

WATER PERMIT NO. 6893-3

Name of Applicant: Zirbel Dairy c/o Ferdy Zirbel

Address: 45202 145th St, Ortley SD 57256 Phone: 605 398-6565

Amount of Water Claimed: 2.28 Total Acres: 160

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation County: Grant

Type of Waste Disposal System:

Location: 2 miles southeast of Ortley

PRIORITY Date Received: 9-6-07

Application/License Fee: \$300

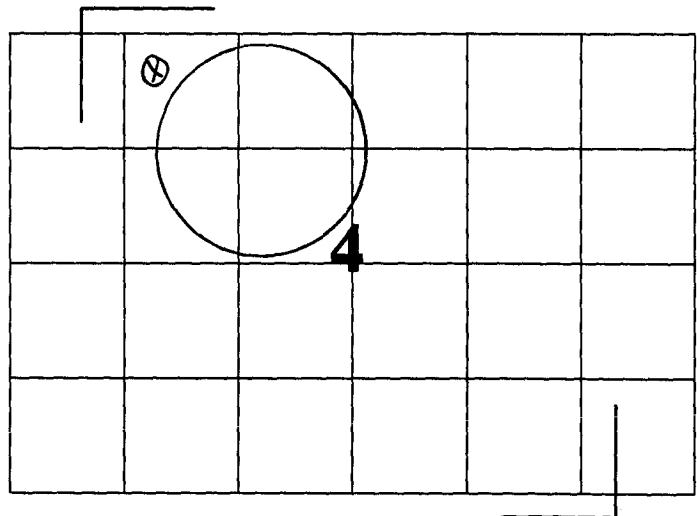
Corrected Application Received: 9-10-07

Period of Annual Use: April 1 – September 30

Remarks:

Diversion Point: NW ¼ NW ¼ Sec 4-T121N-
R52W

Land to be Irrigated: NW ¼, W ½ NE ¼ Sec 4-
T121N-R52W



Depth of Well: 62 feet deep

Well Driller:

Remarks:

Type of Map: aerial

Prepared by: Melvin Dies, Grant Co FSA

Reviewed and the Number Assigned on: 9-11-07

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

SD EForm - 0499 V2

FORM 2: Application for irrigation in South Dakota
(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6893-3</u> (Office use only) Hydrologic Unit <u>10170202</u>
	Basin <u>Sioux River</u>
	Newspaper <u>Grant County Review</u>
	<u>605-432-4516 (Wed)</u> <u>P0390 Millhake</u> <u>57252</u>

RECEIVED

SEP 06 2007

WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____
(Use predates Mar 2, 1955)

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

- Name of Applicant Ferdy Zirkel - Zirkel Dairy Phone 605-398-6565
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 45202-145 St. Or Hwy State S. Dak 57256
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 2.28 *CFS or 1000 **GPM ***AF Total Acreage 160
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Foot - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Ground
- Location of point of diversion (example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W) County Grant
1 well in NW 1/4 NW 1/4 section 4 T121N R52W
- County or counties where water will be used Grant
- Annual period during which water is to be used April - September
- List below each forty acre division, 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
<u>SW 1/4 NW 1/4</u>	<u>30</u>	<u>NW 1/4 NE 1/4 sec 4</u>	<u>10</u>
<u>SE 1/4 NW 1/4</u>	<u>40</u>	<u>SW 1/4 NE 1/4 sec 4</u>	<u>10</u>
<u>NE 1/4 NW 1/4</u>	<u>40</u>		
<u>NW 1/4 NW 1/4</u>	<u>30</u>	<u>all in T121N Sec 4 R52W</u>	

8. Give a description of the project. (Attach sheet if more space is needed) We intend to
Irrigate the NW section 4 in Grant County.
part of

STATE OF SOUTH DAKOTA) SS
County of Roberts

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

I, Ferdy Zirkel, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature Ferdy ZirkelSubscribed and sworn to before me this 5 day of September 20 07

[Signature]
Notary Public signature
My Commission expires: 9-25-10

**SOUTH DAKOTA
WATER PERMIT NO. 6893-3**

Date of first receipt of application September 6, 2007.

Date of return to applicant for corrections, amendments or changes September 6, 2007.

Date of receipt of corrected application September 10, 2007.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6893-3 to Ferdy Zirbel, Zirbel Dairy, 45202 145th St, Ortleby 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. 6893-3 appropriates 2.28 cubic feet of water per second from one well to be completed into the Big Sioux:North Aquifer (approximately 62 feet deep) located in NW ¼ NW ¼ Section 4 to irrigate 160 acres located in the NW ¼, W ½ NE ¼ Section 4; all in T121N-R52W (within former boundaries of Sisseton Wahpeton Indian Reservation).
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 September 6, 2007.
4. The date of approval of Permit No. 6893-3 is November 26, 2007.
5. One-fifth of the construction is to be completed on or before May 26, 2010.
6. All construction is to be completed on or before November 26, 2012.
7. Water is to be put to beneficial use on or before November 26, 2016.
8. 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. The well authorized by Permit No. 6893-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Garland Erbele

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

JAN 24 2008

date



Form 2A **Supplemental Information**
(Complete applicable portions only)

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 18" Depth 62'
- b) Casing Type Steel Diameter 12" Thickness Schedule 40
- c) Screen Type Stainless steel Diameter 12" Thickness V-slot
- d) Gravel Pack Flint rock Length of Gravel Pack 25'
- e) Depth to Top of Water Bearing Material 8'
- f) Depth to Water (ground surface to water level) 8'
- g) Distance to nearest existing domestic well:
On applicants property 1 mile On property owned by others _____

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System

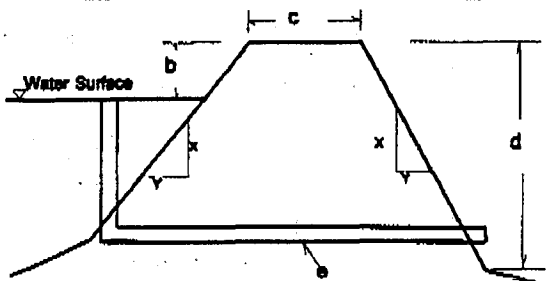
3. Dugout Information

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

4. Water Storage Dams

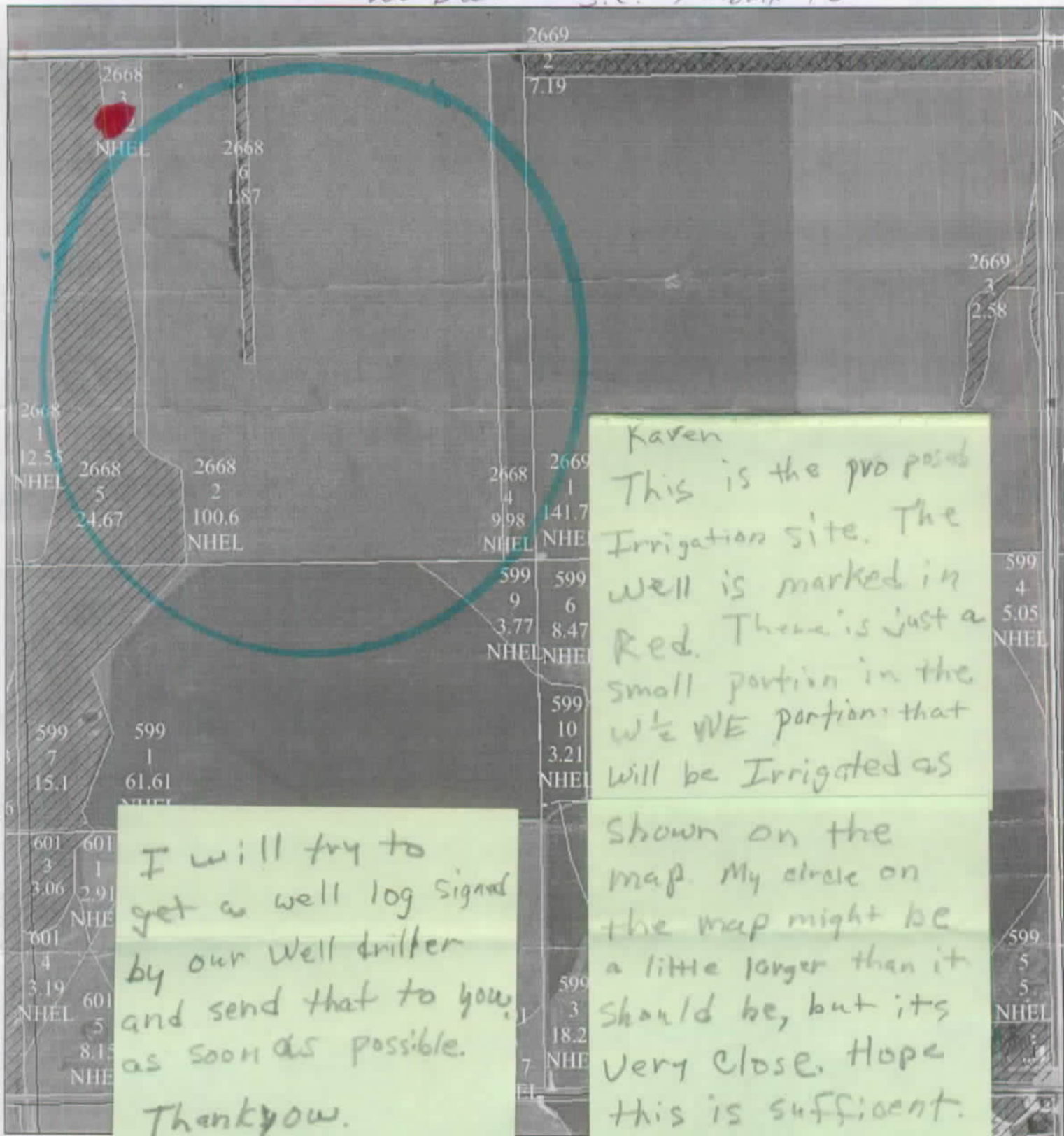
If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- 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

Melvin Dein S.C. Milbank FO



Karen
This is the proposed
Irrigation site. The
well is marked in
Red. There is just a
small portion in the
w¹/₂ WE portion that
will be Irrigated as

I will try to
get a well log signal
by our Well driller
and send that to you
as soon as possible.
Thankyou.

Shown on the
map. My circle on
the map might be
a little larger than it
should be, but its
very close. Hope
this is sufficient.

Ferdie Zirkel

USD



SEP 10 2007
WATER RIGHTS
PROGRAM

4-121N-52W
1:7,711
June 04, 2007

Section-Township-Range

Easements

CRP

Common Land Units

Rangeland

Wetland Determination Identifiers

- Restricted Use
- ▽ Limited Restrictions
- Exempt from Conservation Compliance Provisions

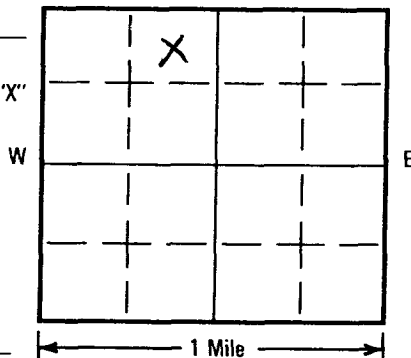
USDA FSA maps are for FSA Program administration only. There is no guarantee or representation to the user as to the accuracy, currency, suitability or reliability. FSA MAPS DO NOT REPRESENT A LEGAL SURVEY. The user accepts the data 'as is' and assumes all risks associated with its use. Wetland points reflect records available with NRCS and may or may not constitute a full inventory of the property. The USDA Farm Service Agency assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data. Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location NE 1/4 NW 1/4 Sec 4 Twp 12N Rg 52W
County Grant

Please mark well location with an "X"



Well Completion Date

10/22/07

LOCATION:

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

PROPOSED USE:

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

METHOD OF DRILLING:

Forward RotaryCASING DATA: ☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>50</u> LB/FT	<u>12</u> IN	<u>0</u> FT	<u>42</u> FT	<u>18</u> 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>Neat Cement</u>	_____	<u>15</u> lb./gal	<u>0</u> ft	<u>20</u> ft
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure pressure GroutSCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 12" Pipe Size IN Length 20' FEETMaterial Stainless SteelSlot Size 50 Set From 42 Feet to 62 FeetOther information Stainless weld rings & Stainless plate bottomWAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: Chlorine

_____ NO, Why Not? _____

Laboratory sent to for water quality analysis

NoWell Owner: Zirbel Dairy c/o Ferdy Zirbel
Business Name: _____
Address: 45202 145th St

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>topsoil</u>	<u>0</u>	<u>2</u>
<u>Sand yellow</u>	<u>2</u>	<u>12</u>
<u>Sand Grey</u>	<u>12</u>	<u>62</u>
<u>clay yellow</u>	<u>62</u>	

STATIC WATER LEVEL 6ft 2 inches Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped Describe: _____
☐ Bailed _____
☐ Other _____

Pumping Level Below Land Surface

18 ft. After 2 Hrs. pumped 700 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

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OCT 29 2007

WATER RIGHTS PROGRAM

This well was drilled under license # 63

And this report is true and accurate.

Drilling firm Lee Well Drilling Inc

Signature of License Representative:

[Signature]

Signature of Well Owner or Equitable Property Holder:

Date: _____

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 9/7, 20 07

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. <u>6893-3</u> to Appropriate Water, to construct and to put water to beneficial use	250	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>6893-3</u>	50	00
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	300 00

No.

03155

By

Gorland Erbe

Chief Engineer

22



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 6, 2007

Zirbel Dairy
c/o Ferdy Zirbel
45202 145th St
Ortley SD 57256

Dear Mr. Zirbel:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation. In order to complete the application the following is required.

- Enclosed are the two maps submitted with the application. Since the aerial photo map has the required signature, please outline the acreage to be irrigated and mark the proposed location of the well on the aerial photo map.
- Also, what portion of the 160 acres will be irrigated in the W ½ NE ¼ Section 4?
- The application/license filing fee to irrigate 160 acres is \$300.00. *received 9/7/07*
- If available, please submit a well log or test hole log signed by a licensed South Dakota well driller.

If you have any questions, please contact me.

Sincerely,

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

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 26, 2007

Michael I. Selvage, Sr., Tribal Chairman
Sisseton-Wahpeton Oyate
Lake Traverse Reservation
PO Box 509
Agency Village SD 57262-0509

Mr. Chairman Selvage:

Enclosed are copies of the reports, recommendations and public notices for Water Permit Application Nos. 6885-3 and 6893-3 filed by Victor Maag and Zirbel Dairy. The public notices are scheduled to be published soon in the Sisseton Courier and Grant County Review.

This information is being sent to the Sisseton Wahpeton Oyate as the applications are within the former boundaries of the Sisseton Wahpeton Reservation.

Sincerely,


Eric Gronlund
Water Rights Program
(605) 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6893-3, Zirbel Dairy**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 6893-3, Zirbel Dairy, c/o Ferdy Zirbel, 45202 145th Street, Ortleigh SD 57256.

The Chief Engineer is recommending APPROVAL of Application No. 6893-3 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) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 6893-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
October 25, 2007

REPORT ON WATER PERMIT APPLICATION NO. 6893-3
For Ferdy Zirbel, Zirbel Dairy
October 17, 2007

Application No. 6893-3 proposes to appropriate 2.28 cfs (1,000 gpm) from one well approximately 62 feet deep located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of section 4 to irrigate 160 acres located in the NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ of section 4; all in T121N R52W within the former boundaries of the Sisseton Wahpeton Indian Reservation.

AQUIFER – BIG SIOUX NORTH (BS-N)

The Big Sioux North is a surficial outwash (sand and gravel) that is under water table conditions in this area. The aquifer underlies approximately 150 square miles and contains an estimated 350,000 acre-feet of water in storage in Codington and Grant Counties (Hansen, 1990). However, at this location at the upper end of the aquifer in Grant County these estimates are not relevant. The aquifer does extend into Roberts County to the north and may possibly be interconnected with the Coteau Lakes aquifer to the north. Recharge to the aquifer has been estimated to be about 5.53 inches per year (Putnam, 1996). A more recent publication described the Big Sioux aquifer in Roberts, Grant and parts of Codington County to underlie 61.7 square miles and contain an estimated 88,450 acre feet of water in storage (Thompson, 2001). This particular study focuses on that portion of the aquifer that lies within the former boundaries of the Sisseton Wahpeton Indian Reservation. The Thompson report also maps the Coteau Lakes aquifer very near to the Big Sioux aquifer. The aquifer is hydraulically connected to the Big Sioux River in this portion of Grant and Roberts Counties.

No test well was drilled for this application. Information available does not indicate the aquifer will be 62 feet thick in this area. It remains to be seen upon adequate testing to determine if the applicant can obtain sufficient water from a well for this irrigation system.

The Water Rights Program monitors two observation wells completed into shallow aquifers and located within two miles of this site. RB-77S is located about one mile north and has about 12 feet of saturated material at the site. GT-77B is located about two miles southwest and has about 10 feet of saturated material. Hydrographs for each of these wells is included with this report. In general, the water level record indicates water levels respond well to climatic conditions that is rising during wet years (recharge) and gradually declining during dry years. The water level record indicates the aquifer is capable of sustaining additional withdrawals (Water Rights, 2007).

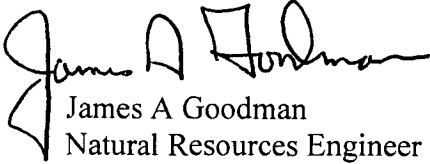
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are two existing water rights within one mile of this application. The well for Water Right No. 6004-3 (136 acres, 2.22 cfs) is located about 4,200 feet northeast of the well for this application and the closest well for Water Right No. 5746-3 (1.33 cfs) is located about 2,600 feet south of this proposed well. Interference is not expected to be a

concern. Drawdown created by pumping in an aquifer like the Big Sioux does not extend very far from the production well. At this distance between wells the drawdown will not be significant.

CONCLUSIONS

1. Water is available from the Big Sioux North aquifer.
2. Interference is not a concern.
3. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.
4. Test wells need to be constructed to evaluate this site and to determine the best place to put a production well.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

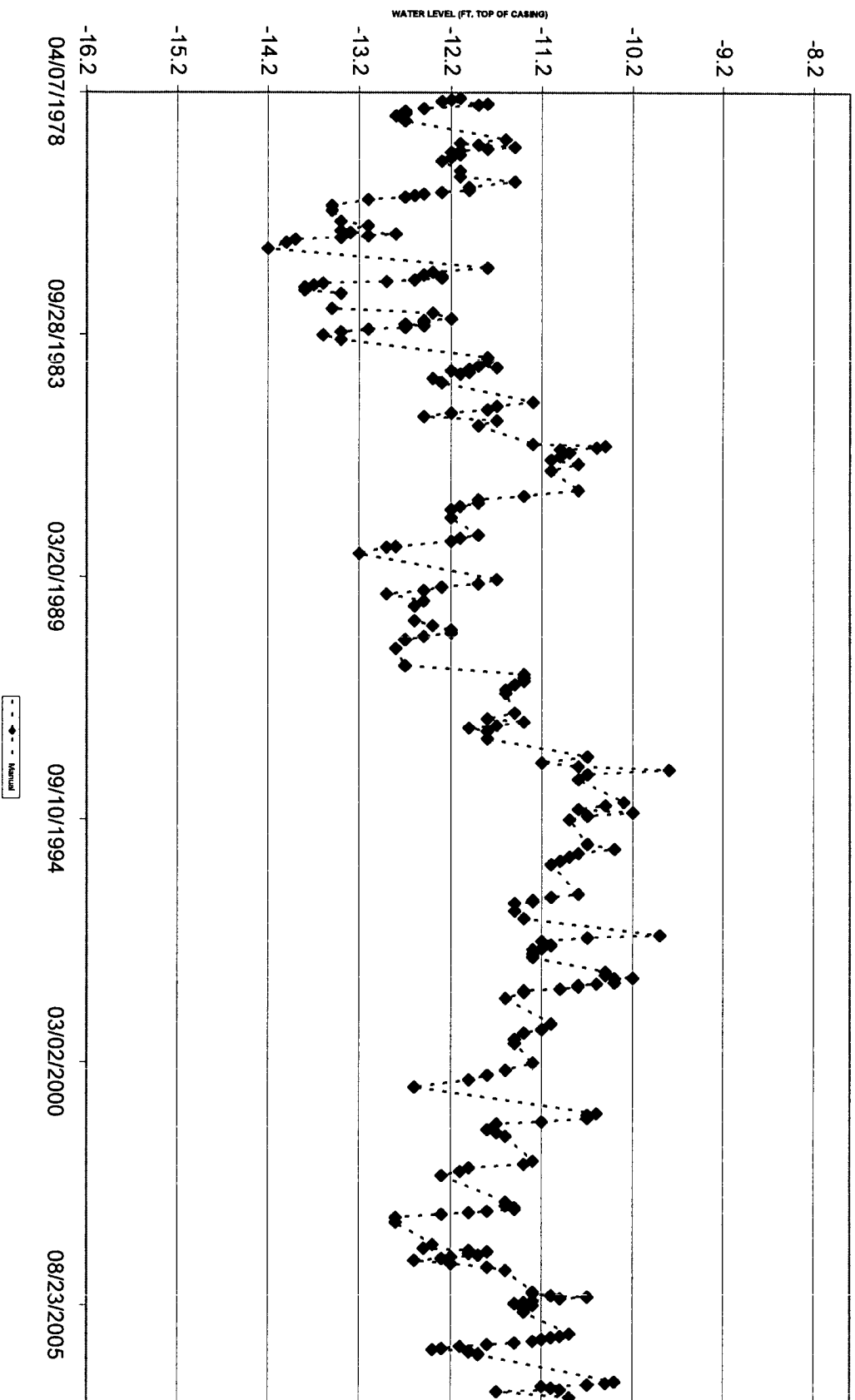
Hansen, D.S, 1990, Water Resources of Codington and Grant Counties, South Dakota, Water-Resources Investigations Report 89-4147, USGS, Huron, SD, 57350.

Putnam, L.D., R.C. Thompson, 1996, Appraisal of the Water Resources of the Big Sioux Aquifer, Codington and Grant Counties, South Dakota, Water-Resources Investigation Report 96-4275, USGS, Rapid City, SD, 57702.

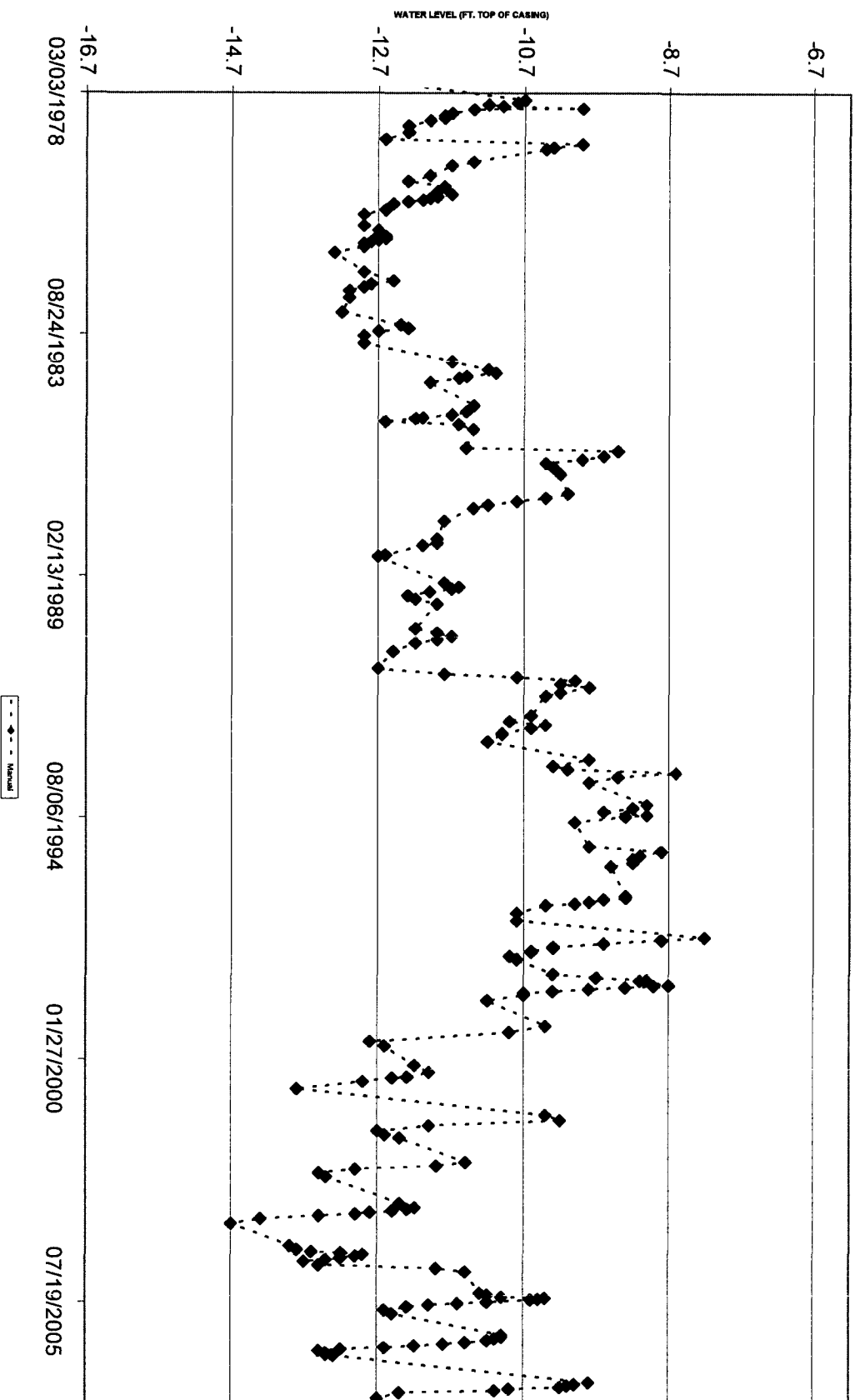
Thompson, R.F., 2001, Water Resources of the Lake Traverse Reservation, South and North Dakota, and Roberts County, South Dakota, Water-Resources Investigations Report 01-4219, USGS, Rapid City, SD, 57702.

Water Rights, 2007, Unpublished Observation Well Data for Grant and Roberts Counties, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

**WATER RIGHTS' OBSERVATION WELL
RB-77S**



WATER RIGHTS' OBSERVATION WELL GT-77B



Printer's Affidavit of Publication

RECEIVED

NOV 16 2007

WATER RIGHTS
PROGRAM

STATE OF SOUTH DAKOTA
COUNTY OF GRANT

Holli Seehafer

of said County and State, being first duly sworn, on oath says that the Grant County Review is a legal weekly newspaper of general circulation, printed and published in Milbank, in said County of Grant and State of South Dakota, by Phyllis Justice, and has been such newspaper during the times hereinafter mentioned; that said newspaper is a legal newspaper; and that it has a bona fide circulation of more than two hundred copies weekly, and has been published within said County of Grant in the English language and has been admitted to the United States mail under second class mailing privilege, for at least one year next prior to the publication of the Notice herein mentioned, and has been printed wholly in an office maintained at the said place of publication, that I, the undersigned, Advertising Manager of said newspaper, in charge of the advertising department thereof, have personal knowledge of all the facts stated in this affidavit; that the advertisement headed Notice of Application No. 6893-3 to Appropriate Water

a printed copy of which, taken from the paper in which the same was published, is attached to this sheet and is made a part of this Affidavit, was published in said newspaper at least once each week for two successive weeks, on the day of each week on which the said newspaper was regularly published, to-wit:

<u>November 7</u> 20 <u>07</u>	_____	20
<u>November 14</u> 20 <u>07</u>	_____	20
20	_____	20

That \$ 43.62 being the full amount of the fee charged for the publication of said Notice, inures to the benefit of the publisher of the Grant County Review; that no agreement or understanding for the division thereof has been made with any person, and that no part has been agreed to be paid to any person whomsoever.

Holli Seehafer

Subscribed and sworn before me this 14th day of Nov 2007

Debra L. Hemmer

Notary Public, Grant County, South Dakota

DEBRA HEMMER
Notary Public, GRANT COUNTY, S. DAK.
My Commission Expires OCT 27, 2009

NOTICE OF APPLICATION NO. 6893-3 to Appropriate Water

Notice is given that Zirbel Dairy, c/o Ferdy Zirbel, 45202 145th St, Ortle SD 57256 ha filed an application for a water permit to appropriate 2.28 cubic feet of water per second from one well to be completed into the Big Sioux: North Aquifer (approximately 62 feet deep) located in NW1/4 NW1/4 Section 4 to irrigate 160 acres located in the NW 1/4, W 1/2 NE 1/4 Section 4; all in T121N-R52W (within former boundaries of Sisseton Wahpeton Indian Reservation).

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6893-3 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. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre, SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by November 26, 2007.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Nov. 7

Nov. 14

Publication Fee \$ 43.62
Notarial Fee \$ _____
Total \$ 43.62



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 26, 2007

Grant County Review
PO Box 390
Milbank SD 57252

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6893-3 to Appropriate Water to be published twice. Please publish the first notice on November 7, 2007 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Zirbel Dairy, Ferdy Zirbel, 45202 145th St, Ortleby SD 57256 (Ph # 605-398-6565).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 6893-3

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

Date _____

We are in receipt of your letter of October 26, 2007 enclosing Notice to Appropriate Water by Application No. 6893-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

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

October 26, 2007

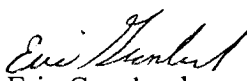
Zirbel Dairy
Ferdy Zirbel
45202 145th St
Ortley SD 57256

Dear Mr. Zirbel:

Water Permit Application No. 6893-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Grant County Review printed at Milbank SD (Ph # 605-432-4516). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application is 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 and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the applications.

Sincerely,


Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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

Instruction to Newspaper - Publish first Notice on November 7, 2007 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6893-3 to Appropriate Water

Notice is given that Zirbel Dairy, c/o Ferdy Zirbel, 45202 145th St, Ortley SD 57256 has filed an application for a water permit to appropriate 2.28 cubic feet of water per second from one well to be completed into the Big Sioux:North Aquifer (approximately 62 feet deep) located in NW ¼ NW ¼ Section 4 to irrigate 160 acres located in the NW ¼, W ½ NE ¼ Section 4; all in T121N-R52W (within former boundaries of Sisseton Wahpeton Indian Reservation).

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6893-3 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. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by November 26, 2007.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

JAN 24 2009

Ferdy Zirbel
Zirbel Dairy
45202 145th St
Ortley SD 57256

Dear Mr. Zirbel:

Enclosed is Water Permit No. 6893-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet ? *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

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RECEIVED

AUG 20 2008

**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**

**WATER RIGHTS
PROGRAM**

Date 8-19-08

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

FROM:

Ferdy Zirbel (Zirbel Dairy) :

(name)

45202 - 145 St.

(address)

Ortley S. Dak 57256

(city, state, zip)

605-398-6565

(phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 6893-3 states that the water use system is to be constructed by

4-30-08

(date)

, and water is to be put to beneficial use by 4-30-08

(date)

The water use system was completed on 4-30-08

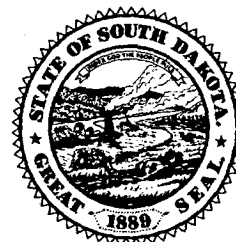
(date)

Applying the water to beneficial use was completed on 4-30-08

(date)

You may schedule an investigation so that the water license may be issued.

Ferdy Zirbel
(signature)





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 8, 2008

6893-3

Ferdy Zirbel
Zirbel Dairy
45202 145th St
Ortley SD 57256

Dear Mr. Zirbel:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with your irrigation system.

The system is now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

Sincerely,

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

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

6893-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

MAR 19 2019

6893-3

7404-3

7405-3

Ferdy Zirbel
Zirbel Dairy
45202 145th St
Ortley SD 57256

Dear Mr. Zirbel:

Enclosed are Water License Nos. 7404-3 and 7405-3. 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. Enclosed are excerpts of Board Rules outlining the requirements for chemigation equipment.

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,

A handwritten signature in cursive script that reads 'Jeanne Goodman'.

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

enclosures

Note: Upon licensing, the applicable portions of Water Permit No. 6893-3 were incorporated into Water License No. 7404-3.