

WATER PERMIT NO. 5746-3

Phone: 398-6478

Name of Applicant: Dale U. Zirbel

Post Office Address: RR 1, Box 44, Ortley SD 57256

Amount of Water Claimed: no add'l (2.33 cfs) Total Acres: 67

Source of Water Supply: groundwater

Water to be used for: irrigation County: Grant

About 2 miles south of Ortley

PRIORITY Date Received: 1-12-93 Fee: \$225 Remarks: Same diversion point as used by Permit No. 3044-3

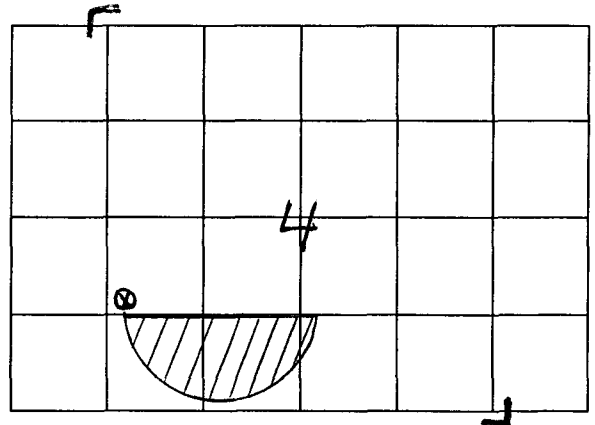
Corrected Application Received: 1-21-93 Period of Annual Use: April 1 - Sept 30

WATER QUALITY APPROVAL RECEIVED: 2-17-93 APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES X NO REMARKS:

Diversion Point: NW 1/4 SW 1/4 Sec 4-T121N-R52W

Land to be Irrigated: S 1/2 SW 1/4, SW 1/4 SE 1/4
Sec 4-T121N-R52W



Well Log: Driller: Licensed YES NO

Depth of Well: 58' REMARKS: no log available

Type of Map: aerial PREPARED BY: Jane Streich, ASCS Reviewed and the Number

Assigned on: 2-17-93 By: Karen Schlaak

FORM 2: Application for irrigation in South Dakota

ESG

(type or print)

Mail to:

Water Rights Division
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181
605 773-3352

No. 5746-3 Hydrologic Unit 10170202
Basin Big Sioux
Newspaper Grant Co. Review, Box 390, Milbank
(office use only)



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

Type of Application: New Vested Right ☒ Amendment/Correction to Permit No. 3044-3
(check one) (Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. acreage change, change diversion point(s), add diversion point(s), etc.)

Add 6764 Acres to Irrigate from Existing well, without any additional cubic Feet of water per sec.

- Name of Applicant Dale G. Zirkel Phone 398-6478
Mailing Address RR1 Box 44 Onley State S. Dak, 57256
(Street, RR, or Box) (no add'l cfs) (City) (Zip Code)
- Amount of water claimed 2.33 *CFS or *GPM ***AF Total Acreage 67
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout if applicable)
- Source of water supply Ground water - well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) NW 1/4 of SW 1/4 of Sec. 4 - 121-52
- County Grant
- County or counties where water will be used Grant
- Annual period during which water is to be used April - Sept 30
- List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
SW 1/4 of SW 1/4 of Sec. 4-121-52	32		
SE 1/4 of SW 1/4 of Sec. 4-121-52	32		
SW 1/4 SE 1/4 4-121-52	3		

- Type of Irrigation: Gravity: Towline: Center Pivot: ☒ Gun: Other (Specify):
- Crops to be irrigated: Corn, alfalfa, small grain
- Give a description of the project. (Attach sheet if more space is needed)

Applying for Irrigation rights on above land description to be added on existing permit number - 3044-3

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

STATE OF SOUTH DAKOTA)

County of Grant)^{ss}

I, Dale G. Zirkel, 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 representative of the water to be used, and that the matters stated in this application are true and correct.

Signed Dale G. ZirkelSubscribed and sworn to before me this 19th day of January 19 93

My commission expires
7-92 09-12-94

Notary Public



SOUTH DAKOTA
WATER PERMIT NO. 5746-3 FOR IRRIGATION

Date of first receipt of application January 12, 1993.

Date Soil/Water Compatibility Permit received February 17, 1993.

Date of return to applicant for corrections, amendments or changes January 13, 1993.

Date of receipt of corrected application January 21, 1993.

The Water Management Board approved Water Permit Application No. 5746-3 on May 5, 1993 for Dale U. Zirbel, RR 1, Box 44, Ortley SD 57256 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. 5746-3 irrigates 67 additional acres. Water Right No. 3044-3 appropriates 2.33 cubic feet of water per second (cfs) from three wells to irrigate 270 acres located in the N 1/2 SW 1/4, SE 1/4 Section 4 and the N 1/2 NW 1/4, N 1/2 NE 1/4 Section 9; all in T121N-R52W. The one well located in the NW 1/4 SW 1/4 Section 4 was developed to divert 1.33 cfs and the other two wells located in the NW 1/4 NE 1/4 Section 9 were developed to divert 1.00 cfs. This permit authorizes irrigation of 67 additional acres located in the S 1/2 SW 1/4, SW 1/4 SE 1/4 Section 4 from the existing well (Big Sioux North Aquifer) 58 feet deep located in the NW 1/4 SW 1/4 Section 4; all in T121N-R52W. This permit does not authorize any increase in the 1.33 cfs developed diversion rate from the well located in the NW 1/4 SW 1/4 Section 4-T121N-R52W.
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: April 1 - September 30.
3. The date from which applicant may claim right is January 12, 1993.
4. One-fifth of the construction is to be completed on or before November 5, 1995.
5. All construction is to be completed on or before May 5, 1998.
6. Water is to be put to beneficial use on or before May 5, 2002.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

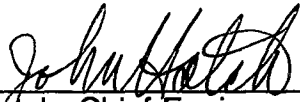
QUALIFICATIONS

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.

(continued)

3. Approval of Water Permit No. 5746-3 does not authorize any increase in the 1.33 cfs developed diversion rate from the well located in the NW 1/4 SW 1/4 Section 4-T121N-R52W.

WATER MANAGEMENT BOARD

By: 
John Hatch, Chief Engineer
Water Rights Division
Department of Environment and
Natural Resources

SEP 17 1993
date

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

Submitted by: Dale Zirbel

Date Rec'd. September 17, 1976

Address: Ortley, SD 57256

Sample No. 76-1386

Identification Well-60'

SW1, Sec. 4, T 121N, R 52W

WATER ANALYSIS

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

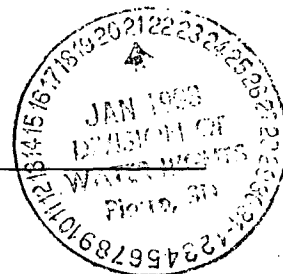
Others:

*ppm=parts per million

**me/l=millequivalents per liter

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

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



By: Shirley Mittan

Service Performed

Amount Due

Irrigation analysis

\$8.00 PAID

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

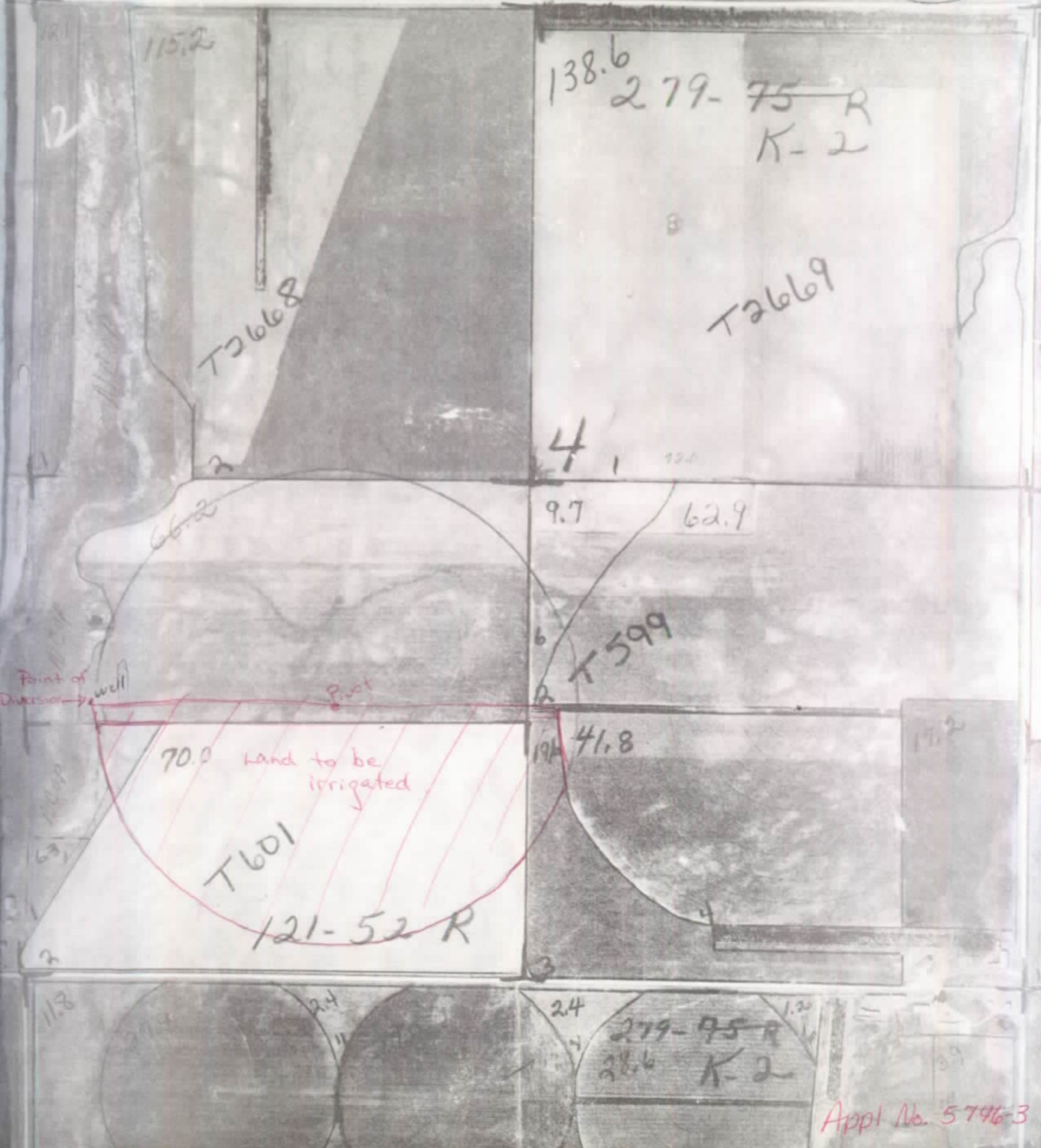
Sample No. 76-1386

Amount Enclosed \$

Signed

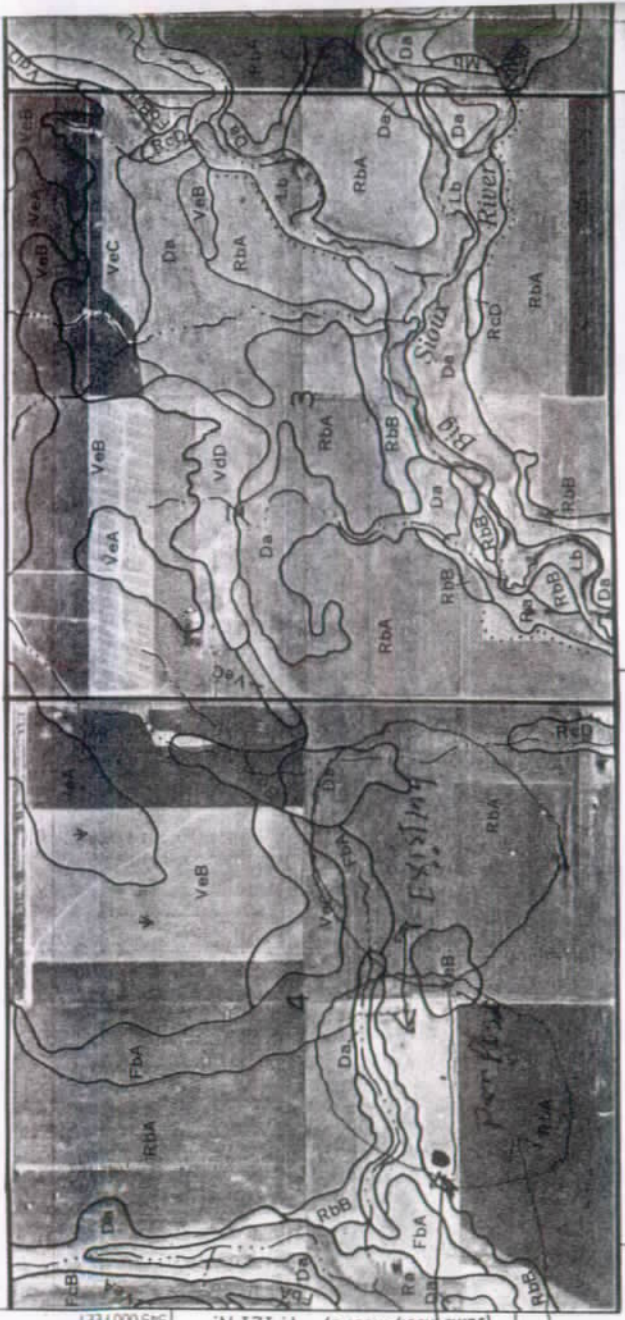
GRANT COUNTY ASCS
Box 150
WILBANKS, S. DAK. 57252
Jane Shuck
1-19-83

NOT TO SCALE



1:272,500 FEET

ROBERTS COUNTY



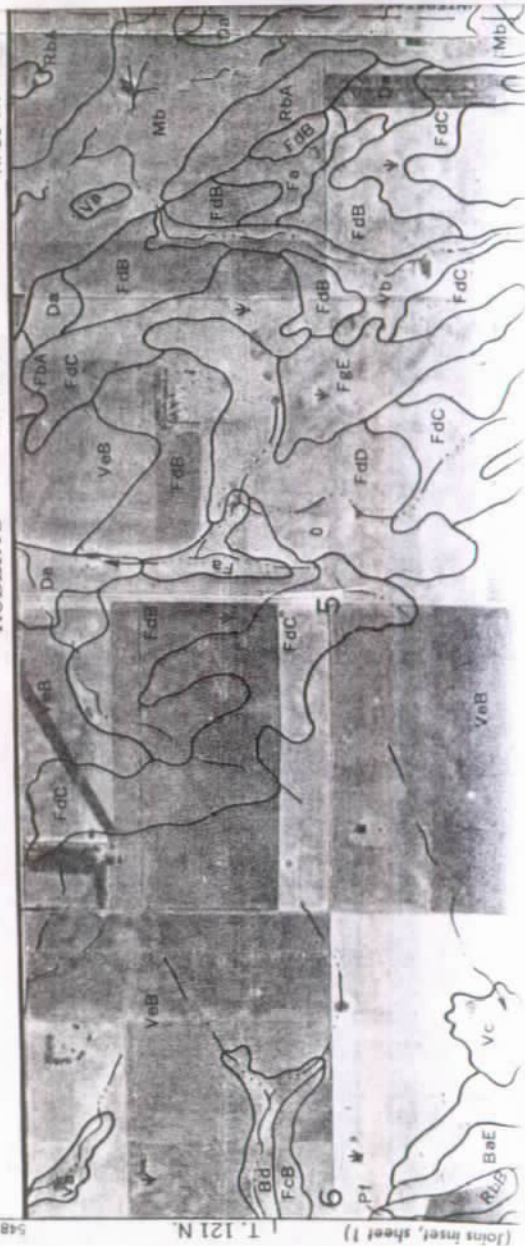
Pin Top
Diversions
Proposed

(Joins sheet 9)

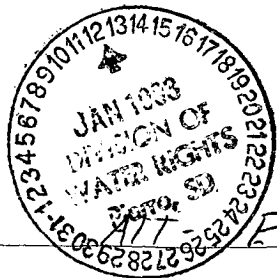
3000 AND 5 000-FOOT GRID TICKS

1:2750,000 FEET

ROBERTS COUNTY R. 51 W.



(Joins inset, sheet 1)



Jan - 11 - 93

Eric Gronlund

I Am submitting The Application For
Land under Question seven on Application.
Zirbel Dairy is my sons that
Purchase this Land.

So I Am somewhat Confused AS
How it shall be Advertised
OR how The Leases For that
Land shall be issued.

I have All The other water
Analysis & Test Results in my
File, AS you may also have.
(Zirbel Dairy) lease All my
Land. Zirbel Dairy Includes
Fendy Zirbel RR.1 - Box 44 Ontley, SD
Lyle Zirbel RR.1 - Box 45 " "
David Zirbel " Box 46 " "
Devon Zirbel " Box 46 " "

They Are Not Incorporated

I Guess I sign The Application
so Maybe it is Dale That
is Applying.

over

I will send This To you.
If Any question, Call Me At
398-6478 9:30 AM is A
Good Time To Get a hold
of Me. You May call
Collect

Thank you

Dale Elzeib



January 13, 1993

Dale U. Zirbel
RR 1, Box 44
Ortley SD 57256

Dear Mr. Zirbel:

In regard to your water permit application received on January 12, 1993, the following information needs to be submitted and clarified in order to process your application.

Enclosed is the map submitted with the application. The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties. Our suggestion would be to contact your local SCS or ASCS office for an aerial photo of Section 4. On the map outline the lands to be irrigated and show the location of the diversion point (place where the well is located) in relation to a government section corner or quarter corner by direction and distance.

On the application, you indicated the amount of water claimed to be the same as Water Right No. 3044-3. On Item No. 2, the amount of water claimed is 5.00 cfs. Enclosed is a copy of Water Right No. 3044-3 which was issued for 2.33 cfs. It is our assumption this application requests no additional water other than the 2.33 cfs authorized by No. 3044-3.

The filing fee for this application will be \$225.00 based on the 64 additional acres you intend to irrigate. The application is also being returned because it must be signed by a notary public.

The water permit application can not be considered until the application is complete and a soil/water permit is obtained from the Department of Agriculture. Upon receipt of the above, further processing of your application will continue.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

1-20-93

enclosures

Enclosed is the information you required for processing the application.

Dale U. Zirbel

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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



RECEIPT

4136J1

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ January 21, 19 93

RECEIVED OF Zirbel Dairy, RR 1 Box 44, Ortley, SD 57256

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

Fee for Application for Permit No. <u>5746-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	225	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 _____		

(Any Other Work Provided by Law)	Total	225 00

By John Hatch
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 21, 1993

Dale U. Zirbel
RR 1, Box 44
Ortley SD 57256

Dear Mr. Zirbel:

We received your resubmitted application, filing fee, and map. It would appear from looking at the aerial photo submitted, that approximately 3 acres in the SW 1/4 SE 1/4 Section 4-T121N-R52W should be added to this application. These acres would be in addition to the acreage covered under Water Right No. 3044-3.

This addition has been made on your application. If you disagree with adding the 3 acres in the SW 1/4 SE 1/4 Section 4-T121N-R52W, please let us know. The additional 3 acres will not change the \$225.00 filing fee which you have already submitted.

The water permit application has been forwarded to the Department of Agriculture for approval of the soil/water permit.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4748

WR#

OWNERS NAME: ZIRBEL, DALE U

OWNERS ADDRESS: RR 1 BOX 44

ORTLEY SD 57256

COUNTY LAND LOCATED IN: GRANT

PHONE: 398-6478

LEGAL DESCRIPTION:

1. LOCATION NW 1/4 SW 1/4 4-T121N-R52W

☒ Well

☐ Surface

Depth

Legal Description	Acres	Legal Description	Acres
SW 1/4 SW 1/4 4-T121N-R52W	32		
SE 1/4 SW 1/4 4-T121N-R52W	32		
SW 1/4 SE 1/4 4-T121N-R52W	3		

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

3. CROPS TO BE IRRIGATED: CORN, ALFALFA, SMALL GRAIN

WATER QUALITY:

4. WATER SAMPLE NUMBER: 76-1386

7. ADJUSTED (SAR):

5. SALINITY (EC X 10⁶): 600

8. PERCENT SODIUM: 4.78

6. SODIUM (SAR): 0.18

Requirements:



Russell J. Stone
Director, Division of Conservation

___ APPROVED
___ DISAPPROVED
___ WAIVER
___ REQUIREMENTS

FEBRUARY 16, 1993

Date

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

REPORT ON APPLICATION NO. 5746-3
for Dale U. Zirbel
March 30, 1993

Application No. 5746-3 proposes to irrigate an additional 67 acres. Water Right No. 3044-3 appropriates 2.33 cfs from three wells to irrigate 270 acres located in the N 1/2 SW 1/4, SE 1/4 of section 4 and the N 1/2 NW 1/4, N 1/2 NE 1/4 of section 9; all in T121N R52W in Grant County and within the former boundaries of the Sisseton Wahpeton Indian Reservation. The one well located in the NW 1/4 SW 1/4 of section 4 was developed to divert 1.33 cfs and the other two wells located in the NW 1/4 NE 1/4 of section 9 were developed to divert 1.0 cfs. This application is to irrigate 67 additional acres located in the S 1/2 SW 1/4, SW 1/4 SE 1/4 of section 4 from the existing well 58 feet deep located in the NW 1/4 SW 1/4 of section 4; all in T121N R52W. This application, if approved, does not authorize any increase in the 1.33 cfs diversion rate from the well located in the NW 1/4 SW 1/4 section 4 T121N R52W.

AQUIFER - BIG SIOUX NORTH (BS-N)

The Big Sioux North is a surficial glacial outwash (sand and gravel) which is unconfined (under water table conditions) in this area. The aquifer is generally limited to the floodplain of the Big Sioux River and its tributaries (Hansen, 1990). The Big Sioux North aquifer underlies 9400 acres and contains an estimated 21,150 acre feet of recoverable water in storage in Grant County (Hedges, 1982). The aquifer extends into Roberts County to the north, Day County to the west and into Codington County to the south. The aquifer is hydraulically connected to the Big Sioux River which would generally be considered a discharge/recharge zone for the aquifer.

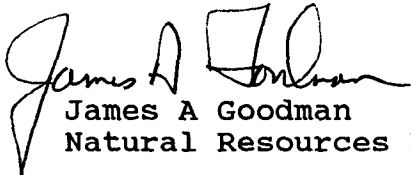
The Division of Water Rights monitors 3 observation wells located within 3 miles of this application which are completed into the Big Sioux North aquifer or the Coteau Lakes aquifer which appears to be hydraulically connected just to the north of this site in Roberts County. These observation wells are RB-77S, GT-57A (GT-82A) and GT-77B. Observation well GT-77B is located about 1 mile southwest of this application. Water levels for this well show good response to climatic conditions, that is, rising water levels during wet years and gradually declining water levels during dry years. In general, the water level record for these wells indicate the aquifer is capable of sustaining additional withdrawals (Water Rights, 1993).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other existing water permits/rights within 1 mile, any direction of this application. Interference will not be a concern. Typically, significant drawdown caused by pumping in an aquifer like the Big Sioux North does not extend very far from the individual production well.

CONCLUSIONS

1. Water is available from the Big Sioux North aquifer.
2. The Big Sioux North is unconfined (water table conditions) and interference is not expected to be a concern.
3. This application requests authorization to irrigate an additional 67 acres of land. The amount of water licensed for diversion from the well 58 feet deep is 1.33 cfs. Since no increase in diversion rate is requested, the diversion rate will remain 1.33 cfs for the pivot covering this additional land.
4. At the March 3, 1993 Water Management Board Meeting contested case hearing for Water Permits Nos. 5723-3 and 5724-3 the Board determined that irrigation permits over shallow "vulnerable" aquifers need to address the potential contamination of the aquifer by the development. This application is only 6 miles from the location of the contested permits and the Big Sioux North aquifer can also be considered a "vulnerable" aquifer.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

- Hansen, D.S., 1990, Water Resources of Codington and Grant Counties, South Dakota, WRI 89-4147, USGS, Huron, SD, 57350.
- Hedges, L.S., etal, 1982, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.
- Water Rights, 1993, Unpublished Observation Well Records for Grant and Roberts Counties, SD DENR, Division of Water Rights, Pierre, SD, 57501.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5746-3, Dale Zirbel

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. 5746-3, Dale Zirbel, RR 1 Box 44, Ortley, SD 57256.

The Chief Engineer is recommending APPROVAL of Application No. 5746-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) 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.
3. Approval of Water Permit No. 5746-3 does not authorize any increase in the 1.33 cfs developed diversion rate from the well located in the NW 1/4 SW 1/4 Section 4-T121N-R52W.

See report on application for additional information.


JOHN HATCH, Chief Engineer
March 31, 1993



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 1, 1993

Willis Hamman
RR 1, Box 106
Summit, SD 57266

COPY

Dear Mr. Hamman:

I am writing to provide you a copy of the notice of hearing, report and Chief Engineer's recommendation on a water permit application for Mr. Dale Zirbel. This application is located approximately 6 miles away from the CSS Farm water permit applications that you have opposed.

From the testimony provided at the March 3, 1993 Board meeting I know you have concerns with the possible contamination of the aquifer by pesticides and fertilizers and the drawdown of lakes and creeks allegedly caused by irrigation. For this reason I want to keep you informed of other pending applications in your area.

The notice of hearing is scheduled to be published in the Grant Co. Review on April 7 and 14, 1993. If you intend to oppose this application you will be required to file a petition prior to April 26, 1993. You may also request a automatic delay of the hearing in a petition which would reschedule the May 5, 1993 hearing to Board's July meeting.

I have sent a similar copy of this letter Dean Gaikowski, Gerald Pies and Delwin Hamman. If you have any questions regarding this application, please feel free to contact me.

Sincerely,

Eric Gronlund
Water Rights Division
605 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 1, 1993

Gerald Pies
RR 1, Box 115A
Waubay, SD 57273

COPY

Dear Mr. Pies:

I am writing to provide you a copy of the notice of hearing, report and Chief Engineer's recommendation on a water permit application for Mr. Dale Zirbel. This application is located approximately 6 miles away from the CSS Farm water permit applications that you have opposed.

From the testimony provided at the March 3, 1993 Board meeting I know you have concerns with the possible contamination of the aquifer by pesticides and fertilizers and the drawdown of lakes and creeks allegedly caused by irrigation. For this reason I want to keep you informed of other pending applications in your area.

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Sincerely,

Eric Gronlund
Water Rights Division
605 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 1, 1993

COPY

Dean Gaikowski
RR 1, Box 118A
Waubay, SD 57273

Dear Mr. Gaikowski:

I am writing to provide you a copy of the notice of hearing, report and Chief Engineer's recommendation on a water permit application for Mr. Dale Zirbel. This application is located approximately 6 miles away from the CSS Farm water permit applications that you have opposed.

From the testimony provided at the March 3, 1993 Board meeting I know you have concerns with the possible contamination of the aquifer by pesticides and fertilizers and the drawdown of lakes and creeks allegedly caused by irrigation. For this reason I want to keep you informed of other pending applications in your area.

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Sincerely,

Eric Gronlund
Water Rights Division
605 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 1, 1993

COPY

Delwin Pies
RR 1, Box 113
Waubay, SD 57273

Dear Mr. Pies:

I am writing to provide you a copy of the notice of hearing, report and Chief Engineer's recommendation on a water permit application for Mr. Dale Zirbel. This application is located approximately 6 miles away from the CSS Farm water permit applications that you have opposed.

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Sincerely,

Eric Gronlund
Water Rights Division
605 773-3352

enclosure



**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.**

April 1, 1993

Dale U. Zirbel
RR 1 Box 44
Ortley, SD 57256

Dear Mr. Zirbel:

Water Permit Application No. 5746-3 for irrigation use has 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 Grant Co. Review printed at Milbank, SD (Ph # 432-4516). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application 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 application.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, 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 application.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 1, 1993

Grant Co. Review
Box 390
Milbank, SD 57252

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5746-3 to be published twice. Please publish the first notice on April 7, 1993, 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 Dale U. Zirbel, RR 1 Box 44, Ortleigh, SD 57256 (Ph # 398-6478).

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 application until proof of publication has been received.

Sincerely,

Eric Gronlund
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 April 7, 1993, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5746-3 to Appropriate Water
and Amend Water Right No. 3044-3

Notice is given that Dale U. Zirbel, RR 1 Box 44, Ortle, SD 57256 has filed an application for a water permit to irrigate 67 additional acres. Water Right No. 3044-3 appropriates 2.33 cubic feet of water per second (cfs) from three wells to irrigate 270 acres located in the N 1/2 SW 1/4, SE 1/4 Section 4 and the N 1/2 NW 1/4, N 1/2 NE 1/4 Section 9; all in T121N-R52W. The one well located in the NW 1/4 SW 1/4 Section 4 was developed to divert 1.33 cfs and the other two wells located in the NW 1/4 NE 1/4 Section 9 were developed to divert 1.00 cfs. This application is to irrigate 67 additional acres located in the S 1/2 SW 1/4, SW 1/4 SE 1/4 Section 4 from the existing well (Big Sioux North Aquifer) 58 feet deep located in the NW 1/4 SW 1/4 Section 4; all in T121N-R52W. This application, if approved, does not authorize any increase in the 1.33 cfs developed diversion rate from the well located in the NW 1/4 SW 1/4 Section 4-T121N-R52W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5746-3 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.

Any person interested in opposing or supporting this application 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 recommendation. 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 April 26, 1993. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

The Board will consider this application at 10:00 a.m., May 5, 1993, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The May 5, 1993, 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 application. The request for an automatic delay must be filed by April 26, 1993.

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 April 26, 1993, 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.

This application is 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 of Grant) ss

I, Clarence Justice

certify that the attached printed Notice was

taken from the grant County Review

printed and published in Milbank

County of Grant and State of

South Dakota. The notice was published in
the newspaper on the following two dates:

April 7, 1993

April 14, 1993

Cost of Printing: 58.52

Clarence Justice
(Signature)

Foreman

(Title)

April 14, 1993

(Date Signed)

should be;

N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$

ck = 500

4/14/93

Q.H.

1993

NOTICE OF HEARING

On Application No. 5746-3 to
Appropriate Water and Amend
Water Right No. 3044-3

Notice is given that Dale U. Zirbel, RR 1 Box 44, Ortle, SD 57256 has filed an application for a water permit to irrigate 67 additional acres. Water Right No. 3044-3 appropriates 2.33 cubic feet of water per second (cfs) from three wells to irrigate 270 acres located in the N $\frac{1}{2}$, SE $\frac{1}{4}$ Section 4 and the N $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 9; all in T121N-R52W. The one well located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4 was developed to divert 1.33 cfs and the other two wells located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9 were developed to divert 1.00 cfs. This application is to irrigate 67 additional acres located in the S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4 from the existing well (Big Sioux North Aquifer) 58 feet deep located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4; all in T121N-R52W. This application, if approved, does not authorize any increase in the 1.33 cfs developed diversion rate from the well located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4-T121N-R52W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5746-3 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.

Any person interested in opposing or supporting this application 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 recommendation. 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 April 26, 1993. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

The Board will consider this application at 10:00 a.m., May 5, 1993, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The May 5, 1993, 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 application. The request for an automatic delay must be filed by April 26, 1993.



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 April 26, 1993, 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.

This application is 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.

April 7

April 14



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 16, 1993

Dale U. Zirbel
RR 1, Box 44
Ortley SD 57256

Dear Mr. Zirbel:

I am writing to advise you that the legal notice of hearing on your Water Permit Application No. 5746-3 published in the Grant County Review is not correct. The legal descriptions of the lands to be irrigated were published incorrectly. The newspaper was called on April 9 to have the error corrected on the second publication; however, the legal description was still incorrect on the April 14, 1993 publication.

As a result of the error, the hearing before the Water Management Board on May 5, 1993 will not be held. The legal notice will need to be readvertised for the July 7 & 8, 1993 Water Management Board meeting. The readvertisement is needed to ensure the Water Permit is free from legal problems due to inaccurate and incomplete public notice. The information needed to readvertise the notice will be sent to you and the newspaper at a later date.

If you have questions, please contact Eric Gronlund at 773-3352.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosures

cc: Grant County Review



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 20, 1993

Dale Zirbel
RR 1, Box 44
Ortley, SD 57256

Dear Mr. Zirbel:

I am writing to advise you that upon further review the legal notice of hearing for Water Permit Application No. 5746-3 is adequate. As stated in the April 16, 1993 letter from Karen Schlaak, the legal description of the lands irrigated under Water Right No. 3044-3 were advertised incorrectly. However, the portion of notice dealing with the location of the well and irrigated acres of this proposed application were properly advertised. It has been determined at a staff level that adequate public notice of this application exists and that the May 5, 1993 hearing before the Board may proceed.

Please be aware that the Water Management Board at the hearing may determine that the notice of hearing was not adequate and require the notice of hearing to be republished.

The hearing before the Water Management Board will be held at 10:00 am, May 5, 1993 in the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol, Pierre, SD. Applicable provisions of the notice of hearing published April 7 and 14, 1993 will still apply.

Please feel free to contact me if you have any questions.

Sincerely,

Eric Gronlund
Water Rights Division
605 773-3352



SEP 17 1993

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Dale U. Zirbel
RR 1 Box 44
Ortley, SD 57256

Dear Mr. Zirbel:

Enclosed is Water Permit No. 5746-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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 the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

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

enclosures

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.

**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**Date 9-20-93

TO: Water Rights Division, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM: Dale El Zibel RR-1-Box 46
(name) (address)
Ortley, SD 57256 398-6478
(city) (state) (zip) (phone)

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 5746-3.

Water Permit No. 5746-3 states that the diversion system is to be constructed by May 5-1998, and that the water is put to beneficial use by May 5, 2002.
(date) (date)

The diversion system was completed on 7-1-93.
(date)

Applying the water to beneficial use was completed on 7-1-93.
(date)

You may schedule an inspection so that the Water License may be issued.

Dale El Zibel
(signature)



5746-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DALE U ZIRBEL
RR 1 BOX 44
ORTLEY SD 57256

NOTICE

RE: Violation of Water Permit No(s) 5746-3

Our records indicate that the 1993 Irrigation Questionnaire has not been submitted for Permit No(s) 5746-3. The request for the Questionnaire was dated October 18, 1993. The Water Management Board has directed that owners of water permits who have not submitted the 1993 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) 5746-3 qualification:

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

The hearing will be held at 8:45 am, April 6, 1994, at the Golden Hills Resort, 900 Miners Ave, Lead, 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 SDCL 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) 5746-3 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 April 1, 1994, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to:

DALE U ZIRBEL
RR 1 BOX 44
ORTLEY SD 57256

5. Signature (Addressee)

Dale U Zirbel

6. Signature (Agent)

I also wish to receive the following services (for an extra fee):

1. ☒ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

4a. Article Number

P837692596

4b. Service Type

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

Feb. 17, 1994

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 28, 1994

5746-3

Dale Zirbel
RR #1 Box 44
Ortley, SD 57256

Dear Mr. Zirbel:

I am writing in followup to our February 17, 1994 telephone conversation. As we discussed, the information pertaining to the 1993 irrigation questionnaire for Water Permit No. 5746-3 was reported under No. 3044-3, Zirbel Dairy. The irrigation questionnaire for No. 3044-3 had been returned to our office November 15, 1993.

You may disregard the February 16, 1994, **Notice of Violation of Water Permit No. 5746-3**. Since the questionnaire information was reported back in November, you should not have received the "Notice of Violation".

As you requested, future irrigation questionnaires for Water Permit Nos. 3044-3 & 5746-3 will be directed to Zirbel Dairy, %Ferdie Zirbel, RR #1 Box 45, Ortley, SD 57256.

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

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 23, 2006

5746-3

Dale U Zirbel
45202 145th St
Ortley SD 57526

Dear Mr. Zirbel

On August 8, 2005 the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 5746-3, was completed by Mike DeFea, a staff engineer with our program. Your final water right document, the water license, can now be issued.

State law requires that we charge a \$50.00 fee for the investigation and issuance of the water license. Upon receipt of the \$50.00 fee from you, we will complete processing your water license. The check or money order for the fee should be made payable to the "Water Rights Program".

Your licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by the permit requirements.

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact me.

Sincerely,

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

RECEIVED OF Zirbel Dairy, 45202 145th St, Ortleigh SD 57256 Date April 3, 20 06

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	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. <u>5746-3</u>		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50.00

No.

02382

By

Garland Erbele

Chief Engineer

(KS)

Dear Gerry,

RECEIVED

APR 03 2006

WATER RIGHTS
PROGRAM

When processing our water rights license, we were wondering if you could put the license in Zihel Dairy name? When we purchased the land from my Dad (Dale Zihel), Dad went down and did have it switched to Zihel Dairy but I don't know if the license got switched over. Please let me know if this is possible. Thankyou for your time.

Sincerely,

Ferdie Zihel



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 19, 2006

5746-3
3044-3

Zirbel Dairy
Ferdy Zirbel
45202 145th St
Ortley SD 57256

Dear Mr. Zirbel:

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

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

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

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 5746-3

Date: 4-23-06

I/We request that Water Permit No. 5746-3

formerly owned by: Dale Zirbel

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

Telephone No. 605-398-6565

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

67 acres - S 1/2 SW 1/4, SW 1/4 SE 1/4 Section 4-T121N-R52W

I/We understand that the validity of Water Permit No. 5746-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

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

Leroy Zirbel
(Signed by new owner)

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

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

RECEIVED
APR 25 2006
WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date April 25, 20 06

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

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	2	50
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>5746-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

02407

By

Darland Zirbel
Chief Engineer
gm

Permit No. 5746-3
Big Sioux - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

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

I have this day, August 8, 2005, made a thorough examination of the water use system constructed by Dale U. Zirbel of 45202 145th St., Ortle, SD 57526 holder of Permit No. 5746-3, bearing the priority of January 12, 1993 authorizing the irrigation of 67 additional acres, in Grant County.

Inspection contact & relationship **Ferdy Zirbel (605) 398-6565**
to permit holder, if applicable:

A. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Valley
- 2) Overall length Approximately 1300 feet
- 3) Number of towers 7
- 4) Distance between towers Approximately 180 feet

Chemigation Equipment:

- 1) Does chemigate N

B. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y
- 3) Exceptions to compliance are: NONE

The system is in good condition with the point(s) of diversion located as follows:

Well 1: Approximately 1320 feet north and 310 feet east of the SW corner of Section 4-T121N-R52W (N 45.286667, W -97.184333).

Well 2: Approximately 1020 feet south and 2525 feet west of the NE corner of Section 9-T121N-R52W (N 45.28012, W -97.174806)

Well 3: Approximately 980 feet south and 1930 feet west of the NE corner of Section 9-T121N-R52W (N 45.280209, W -97.172535)

The works are capable of diverting and conveying to the place of use 2.33 cfs of water which is to be used for irrigation.

Water has been put to beneficial use to the maximum extent as follows:

Section 4-T121N-R52W
SW1/4 SW1/4-32 acres
SE1/4 SW1/4-32 acres
NE1/4 SW1/4-24 acres
NW1/4 SW1/4-34 acres

Section 9-T121N-R52W
NW1/4 NW1/4-24 acres
NE1/4 NW1/4-30 acres
NW1/4 NE1/4-30 acres
SW1/4 NE1/4-6 acres

SW1/4 SE1/4-32 acres
SE1/4 SE1/4-31 acres
NE1/4 SE1/4-34 acres
NW1/4 SE1/4-28 acres

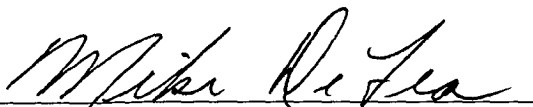
comprising a total of 337 acres of land.

All structures, wells and lands on map Y

Comments or other permit(s) associated with the project:

Water Permit No. 5746-3 authorizes irrigation of 67 additional acres located in the S1/2 SW1/4, SW1/4 SE1/4 in Section 4. Water Right No. 3044-3 appropriates 2.33 cfs from three wells to irrigate 270 acres in the N1/2 SW1/4, SE1/4 Section 4 and the NW1/2 NW1/4, N1/2 NE1/4 of Section 9; all in T121N-R52W. The one well located in the NW1/4 SW1/4 Section 4 was developed to divert 1.33 cfs and the other two wells located in the NW1/4 NE1/4 Section 9 were developed to divert 1.00 cfs. This permit authorizes the irrigation of 67 additional acres located in the S1/2 SW1/4, SW1/4 SE1/4 Section 4 from the existing well (Big Sioux: North aquifer) located in the NW1/4 SW1/4 Section 4; all in T121N-R52W. This permit does not authorize any increase in the 1.33 cfs diversion rate from the well located in the NW1/4 SW1/4 Section 4-T121N-R52W.

This application increases the total combined irrigated acres to 337 acres with no increase in diversion rate. Water Right No. 3044-3 should be incorporated into Water Permit No. 5746-3 while each retaining their original priority dates of June 29, 1976 (1.33-cfs), October 5, 1976 (1.00-cfs) and January 12, 1993.



Mike DeFea
Natural Resources Project Engineer
DENR, Water Rights Program

March 3, 2006

Licensing of Acreage Outside of Permitted Area

NAME: Dale Zirbel

ADDRESS: 45202 145th St., Ortle, SD 57526

DATE: March 3, 2006

COUNTY: Grant

TELEPHONE: (605) 398-6565

AUTHORITY

Pursuant to SDCL 46-5-30.5, acreage developed for irrigation outside of the area described on the permit may be licensed provided the following conditions are met:

NO INCREASE IN PERMITTED ACREAGE OR WATER APPROPRIATED:

There is no increase in permitted acreage or water appropriated.

UNPERMITTED ACREAGE:

- **Contiguous to Permitted Acreage**

Yes. Water Right No. 3044-3 appropriates 2.33-cfs from three wells to irrigate 270 acres located in the N1/2 SW1/4, SE1/4 Section 4 and the NW1/2 NW1/4, N1/2 NE1/4 of Section 9; all in T121N-R52W. Water Permit No. 5746-3 authorizes the irrigation of 67 additional acres located in the S1/2 SW1/4, SW1/4 SE1/4 in Section 4. On August 8, 2005, an inspection of Permit No. 5746-3 indicated that 6 acres located in the NE1/4 NE1/4 of Section 9 licensed under Water Right No. 3044-3 were no longer being irrigated. However, 6 acres located in the SW1/4 NE1/4 of Section 9 were being irrigated as part of Water Right No. 3044-3. As Water Right No. 3044-3 should be incorporated into Water Permit No. 5746-3, these six acres should be transferred to reflect the new location and keep the priority date of June 29, 1976.

- **Owned by Same Property Owner**

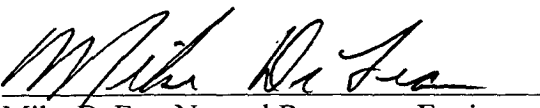
Yes

- **Developed Prior to Expiration of Construction Period**

Yes

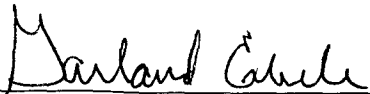
RECOMMENDED ACTION

Based on the above criteria, it is recommended that the 6 acre area be included in the water license.


Mike DeFea, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant to SDCL 46-5-30.5 that:

This acreage change does not impair existing water rights and the overall project, as developed, is consistent with the original application. Licensing of the non-permitted acreage may occur without application or publication pursuant to SDCL 46-2A-4.

A handwritten signature in dark ink, appearing to read "Garland Erbele", written over a horizontal line.

Garland Erbele, Chief Engineer
Water Rights Program

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5746-3

(1) Dale U Zirbel made Application No. 5746-3, January 12, 1993 for a water permit to divert water from an existing well located in Section 4, T121N, R52W authorized by Water Right No. 3044-3 to irrigate an additional 67 acres in Grant County, South Dakota. Permit No. 5746-3, with a priority date of January 12, 1993 was approved May 5, 1993 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 5, 1998 and for the application to beneficial use of said water on or before May 5, 2002.

An investigation conducted for licensing purposes found acreage developed for irrigation outside the area described on the permit. Pursuant to SDCL 46-5-30.5, the Chief Engineer makes a finding that the existing water rights will not be impaired and the overall project, as developed, is consistent with the original application.

On April 25, 2006, Water Permit No. 5746-3 and Water Right No. 3044-3 were transferred to Zirbel Dairy.

Water Right No. 3044-3, with priority dates of June 29, 1976 and October 5, 1976 authorizes diversion of 2.33 cubic feet of water per second (cfs) from three wells to irrigate 270 acres. No. 5746-3 added 67 acres to the overall system. The applicable portions of Water Right No. 3044-3 are incorporated into this Water License No. 5746-3.

(2) It is certified that the permit holder 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 2.33 cubic feet of water per second for beneficial use. The location of the diversion points are:

Well #1 – 1,320 feet N and 310 feet E of the SW corner of Section 4, T121N, R52W (NW ¼ SW ¼);

Well #2 – 1,020 feet S and 2,525 feet W of the NE corner of Section 9, T121N, R52W (NW ¼ NE ¼);

Well #3 – 980 feet S and 1,930 feet W of the NE corner of Section 9, T121N, R52W (NW ¼ NE ¼).

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

Section 4, T121N, R52W				Section 9, T121N, R52W	
SW ¼ SW ¼	32 acres	SW ¼ SE ¼	32 acres	NW ¼ NW ¼	24 acres
SE ¼ SW ¼	32 acres	SE ¼ SE ¼	31 acres	NE ¼ NW ¼	30 acres
NE ¼ SW ¼	24 acres	NE ¼ SE ¼	34 acres	NW ¼ NE ¼	30 acres
NW ¼ SW ¼	34 acres	NW ¼ SE ¼	28 acres	SW ¼ NE ¼	6 acres
Total – 337 acres					

(4) Pursuant to South Dakota Water Law 46-5-30.1 Zirbel Dairy, 45202 145th St, Ortle SD 57256 the holder and/or owner of Incorporated Water Right No. 5746-3 is issued a license to appropriate water, the right to use 2.33 cubic feet of water per second from ground water (three wells) with priority dates of June 29, 1976 (1.33 cfs); October 5, 1976 (1.00 cfs) and January 12, 1993 (67 acres located in the S ½ SW ¼ and SW ¼ SE ¼ Section 4) from the locations 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.

(continued)

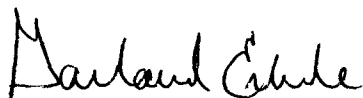
Water License No. 5746-3

Zirbel Dairy

Page 2

This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Right No. 5746-3 and subject to the following qualifications:

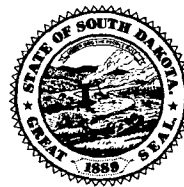
- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- This water right is subject to the irrigation water use questionnaire being submitted each year.
- No. 5746-3 does not authorize any increase in the 1.33 cfs developed diversion rate from the well located in the NW ¼ SW ¼ Section 4, T121N, R52W.



Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

MAY 10 2007

date



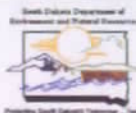
Dale Zirbel
RR 1 Box 44
Ortley, SD-Roberts County

Water Permit No. 5746-3

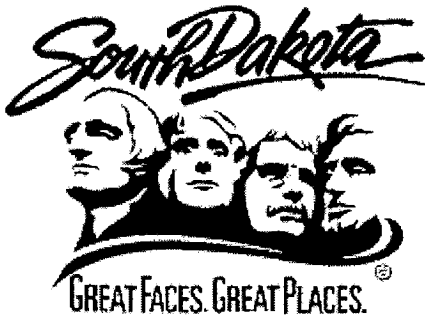


Mike DeFea

Mike DeFea
Natural Resources Engineer
DENR Water Rights Program
March 3, 2006



0 0.125 0.25 0.5 Miles



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAY 10 2007

5746-3
3044-3

Ferdy Zirbel
Zirbel Dairy
45202 145th St
Ortley SD 57256

Dear Mr. Zirbel:

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

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by Water Right No. 5746-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

A handwritten signature in black ink, which appears to read "Garland Erbele".

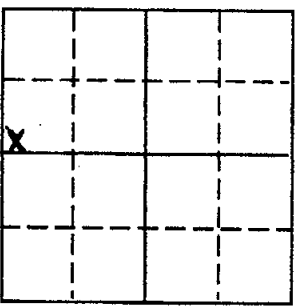
Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

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

enclosures

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location <u>NW 1/4 SW 1/4</u> Sec <u>4</u> Twp <u>121</u> Rg <u>52</u> County <u>GRANT</u> Please mark well location with an "X"  Well completion Date <u>5/15/14</u> Distance from nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.) <u>?</u> <u>X</u> ft. from _____ (identify source)		Well Owner: <u>Zirbel Farms</u> Business Name: _____ Address1: <u>45202 145th St.</u> Address2: <u>Oakley, SD</u> City, State, Zip: _____ WELL LOG: <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2">FORMATION</th> <th colspan="2">DEPTH</th> </tr> <tr> <th>FROM</th> <th>TO</th> </tr> </thead> <tbody> <tr> <td>top soil</td> <td>0</td> <td>2</td> </tr> <tr> <td>clay</td> <td>2</td> <td>15</td> </tr> <tr> <td>gravel</td> <td>15</td> <td>30</td> </tr> <tr> <td>gravel</td> <td>30</td> <td>45</td> </tr> <tr> <td>gravel</td> <td>45</td> <td>52</td> </tr> </tbody> </table>		FORMATION	DEPTH		FROM	TO	top soil	0	2	clay	2	15	gravel	15	30	gravel	30	45	gravel	45	52
FORMATION	DEPTH																						
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top soil	0	2																					
clay	2	15																					
gravel	15	30																					
gravel	30	45																					
gravel	45	52																					
PROPOSED USE: ☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes ☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well		STATIC WATER LEVEL <u>7'</u> FEET If flowing: closed in pressure _____ PSI GPM flow _____ through _____ inch pipe Controlled by ☐ Valve ☐ Reducers ☐ Other _____ Reduced flow rate _____ GPM Can well be completely shut in? <u>yes</u>																					
METHOD OF DRILLING: <u>Forward Rotary</u>		WELL TEST DATA: ☐ Pumped Describe: <u>Air line</u> ☐ Bailed _____ ☒ Other _____ Pumping Level Below Land Surface <u>15</u> Ft. After <u>1</u> Hrs. pumped <u>500</u> GPM _____ Ft. After _____ Hrs. pumped _____ GPM If pump installed, pump rate: <u>500</u> GPM																					
CASING DATA: ☐ Steel ☒ Plastic ☐ Other If other describe _____ <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>PIPEWEIGHT</th> <th>DIAMETER</th> <th>FROM</th> <th>TO</th> <th>HOLE DIAMETER</th> </tr> </thead> <tbody> <tr> <td>200 LB/FT</td> <td>12 IN</td> <td>0 FT</td> <td>35 FT</td> <td>18 3/4 IN</td> </tr> <tr> <td>LB/FT</td> <td>IN</td> <td>FT</td> <td>FT</td> <td>IN</td> </tr> <tr> <td>LB/FT</td> <td>IN</td> <td>FT</td> <td>FT</td> <td>IN</td> </tr> </tbody> </table>		PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER	200 LB/FT	12 IN	0 FT	35 FT	18 3/4 IN	LB/FT	IN	FT	FT	IN	LB/FT	IN	FT	FT	IN	SCREEN: ☐ Perforated pipe ☒ Manufactured Diameter <u>12</u> Inches Length <u>17</u> Feet Material <u>S.S.</u> Slot Size <u>100</u> Set From <u>35</u> Feet to <u>52</u> Feet Other information _____	
PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER																			
200 LB/FT	12 IN	0 FT	35 FT	18 3/4 IN																			
LB/FT	IN	FT	FT	IN																			
LB/FT	IN	FT	FT	IN																			
GROUTING DATA: Grout Type No. of Sacks Grout Weight From To <u>Quickgrout</u> <u>15</u> <u>10</u> Lb/gal <u>0</u> Ft <u>25</u> Ft _____ Lb/gal _____ Ft _____ Ft Describe grouting procedure <u>Full hole grouting</u> <u>Irretrievable to 25'</u>		REMARKS RECEIVED FEB 08 2016 WATER RIGHTS PROGRAM <u>Big Sioux: North rd</u> This well was drilled under license # <u>480</u> And this report is true and accurate. Drilling firm: <u>Wieber Well Drilling</u> Signature of License Representative: <u>Jerry Wieber</u> Signature of Well Owner or Equitable Property Holder: _____ Date: <u>5/15/14</u> 523 E. Capitol Ave., Pierre SD 57501																					
WAS A PACKER OR SEAL USED? ☐ Yes ☒ No If so, what material? _____ Describe packer(s) and location _____		DISINFECTION: Was well disinfected upon completion? ☐ Yes, How? _____ ☒ No, Why Not? <u>Irrigation</u> Lab sample sent to for water quality analysis _____																					

Please return White Copy to DENR Water Rights

5746-3

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7060-3 & 5746-3

I have this day, September 4, 2018, made a thorough examination of the water use system constructed by Zirbel Dairy of 45202 145th St, Ortleby SD, 57256 holder of Permit No. 7060-3, bearing the priority of August 25, 2008 authorizing the diversion of 1.55 cu. ft. per second, License No. 5746-3, bearing the priority of June 29, 1976 and October 5, 1976 authorizing the diversion of 2.33 cu. ft. per second of the waters of ground water (Big Sioux Aquifer) for irrigation use purposes, in Grant County.

Inspection contact & relationship David Zirbel, operator

A. Works used to divert the water for irrigation system in Sec 8 & 9 T121N-R52W (res) to be licensed under 7060-3:

Well Information:

- 1) Well Drilling Firm: Wieber
- 2) No. of Wells 1
- 3) Depth(s) 65 feet
- 4) Well log is available Y If no, explain in comments

Comments: none

Casing:

- 1) Diameter 12 inches
- 2) Length 45 feet
- 3) Type steel

Screen:

- 1) Type stainless steel
- 2) Length 20 feet
- 3) Static water level 8 feet

Pump:

- 1) Make Franklin
- 2) Model submersible
- 3) Size NA
- 4) Capacity 800 GPM

Motor:

- 1) Make Franklin
- 2) Model No. submersible
- 3) Horsepower rating NA hp

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

- 1) Type PVC
- 2) Size 10 inches
- 3) Length 3700 feet

Comments: none

C. Works used to apply water to beneficial use:

Center pivot: East Pivot

- 1) Make Valley
- 2) Overall length 1180 feet
- 3) Number of towers 6
- 4) End gun Y
- 5) Capacity 800 GPM

Center pivot: **West Pivot**

- 6) Make Valley
- 7) Overall length 1330 feet
- 8) Number of towers 7
- 9) End gun Y
- 10) Capacity 800 GPM

Chemigation Equipment:

- 1) Does chemigate Y
- 2) Main line check valve Y
- 3) Inspection port/air relief Y
- 4) Low pressure drain Y
- 5) Discharge is 20' from source N
- 6) Interlock type electrical
- 7) Injection pump type piston
- 8) Injection check valve Y
- 9) Injection line check valve or positive displacement pump Y

Comments: I informed the permit holder he needed to install a hose to the low pressure drain so discharge could be routed 20 feet from the well head.

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
If no, describe: NA
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y
List any extended period of nonuse: none
- 3) Exceptions to compliance are: none

E. Condition and Location:

The system is in good condition with the point(s) of diversion located as follows: from the NE corner of Sec 8 T121N-R52W (res); 445 ft S & 710 ft W latitude of 45.28167 and longitude of -97.18827, NE 1/4 NE 1/4.

1. The works are capable of diverting and conveying to the place of use 1.78 cu. ft. per second of water which is to be used for irrigation use. Water has been put to beneficial use to the maximum extent as follows:
Land is located in Sec 8 T121N-R52W (res)
NW 1/4 NE 1/4 - 1.5 ac NE 1/4 NE 1/4 - 31.5 ac SE 1/4 NE 1/4 - 3.5 ac SW 1/4 NE 1/4 - 1.0 ac

Land is located in Sec 9 T121N-R52W (res)

NW ¼ NW ¼ - 29.5 ac NE ¼ NW ¼ - 33.0 ac SE ¼ NW ¼ - 0.5 ac

NW ¼ NE ¼ - 27.5 ac NE ¼ NE ¼ - 12.0 ac

comprising a total of 140 acres of land and the license should be issued for 1.78.

2. All structures, wells and lands on map Y

If no, describe: none

F. Comments or other permit(s) associated with the project:

Irrigation should be split between No. 7060-3 and No. 5746-3 and the license for No. 5746-3 should be reissued to portion of the irrigation project located in Sec 4 T121N-R52W (res) because effectively they are two separate systems.

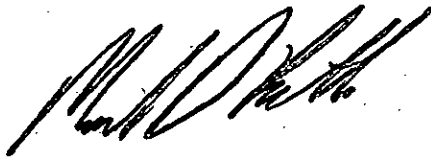
Based upon a 2006 inspection by Mike DeFea, No. 5746-3 should be reissued for the following:

From the SW corner of Sec 4 T121N-R52W (res); 1320 ft N & 310 ft E latitude of 45.28667 and longitude of -97.18433 , NW ¼ SW ¼. The works are capable of diverting and conveying to the place of use 2.00 cu. ft. per second of which is to be used for irrigation use. Water has been put to beneficial use to the maximum extent as follows: All land is located in Sec 4 T121N-R52W (res)

NW ¼ SE ¼ - 28 ac NE ¼ SE ¼ - 34 ac SE ¼ SE ¼ - 31 ac SW ¼ SE ¼ - 32 ac

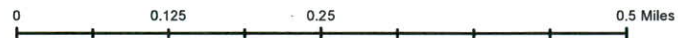
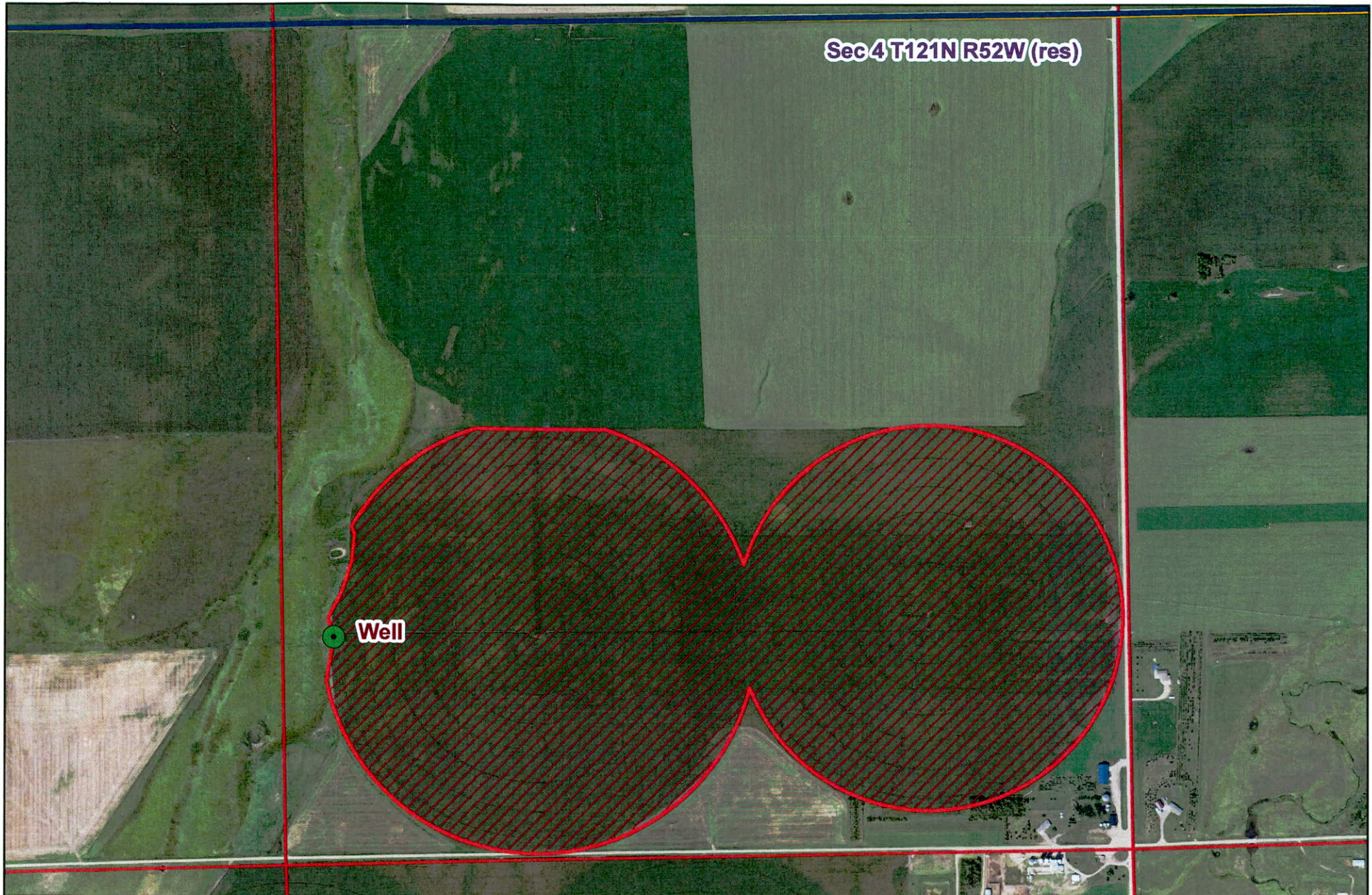
NW ¼ SW ¼ - 34 ac NE ¼ SW ¼ - 24 ac SE ¼ SW ¼ - 32 ac SW ¼ SW ¼ - 32 ac

comprising a total of 247 acres of land and the license should be reissued for 2.00.



Mark D Rath
Natural Resources Engineer
DENR, Water Rights Program

Date report completed: 1/23/19



Mark D Rath

Mark D Rath
Natural Resources Engineer
January 23, 2019
Based on 2006 Inspection by Mike DeFea

5746-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

SEP 04 2019

5746-3
7060-3

Ferdy Zirbel
Zirbel Dairy
45202 145th St
Ortley SD 57256

Dear Mr. Zirbel:

Enclosed is Water License Nos. 7060-3 and Reissued Water License No. 5746-3. These are the final water right documents completing your process of obtaining Water Rights. Included with each license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if in the future, the owner of an existing well, 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.

At the time the irrigation projects were inspected for licensing, the staff engineer made note of the equipment used to apply chemicals or fertilizer through your center pivot systems. In order to bring the equipment into compliance, a hose will need to be installed to the low pressure drains to allow discharge to be routed at least 20 feet away from the wells.

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

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA

REISSUED WATER LICENSE NO. 5746-3

(1) Zirbel Dairy, 45202 145th St., Ortley, SD 57256 was issued Water License No. 5746-3, May 10, 2007 for a water right to divert 2.33 cubic feet of water per second (cfs) from ground water, three wells (Big Sioux North Aquifer), Grant County, South Dakota for irrigation purposes. Water License No. 5746-3, with priority dates of June 29, 1976 (1.33 cfs) and October 5, 1976 (1.00 cfs) was issued to the permit holder for diversion of water with construction of the described water supply system and the application of water to beneficial use completed.

Water Right No. 5746-3 authorized diversion of water from one well in the NW ¼ SW ¼ Section 4 and two wells in the NW ¼ NE ¼ Section 9, all in T121N, R52W to irrigate acreage in the S ½ Section 4 and N ½ Section 9, T121N, R52W. In 2008, Water Permit No. 7060-3 was obtained to allow reconfiguration of the irrigation system by adding 50 acres in Section 8 and Section 9, diversion rate and a new well to replace the two wells in Section 9, T121N, R52W authorized under Water Right No. 5746-3 that were abandoned.

The reconfiguration of the system created two separate systems. Water License No. 7060-3 has been issued for the well in Section 8 and acreage in Sections 8 and 9, T121N, R52W. Water License No. 5746-3 is being reissued to reflect the system operating in Section 4, T121N, R52W.

(2) It is certified that the water right holder has complied with the provisions of South Dakota State Law relating to completion of the water supply system and is entitled to divert 2.00 cubic feet of water per second for beneficial use. The location of the diversion point is **(located within the former boundaries of the Sisseton Wahpeton Indian Reservation)**:

- 1320'N and 310'E from the SW corner of Section 4, T121N, R52W (NW ¼ SW ¼)
Latitude 45.28667, longitude -97.18433

(3) The water right holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land **(located within the former boundaries of the Sisseton Wahpeton Indian Reservation)**:

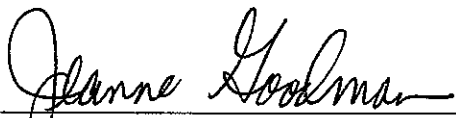
Section 4, T121N, R52W	SW ¼ SW ¼	32 acres	SW ¼ SE ¼	32 acres
	SE ¼ SW ¼	32 acres	SE ¼ SE ¼	31 acres
	NE ¼ SW ¼	24 acres	NE ¼ SE ¼	34 acres
	NW ¼ SW ¼	34 acres	NW ¼ SE ¼	28 acres
Total 247 acres				

(4) Pursuant to South Dakota Water Law 46-5-30.1 Zirbel Dairy, 45202 145th St., Ortley, SD 57256 the holder and/or owner of Water Right No. 5746-3 is reissued a license to appropriate water, the right to use 2.00 cubic feet of water per second from ground water, one well (Big Sioux North Aquifer) with priority dates of October 5, 1976 (1.00 cfs) and January 12, 1993 (1.00 cfs) from the location specified in (2) of this license for irrigation purposes.

Continued

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 5746-3 and subject to the following qualifications:

- 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.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
- No. 5746-3 does not authorize any increase in the 1.33 cfs developed diversion rate from the well in the NW ¼ SW ¼ Section 4, T121N, R52W. **(Water Permit No. 7060-3, obtained in 2008, indicates the well in Section 4 produces 2.00 cfs and was permitted accordingly.)**



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

SEP 04 2019

date

