
Basin Missouri River
Newspaper Chamberlain Register

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

Type of Application: ☒ New ☐ Vested Right ☐ Amend Permit No. _____
☒ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point(s)
☐ Add Acreage ☐ Increase diversion rate ☒ Other See Permit No. 3974-3
Name of Applicant Rex Zastrow Phone No. 293-3237
Post Office Address HCR 5 Box 68 Miller State SD Zip Code 57362
(Street, RR or Box) (City)

2. Amount of water claimed (c.f.s) no add'l Total acres irrigated 24 correction - 5 add'l
3. Source of Water supply groundwater
4. Location of point of diversion NW 1/4 NW 1/4 Section 14-T107N-R68W

- County Buffalo
5. Counties where water will be used Buffalo
6. Annual period during which water is to be used March 1 - November 30
7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.
correction acres additional acres

Land Description	No. Acres Irr.
NW 1/4 NW 1/4	1
SW 1/4 NW 1/4	18
NW 1/4 SW 1/4	5
Section 14-T107N-R68W	

Land Description	No. Acres Irr.
NW 1/4 SW 1/4	5
Section 14-T107N-R68W	

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: ☒ Gun: _____ Other: _____
9. Crops to be Irrigated: _____
10. Give a description of proposed project. (Attach sheet if more space is needed)

This application is to correct the location of developed acres not authorized by Water Permit No. 3974-3. It is also to add 5 add'l acres.

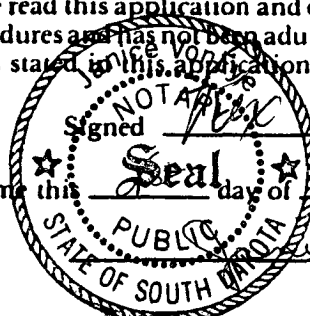
A correction in the advertising area for Section 15-T107N-R68W is also needed.

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

STATE OF SOUTH DAKOTA)
County of Buffalo ss

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

Subscribed and sworn to before me this 10 day of July 1992



Notary Public

**SOUTH DAKOTA
WATER PERMIT NO. 5708-3**

Date of first receipt of application July 2, 1992.

Date Soil/Water Compatibility Permit received September 17, 1992.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5708-3 to Rex Zastrow, HCR 5, Box 68, Miller SD 57362 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5708-3 authorizes irrigation of 5 additional acres and specifies the correct location of the irrigated acreage. Water Permit No. 3974-3 appropriates 2.5 cubic feet of water per second (cfs) from one well, 96 feet deep, located in the NW 1/4 NW 1/4 Section 14 to irrigate 200 acres located in the E 1/2 Section 15; all in T107N-R68W. An inspection of Permit No. 3974-3 found 1 well constructed and supplying 2.44 cfs to irrigate 205 acres. This permit is for 5 additional acres and to correct the location of 24 of the 205 acres being irrigated. The 5 additional acres are located in the NW 1/4 SW 1/4 Section 14 and the correct location of the 24 acres is the W 1/2 NW 1/4, NW 1/4 SW 1/4 Section 14; all in T107N-R68W. No increase in the developed diversion rate is authorized by this permit.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: March 1 - November 30.
3. The date from which applicant may claim right is July 2, 1992.
4. The date of approval of Permit No. 5708-3 is December 2, 1992.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

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

WATER MANAGEMENT BOARD

By: 
John Hatch, Chief Engineer, Water Rights Division

MAR 16 1993
date

39743

272

George Eastrow

OWNER

Gann Valley, S.D.
WELL REPORT
 Buffalo County
 May 14-107-68

HURON
 DRILLING CO.
 Huron, S.D.

November 7, 1979
 DATE

DESCRIPTION

CASING LOG

Depth	96	ft.	66	ft.	16" .50 PVC	pipe to	66	ft.
Flows	gpm				Plastic			
Pumps	gpm		30		16" .304 Stainless	pipe to	96	ft.
Head	ft.				Steel Screen	pipe to		ft.
					20 Ft. Johnson Stainless Steel Screen	pipe to		ft.
					Perforations			

REMARKS

Pressure

4 days

Drilling Time

Rig No. 18

Bernard Schleder

Foreman

DM

66-96 Ft.

1 - 20 Ft. 16" Stainless Steel Screen-70 Slot

1 - 10 Ft. 16" Stainless Steel Screen-70 Slot

30 Tons of Gravel



HURON DRILLING INC. DRILLERS LOG

PAGE NO.

George Zastrow

NW-14-107-68

5-3-77

15

Dana Heinzerling

JOB NAME

LOCATION

DATE

RIG NO.

FOREMAN

Jt No.	DEPTH	TIME	REMARKS	DESCRIPTION
-----------	-------	------	---------	-------------

1	0-20		0-4 Topsoil	
2	20-35		4-11 Yellow gravel	
3	35-50		11-20 Blue clay	
4	50-65		20-50 Blue clay & very fine sand	
5	65-80		50-54 Blue clay	
6	80-95		54-65 Medium-coarse sand, traces of clay	
7	95-110		65-80 Fine-medium sand with gravel, traces of blue clay	
			80-95 Fine-medium sand with gravel, traces of coal	
			95-104 Blue clay and fine sand	
			104-110 Shale	

NW-14-107-68

Buffalo Co.

#2

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

413280

Pierre, July 2, 1992

RECEIVED OF Susan Hoarty, HCR 5 Box 68, Miller, SD 57362

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

Fee for Application for Permit No. <u>57083</u> 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

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4719 & 2034-BF-A

WR#

OWNERS NAME: ZASTROW, REX OWNERS ADDRESS: HCR 5 BOX 68

MILLER, SD 57362

COUNTY LAND LOCATED IN: BUFFALO PHONE: 293-3237

LEGAL DESCRIPTION:

☒ Well

☐ Surface

1. LOCATION: NW $\frac{1}{4}$ NW $\frac{1}{4}$ 14-T107N-R68W

Depth: _____

Legal Description	Acres	Legal Description	Acres
<u>E$\frac{1}{2}$ 15-T107N-R68W</u>	<u>176</u>		
<u>NW$\frac{1}{4}$ NW$\frac{1}{4}$ 14-T107N-R68W</u>	<u>1</u>		
<u>SW$\frac{1}{4}$ NW$\frac{1}{4}$ 14-T107N-R68W</u>	<u>18</u>		
<u>NW$\frac{1}{4}$ SW$\frac{1}{4}$ 14-T107N-R68W</u>	<u>10</u>		

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

3. CROPS TO BE IRRIGATED: _____

WATER QUALITY:

4. WATER SAMPLE NUMBER: 90-1083 7. ADJUSTED (SAR): 11.22
5. SALINITY (EC X 10⁶): 1400 8. PERCENT SODIUM: 52.41
6. SODIUM (SAR): 4.48

Requirements:

(SEE ATTACHED MANAGEMENT PLAN - APRIL 2, 1991)

ALSO AMENDS PERMIT #2034-BF.



Russell J. Stone

Director, Division of Conservation

XXX APPROVED XXX REQUIREMENTS

DISAPPROVED

WAIVER

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

SEPTEMBER 17, 1992

Date

Zastrow Irrigation Management Plan

2 April, 1991



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

The irrigation water that I am using on the South 1/2 of section 10, T107, R68W has an SAR of between 8 and 20 depending upon the leaching fraction that is assumed. Recent Soil tests have shown ESP's within the surface soil of, from as low as 5 to as much as about 10. There are higher ESP's deeper within the soil profile.

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

1). Water management

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

2). Tillage

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

3). Manure

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

4). Future work

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

Rex Zastrow



R#5, Box 68

Miller, South Dakota

57362

605-293-3237





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 25, 1992

Rex Zastrow
HCR 5 Box 68
Miller SD 57362

Dear Mr. Zastrow:

This letter is in regard to an inspection of Water Permit Nos. 2751-3, 3974-3, and 4975-3 done on June 8, 1992. I have enclosed the map and application forms to correct the location of acres that were not authorized by Water Permit No. 4975-3. Also, enclosed is the map and application forms to correct the location of acres and to add 5 additional acres that were not authorized by Water Permit No. 3974-3. Please carefully review these partially completed application forms making any required corrections and completing the applications. Have them signed in the presence of a notary public and return them to this office with a \$50.00 application fee for each application for a total of \$100.00.

If you have any questions, feel free to contact me at this office.

Sincerely,

Norma C. Job
Natural Resources Engineer II
Division of Water Rights

enclosures

REPORT ON WATER PERMIT APPLICATION NO. 5708-3
REX ZASTROW
OCTOBER 6, 1992

Application No. 5708-3, Rex Zastrow, proposes to irrigate 5 additional acres and to specify the correct location of the irrigated acreage. Water Permit No. 3974-3 appropriates 2.5 cubic feet of water per second (cfs) from one well, 96 feet deep, located in the NW 1/4 NW 1/4 Section 14 to irrigate 200 acres located in the E 1/2 Section 15; all in T107N-R68W. An inspection of Water Permit No. 3974-3 found one well constructed and supplying 2.44 cfs to irrigate 205 acres. This application is for 5 additional acres and to correct the location of 24 of the 205 acres being irrigated. The 5 additional acres are located in the NW 1/4 SW 1/4 Section 14 and the correct location of the 24 acres is the W 1/2 NW 1/4, NW 1/4 SW 1/4 Section 14; all in T107N-R68W. No increase in the developed diversion rate is authorized by this application.

Aquifer - Crow Creek (CC)

Information about the Crow Creek aquifer in Buffalo County is limited. The only information available is from the Division of Water Right's observation wells and well logs submitted with this application. The Water Rights Division monitors an observation well located in the NW 1/4 NW 1/4 Section 14-T107N-R68W. This observation well is located approximately 1,300 feet northwest of the existing diversion point for this application. From the well logs submitted for this application and the observation well log, the aquifer consists of fine to medium sand and gravel. The aquifer looks to be 20-40 feet thick in this area and under artesian conditions. The aquifer is located approximately 50 to 70 feet below ground level. The observation well shows the pumping drawdown and aquifer recharge resulting from irrigation withdrawals. The aquifer shows no decline in water levels resulting from irrigation.

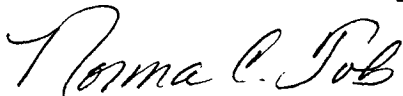
Review of Existing Water Rights/Permits

There are two permits near this application which are owned and operated by the applicant. The systems are located in the S 1/2 Section 10-T107N-R68W. The diversion points are located approximately 3/4 mile and 1 mile from this application's existing diversion point.

Conclusions

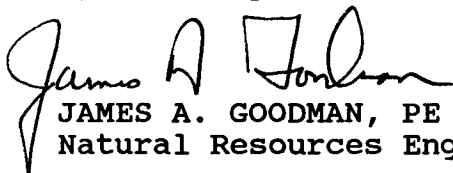
1. Water is available from the Crow Creek aquifer during the irrigation season.
2. This is an existing system and has been in use for many years with no apparent problem.

3. The aquifer is under artesian conditions at this site. Drawdown and recovery clearly exist in the observation well. Interference is not a concern at this time.
4. If Application No. 5708-3 is approved, it should contain the following qualifications:
 - a. Subject to the irrigation water use questionnaire being submitted each year.
 - b. The water license should incorporate Water Permit No. 3974-3 and this application for 2.44 cfs to irrigate 205 acres.



NORMA C. JOB
Natural Resources Engineer II

Approved by:



JAMES A. GOODMAN, PE
Natural Resources Engineer IV

References

Water Rights, 1992, Observation Well Records for Crow Creek
Aquifer in Buffalo County, SD DENR, Division of Water
Rights, Joe Foss Bldg., Pierre, SD 57501.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5708-3, Rex Zastrow

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 5708-3, Rex Zastrow, HCR 5 Box 68, Miller, SD 57362.

The Chief Engineer is recommending APPROVAL of Application No. 5708-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion has been developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

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

See report on application for additional information.



JOHN HATCH, Chief Engineer
October 27, 1992



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

October 29, 1992

Rex Zastrow
HCR 5 Box 68
Miller, SD 57362

Dear Mr. Zastrow:

Water Permit Application Nos. 5708-3 and 4975A-3 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Chamberlain Register printed at Chamberlain, SD (Ph # 734-6360). For your information, a copy of the notice, the recommendations of the Chief Engineer and reports on the applications are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the applications.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendations, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the applications.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 29, 1992

Chamberlain Register
Box 550
Chamberlain, SD 57325

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application Nos. 5708-3 and 4975A-3 to be published twice. Please publish the first notice on November 4, 1992, with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Rex Zastrow, HCR 5 Box 68, Miller, SD 57362 (Ph # 293-3237).

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

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

No. _____

Date _____

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

Name _____

Newspaper _____

Instruction to Newspaper - Publish first Notice on November 4, 1992, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application Nos. 5708-3 and 4975A-3 to Appropriate Water

Notice is given that Rex Zastrow, HCR 5 Box 68, Miller, SD 57362 has filed applications for water permits.

Application No. 5708-3 is to irrigate 5 additional acres and to specify the correct location of the irrigated acreage. Water Permit No. 3974-3 appropriates 2.5 cubic feet of water per second (cfs) from one well, 96 feet deep, located in the NW 1/4 NW 1/4 Section 14 to irrigate 200 acres located in the E 1/2 Section 15; all in T107N-R68W. An inspection of Permit No. 3974-3 found 1 well constructed and supplying 2.44 cfs to irrigate 205 acres. This application is for 5 additional acres and to correct the location of 24 of the 205 acres being irrigated. The 5 additional acres are located in the NW 1/4 SW 1/4 Section 14 and the correct location of the 24 acres is the W 1/2 NW 1/4, NW 1/4 SW 1/4 Section 14; all in T107N-R68W. No increase in the developed diversion rate is authorized by this application.

Application No. 4975A-3 is to specify the correct location of the irrigate acreage. Water Permit No. 4975-3 appropriates 1.86 cfs from one well located in the SW 1/4 SE 1/4 Section 10 to irrigate 130 acres located in the SE 1/4 Section 10; all in T107N-R68W. An inspection of Permit No. 4975-3 found 1 well, 108 feet deep, constructed and supplying 1.22 cfs to irrigate 130 acres. This application is to correct the location of 20 acres being irrigated. The correct location of the 20 acres is the S 1/2 NE 1/4 Section 10-T107N-R68W. No increase in the developed diversion rate or number of acres being irrigated is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 5708-3 and 4975A-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendations, the Water Management Board will NOT CONDUCT a HEARING to consider the applications and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the applications.

Any person interested in opposing or supporting the applications must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by November 23, 1992. The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

If a petition is filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendations, the Board will consider the applications at 10:00 am, December 2, 1992, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD. If a hearing is held, the Chief Engineer's recommendations are not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny the applications based on the facts presented at the public hearing. The December 2, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the applications. The request for an automatic delay must be filed by November 23, 1992.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will

be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by November 23, 1992, at the above Water Rights Division address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

These applications are made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County Brule) ss.

I, Rod Hays

certify that the attached printed Notice was taken
 from the Brule County News

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 Kimball

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

Nov. 5, 1992

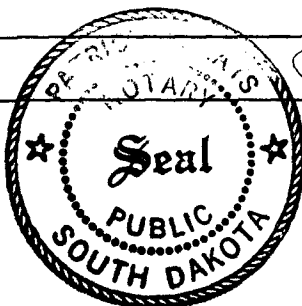
Nov. 12, 1992

Rod Hays
 (Signature)

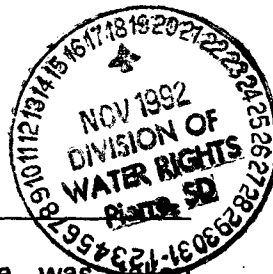
Publishe
 (Title)

November
 (Date Signed)

Cost of Printing: \$65.66



Not
 My
 expires



NOTICE OF HEARING
 on Applications Nos. 5708-3 and 4975A-3
 to Appropriate Water

Notice is given that Rex Zastrow, HCR 5 Box 68, Miller, SD 57362 has filed applications for water permits.

Application No. 5708-3 is to irrigate 5 additional acres and to specify the correct location of the irrigated acreage. Water Permit No. 3974-3 appropriates 2.5 cubic feet of water per second (cfs) from one well, 96 feet deep, located in the NW 1/4 NW 1/4 Section 14 to irrigate 200 acres located in the E 1/2 Section 15; all in T107N-R68W. An inspection of Permit No. 3974-3 found 1 well constructed and supplying 2.44 cfs to irrigate 205 acres. This application is for 5 additional acres and to correct the location of 24 of the 205 acres being irrigated. The 5 additional acres are located in the NW 1/4 SW 1/4 Section 14 and the correct location of the 24 acres is the W 1/2 NW 1/4, NW 1/4 SW 1/4 Section 14; all in T107N-R68W. No increase in the developed diversion rate is authorized by this application.

Application No. 4975A-3 is to specify the correct location of the irrigate acreage. Water Permit No. 4975-3 appropriates 1.86 cfs from one well located in the SW 1/4 SE 1/4 Section 10 to irrigate 130 acres located in the SE 1/4 Section 10; all in T107N-R68W. An inspection of Permit No. 4975-3 found 1 well, 108 feet deep, constructed and supplying 1.22 cfs to irrigate 130 acres. This application is to correct the location of 20 acres being irrigated. The correct location of the 20 acres is the S 1/2 NE 1/4 Section 10-T107N-R68W. No increase in the developed diversion rate or number of acres being irrigated is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 5708-3 and 4975A-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of

water, and 4) it is in the public interest. Unless a petition is filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendations, the Water Management Board will NOT CONDUCT a HEARING to consider the applications and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the applications.

Any person interested in opposing or supporting the applications must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre, SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by November 23, 1992. The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

If a petition is filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendations, the Board will consider the applications at 10:00 am, December 2, 1992, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD. If a hearing is held, the Chief Engineer's recommendations are not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny the applications based on the facts presented at the public hearing. The December 2, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the applications. The request for an automatic delay must be filed by November 23, 1992.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by November 23, 1992, at the above Water Rights Division address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

These applications are made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

(Nov. 5-Nov. 12)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 16 1993

Rex Zastrow
HCR 5 Box 68
Miller, SD 57362

Dear Mr. Zastrow:

Enclosed are Water Permit Nos. 4975A-3 and 5708-3 authorizing your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

The final inspection has been completed on these Permits, and we are ready to issue the Water Licenses. Statutes require we charge \$100 (\$50 each) for the inspection and issuance of the final papers. Upon receipt of this amount the Water Licenses will be sent to you.

Very truly yours,

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

enclosures

Missouri River Water District

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

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

I have this day made a thorough examination of the water use system constructed by George/Irene/Rex Zastrow of HCR 5 Box 68 Miller SD 57362 holder of Permit No. 3974-3, bearing the priority of November 14, 1977 authorizing the diversion of 2.5 cu. ft. per second of the waters of groundwater for irrigation purposes, in Buffalo County.

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

A. Works used to divert the water: 125 hp US Electric High Thrust motor model no. 405TP
with a Berkley pump model no. 7900830 capable of 1100 gpm.

B. Works used to transport water to place of use: 2000 feet of 10 inch PVC piping.

C. Works used to apply water to beneficial use: 10 tower Olson center pivot 1660' long
with high pressure capable of 1100 gpm.

The system is in the following condition poor. The point of diversion is located 680'
east and 1320' south of the Section 15-T107N-R68W. ^{4 K5}
SW corner of The works are capable of diverting and
conveying to the place of use 2.44 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:

Section 15-T107N-R68WNW 1/4 NE 1/4 6 Acres SE 1/4 NE 1/4 40 Acres SW 1/4 SE 1/4 1 AcreNE 1/4 NE 1/4 15 Acres NW 1/4 SE 1/4 33 Acres SE 1/4 SE 1/4 4 AcresSW 1/4 NE 1/4 37 Acres NE 1/4 SE 1/4 40 AcresSection 14-T107N-R68WNW 1/4 NW 1/4 1 Acre SW 1/4 NW 1/4 18 Acres NW 1/4 SW 1/4 10 Acrescomprising a total of 205 acres of land and the license should be issued for 2.44 cfs.Applicable permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are:

Date 5-13-1992

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

REPORT ON INSPECTION OF PERMIT NUMBER 3974-3

DATE 5-13-1992

Other permit(s) associated with the project

DIVERSION POINT LEGAL LOCATION: NW 1/4 NW 1/4 Section 14-T107N-R68W

WELL INFORMATION: Well Drilling Firm Huron Drilling

No. of Wells 1 Depth(s) 96 feet

- a) Casing: 1) diameter 16 inches b) Screen: 1) type Johnson stainless steel
2) length 66 feet 2) length 30 feet
3) type PVC c) Pump 1) make Berkley
d) Static Water Level feet 2) model SN-7900830
e) Motor: 3) size 8 inches
1) make High Thrust US Electric 4) capacity 1100 GPM
2) model No. 405TP 5) turbine pump - No. of stages 5
3) horsepower rating 125 hp 6) operating pressure 60 PSI

DISTRIBUTION LINES OR CANALS:

- a) type PVC b) size 10 inches c) length 2000 feet

SYSTEM TYPE:

- e) Center pivot: The irrigation system around the well site was in poor condition.
1) make Olson
2) overall length 1660 feet
3) number of towers 10
4) distance between towers feet
5) end gun Y (Y/N) Not used
6) high or low pressure high
7) capacity 1100 GPM

CHEMIGATION EQUIPMENT:

- a) does chemigate N (Y/N)

PERMIT QUALIFICATIONS AND REGULATIONS:

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

NOT TO SCALE

map prepared by
Homa L. Job
Natural Resources Div.
Division of Water Rights
9-3-1992

205 Acres

73.8

NHEL

NHEL 5.8

NHEL

36.3

4.5

NHEL 107-68

3974-3

NHEL

31.4

NW 1/4 NE 1/4
6 Acres

1.8 > N

NE 1/4 NE 1/4
NHEL

15 Acres

11.37

31.8

NW 1/4 NW 1/4
1 Acres

1.8 > N

117.8

5.3

NW 1/4 NE 1/4

37 Acres

SE 1/4 NE 1/4
40 Acres

SE 1/4 NW 1/4
18 Acres

15

86.0

NW 1/4 SE 1/4

33 Acres

NE 1/4 SE 1/4
40 Acres

16.5

NW 1/4 NW 1/4
10 Acres

NHEL

NHEL

NHEL

NHEL

5-4

SU 1/4 SE 1/4
1 Acre

SE 1/4 SE 1/4
4 Acres

107-68

19.9

3

NHEL

5708-3

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5708-3 FOR IRRIGATION

(1) Rex Zastrow, of HCR 5, Box 68, Miller SD 57362 made Application No. 5708-3, July 2, 1992 for a water permit to irrigate an additional 5 acres of land from groundwater (one well), Buffalo County, South Dakota for irrigation purposes. Permit No. 5708-3, with a priority date of July 2, 1992 was approved December 2, 1992 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

Water Permit No. 5708-3 specifies the correct location of the irrigated acreage and authorizes irrigation of additional acreage that was developed but not permitted under Water Permit No. 3974-3. No. 5708-3 did not allow for an increase in the developed diversion rate.

The applicable portions of Water Permit No. 3974-3 have been incorporated into this Water License No. 5708-3. A priority of July 2, 1992 (established under 5708-3) is retained for irrigation of 5 acres in the NW 1/4 SW 1/4 Section 14. The remaining acreage in Sections 14 and 15, retain a priority date of November 14, 1977 as established under Permit No. 3974-3.

(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 2.44 cubic feet of water per second for beneficial use. The location of the diversion point is 680 feet E and 1320 feet S of the NW corner of Section 14-T107N-R68W (NW 1/4 NW 1/4).

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

T107N-R68W	Section 14	NW 1/4 NW 1/4	1 acre
		SW 1/4 NW 1/4	18 acres
		NW 1/4 SW 1/4	10 acres
	Section 15	NW 1/4 NE 1/4	6 acres
		NE 1/4 NE 1/4	15 acres
		SW 1/4 NE 1/4	37 acres
		SE 1/4 NE 1/4	40 acres
		NW 1/4 SE 1/4	33 acres
		NE 1/4 SE 1/4	40 acres
		SW 1/4 SE 1/4	1 acre
		SE 1/4 SE 1/4	4 acres
		Total	205 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Rex Zastrow of HCR 5, Box 68, Miller SD 57362 the holder and/or owner of Incorporated Water Permit No. 5708-3 is issued a license to appropriate water, the right to use 2.44 cubic feet of water per second from groundwater (one well) with priority dates of November 14, 1977 and July 2, 1992 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Incorporated Water Permit No. 5708-3 and subject to South Dakota State Law.



JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and Natural Resources

OCT 15 1993

date

RECEIPT

413696

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ March 23, 19 93

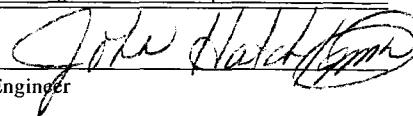
RECEIVED OF Susan Hoarty, HCR 5 Box 68, Miller, SD 57362

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>5708-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By _____
Chief Engineer





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

OCT 15 1993

5708-3

Rex Zastrow
HCR 5, Box 68
Miller, SD 57362

Dear Mr. Zastrow:

Enclosed is Water License No. 5708-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 413696 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. 5708-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Very truly yours,

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

rd
enclosures

NOTE: The applicable portions of Water Permit No. 3974-3 have been incorporated into this Water License No. 5708-3.



5708-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 4, 1997

NOTICE

TO: REX ZASTROW, HCR 65 BOX 68, MILLER, SD 57362

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

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

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

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

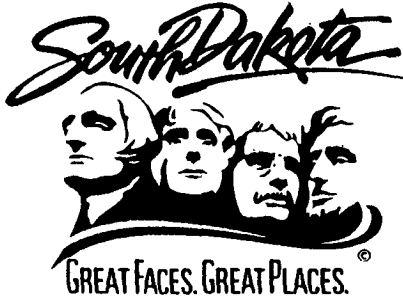
The hearing will be held at 2:30 pm, March 5, 1997 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12,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

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

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

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 19, 1997

Rex Zastrow
HCR 65 Box 68
Miller, SD 57362

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

Dear Mr. Zastrow:

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

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

If you have any questions, please contact me.

Sincerely,

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



5708-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2020

NOTICE

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

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

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaire(s)

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

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

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

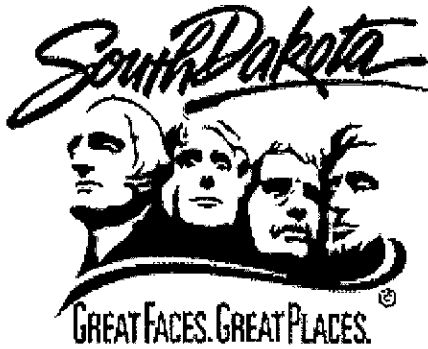
1. Suspend or cancel Permit No(s) 2751A-3 & 5708-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

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

5708-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 27, 2020

2751A-3
5708-3

Rex Zastrow
36068 Hwy 34
Miller SD 57362

Dear Mr. Zastrow:

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

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

If you have any questions, please contact me.

Sincerely,

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

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

5708-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 2021

NOTICE

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

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

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaire(s)

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

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

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

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

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

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

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

5708-3



DENR
SOUTH DAKOTA

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

February 2, 2021

2751A-3
5708-3

Rex Zastrow
36068 Hwy 34
Miller SD 57362

Dear Mr. Zastrow:

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

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

If you have any questions, please contact me.

Sincerely,

A handwritten signature in blue ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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