

WATER PERMIT NO. 5763-3

Phone: 605 948-2488

Name of Applicant: Willard Zweber

Post Office Address: PO Box 106, Hoven SD 57450

Amount of Water Claimed: 0.17 add'l Total Acres: no add'l (201 acres)

Source of Water Supply: groundwater

Water to be used for: irrigation County: Potter

About 3 miles south of Hoven

PRIORITY Date Received: 3-9-93 Fee: \$150 Remarks: Two add'l

wells and increase the diversion rate - see Permit Nos. 1622-3 and 4062-3

Corrected Application Received: _____ Period of Annual Use: April 1 - Oct 31

WATER QUALITY APPROVAL RECEIVED: 3-31-93 APPROVED/CONDITIONAL (Circle one)

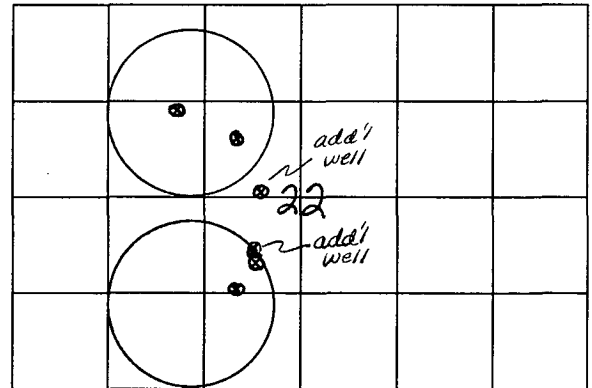
WI-1 Description same as Application YES _____ NO _____ REMARKS: _____

Diversion Point: NE 1/4 SW 1/4, SE 1/4 NW 1/4

Sec 22-T120N-R74W

Land to be Irrigated: NW 1/4, SW 1/4

Sec 22-T120N-R74W



Well Log: Driller: Dakota Boring Licensed YES _____ NO _____

Depth of Well: 75' and 79' REMARKS: _____

Type of Map: aerial PREPARED BY: Lynn Beck Reviewed and the Number

Assigned on: 4-1-93 By: Karen Schlaak

FORM 2: Application for Irrigation in South Dakota

(type or print)

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

No. 5763-3 Hydrologic Unit 10160007
Basin Missouri River
Newspaper Hoven Review, Box 37, 948-2110
(office use only)



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

Type of Application: X New Vested Right X Amendment/Correction to Permit No. 1622-3
(check one) (Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. acreage change, change diversion point(s), add diversion point(s), etc.)
This application is to correct No. 1622-3 by adding a diversion point with no increase in diversion rate and is for one "new" well (drilled July 1980) with a diversion rate of 0.17 cfs (75 gpm).

- Name of Applicant Willard Zweber Phone 605 948-2488
(check one) X Owner Tenant/lessee
- Mailing Address PO Box 106 Hoven State SD 57450
(Street, RR, or Box) (City) (Zip Code)
- Amount of water claimed 0.17 (well No. 4) Cubic Feet Per Second Total Acreage 201 (1622-3)
- Source of water supply Hoven South Aquifer 2 wells
- Location of point of diversion New well (No. 4 on map): 2000 ft E and 675 ft S of the W1/4 corner section 22; (NE1/4 SW1/4 SE1/4 NW1/4)
Additional well: 2000 ft E and 30 ft N of the W1/4 corner section 22; both in T120N-R74W County Potter
- County or counties where water will be used Potter
- Annual period during which water is to be used April 1 - October 31
- List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	Acres	Land Description	Acres
NW1/4 NW1/4 sec 22-T120N-R74W	26	NW1/4 SW1/4 sec 22-T120N-R74W	25
NE1/4 NW1/4 "	20	NE1/4 SW1/4 "	18
SW1/4 NW1/4 "	31	SW1/4 SW1/4 "	33
SE1/4 NW1/4 "	24	SE1/4 SW1/4 "	24

- Type of Irrigation: Gravity: Towline: Center Pivot: X Gun: Other (Specify):
- Crops to be irrigated: corn wheat
- Give a description of the project. (Attach sheet if more space is needed)

This application is to correct Permit No. 1622-3 to add one well. The well was drilled in September of 1973, and was the third well drilled in section 22. No increase in the total diversion rate allowed by No. 1622-3 is authorized by this additional well. This application is also to appropriate 0.17 cfs (75 gpm) from a "new" well (No. 4) drilled in July 1980. A new priority date will be assigned to this well. All six wells combined under Permit Nos. 1622-3, 4062-3, and this application appropriate 1.44 cfs.

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 Potter)^{ss}

I, Willard Zweber, 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

Willard Zweber

Subscribed and sworn to before me this 3rd day of March 19 93

Janice Heuch
Notary Public

My Commission Expires:
September 6, 1993

**SOUTH DAKOTA
WATER PERMIT NO. 5763-3 FOR IRRIGATION**

Date of first receipt of application March 9, 1993.

Date Soil/Water Compatibility Permit received March 31, 1993.

The Water Management Board approved Water Permit Application No. 5763-3 on September 2, 1993 for Willard Zweber, PO Box 106, Hoven SD 57450 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. 5763-3 specifies the correct number of wells authorized by Water Permit No. 1622-3, authorizes one additional well and appropriates an additional 0.17 cubic feet of water per second (cfs). Water Permit No. 1622-3 appropriates 3.42 cfs for irrigation of 240 acres located in the NW 1/4 and SW 1/4 Section 22 from two wells located in the center of the NW 1/4 and the NW 1/4 SW 1/4 Section 22; all in T120N-R74W. Water Permit No. 4062-3 authorized two additional wells located in the NW 1/4 Section 22-T120N-R74W to irrigate land authorized by Water Permit No. 1622-3. An inspection of Permit Nos. 1622-3 and 4062-3 found six wells constructed and supplying 1.44 cfs to irrigate 201 acres. The additional well for Water Permit No. 1622-3 is located in the SE 1/4 NW 1/4 Section 22-T120N-R74W. Since only 1.27 cfs was developed in the time allowed to complete construction of works, this permit also appropriates an additional 0.17 cfs from one additional well located in the NE 1/4 SW 1/4 Section 22-T120N-R74W. No increase in the number of acres being irrigated 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: April 1 - October 31.
3. The date from which applicant may claim right is March 9, 1993.
4. 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 wells 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
Department of Environment and
Natural Resources

OCT 15 1993
date

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 24" Depth 79'
 b) Casing Type PVC Diameter 18" Thickness 3/8"
 c) Screen Type Johnson Diameter 18" Thickness
 d) Gravel Pack Thickness 6" Length of Gravel Pack 79'
 e) Depth to Top of Water Bearing Material ~~30'~~ 2'
 f) Depth to Water (ground surface to water level) 50'
 g) Distance to nearest existing domestic well:
 On applicants property 950' On property owned by others 1 mile

2. Dugout Information

- a) Surface Dimensions Depth
 b) Depth to water (ground surface to water level)

3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:

b) Freeboard

c) Crest Width

Crest Length

d) Height

e) Primary Outlet Capacity

If pipe, diameter

f) Secondary Spillway Capacity

Spillway Width

g) X & Y Slope

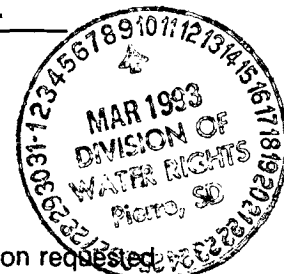
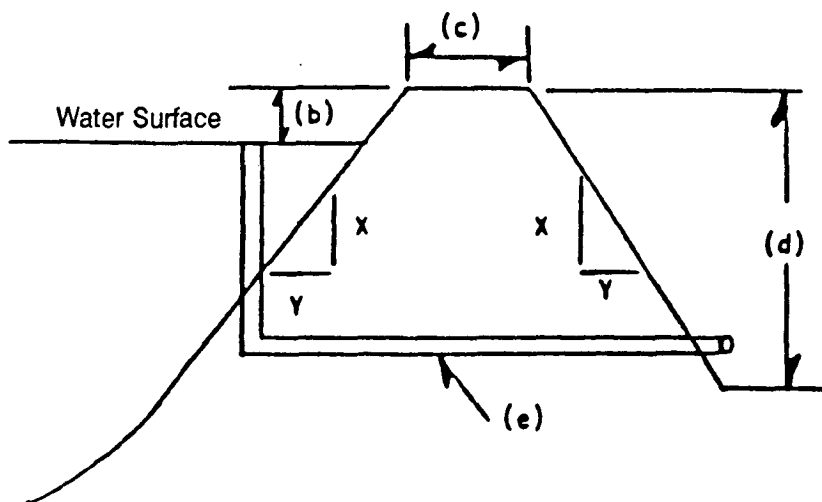
Upstream

Downstream

h) Surface Area of Impoundment

i) Storage Acre Feet

j) Drainage Area above Dam Acres



Supplemental Information

Well No. 5

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 24" Depth 75'
b) Casing Type Steel Diameter 10" Thickness _____
c) Screen Type Punched Slot Diameter 18" Thickness _____
d) Gravel Pack Thickness 6" Length of Gravel Pack 75'
e) Depth to Top of Water Bearing Material 2'
f) Depth to Water (ground surface to water level) 50'
g) Distance to nearest existing domestic well:
On applicants property 950' On property owned by others 1 mile



2. Dugout Information

- a) Surface Dimensions _____ Depth _____
b) Depth to water (ground surface to water level) _____

3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

g) X & Y Slope

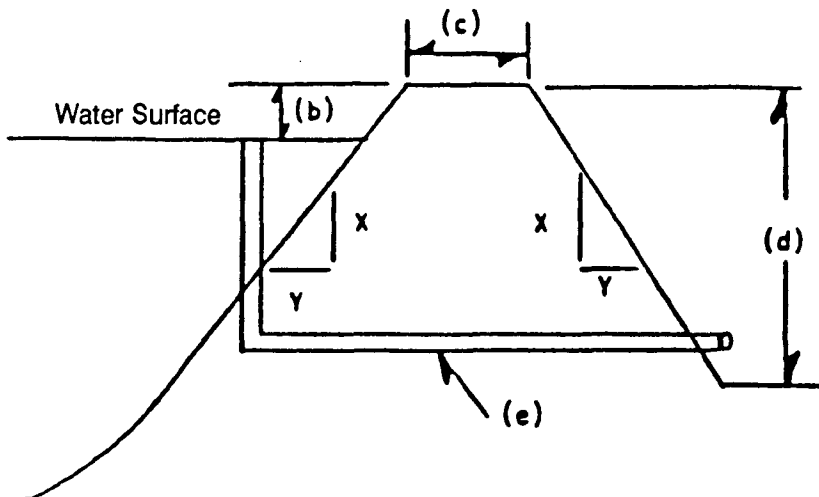
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area above Dam _____ Acres



**Willard Zweber
Water Rights History**

The history of the water rights and associated problems will be presented in chronological order as follows:

- Oct. 7, 1968 (Hoven South Aquifer) Application No. 1622-3 for Mr. Willard Zweber was received and advertised for a permit to appropriate 3.42 cfs of ground water from two points of diversion located in the center of the NW 1/4 and the NW 1/4 SW 1/4 Section 22, T120N, R74W. Application No. 1623-3 for Mr. Willard Zweber was received and advertised for a permit to appropriate 3.42 cfs from a point of diversion located in the NE 1/4 Section 17, T120N, R74W.
- Dec. 4, 1968 Application Nos. 1622-3 and 1623-3 were approved by the Water Resources Commission.
- May, 1969 One well was drilled for Permit No. 1623-3, located in the SE 1/4 NE 1/4 Section 17, T120N, R74W.
- Mar. 26, 1970 (Hoven South Aquifer) Permit No. 1623-3 for Mr. Zweber was licensed to divert 0.85 cfs from 1 - 30 ft. well to irrigate 60 acres in Section 17, T120N, R74W.
- Fall 1972 Mr. Zweber had one well drilled for Permit No. 1622-3.
- Fall 1973 Mr. Zweber had two wells drilled for Permit No. 1622-3.
- May 1975 Mr. Zweber had one well drilled, located in the NE 1/4 SW 1/4 Section 22, T120N, R74W. *May be a replacement well for the one drilled in 72*
- Jan. 1976 Mr. Willard Zweber appeared before the Water Rights Commission to express his concern about water levels in the Hoven area. Mr. Zweber indicated that his domestic well was 65 or 67 feet deep with a water level of 52 feet below the ground. Mr. Zweber also stated that he was concerned with additional applications being approved to the north of his system.
- The Commission staff advised the Commission that there was a general lack of information in the Hoven area and additional applications should be carefully considered.
- Summer & Fall Mr. Lynn Hedges, South Dakota Geological Survey 1976 supervised a study of the Hoven and Lebanon aquifer system. The study consisted of 3000 feet of test drilling, Three 72 hour pump tests (aquifer tests)

and the placement of six permanent observation wells. Two of the three aquifer tests were conducted in the Lebanon aquifer, Fall 1976, and one was conducted in the Hoven South aquifer, January 1877.

Feb. 1977

Mr. Zweber had two wells drilled, located in the SW 1/4 NW 1/4 and the SE 1/4 NW1/4 Section 22, T120, R74W.

Mar. 23-24, 1977 The Committee passed the following motion:

"That all pumping from large capacity wells in the Hoven South Aquifer except for Permit Nos. 1622-3 and 1623-3 shall stop until the water level comes back in the aquifer."

Apr. 11, 1977

The permit holders affected by the shut-off order appealed the Commission's decision to the Sixth Judicial Circuit Court. Robert Miller, the presiding Circuit Judge, found "that the Commission's decision was procedurally defective in that a) improper notice of the hearing was given, b) that the hearing conducted was defective under the requirements of Chapter 1-26 and c) that the Commission erred in failing to make Findings of Fact and Conclusions of Law as required by SDCL 1-26-25."

Judge Miller then ordered the Commission to conduct a "contested case" hearing on or before May 13, 1977.

May 10, 1977

A contested case hearing was held on May 10, 1977. After lengthy presentations and questioning, the Commission moved that pumping under Permit Nos. 2598-3, 2271-3 and 1704-3 be allowed to continue under the following conditions:

1. That all wells involved were to be metered, including Zweber's.
2. That when either observation well SW-4 reaches a level of nine feet below the soil top or SW-6A reaches a level of twenty-one and a half feet below the pipe, pumping by the three junior appropriators shall be restricted to prevent withdrawals in excess of the average annual recharge.
3. That a constant study of the area be conducted by the Commission staff and a full report be made to this Commission concerning this study prior to the 1978 irrigation season.

July 11, 1977

Application No. 4062-3 for Mr. Willard Zweber was received and advertised for a permit to appropriate

no additional water from two points of diversion located in the NW 1/4 Sec. 22, T120N, R74W to irrigate the W 1/2 Sec. 22, T120N, R74W.

Application No. 4963-3 for Mr. Willard Zweber was received and advertised for a permit to appropriate no additional water from one point of diversion located in Sec. 17, T120N, R74W to irrigate the S 1/2 of NE 1/4 Sec. 17, T120N, R74W.

July 27-28, 1977 Action on Application Nos. 4062-3 and 4063-3 for Mr. Willard Zweber were deferred by action of the Commission.

The Commission then passed a motion allowing additional points of diversion on Sections 17 and 22 under the original permits, 1622-3 and 1623-3. *one add'l* *two add'l*

The Commission then moved to reconsider the first motion at the November 30 and December 1, 1977 meeting.

Aug. 12, 1977 A field investigation showed that metering devices had not been installed on Permit Nos. 1622-3, 1623-3, 1704-3 and 2771-3. The above permits were ordered not to use the systems until the May 10, 1977 meeting. Commission order was complied with.

Aug. 18, 1977 The water level measurement of well SW-4 was measured at 8.5 feet. Mr. Hageman and Mr. Frost had complied with the May 10, 1977 order and were allowed to operate their systems. Mr. Turner and Mr. Zweber had not complied with the order and were ordered to remain off.

Nov. 30 &
Dec. 1, 1977 The Commission attempted to reconsider the action taken at the 27-28 July 1977 meeting. After considerable discussion the Commission passed a motion that the matter be reconsidered at another meeting and that all persons concerned be notified.

Jan. 16, 1978 A report was presented to the Commission on the Hoven area irrigation as directed by Commission action May 10, 1977. A motion was passed: "that the Commission prohibit all 1978 irrigation pumping by any of the irrigators until the May 1978 water levels in each irrigation well and initial meter readings have been recorded by the staff."

The Commission failed to take any action on the reconsideration of the July 1977 motion to allow additional points of diversion on Mr. Zweber's Permit Nos. 1622-3 and 1623-3.

Mar. 28-29, 1978 Mr. Zweber appeared before the Commission to request a rehearing of the January action of the Commission.

May 25-26, 1978 Mr. Zweber appeared before the Commission requesting that observation well data be presented to the Commission.

Mar. 28-29, 1979 Mr. Zweber appeared before the Commission and questioned why work had not been completed at Hoven. Mr. Hatch stated that the measuring had been completed as requested by the Commission. The Commission directed the staff to present information at the May meeting.

May 24-25, 1979 Mr. Hedges presented a brief explanation and comparison of the aquifers in the Hoven area. After hearing the presentation, the Commission passed the following motion:

"to change the water level that observation well SW-4 could drop from nine feet to seven feet which was established at the special hearing held May 10, 1977. When observation well SW-4 reaches seven feet below the top of the well, the three junior appropriators shall be shut down."

June 27, 1979 Findings of Fact and Conclusions of Law on the 24-25 May 1979 motion were adopted. Motion stated above.

July 30, 1979 Appeal filed with Sixth Judicial Circuit Court by Mr. Wheeler for Mr. Frost, Mr. Hagemen, and Mr. Turner concerning the decision in the Finding of Fact and Conclusions of Law adopted 29 June 1979.

Sept. 28-29, 1979 Mr. Smith stated that both parties voluntarily moved to dismiss the case for the time being and that Mr. Zweber intends to hire a private consultant, and independently analyze the data from the wells.

Motion was passed by the Board of Water Management "that the case be DISMISSED."

July 11, 1980 Mr. Zweber dug a new well in SW 1/4 Section 22, T120N, R74W.

July 28, 1980 Mr. Merwin Walter telephoned the staff and stated that Mr. Zweber had called him Saturday July 26, 1980. Mr. Walter stated that Mr. Zweber said he was having problems with water and wanted water levels measured. Mr. Walter wanted the staff to check-out the complaint. Gale Selken measured the wells and talked with Mr. Zweber 29 July 1980.

Aug. 12, 1980 Mr. Walter called the staff and stated Mr. Zweber had

called and stated that the staff had refused to measure one of their production wells.

Ms. Jeanne Goodman explained that the well could not be measured because the opening was too small for the electric reader to pass through. One other well was not measured because it was in the middle of a planted field and the system was running. Ms. Goodman did not know the location of well and it was obstructed from view by the crop.

Sept. 25-26,
1980

The staff informed the Board that we have deferred applications in the Hoven area that should be handled. The staff questioned the Board as to their desires on a complete report from the beginning or a condensed version. The Board requested the past information.

Jan. 29, 1981

The Board denied Permit Nos. 4062-3 and 4063-3.

The action on water levels in observation wells SW-4 and SW-6A for use as shut-off of irrigation wells was rescinded.

The Board directed the staff to prepare Findings of Fact and Conclusions of Law in the matter of the additional diversion points on Permit No. 1622-3 and License No. 1623-3, Application No. 4062-3, Application No. 4063-3 and Hoven area observation well water levels.

May 28, 1981

Finding of Fact, Conclusions of Law and Final Decision, Staff Recommendation, in the matter of additional points of diversion for Water Permit No. 1622-3.

Final Decision - That action of the Water Rights Commission in approving two additional points of diversion under Permit No. 1622-3 is hereby rescinded.

Signed March 26, 1981.

Findings of Fact, Conclusions of Law and Final Decision, Staff Recommendation, in the matter of additional points of diversion for Water Right License No. 1623-3.

Final Decision - That action of the Water Rights Commission in approving one additional point of diversion under License No. 1623-3 is hereby rescinded. Signed March 26, 1980.

Findings of Fact, Conclusions of Law and Final

Decision, Staff Recommendations, in the matter of the Application of Willard Zweber for Permit No. 4062-3.

Final Decision - That Application 4062-3 is hereby approved subject to the following conditions:

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

Signed March 26, 1981.

Findings of Fact, Conclusions of Law and Final Decision, Staff Recommendations, in the matter of the Application of Willard Zweber for Permit No. 4063-3.

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

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

Signed March 26, 1981.

References:

Selken, G.N., 1980, Potter - Walworth Counties Water-Table-Aquifer Report, December 17, 1980, DENR, Water Rights Division, Joe Foss Bldg., Pierre, SD.

Water Rights Division, 1977 thru 1981, "Water Rights Commission Meeting Minutes", DENR, Water Rights Division, Joe Foss Bldg., Pierre, SD.

RECEIPT

413666

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ March 9, 19 93

RECEIVED OF Jo Ann Zweber, RR 1 Box 106, Hoven, SD 57450

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

Fee for Application for Permit No. <u>5763-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	150	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	150 00

By John Hatch
Chief Engineer

File No. 4062-3 and 1622-3

Water Rights Division -DENR

Conversation or File Documentation

NAME OF PERSON OR FILE: Frank Zweber (Willard Zweber - Owner)

ADDRESS: RR Hoven, SD 57450 COUNTY: Potter

DATE: 1-4-93 TELEPHONE: (605) 948-2488

RE: Additional points of diversion.

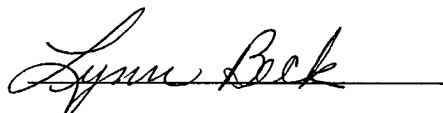
COMMENTS:

Mr. Zweber came to the Water Rights Division office concerned about a request by this office that he make an application to cover some existing wells. The permits involved are 1622-3 and 4062-3.

Mr. Zweber thought that all the wells were covered except for one. Permit No. 4062-3 was deferred from 1977 until 1981 and Permit No. 1622-3 was extended to include additional wells. The decision made by the Water Management Board, according to Mr. Zweber, allowed for the additional wells.

Mr. Zweber was also concerned about priority dates on the permits. Permit No. 1622-3 has a priority date of October 7, 1968 and Permit No. 4062-3 has a priority date of July 11, 1977. Mr. Zweber thought the 5 wells that he assumed were covered under the above permits, had the same priority date of October 7, 1968. Mr. Zweber is concerned that if he has to make application for additional wells (no add'l water) he will lose the senior priority date. I told Mr. Zweber that I would review the history of the two permits and write a summary before deciding if or how many wells need a new application.

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



Lynn Beck

Natural Resources Engineer III

DENR, Water Rights Division



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 23, 1993

Willard Zweber
P.O. Box 106
Hoven, SD 57450

Dear Mr. Zweber:

Please find enclosed a partially completed application form and instruction sheet for one new well and one additional well. The new well (well #4 on the map) is located in the NE 1/4 SW 1/4 Section 22, T120N, R74W and was drilled July 14, 1980, as stated in the well log. The additional well to Permit No. 1622-3 (well #3 on the map) is located in the SE 1/4 NW 1/4 Section 22, T120N, R74W and was drilled September 13, 1973, as stated on the well log. The other two wells under Permit No. 1622-3 were drilled in the Fall of 1972 and August 29, 1973. They are well #5, a replacement well drilled in May, 1975 for a well drilled in the Fall of 1972, and well #6 on the map. You may ignore the last application and letter sent to you, as the number of wells needing application have been reduced from three to two.

Also, enclosed is a history of Permit Nos. 1622-3, 1623-3, 4062-3 and 4063-3. This report explains, chronologically, the events from October 7, 1968 to May 28, 1981. On May 28, 1981, the Findings of Fact, Conclusions of Law and Final Decisions were presented to the Commission. If you have further documented information, please let me know.

The new well will receive a new priority date, which will be the date that your application is received by this office. The additional well to Permit No. 1622-3 may retain that permit's priority date, October 7, 1968, if it is determined that it does not interfere with existing permitted irrigation wells or adequate domestic wells. The fee for the two wells is \$150.00.

After the application and fee are received and approved, the permits will be licensed, as per no. 9 on the instruction sheet.

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

Sincerely,

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

encls

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4762

WR#

OWNERS NAME: ZWEBER, WILLARD OWNERS ADDRESS: PO BOX 106

COUNTY LAND LOCATED IN: POTTER PHONE: 948-2488
HOVEN SD 57450

LEGAL DESCRIPTION:
1. LOCATION New Well: 2000' E & 675' S of W $\frac{1}{2}$ 22-T120N-R74W ☒ Well ☐ Surface
Depth Additional Well : 2000' E & 30' N of W $\frac{1}{2}$ 22-T120N-R74W

Legal Description	Acres	Legal Description	Acres
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 22-T120N-R74W	26	NW $\frac{1}{4}$ SW $\frac{1}{4}$ 22-T120N-R74W	25
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 22-T120N-R74W	20	NE $\frac{1}{4}$ SW $\frac{1}{4}$ 22-T120N-R74W	18
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 22-T120N-R74W	31	SW $\frac{1}{4}$ SW $\frac{1}{4}$ 22-T120N-R74W	33
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 22-T120N-R74W	24	SE $\frac{1}{4}$ SW $\frac{1}{4}$ 22-T120N-R74W	24

2. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: X GUN: _____ OTHER: (Specify) _____
3. CROPS TO BE IRRIGATED: CORN, WHEAT

WATER QUALITY:	
4. WATER SAMPLE NUMBER: <u>93-0031</u>	7. ADJUSTED (SAR): <u>0.78</u>
5. SALINITY (EC X 10 ⁶): <u>650</u>	8. PERCENT SODIUM: <u>7.94</u>
6. SODIUM (SAR): <u>0.33</u>	

Requirements:



Russell J. Stone

Director, Division of Conservation

MARCH 29, 1993

Date

XXX APPROVED _____ REQUIREMENTS
DISAPPROVED
WAIVER

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

Conversation or File Documentation

NAME OF PERSON OR FILE: Frank ZweberADDRESS: _____ COUNTY PotterDATE: 4-28-93 TELEPHONE _____

RE: _____

COMMENTS:

Frank Zweber called concerning the status of Willard
Zweber's application. I told him the report is
in review, then the application will be advertised
at his expense and final decision is made by the
Water Management Board. The application will not
make the May⁹³ Mtg. but should be scheduled for
the July 93 Mtg.

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

Report for Application No. 5763-3
Willard Zweber
May 3, 1993

This application is to correct Permit No. 1622-3 to add one existing well and one well, constructed after the time period for construction of works, to appropriate an additional 0.17 cubic feet of water per second (cfs). Water Permit No. 1622-3 appropriates 3.42 cfs for irrigation of 240 acres located in the NW 1/4 and SW 1/4 Section 22 from two wells located in the center of the NW 1/4 and the NW 1/4 SW 1/4 Section 22; all in T120N-R74W. Water Permit No. 4062-3 authorizes two additional wells located in the NW 1/4 Section 22-T120N-R74W to irrigate the land authorized by Water Permit No. 1622-3. An inspection of Permit Nos. 1622-3 and 4062-3 found six wells constructed and supplying 1.44 cfs to irrigate 201 acres. The additional well for Water Permit No. 1622-3 is located in the SE 1/4 NW 1/4 Section 22-T120N-R74W. Since only 1.27 cfs was developed in the time for completion of construction of works, this application also appropriates an additional 0.17 cfs from one well located in the NE 1/4 SW 1/4 Section 22-T120N-R74W. No increase in the number of acres being irrigated is authorized by this application.

Aquifer: Bowdle - Hoven South Management Unit (B-HS)

The Bowdle Aquifer consists of glacial outwash deposits which are composed of sand and gravel at or near the land surface. Though many of the surface system aquifers are associated with or limited to present drainages, such as the Big Sioux River, this surface system aquifer is a "closed system" with no apparent relationship to surface drainages. The Bowdle Aquifer underlies approximately 79,800 acres and contains 204,000 acre-feet of recoverable water (Hedges, 1982). It's saturated thickness averages 15 feet and ranges from 1 foot to 31 feet (Kume, 1979). Four management units make up the Bowdle Aquifer, they are the Edmunds, Hoven North, Hoven South and Lebanon. These management units function separately but are hydraulically connected during periods of high ground water levels (Selken, 1977).

The Hoven South Management Unit of the Bowdle Aquifer underlies approximately 11,900 acres of Potter County and contains an estimated 23,000 acre-feet of recoverable water in storage (Hedges, 1982). B-HS has a natural hydraulic gradient from the southeast to the northwest. The saturated thickness varies from 11 feet to 25 feet, as evidenced by well logs within the area of this application. Thickness of the aquifer depends on seasonal fluctuations and whether or not drought or flood conditions exist.

The Water Rights Division monitors four observation wells within one-half mile of this application; PT-79B, PT-79C, PT-79D and PT-79E. Hydrographs for the observation wells are included in this report, see figures 1 thru 4. Low water levels occurred in 1982 and 1983 and highs in 1986 and 1987. The hydrologic cycles and irrigation pumping are reflected in the hydrographs.

Recharge:

Recharge to the B-HS aquifer is by direct precipitation and surface runoff. Calculated recharge rates using observation well data show recharge to be approximately 2.5 inches per year (Hedges, 1983). The calculated volume of recharge to the B-HS aquifer, using the above rate, would be 2479 acre-feet per year.

Withdrawal:

Irrigation use, as reported on the Irrigation Questionnaires, from 1982 thru 1992 is reflected in Table No. 1 (see page 5). In 1988 692 acre-feet of water used for irrigation was reported on the questionnaires (Water Rights, 1988). This is the greatest volume of water used in the years 1982 thru 1992. In 1988 the estimated water use for irrigation and the City of Hoven was 897 acre-feet. The wells in this application were in production during the above-mentioned years.

Review of Existing Water Rights:

There are 9 water permits/rights appropriating water from the Bowdle Aquifer Hoven South Management Unit in Potter County. Appropriative rights from the management unit represent a total diversion rate of 19.06 cfs. Included are 8 permits/rights authorizing irrigation of 1274 acres and one permit/right appropriates 1.11 cfs for municipal use by the City of Hoven. Up to 3 acre-feet per acre for permits with priority dates before July 1, 1978, may be applied each irrigation season. All permits and licenses in the Hoven South Management Unit have priority dates prior to July 1, 1978.

As a result of inspections conducted in 1992, it was found that 815 acres of the permitted 1274 acres have been developed. Maximum appropriations for the 815 acres is 2445 acre-feet. Use of this amount of water each year is unlikely, as the maximum reported irrigation use for time frame 1982 to 1992 was 692 acre-feet.

Effects on Existing Water Rights:

Hydrographs of the observation wells completed into the B-HS aquifer show that the water level of the aquifer responds to recharge and pumping. Observation wells within the cone of influence of this application show 1 to 2 foot fluctuations during irrigation seasons (Water Rights, 1992). Other wells outside the cone of influence may experience depressed water levels during the irrigation season. Lowering of water levels has occurred during times of drought. These droughts have been followed by extended periods of rising water levels in the aquifer.

Applications proposing appropriation from the B-HS were deferred by the Water Rights Commission in the late 1970's and early 1980's due to a complaint concerning reduced well production. It was believed by Willard Zweber that wells with later priority dates were

interfering with his wells during the irrigation season. The complaint was later dropped and the Water Rights Commission eventually approved deferred permits in the area.

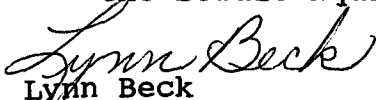
One other complaint in the Hoven South Management Unit was registered since Mr. Zweber's complaint. On August 6, 1980, a complaint was registered by Clifford and Robert Simon concerning the lowering of the water levels in their wells. They believed that Clarence Frost's irrigation well pumping was the cause of the problem. After an investigation and drilling an observation well, it was determined that the Simon wells were inadequate.

Other than Mr. Zweber's wells, the nearest high capacity well is one mile away under Permit No. 2271-3 owned by Gillis Hageman. Permits in the vicinity also include Nos. 1623-3, 1704-3, 2598-3, 2855-3, 2855- 3A and 4063-3.

The wells considered in this application are existing wells, one has been in production since 1973 and the other since 1980. These wells were included in the volume of water reported on the irrigation questionnaires. This application will merely validate their existence.

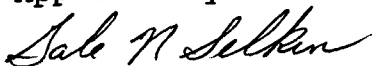
Conclusions:

1. Both wells have been completed and are in use. This application is a direct result of an inspection of Permit Nos. 1622-3 and 4062-3. It was found that there were two additional wells, one of which was constructed after the time to complete construction of works. Therefore this application also appropriates an additional 0.17 cfs for the new well.
2. Water levels in the aquifer reflect normal drawdown and recharge patterns associated with pumping, drought and precipitation.
3. The well interference qualification should be included as a permit qualification.
4. Approval of this application is subject to completion of the annual irrigation questionnaires.
5. There is a reasonable probability that water is available from the Bowdle Aquifer, Hoven South Management Unit.



Lynn Beck
Natural Resources Engineer III

Approved by:



Gale N. Selken, P.E.
Natural Resources Engineer IV

REFERENCES:

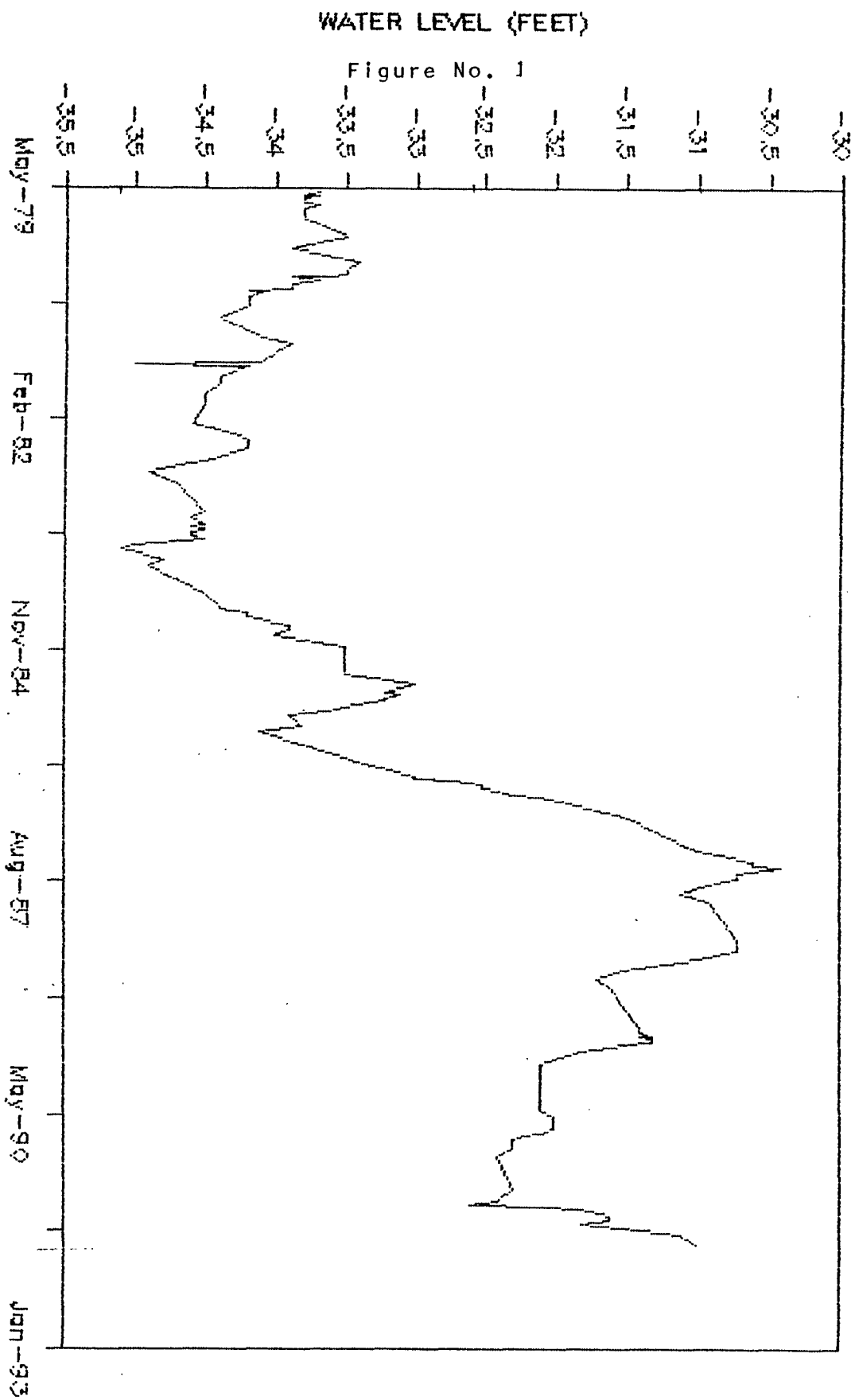
- Hedges, L.S., S. Burch, D. Iles, R. Barari, R. Schoon, 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, U.S. Army Corps of Engineers Contract DACW 45-80-C-0185, SD Department of Water and Natural Resources, Office of Geological Survey, Vermillion, SD 57069.
- Hedges, L.S., S. Burch, D. Iles, 1983, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 7: Ground-Water Recharge, U.S. Army Corp of Engineers Contract DACW 45-80-C-0185, SD Department of Water and Natural Resources, Office of Geological Survey, Vermillion, SD 57069.
- Kume, J., 1979 Aquifers in Walworth County, South Dakota, U.S. Geological Survey Information Pamphlet No. 18, SD Geological Survey, Vermillion, SD 57069.
- Selken, G.N., 1977, Hoven Area Report, DWNr, Water Rights Division, Joe Foss Building, Pierre, SD 57501.
- Water Rights Division, 1980, "Potter-Walworth Counties Water-Table-Aquifer Report", DWNr, Water Rights Division, Joe Foss Building, Pierre, SD 57501.
- Water Rights Division, 1982-1992, 1982-1992 Irrigation Summary by Aquifer, DENR, Water Rights Division, Joe Foss Building, Pierre, SD 57501.
- Water Rights Division, 1993, "Observation Well Files", DENR, Water Rights Division, Joe Foss Building, Pierre, SD 57501.
- Water Rights Division, 1993, "Water Permit Files", DENR, Water Rights Division, Joe Foss Building, Pierre, SD 57501.

Table No. 1

VOLUME OF WATER REPORTED FOR IRRIGATION Hoven South Management Unit (acre-feet)						
YEAR	1622-3 &4062-3	1623-3 &4063-3	1704-3	2271-3	2598-3	TOTAL
1982	116.93	0	56.31	103.4	119.01	395.65
1983	165.92	0	29.16	66.82	93.97	355.87
1984	0	0	31	130	104	265
1985	0	71	78	132	148	429
1986	0	16	8	28	48	100
1987	120	120	6	111	101	458
1988	229.6	71.9	37.8	153	199.6	691.9
1989	108	144	60	134	147	593
1990	212	0	0	69	102	383
1991	0	229	12	68	132	441
1992	58	100	0	42	98	298

WATER RIGHTS OBSERVATION WELL

PT-79B

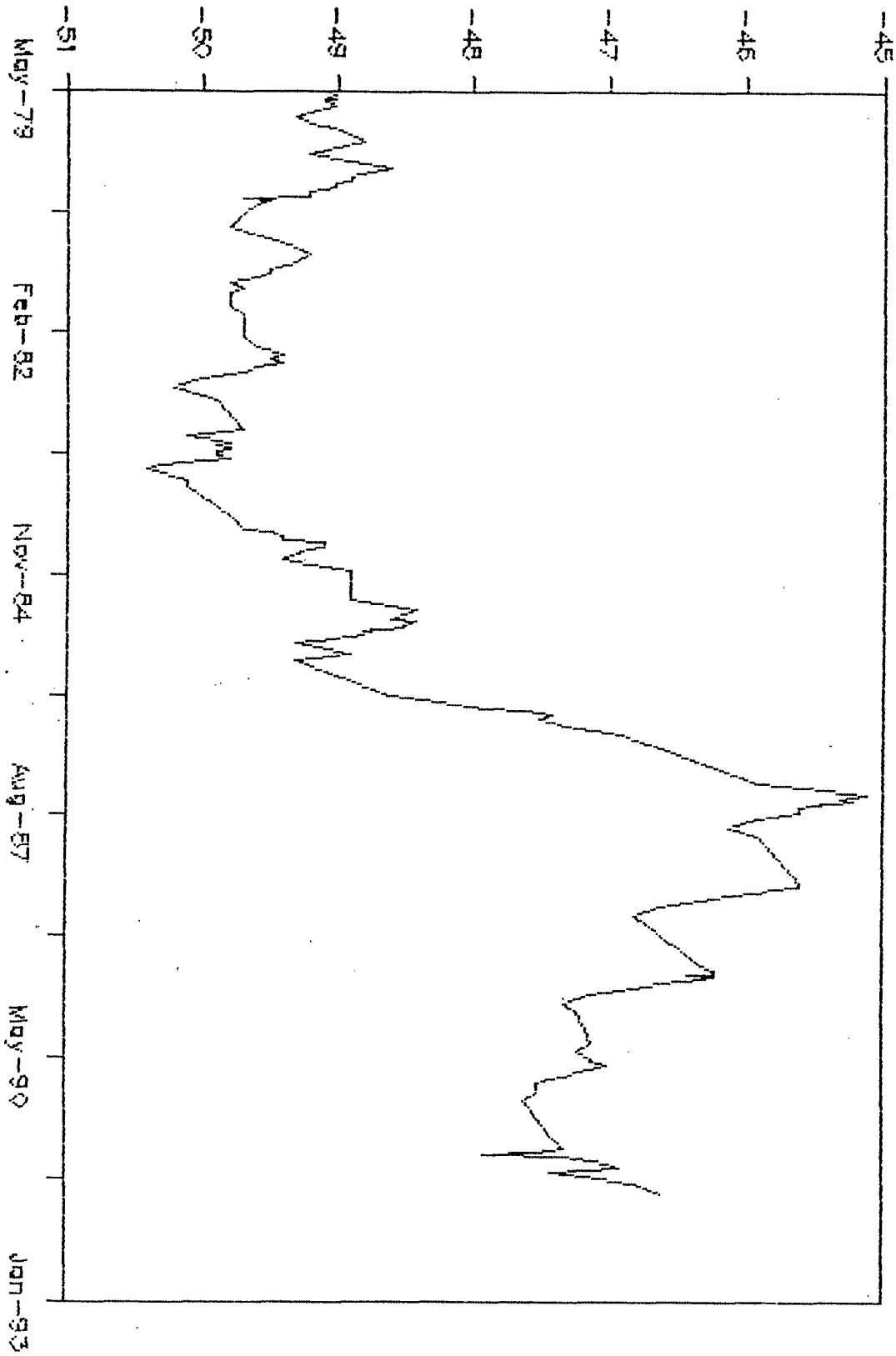


WATER LEVEL (FEET)

Figure No. 2

WATER RIGHTS OBSERVATION WELL

PT-79C

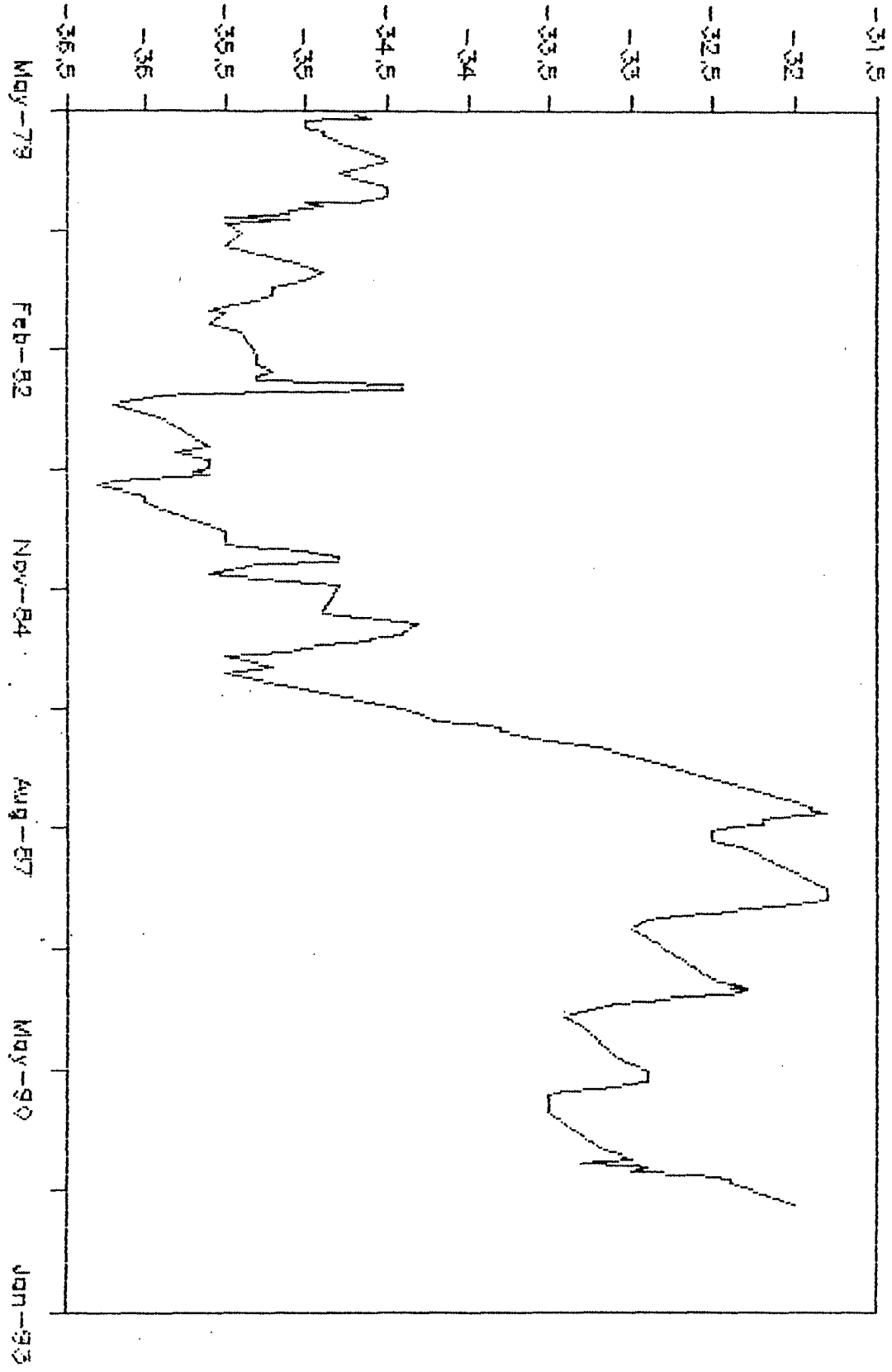


WATER RIGHTS OBSERVATION WELL

PT-79D

WATER LEVEL (FEET)

Figure No. 3



WATER RIGHTS OBSERVATION WELL

PT-79E

WATER LEVEL (FEET)

Figure No. 4

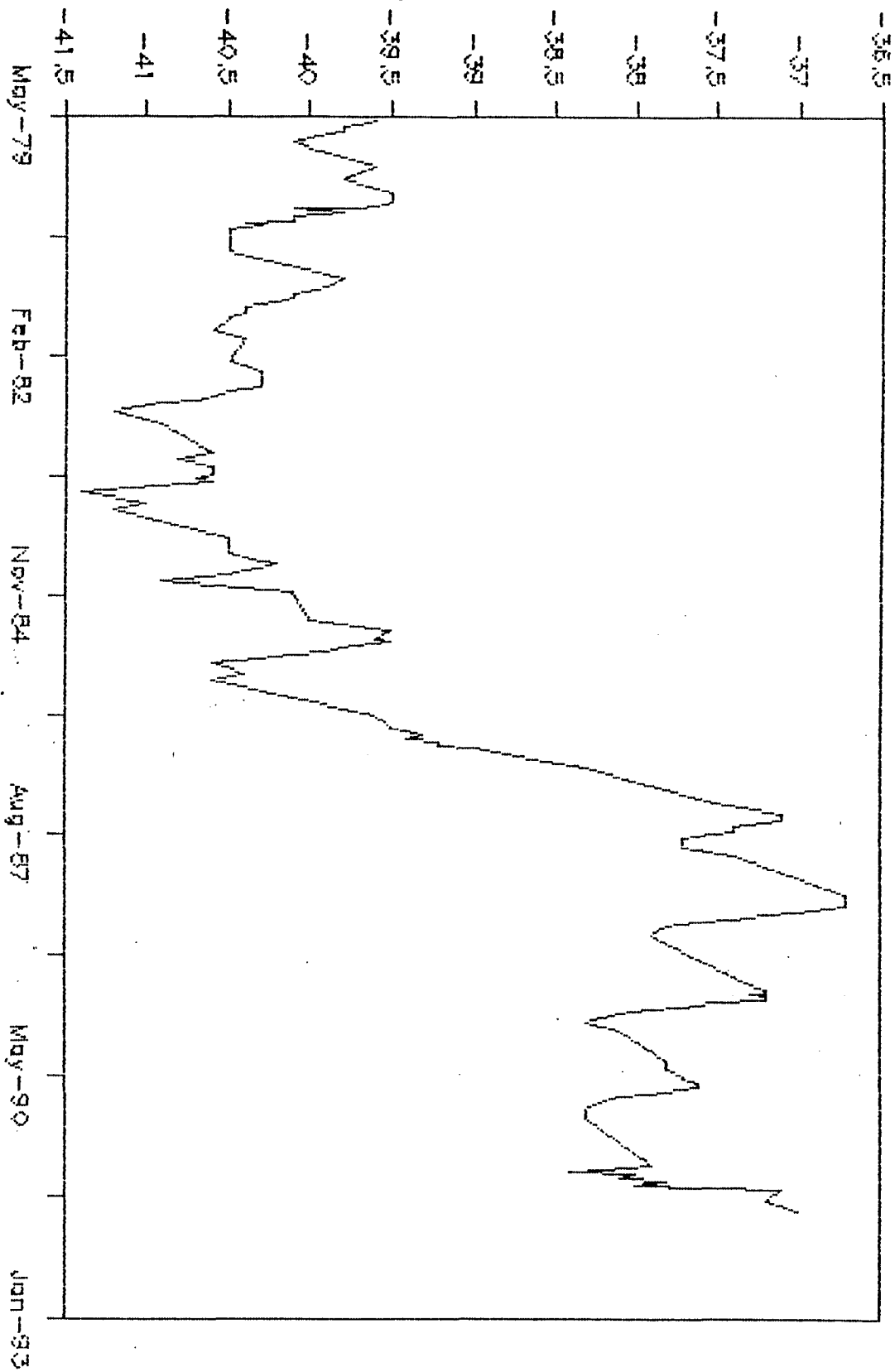


Figure No. 5

- X City well
- Production well
- ▲ Observation well

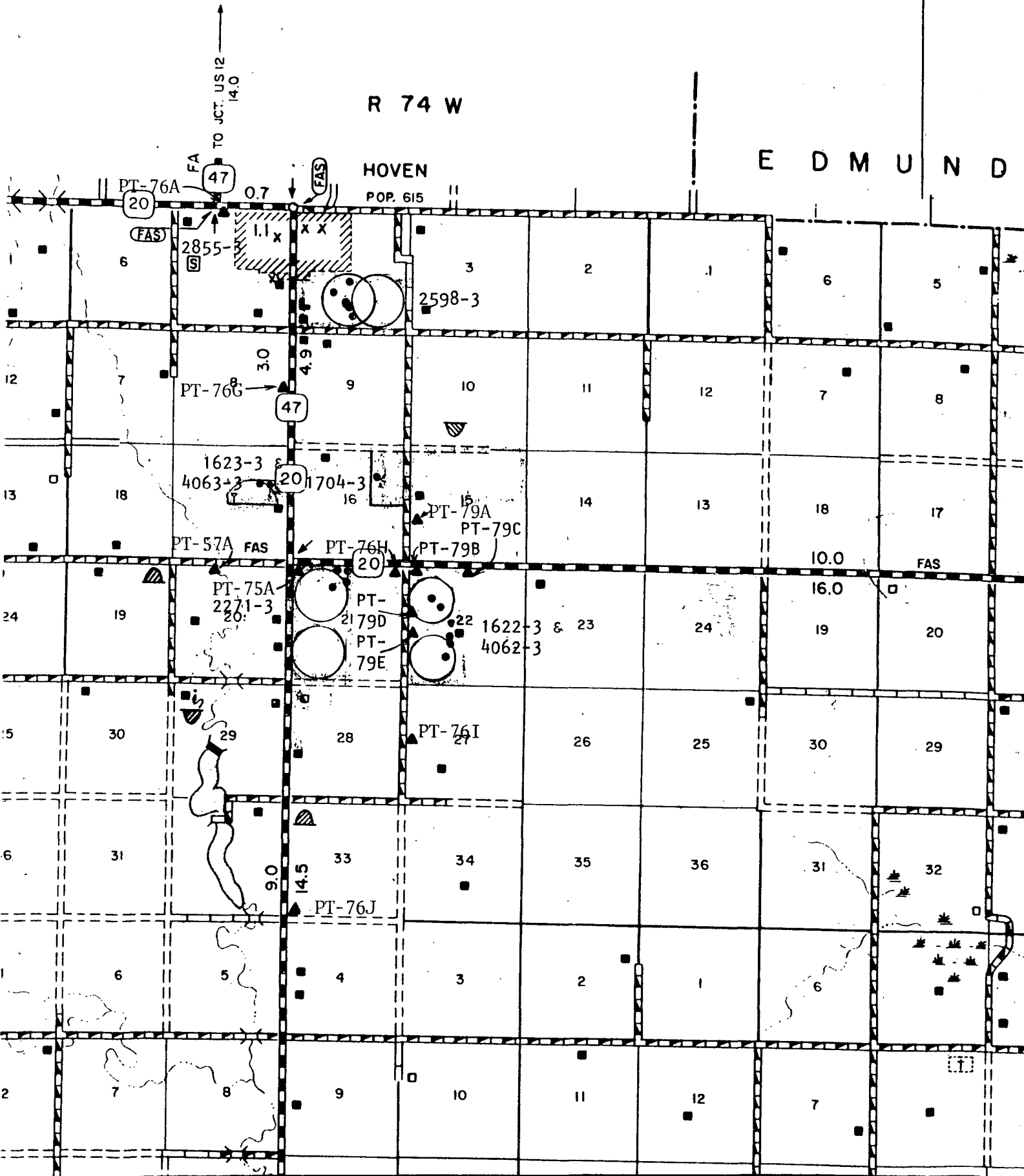
99° 40'

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HOVEN

POP. 615



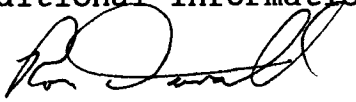
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5763-3, Willard Zweber

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. 5763-3, Willard Zweber, PO Box 106, Hoven, SD 57450.

The Chief Engineer is recommending APPROVAL of Application No. 5763-3 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) in the public interest with the following qualifications:

1. The wells 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.


for JOHN HATCH, Chief Engineer
May 4, 1993



**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.

July 19, 1993

Willard Zweber
PO Box 106
Hoven, SD 57450

Dear Mr. Zweber:

Water Permit Application No. 5763-3 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 Hoven Review printed at Hoven, SD (Ph # 948-2110). 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
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

July 19, 1993

Hoven Review
Box 37
Hoven, SD 57450

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5763-3 to be published twice. Please publish the first notice on July 29, 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 Willard Zweber, PO Box 106, Hoven, SD 57450 (Ph # 948-2488).

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
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 July 29, 1993, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5763-3 to Appropriate Water
and to Amend Water Permit Nos. 1622-3 and 4062-3

Notice is given that Willard Zweber, PO Box 106, Hoven, SD 57450 has filed an application for a water permit to specify the correct number of wells authorized by Water Permit No. 1622-3, to authorize one additional well and to appropriate an additional 0.17 cubic feet of water per second (cfs). Water Permit No. 1622-3 appropriates 3.42 cfs for irrigation of 240 acres located in the NW 1/4 and SW 1/4 Section 22 from two wells located in the center of the NW 1/4 and the NW 1/4 SW 1/4 Section 22; all in T120N-R74W. Water Permit No. 4062-3 authorized two additional wells located in the NW 1/4 Section 22-T120N-R74W to irrigate the land authorized by water Permit No. 1622-3. An inspection of Permit Nos. 1622-3 and 4062-3 found six wells constructed and supplying 1.44 cfs to irrigate 201 acres. The additional well for Water Permit No. 1622-3 is located in the SE 1/4 NW 1/4 Section 22-T120N-R74W. Since only 1.27 cfs was developed in the time allowed to complete construction of works, this application is also to appropriate an additional 0.17 cfs from one additional well located in the NE 1/4 SW 1/4 Section 22-T120N-R74W. No increase in the number of acres being irrigated is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5763-3 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 August 23, 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 Water Management Board will consider this application at 9:00 a.m., September 2, 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 September 2, 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 August 23, 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 August 23, 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.

**NOTICE OF HEARING on Application No. 5763-3
to Appropriate Water and to Amend Water Permit
Nos. 1622-3 and 4062-3**

Notice is given that Willard Zweber, PO Box 106, Hoven, SD 57450 has filed an application for a water permit to specify the correct number of wells authorized by Water Permit No. 1622-3, to authorize one additional well and to appropriate an additional 0.17 cubic feet of water per second (cfs). Water Permit No. 1622-3 appropriates 3.42 cfs for irrigation of 240 acres located in the NW 1/4 and SW 1/4 Section 22 from two wells located in the center of the NW 1/4 and the NW 1/4 SW 1/4 Section 22; all in T120N-R74W. Water Permit No. 4062-3 authorized two additional wells located in the NW 1/4 Section 22-T120N-R74W to irrigate the land authorized by Water Permit No. 1622-3. An inspection of Permit Nos. 1622-3 and 4062-3 found six wells constructed and supplying 1.44 cfs to irrigate 201 acres. The additional well for Water Permit No. 1622-3 is located in the SE 1/4 NW 1/4 Section 22-T120N-R74W. Since only 1.27 cfs was developed in the time allowed to complete construction of works, this application is also to appropriate an additional 0.17 cfs from one additional well located in the NE 1/4 SW 1/4 Section 22-T120N-R74W. No increase in the number of acres being irrigated is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5763-3 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 August 23, 1993. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reason 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.

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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 August 23, 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.

AFFIDAVIT OF PUBLICATION

**STATE OF SOUTH DAKOTA
COUNTY OF POTTER—ss.**

LEONA C. WAGER, of said county being first duly sworn, on oath says that he is publisher of The Hoven Review, a weekly newspaper printed and published in Hoven in said County of Potter and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bonafide circulation of at least two hundred copies weekly, and has been published within said County for fifty-two successive weeks prior to the publication of the notice herein mentioned, and was and is printed wholly or part in an office maintained at said place of publication: that the

Willard Zweber

a printed copy of which, taken from the paper in which same was published, is attached to this sheet, and is made in part of this Affidavit, was published in said newspaper at least

once in each week for 2 successive weeks, on the day

of each week on which newspaper was regularly published,
o-wit:

*7-29-93
8-5, 1993*



that the full amount of the fees for the publication of the
annexed notice is \$ 105.60

*Hoven Review
Leona C. Wager*

Leona C. Wager
Publisher

Subscribed and sworn to before me this

day of

Aug

19 *93*

Gerald P. Brickner

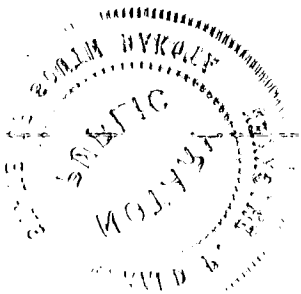
Notary Public

Potter County, South Dakota
GERALD P. BRICKNER

My commission expires Notary Public, POTTER COUNTY, S. DAK.
My Commission Expires MARCH 2, 1995

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-14, 46-2A-10, 46-2A-12, 46-2A-14, 46-2-15, 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.

(Published in the Hoven Review, July 29 & August 5, 1993)





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

OCT 15 1993

Willard Zweber
PO Box 106
Hoven, SD 57450

Dear Mr. Zweber:

Enclosed is Water Permit No. 5763-3 authorizing your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

The final inspection has been completed on this Permit, and we are ready to issue the Water License. Statutes require we charge \$50 for the inspection and issuance of the final papers. Upon receipt of this amount the Water License will be sent to you.

Very truly yours,

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

enclosures

Permit No. 1622-3 and 4062-3

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 Willard
Zweber of ^{RR#1} ~~P.O.~~ Box 106, Hoven SD 57450 holder of Permit No. 1622-3 and 4062-3, bearing
the priority of October 7, 1968 and July 11, 1977 authorizing the diversion of 3.42 cu.
ft. per second of the waters of Hoven South Aquifer for irrigation purposes, in Potter
County.

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

A. Works used to divert the water:

Well #1 - 68' deep well with 15" pvc casing and Johnson Irrigator stainless steel screen,
submersible pump with a 125 gpm capacity, submersible motor 5 hp.

Well #2 - 65' deep well with 15" pvc casing and Johnson Irrigator stainless steel screen,
submersible pump with a 125 gpm capacity, submersible motor 10 hp.

Well #3 - 75' deep well with 60' of 12" galv. steel casing and 15' of galv. steel screen,
submersible pump with a 100 gpm capacity, submersible motor 3 hp.

Well #4 - 82' deep main well with 16" pvc casing and Johnson Irrigator stainless
steel screen, US Electric pump with a 650 gpm capacity, submersible motor 60 hp.

Well #5 - 75' deep well with 60' of 10" galv. steel casing and 15' of Johnson Irrigator
stainless steel screen, submersible pump with a 100 capacity, submersible motor
3 hp.

Well #6 - 72' deep well with 57' of 12" galv. steel casing and 15' of galv. steel
screen, submersible pump with a 125 gpm capacity, submersible
motor 5 hp.

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

3510' of 6" pvc pipe and 2865' of 8" pvc.

C. Works used to apply water to beneficial use:

Zimmatic towable center pivot, 1180' long with 9 towers, high pressure system with a 650 gpm capacity.

The system is in the following condition fair. The point of diversion is located well #1 is 1205' E and 1245' N, well #2 is 1700' E and 905' N, well #3 is 2000' E and 32' N, well #4 is 2000' E and 675' S, well #5 is 2000' E and 715' S and well #6 is 1810' E and 1320' S, all from the W corner of Sec. 22, T120N, R74W. The works are capable of diverting and conveying to the place of use 1.44 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:

All in Section 22, T120N, R74W:

<u>NW 1/4 NW 1/4</u>	<u>26 acres</u>	<u>NW 1/4 SW 1/4</u>	<u>25 acres</u>
<u>NE 1/4</u>	<u>20 "</u>	<u>NE 1/4</u>	<u>18 "</u>
<u>SW 1/4</u>	<u>31 "</u>	<u>SW 1/4</u>	<u>33 "</u>
<u>SE 1/4</u>	<u>24 "</u>	<u>SE 1/4</u>	<u>24 "</u>

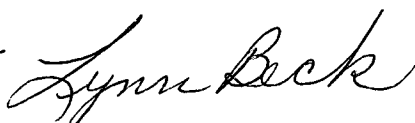
comprising a total of 201 acres of land and the license should be issued for 1.44 cfs.

Application permit qualifications have been complied with Yes X No

Exceptions to compliance are: Date 9-2-92

Note: Needs application for additional wells.

The other wells dump into well #4, the water is then pumped out to the system.



Lynn Beck
Natural Resources Engineer III
DENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NUMBER 1622-3 and 4062-3

DATE 9-2-92

Other permit(s) associated with the project

DIVERSION POINT LEGAL LOCATION: Well # 1 - 1205' E and 1245' N of the W corner of Sec. 22, T120N, R74W.

WELL INFORMATION: Well Drilling Firm Dakota Boring

No. of Wells 1 Depth(s) 68

a) Casing: 1) diameter 15 inches

2) length feet

3) type PVC

d) Static Water Level feet

e) Motor:

1) make submersible

2) model No.

3) horsepower rating 5 hp

b) Screen: 1) type Johnson Irrigator s.s.

2) length feet

1) make submersible

2) model

3) size inches

4) capacity 125 GPM

5) turbine pump - No. of stages

6) operating pressure PSI

DIVERSION POINT LEGAL LOCATION: Well # 2 - 1700' E and 905' N of the W corner of Sec. 22, T120 R74W.

WELL INFORMATION: Well Drilling Firm Dakota Boring

No. of Wells 1 Depth(s) 65

a) Casing: 1) diameter 15 inches b) Screen: 1) type Johnson Irrigator s.s.

2) length feet

3) type PVC

d) Static Water Level feet

e) Motor:

1) make submersible

2) model No.

3) horsepower rating 10 hp

2) length feet

1) make submersible

2) model

3) size inches

4) capacity 125 GPM

5) turbine pump - No. of stages

6) operating pressure PSI

DIVERSION POINT LEGAL LOCATION: Well #3 - 2000' E and 32' N of the W corner of Sec. 22, T120N, R74W.

WELL INFORMATION: Well Drilling Firm Verqil Worm

No. of Wells 1 Depth(s) 75

a) **Casing:** 1) diameter 12 inches

2) length 60 feet

3) type galv. steel

d) **Static Water Level** 46 feet

e) **Motor:**

1) make submersible

2) model No.

3) horsepower rating 3 hp

b) **Screen:** 1) type galv. steel

2) length 15 feet

1) make submersible

2) model

3) size inches

4) capacity 100 GPM

5) turbine pump - No. of stages

6) operating pressure PSI

DIVERSION POINT LEGAL LOCATION: Well #4 (main well) - 2000' E and 675' S of the W corner of Se 22, T120N, R74W.

WELL INFORMATION: Well Drilling Firm Dakota Boring

No. of Wells 1 Depth(s) 82

a) **Casing:** 1) diameter 16 inches

2) length feet

3) type PVC

d) **Static Water Level** feet

e) **Motor:**

1) make submersible

2) model No.

3) horsepower rating 60 hp

b) **Screen:** 1) type Johnson Irrigator s.s.

2) length feet

1) make US Electric

2) model

3) size inches

4) capacity 650 GPM

5) turbine pump - No. of stages

6) operating pressure PSI

DIVERSION POINT LEGAL LOCATION: Well #5 - 2000' E and 715' S of the W corner of Sec. 22, T120 R74W.

WELL INFORMATION: Well Drilling Firm Duane Martin

No. of Wells 1 Depth(s) 75

a) **Casing:** 1) diameter 10 inches

2) length 60 feet

3) type galv. steel

c) **Pump**

d) **Static Water Level** 44 feet

e) **Motor:**

1) make submersible

2) model No.

3) horsepower rating 3 hp

b) **Screen:** 1) type Johnson Irrigator s.s.

2) length 15 feet

1) make submersible

2) model

3) size inches

4) capacity 100 GPM

5) turbine pump - No. of stages

6) operating pressure PSI

DIVERSION POINT LEGAL LOCATION: Well #6 - 1810' E and 1320' S of the W corner of Sec. 22, T120 R74W.

WELL INFORMATION: Well Drilling Firm Vergil Worm

No. of Wells 1 Depth(s) 72

a) **Casing:** 1) diameter 12 inches

2) length 57 feet

3) type galv. steel

c) **Pump**

d) **Static Water Level** feet

e) **Motor:**

1) make submersible

2) model No.

3) horsepower rating 5 hp

b) **Screen:** 1) type galv. steel

2) length 15 feet

1) make submersible

2) model

3) size inches

4) capacity 125 GPM

5) turbine pump - No. of stages

6) operating pressure PSI

DISTRIBUTION LINES OR CANALS:

a) type PVC

b) size 6 inches

c) length 3510 feet

a) type PVC

b) size 8 inches

c) length 2865 feet

SYSTEM TYPE:

a) Center pivot:

- 1) make Zimmatic towable
- 2) overall length 1180 feet
- 3) number of towers 9
- 4) distance between towers feet
- 5) end gun N (Y/N)
- 6) high or low pressure high
- 7) capacity 650 GPM

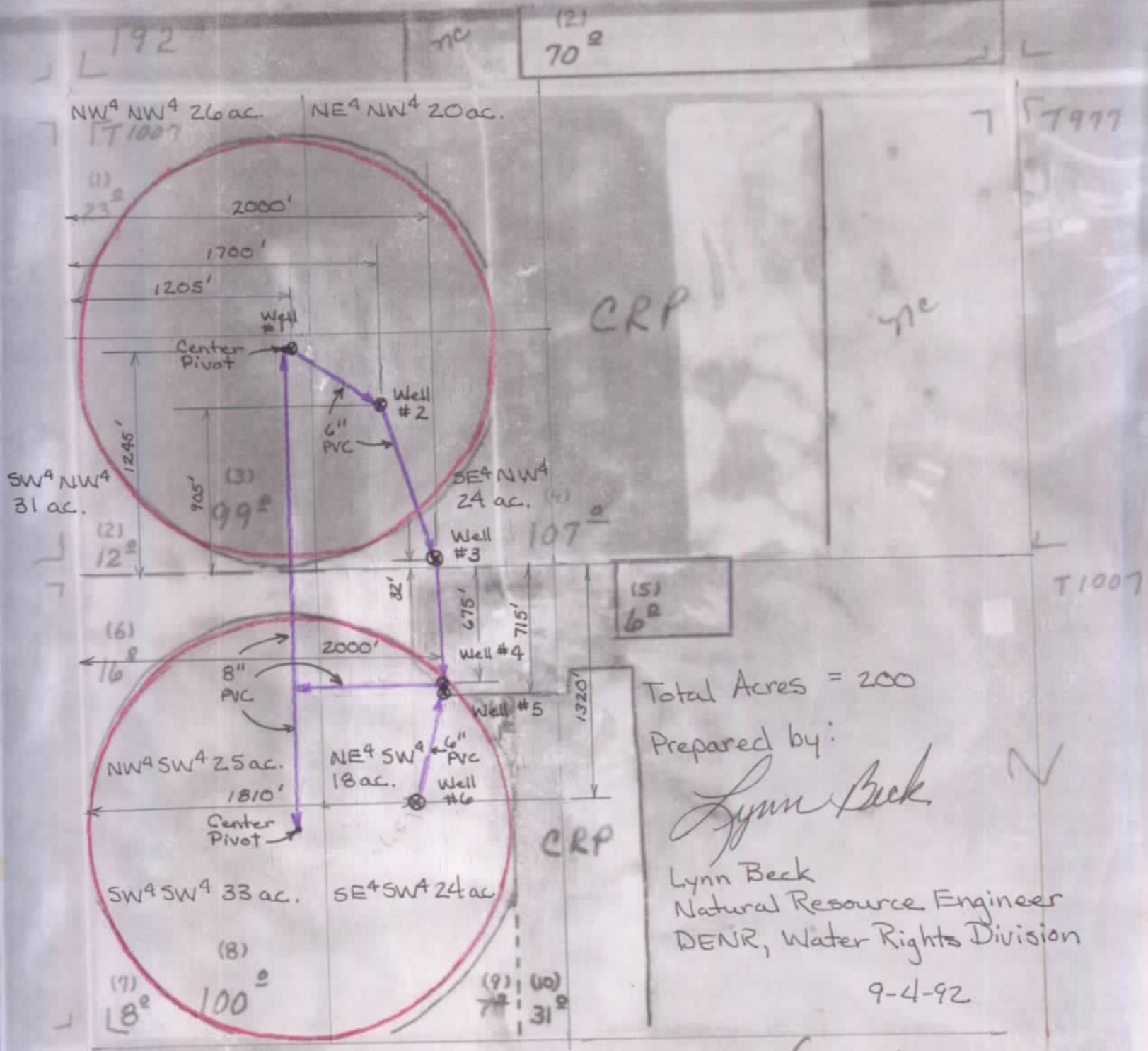
CHEMIGATION EQUIPMENT:

- | | |
|--|---|
| b) main line check valve (Y/N) | a) does chemigate <u>N</u> (Y/N) |
| d) low pressure drain (Y/N) | c) inspection port/air relief (Y/N) |
| f) interlock type | e) discharge is 20' from source (Y/N) |
| h) injection check valve (Y/N) | g) injection pump type |
| | i) injection line check valve or positive displacement pump (Y/N) |
| j) all chemigation equipment appears to be installed in the proper position and complies with chemigation laws and rules (Y/N) | |
| k) comments : | |

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/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



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5763-3 FOR IRRIGATION

(1) Willard Zweber, of RR #1 Box 106, Hoven SD 57450 made Application No. 5763-3, March 9, 1993 for a water permit to appropriate an additional 0.17 cubic feet of water per second from groundwater, Potter County, South Dakota for irrigation purposes. Permit No. 5763-3, with a priority date of March 9, 1993 was approved September 2, 1993 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. 5763-3 specifies the correct number of wells authorized by Water Permit No. 1622-3, authorizes one additional well and appropriates an additional 0.17 cubic feet of water per second (cfs). No increase in the number of acres being irrigated is authorized by this permit.

The applicable portions of Water Permit Nos. 1622-3 and 4062-3 have been incorporated into this Water License No. 5763-3. Priority dates are as follows:

October 7, 1968 (established by No. 1622-3) is retained for three of the wells;

July 11, 1977 (established by No. 4062-3) is retained for two of the wells;

March 9, 1993 (established by No. 5763-3) is retained for one well and the additional 0.17 cfs.

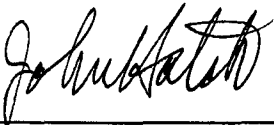
(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.44 cubic feet of water per second for beneficial use. The location of the diversion points are: Well #1-1205'E and 1245'N (SW 1/4 NW 1/4), Well #2 - 1700'E and 905'N (SE 1/4 NW 1/4), Well #3 - 2000'E and 32'N (SE 1/4 NW 1/4), Well #4 - 2000'E and 675'S (NE 1/4 SW 1/4), Well #5 - 2000'E and 715'S (NE 1/4 SW 1/4) and Well #6 - 1810'E and 1320'S (NE 1/4 SW 1/4) all in Section 22-T120N-R74W. Water from all of the wells is pumped into well #4 and then diverted through a towable center pivot system.

(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:

Section 22-T120N-R74W	NW 1/4 NW 1/4	26 acres
	NE 1/4 NW 1/4	20 acres
	SW 1/4 NW 1/4	31 acres
	SE 1/4 NW 1/4	24 acres
	NW 1/4 SW 1/4	25 acres
	NE 1/4 SW 1/4	18 acres
	SW 1/4 SW 1/4	33 acres
	SE 1/4 SW 1/4	24 acres
Total		201 acres

Water License No. 5763-3
Willard Zweber
Page 2

(4) Pursuant to South Dakota Water Law 46-5-30.1 Willard Zweber of RR #1 Box 106, Hoven SD 57450 the holder and/or owner of Incorporated Water Permit No. 5763-3 is issued a license to appropriate water, the right to use 1.44 cubic feet of water per second from groundwater (six wells) with priority dates of October 7, 1968 (3 wells & 1.27 cfs); July 11, 1977 (2 wells) and March 9, 1993 (1 well and 0.17 cfs) 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 . This license is subject to any limitations or qualifications listed in Incorporated Water Permit No. 5763-3 and subject to South Dakota State Law.



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

NOV 14 1994

date

RECEIPT

413936

Division of Water Rights

South Dakota Department of Environment and Natural Resources

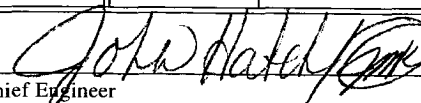
Pierre, _____ November 5, 19 93

RECEIVED OF JoAnn Zweber, RR 1 Box 106, Hoven, SD 57450

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>5763-3</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

NOV 14 1994

5763-3

Willard Zweber
RR 1, Box 106
Hoven, SD 57450

Dear Mr. Zweber:

Enclosed is Water License No. 5763-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 413936 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 5763-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Very truly yours,

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

rd
enclosures

NOTE: The applicable portions of Water Permit Nos. 1622-3 and 4062-3 have been incorporated into this Water License No. 5763-3.



5763-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 19, 2001

NOTICE

TO: WILLARD ZWEBER, PO BOX 212, HOVEN, SD 57450 0212

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2000 Irrigation Questionnaires

Our records indicate that the 2000 Irrigation Questionnaires have not been submitted for Permit Nos. 5763-3 and 4063-3. The request for the Questionnaires was dated October 20, 2000. The Water Management Board has directed that owners of water permits who have not submitted the 2000 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No. 4063-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No. 5763-3 qualification:

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

The hearing will be held at 10:00 am, March 7, 2001 in 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. 5763-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No. 4063-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 questionnaires are received in this office on/or before March 2, 2001, 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 (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 57501-3182
www.state.sd.us/denr

February 5, 2001

4063-3
5763-3

Frank Zweber
RR 1 Box 106
Hoven, SD 57450

Dear Mr. Zweber:

I am writing to acknowledge receipt of your 2000 irrigation questionnaires. You may disregard the January 19, 2001, "Notice" concerning reporting requirements for Water Right Nos. 4063-3 and 5763-3.

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

5763-3

SENT		IS SECTION ON DELIVERY	
■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Received by (Please Print Clearly) _____ B. Date of Delivery <u>1-22-01</u>	
1. Article Addressed to: WILLARD ZWEBER PO BOX 212 HOVEN SD 57450 0212		C. Signature <u>Willard Zweber</u> ☐ Agent X <u>Cindy McClellan</u> ☐ Addressee	
		D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No	
		3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.	
		4. Restricted Delivery? (Extra Fee) ☐ Yes	
2. Article Number (Copy from service label) <u>7000 0600 0026 9814 3895</u>			



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 27, 2012

4063-3
5763-3

Frank Zweber
32043 SD Hwy 20
Hoven SD 57450

Dear Mr. Zweber:

Thank you for sending in the 2012 irrigation questionnaires for Water Permit No. 6474-3 and Water Right Nos. 4063-3 and 5763-3. I note from the files that both Water Right Nos. 4063-3 and 5763-3 are still listed in Willard Zweber's name. They should be transferred to reflect current ownership.

Enclosed are partially completed "Notice of Transfer of Ownership" forms for filing ownership changes. Upon completion, please sign and return them to our office with a required filing fee of \$50.00 each (total of \$100). The check or money order for the fee can be made payable to the Water Rights Program.

I have included copies of both water rights for your records. If I can answer any questions for you, please contact me.

Sincerely,

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

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

enclosures

RECEIVED

NOV 30 2012

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 5763-3

Date: 11-28-12

I/We request that Water Right No. 5763-3

formerly owned by: Willard Zweber

be transferred to: (name & address) Frank & Carol Zweber

32043 S.D. Hwy 20 Hoven S.D. 57450

Telephone No. 605-948-2488

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

201 acres - W 1/2 Section 22, T120N, R74W

I/We understand that the validity of Water Right No. 5763-3 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 Fifty Dollars (\$50.00) 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 Frank & Carol Zweber, the new owner, certify that the above information is true and correct.

Frank Zweber Carol Zweber
(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.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 11/30, 20 12

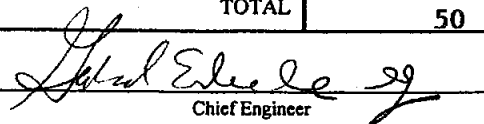
RECEIVED OF FRANK ZWEBER 32043 SD HWY 20 HOVEN SD 57450

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. _____		
Fee for Filing Transfer Form <u>5763-3</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	50 00

No. **05723**

By


Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 13, 2012

4063-3
5763-3

Frank & Carol Zweber
32043 SD Hwy 20
Hoven SD 57450

Dear Mr. & Mrs. Zweber:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for changing ownership on Water Right Nos. 4063-3 and 5763-3.

The ownership changes have been completed. Water Right Nos. 4063-3 and 5763-3, formerly held by Willard Zweber are now listed in your names.

Enclosed for your records are Receipt Nos. 05722 and 05723. If you have any questions, please contact me.

Sincerely,

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

enclosures



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



October 14, 2014

5763-3

Frank Zweber
32043 Hwy 20
Hoven, SD 57450

Dear Mr. Zweber:

Water Right No. 5763-3 appropriates 1.44 cubic foot per second (cfs) from six wells completed into the Hoven South Management Unit of the Bowdle aquifer at a depths of approximately 68-80 feet below ground surface. Water from these wells, located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ (one well), SE $\frac{1}{4}$ NW $\frac{1}{4}$ (two wells), and the NE $\frac{1}{4}$ SW $\frac{1}{4}$ (three wells) of Section 22, T120N-R74W is for the irrigation of 201 acres in the W $\frac{1}{2}$ of the same section. The original permit was conditioned with the standard well interference qualification.

You recently submitted a letter with a request for two additional wells under Water Right 5763-3, both located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 22, T120-R74W in order to supplement the water provided by the six existing wells. The basis behind this request is that several of the existing wells are greater than 40 years old and no longer provide the full amount of water licensed under Water Right 5763-3.

Upon review of the request and pursuant to SDCL 46-5-13.1, the additional well locations are authorized without application or publication of a notice of hearing pursuant to SDCL 45-2A-4. No increase in the authorized diversion rate of 1.44 under Water Right No. 5763-3 has been requested or approved. If the total diversion rate increases, a new water permit will need to be obtained from the SD DENR Water Rights Program.

If you have any questions, please contact Bracken Capen at (605) 773-3352.

Sincerely,

Jeannie Goodman
Chief Engineer
Water Rights Program

File No. 5763-3

Approval of Additional Diversion Points

NAME: Frank Zweber

ADDRESS: 32043 Hwy 20, Hoven, SD 57450

DATE: October 3, 2014

COUNTY: Potter

TELEPHONE: (605) 948-2488

BACKGROUND:

Water Right No. 5763-3 appropriates 1.44 cubic foot per second (cfs) from six wells completed into the Hoven South Management Unit of the Bowdle aquifer at depths ranging from approximately 68 to 80 feet below ground surface. Water from these wells, located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ (one well), SE $\frac{1}{4}$ NW $\frac{1}{4}$ (two wells), and the NE $\frac{1}{4}$ SW $\frac{1}{4}$ (three wells) of Section 22, T120N-R74W is for the irrigation of 201 acres in the W $\frac{1}{2}$ of the same section. Water Permit Nos. 1622-3 and 4062-3 have been incorporated into Water Right No. 5763-3. The original permits were conditioned with the standard well interference qualification.

Frank Zweber submitted a letter to the South Dakota DENR Water Rights Program requesting the addition of two wells to Water Permit No. 5763-3. These wells will be constructed in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 22, T120N-R74W. The basis behind the request is that several of the existing wells are over 40 years old and no longer supply the licensed diversion rate. The new wells will supplement the diversion capacity of the originally licensed six wells but will not increase the permitted diversion rate. During a phone conversation on October 2, 2014 with Bracken Capen, Frank Zweber made it clear that the existing wells would remain in operation for as long as possible and the new wells would be completed to depths of approximately 72 feet.

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional points may be licensed provided the following conditions are met and the potential for interference with other existing diversion points is not increased.

- **Developed water source is the same as licensed source and no additional water is appropriated.**

The water source authorized by Water Right No. 5763-3 is the Hoven South Management Unit of the Bowdle aquifer. The depth of the additional two wells is consistent with drawing water from the Hoven South Management Unit of the Bowdle aquifer.

No additional appropriation of water is authorized. Water Right No. 5763-3 appropriates 1.44 cfs and no additional diversion rate authority is being requested.

Review of Existing Diversions

The well completion report and water rights databases were reviewed for the nearest domestic wells and water rights/permits on file. The nearest production well not controlled by Frank

Zweber is located approximately 1.2 miles to the west and is held by Gillis Hageman under Water Rights No. 2271A-3. At a similar distance, the nearest domestic well known to the Water Rights Program is located approximately 1.4 miles to the southwest. The new wells will be at a greater distance from adjacent water rights and domestic wells than the existing wells. Given the new locations and the distances involved, increased risk of interference is not expected to occur as a result of the proposed additional diversion points.

Observation Well Data

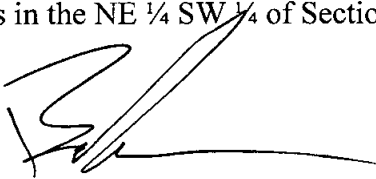
The Water Rights Program monitors a series of observation wells completed into the Big Sioux: Brookings aquifer. The closest observation well completed into this aquifer (PT-79E) is located approximately 0.4 miles to the west of the well sites. This well has been in place since 1979 and shows static water level fluctuations of 29 to 40 feet below the top of the casing. Historic water levels in PT-79E show the effects of pumping but appear to be predominately controlled by climatic conditions.

CONCLUSION:

- The additional diversion points do not propose to appropriate additional water.
- The additional diversion points will be pumping water out of the same source, the Hoven South Management Unit of the Bowdle aquifer.
- Unlawful impairment of existing water rights/permits and domestic wells is not expected to occur.

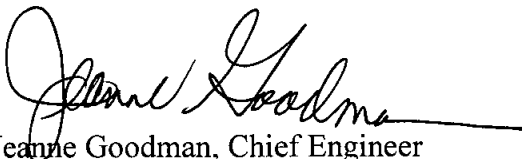
RECOMMENDED ACTION:

Based on the above criteria, it is recommended that the request for two additional diversion points in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 22, T120N-R74W be approved.



Bracken Capen
Natural Resources Engineer

The Chief Engineer makes a finding pursuant to SDCL 46-5-13.1 and ARSD 74:02:01:14:01 that: The additional diversion points do not increase the potential for adverse effects to existing diversions.



Jeanne Goodman, Chief Engineer
Water Rights Program

Water Rights Program - File Documentation

NAME: Frank Zweber

ADDRESS: 32043 Hwy 20, Hoven, SD 57450

DATE: October 2, 2014 **COUNTY:** Potter **TELEPHONE:** (605) 948-2488

RE: Additional diversion points under Water Right No. 5763-3

COMMENTS:

On October 2, 2014, Frank Zweber informed me that he intends to continue using the existing six wells authorized under Water Right No. 5763-3 in addition to the two new wells that he has requested. In addition, he informed me that the new wells will be completed to depths of approximately 72 feet which is consistent with the depth of the existing wells and the formation that they're drawing water from.

Bracken Capen
Water Rights Program

RECEIVED

SEP 23 2014

WATER RIGHTS
PROGRAM

Sept 22 - 2014

Dear Water Rights Division,

Due to the 40 year age of several irrigation wells on the W $\frac{1}{2}$ 22-120-74 Potter Co., I am requesting permission to add an additional two diversion points to my irrigation permit. I am not requesting additional gallonage but need additional wells to maintain my 650 gallon/minute pumping rate.

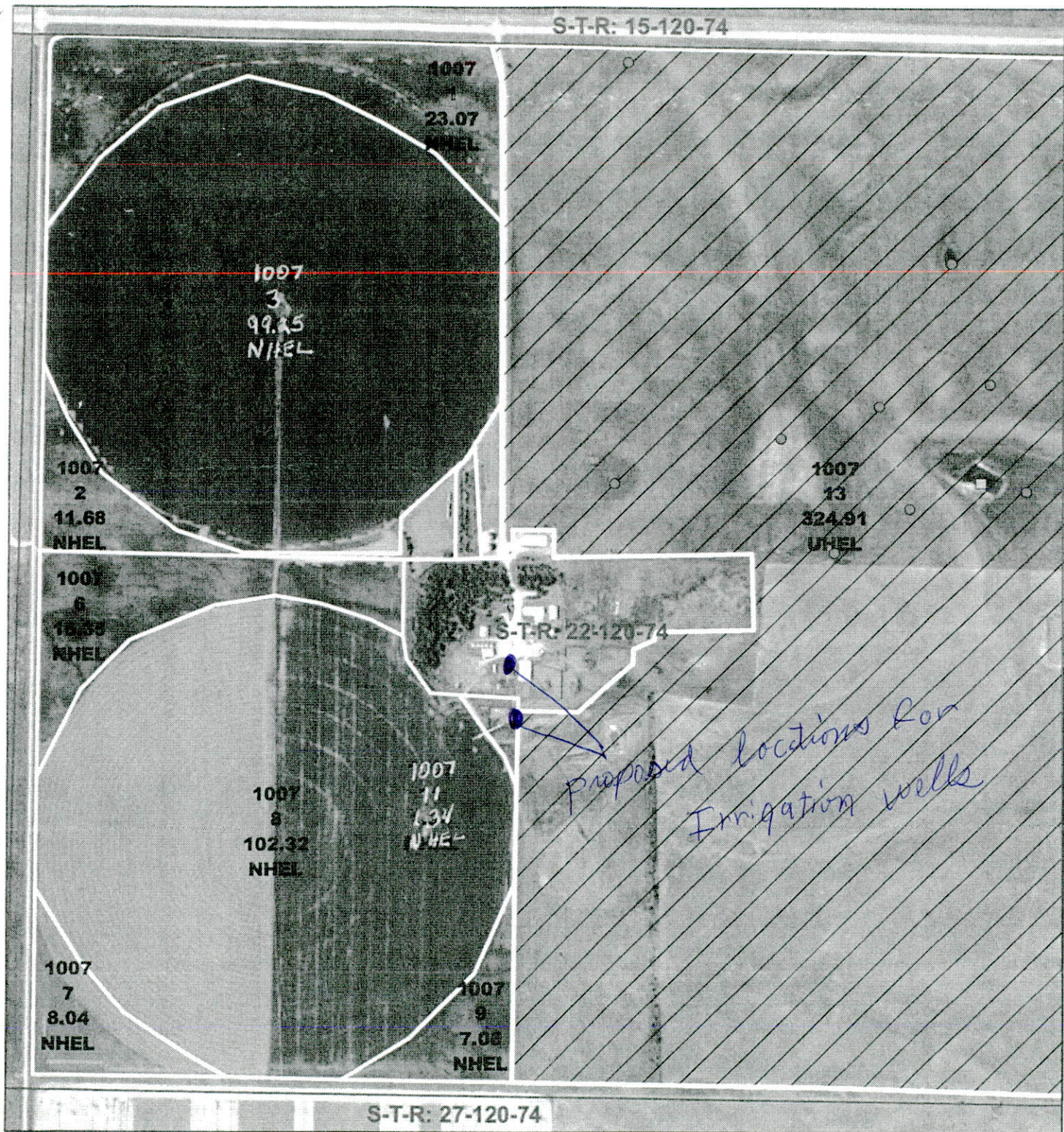
Enclosed is a map indicating proposed well locations.

Thanks for your consideration.

Frank Zweber

Frank Zweber
32043 S.D. Hy 20
Hoven S.D. 57450

605-948-2488
605-769-1670



United States Department of Agriculture
Farm Service Agency

PLSS: 22_120_74
Farm: 3098

Potter County, SD
1:8,088

January 24, 2011



- Wetland Determination Identifiers**
- Restricted Use
 - ▽ Limited Restrictions
 - Exempt from Conservation Compliance Provisions

Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original dermination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.

RECEIVED

Common Land Units
SEP 23 2014
Non Cropland

**WATER RIGHTS
PROGRAM**

2010 Photography - Not to Scale

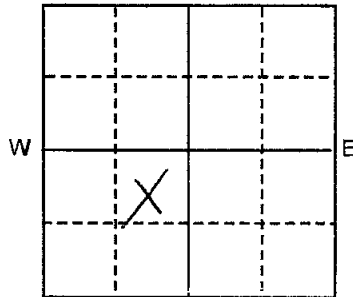
SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NE ¼ SW ¼ Sec 22 Twp 120 Rg 74

County Potter

North

Please mark well
location with an "X"

Well Completion Date

11/3/2014

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
none ft. from (identify source)

PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Reverse Circulation

CASING DATA:

☐ Steel ☒ Plastic ☒ Other

If other describe Stainless Steel

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
160 LB/FT	16 IN	0 FT	60 FT	26 IN
304 SS LB/FT	16 IN	60 FT	80 FT	26 IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
#20	20	Lb/gal	0 Ft	60 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

Tremmie Pipe

SCREEN:

☐ Perforated pipe ☒ Manufactured

Diameter 16 Inches Length 20 Feet

Material Stainless Steel

Slot Size .050 Set From 60 Feet to 80 Feet

Other information

WAS A PACKER OR SEAL USED? ☒ Yes ☐ No

If so, what material? Enviro Plug

Describe packer(s) and location

Above Screen

DISINFECTION: Was well disinfected upon completion?

☐ Yes, How? ChlorineLab to which water ☐ No, Why Not?

quality sample sent for analysis

Well Owner: Frank Zweber

Business Name:

Address: 32043 SD Hwy 20

City, State, Zip: Hoven SD 57450

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top Soil	0	1
Clay	1	2
Sand & Clay Streaks	2	67
Course Sand	67	80

STATIC WATER LEVEL 47 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?

WELL TEST DATA:

☒ Pumped Describe: Submersible
☐ Bailed
☐ Other

Pumping Level Below Land Surface

53 Ft. After 2 Hrs. pumped 30 GPM

Ft. After Hrs. pumped GPM

If pump installed, pump rate: GPM

REMARKS

RECEIVED

NOV 21 2014

WATER RIGHTS
PROGRAM

This well was drilled under license # 722 and this report is true and accurate.

Drilling firm: Stretch's Well Service Inc.

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: 11-15-14