

WATER PERMIT NO. 7060-3

Name of Applicant: **Zirbel Dairy, Ferdy Zirbel**

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

Amount of Water Claimed: **1.55 cfs** Total Acres: **50 add'l acres**

Source of Water Supply: **groundwater (one well)**

Water to be used for: **irrigation** County: **Grant**

Type of Waste Disposal System:

Location: **3 miles southeast of Ortley**

PRIORITY Date Received: **8-27-08**

Application/License Fee: **\$200**

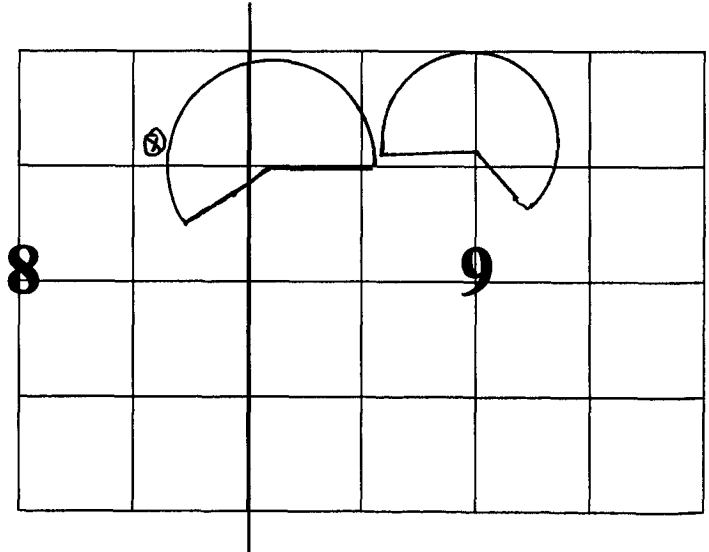
Corrected Application Received: **9-2-08**

Period of Annual Use: **April 1 – October 30**

Remarks: **Change of acreage authorized by Water Right No. 5746-3 and irrigation of 50 add'l acres and increases the diversion rate.**

Diversion Point: **NE ¼ NE ¼ Sec 8-T121N-R52W**

Land to be Irrigated: **N ½ NW 1/4, W ½ NE ¼ Sec 9 and E ¼ NE ¼ Sec 8; all in T121N-R52W**



Depth of Well: **66 feet deep**

Well Driller: :

Remarks:

Type of Map: **aerial**

Prepared by: **Eric Gronlund**

Reviewed and the Number Assigned on: **9-3-08**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

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>7060-3</u> (office use only)	Hydrologic Unit <u>10170261</u>
	Basin <u>Stony River</u>	
	Newspaper <u>Grant County review milbank</u>	
	<u>605-432-4516 (Wed) Po Box 390 S. Dak</u>	

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AUG 25 2008
WATER RIGHTS PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: New Vested Right ☒ Amendment/Correction to Permit No. 5746-3
 (Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) We need to drill a new well in Section 8 to replaces the wells in Section 9, we also need to add acres to include 80 N 1/2 NW 1/4 Sec 9 - 80 acres N 1/2 NE 1/4 Section 9 N 1/2 NE 1/4 section 8

- Name of Applicant Ferdy Zinbel - Zinbel Dairy Phone 605-398-6565
 (check one) ☒ Owner ☐ Tenant/lessee
 Mailing Address 45202-145 St Ortley State SD 57256
 (Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 1.55 *CFS or 1000 **GPM 1000 ***AF Total Acreage 240 acres
 (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply ground water
- Location of point of diversion (example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W) The wells in Section 9 are going bad. The new well will be dug in the N 1/2 NE 1/4 of section 8 T12N R52W (NE 1/4 NE 1/4) County Grant
- County or counties where water will be used grant
- Annual period during which water is to be used April 1 - Oct 30
- 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
N 1/2 NW 1/4 Section 9	80	NW 1/4 NW 1/4 Sec 9 37 acres	37
N 1/2 NE 1/4 Section 9	80	NE 1/4 NW 1/4 Sec 9 29 acres	29
N 1/2 NE 1/4 Section 8	80	SW 1/4 NE 1/4 Sec 9 4 acres	4
		<u>NE 1/4 NE 1/4 Sec 8 30</u>	<u>30</u>
		<u>SE 1/4 NE 1/4 Sec 8 14</u>	<u>14</u>
		<u>NW 1/4 NE 1/4 Sec 9 26 acres</u>	<u>26</u>
		<u>SW 1/4 NE 1/4 Sec 9 4 acres</u>	<u>4</u>
		Total	140 acres

- Give a description of the project. (Attach sheet if more space is needed) We plan to put a larger Irrigation system in Section 9 the new system will to a towable system which over lap into Section 8 A new well will be dug in section 8 and water will be piped into section 9, the wells in section 9 will not be used anymore.

STATE OF SOUTH DAKOTA) SS
 County of Grant

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 Zinbel, 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 Zinbel
 Subscribed and sworn to before me this 22nd day of August 20 08

[Signature]
 Notary Public signature
 commission expires 1-9-2013

SOUTH DAKOTA
WATER PERMIT NO. 7060-3

Date of first receipt of application August 25, 2008.

Date of return to applicant for corrections, amendments or changes August 28, 2008.

Date of receipt of corrected application September 2, 2008.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7060-3 to Ferdy Zirbel, Zirbel Dairy, 45202 145th St, Ortleigh 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. 7060-3 appropriates 1.55 cubic feet of water per second (cfs), irrigates 50 additional acres and authorizes drilling a new well to replace two wells that are being abandoned. Water Right No. 5746-3 appropriates 2.33 cfs from three wells located in the NW ¼ SW ¼ Section 4 and the NW ¼ NE ¼ Section 9 to irrigate 337 acres located in the S ½ Section 4 and N ½ NW ¼, W ½ NE ¼ Section 9; all in T121N-R52W. The well and irrigation systems in the S ½ of Section 4 will remain unchanged. The permit holder intends to abandon the two wells located in the NW ¼ NE ¼ Section 9 and construct a replacement well to be located in the NE ¼ NE ¼ Section 8-T121N-R52W. The permit holder proposes to appropriate an additional 1.55 cfs from this new well to be completed into the Big Sioux:North Aquifer (approximately 66 feet deep). The existing well in the SW ¼ Section 4 produces 2.0 cfs. The remaining 0.33 cfs diversion authority under Water Right No. 5746-3 is transferred to the new well in NE ¼ NE ¼ Section 8. The authorized diversion rate from the well in Section 8 will total 1.88 cfs. Finally, the reconfiguration of the system will irrigate an additional 50 acres located in the E ½ NE ¼ Section 8 and N ½ Section 9-T121N-R52W to the 90 acres currently authorized under Water Right No. 5746-3. This system is located in Grant County within the former boundaries of the 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 – October 30.
3. The date from which applicant may claim right is August 25, 2008.
4. The date of approval of Permit No. 7060-3 is November 17, 2008.
5. One-fifth of the construction is to be completed on or before May 17, 2011.
6. All construction is to be completed on or before November 17, 2013.
7. Water is to be put to beneficial use on or before November 17, 2017.
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.

(continued)

2. The well authorized by Permit No. 7060-3 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

DEC 23 2000



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 18 Depth 66 ft.
- b) Casing Type 12" steel Diameter 12" Thickness 3/8" = 50 p.p.f.
- c) Screen Type stainless steel Diameter 12" Thickness Johnson stainless steel
- d) Gravel Pack 20 ft screen Length of Gravel Pack 30 ft.
- e) Depth to Top of Water Bearing Material 8 ft.
- f) Depth to Water (ground surface to water level) 8 ft.
- g) Distance to nearest existing domestic well:
- On applicants property 1 miles On property owned by others 2 miles

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 _____

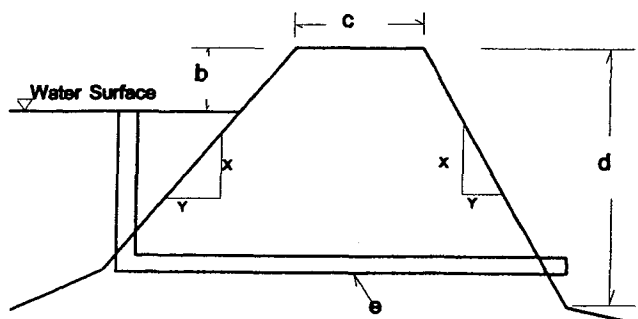
3. Dugout Information

- 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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 8/27, 20 08

RECEIVED OF Zirbel Dairy 45202 145th St Ortley SD 57256

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	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. _____	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.

03750

BY

Haluk Erbulak
Chief Engineer

12/16/2008

PAYMENT REQUEST FORM

PAYEE: Ferdy Zirbel
Zirbel Dairy
45202 145th St
Ortley SD 57256

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

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Refund on Water Permit # 7060-3

AMOUNT: \$100.00

FUNDING SOURCE:

GENERAL: X

FEDERAL:

COMMENTS:

AUTHORIZATION:

Barbara C. C. C. DEC 28 2008

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.

Ferdy Zirbel



0 0.2 0.4 0.8 Miles

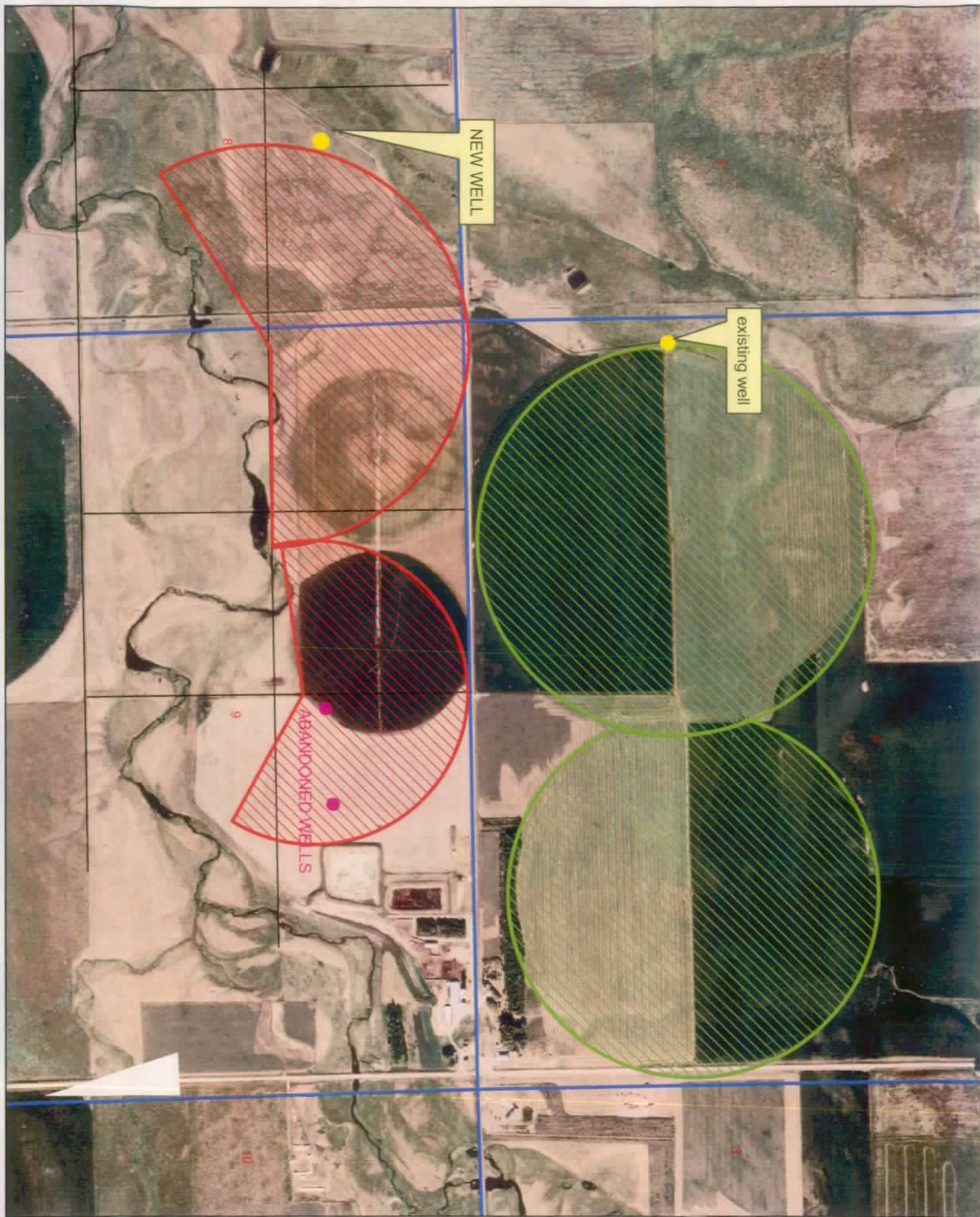
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Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
August 19, 2008







DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 28, 2008

Ferdy Zirbel
Zirbel Dairy
45202 145th Street
Ortley SD 57256

Dear Mr. Zirbel:

The Water Rights Program has received your water permit application to add acres and change one of the diversion point location for the dairy's irrigation system in Grant County. In reviewing the application there are a few issues that need clarification.

Water Right No. 5746-3 appropriates 1,045 gallons per minute from three wells completed into the Big Sioux:North Aquifer to irrigate 337 acres located in the S $\frac{1}{2}$ Section 4 and the N $\frac{1}{2}$ NW $\frac{1}{4}$ & W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 9, T121N, R52W.

I have enclosed a map showing the existing well locations and the proposed changes to the system. It is my assumption that the [REDACTED]. If this is not correct, please let me know.

The [REDACTED]. Currently, Water Right No. 5746-3 authorizes 90 acres in the N $\frac{1}{2}$ Section 9. With the reconfiguring of the system, I determined that a total of 140 acres will now be irrigated. A comparison of acres is shown in the following table.

legal description	Existing water right	Proposed change	
NW NW Sect. 9	24	37	
NE NW Sect. 9	30	29	
NW NE Sect. 9	30	26	
SW NE Sect. 9	6	4	
NE NE Sect. 8		30	
SE NE Sect. 8		14	
TOTAL	90	140	

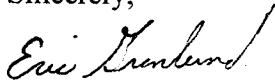
Based on this breakdown of acres, it appears the application is for a change of acres and an additional 50 acres of irrigation. Do you agree?

A new well is to be drilled to replace the two wells located in the NW ¼ NE ¼ Section 9. The application you filed requests an appropriation of 1,000 gallons per minute from the new well. Water Right No. 5746-3 appropriates a total of 1,045 gpm. Is it your intent to divert an additional 1,000 gpm to the amount currently authorized by the existing water right?

In addition, has the new well been drilled yet? If not, the attached Form 2A will need to be completed for the proposed well construction. I note that Zirbel Dairy had Lee Well Drilling complete an irrigation well in October 2007. The location on the report states the well is in the NE ¼ NW ¼ Section 4 which is north of your irrigation systems. The attached well completion report is for this well. What system is this well supplying and is the legal location on the report accurate?

It should be our goal to get water rights in place that accurately reflect the irrigation system that will be in place. I have attached a list of questions for you to respond to in order to clarify the application. Please complete and return in the self addressed stamped envelope. If you have any questions, feel free to contact me.

Sincerely,



Eric Gronlund
Water Rights Program, DENR
605 773-3352
eric.gronlund@state.sd.us

enclosures

Questions on Zirbel Dairy water permit application

Return to Karen Schlaak or Eric Gronlund

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PROGRAM

1. Will there be any changes to the area cross hatched green on the map?

No That will remain the same

2. Does the area cross hatched red accurately reflect the reconfiguration of the irrigation system?

yes, that will be very close to the acreage.

3. Do you agree that an additional 50 acres will be irrigated?

yes.

4. Is this application a request for an additional 1,000 gpm diversion rate to the 1,045 gpm authorized by WR No. 5746-3? If no, please explain.

we need an additional 700 gallons of water
gpm.

5. Has the new well to be located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8 been drilled yet? no

If not, please complete the proposed well construction section of the attached Form 2A.

6. Is the legal location on the well completion report filed by Lee Well Drilling correct?

NW $\frac{1}{4}$ section 4

What irrigation system is this well intended to supply water?

A new system was put up in section 4
Last year.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7060-3, Ferdy Zirbel**

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. 7060-3, Zirbel Dairy, Ferdy Zirbel, 45202 145th Street, Ortleigh SD 57256.

The Chief Engineer is recommending APPROVAL of Application No. 7060-3 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. 7060-3 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 22, 2008

REPORT ON WATER PERMIT NO. 7060-3
For Zirbel Dairy, Ferdy Zirbel
October 8, 2008

Application No. 7060-3 proposes to appropriate 1.55 cfs (700 gpm) from one well approximately 66 feet deep located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of section 8, to irrigate 50 additional acres located in the E $\frac{1}{2}$ NE $\frac{1}{4}$ of section 8, T121N R52W. Water Right No. 5746-3 appropriates 2.33 cfs from three wells to irrigate 337 acres located in the S $\frac{1}{2}$ of section 4 and the N $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ of section 9 in T121N R52W. The applicant intends to abandon two of the wells located in section 9 and replace with this new well located in section 8. The applicant intends to use approximately 2.0 cfs (900 gpm) from the existing well in the SW $\frac{1}{4}$ of section 4 to irrigate the S $\frac{1}{2}$ of section 4 (247 acres) and the remaining 0.33 cfs (150 gpm) from Water Right No. 5746-3 will be used from the new well (850 gpm total) to irrigate 140 acres in the N $\frac{1}{2}$ of sections 8 and 9, T121N 52W all in Grant County and within the former Sisseton Wahpeton Indian Reservation boundary.

AQUIFER – BIG SIOUX NORTH (BS-N)

The Big Sioux North is a predominantly surficial outwash (sand and gravel) under water table conditions in this area. The entire Big Sioux aquifer underlies approximately 150 square miles and contains an estimated 350,000 acre-feet of water in storage in Grant and Codington Counties (Hansen, 1990). The aquifer does extend into Roberts County to the north and may possibly be interconnected to the Coteau Lakes aquifer in southwestern Roberts County. Recharge to the aquifer has been estimated to be about 5.53 inches per year (Putnam, 1996). Ground water movement is from northeast to southwest in the area of this application (Thompson, 2001). Thompson also estimated the aquifer to underlie 61.7 square miles and contain an estimated 88,450 acre-feet of water in storage in the study area which is within the former boundaries of the Sisseton Wahpeton Indian Reservation in Roberts, Grant and Codington Counties. The Big Sioux aquifer is also hydraulically connected to the Big Sioux River over portions of Grant and Codington Counties.

No test well information was submitted with this application. The applicant does have an existing well located about one-half mile to the northeast of this application. The applicant should be aware that thickness of the aquifer can change radically over a short distance and test drilling is needed to determine the best location for potential well development.

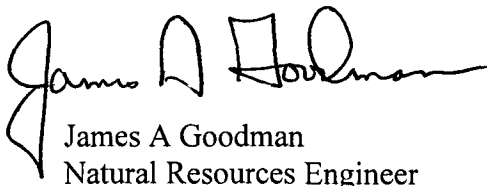
The Water Rights Program monitors two observation wells completed into the Big Sioux aquifer and located within three miles of this site. These are observation well RB-77S located about two and one-half miles to the north and observation well GT-77B located about one half mile to the south of this application. Water levels for these wells show good response to climatic conditions. Water levels rise during wet years (recharge) and gradually decline during dry years. In general, the water level record indicates the aquifer is capable of sustaining additional withdrawals (Water Rights, 2008). Hydrographs for these two observation wells are included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing irrigation wells are each located about one-half mile from this proposed well. These are for Water Right No. 6098-3 (2.0 cfs, 110 acres), Water Right No. 5968-3 (2.11 cfs, 132 acres) and Water Right No. 5746-3 (2.33 cfs, 337 acres). The first two Water Rights are located south of the Big Sioux River and the other located on the north side of the river. Interference is not a concern. The observation wells in the area do not indicate that pumping creates any significant drawdown.

CONCLUSIONS

1. Water is available from the Big Sioux North aquifer.
2. Interference is not a concern. The aquifer is under water table conditions in this area and drawdown is not significant. This is shown by the observation well record.
3. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.
4. The two wells which are to be abandoned must be plugged in accordance with SD Well Construction Standards.
5. In order to preserve the licensed amount of water under Water Right No. 5746-3 (the two abandoned wells) that amount of water remaining will be incorporated into this application. For instance, water right No. 5746-3 has a total diversion rate of 2.33 cfs. Of this amount it appears that 2.0 cfs will be used in the S ½ of section 4 leaving 0.33 cfs remaining for use with this application. Thus the 1.55 cfs request plus 0.33cfs means there is 1.89 cfs total diversion rate available for this site. In all likelihood this amount will not be used but when licensed the priority for the 0.33 cfs should be maintained. During licensing of this application Water Right No. 5746-3 should be relicensed to reflect these changes.
6. Some of these conclusions are based upon my conversations with Mr. Zirbel on October 8, 2008. At that time Mr. Zirbel informed me that the well that supplies the S ½ of section 4 would use 800 to 900 gpm and the new well would need 800 gpm. He was sure the water was at the new site but had not drilled a test well to verify this.
7. Mr. Zirbel informed me that the section line between section 8 and 9 were vacated by the Grant County allowing Mr. Zirbel to put in a center pivot that will cross over the section line. Apparently the county did not want to maintain the bridge over the Big Sioux located between sections 8 and 9.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

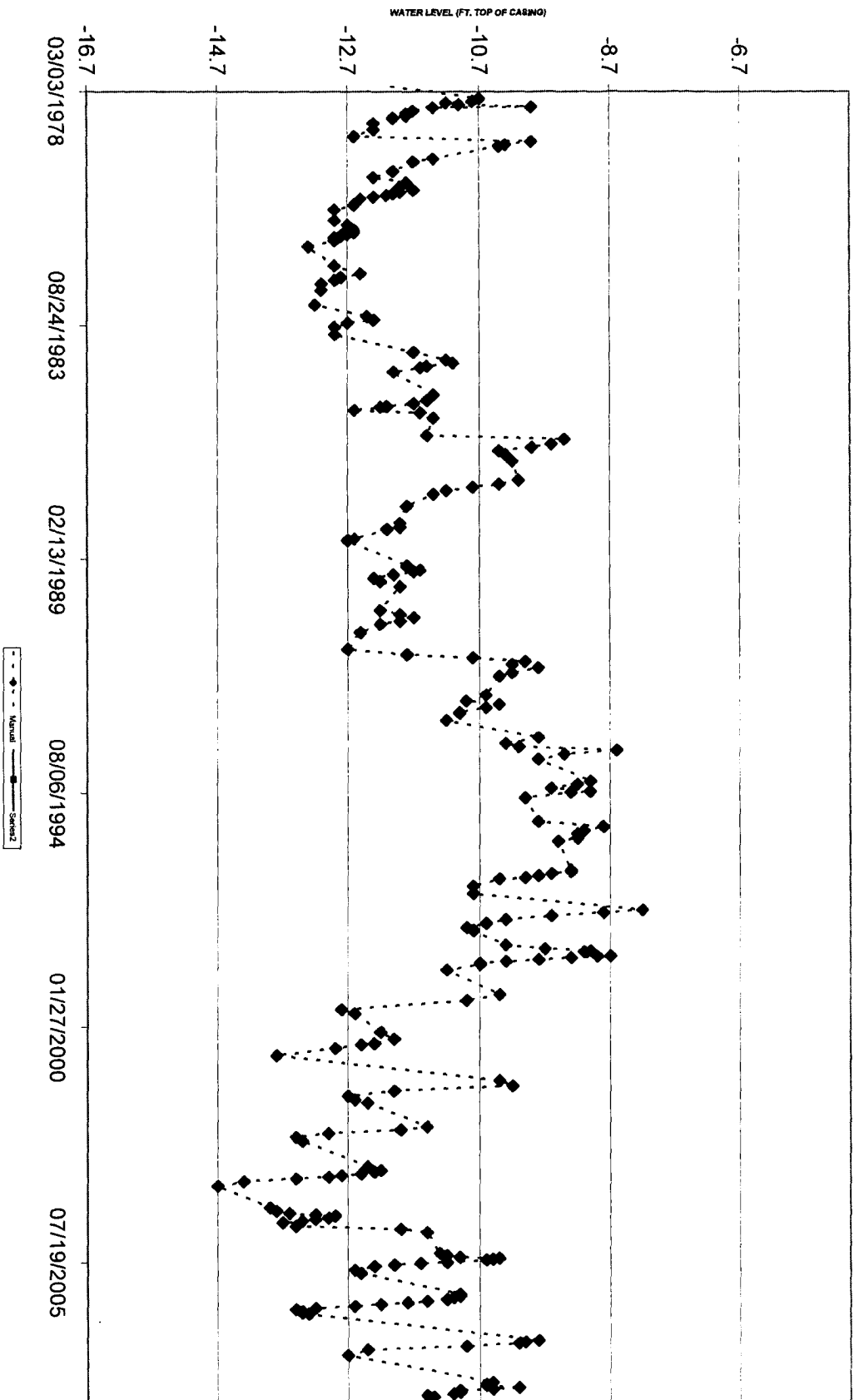
Hansen, D.S., 1990, Water Resources of Codington and Grant Counties, South Dakota, Water-Resources Investigation Report 89-4147, USGS, Huron, SD, 57501.

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 Investigations Report 96-4275, USGS, Rapid City, SD, 57702.

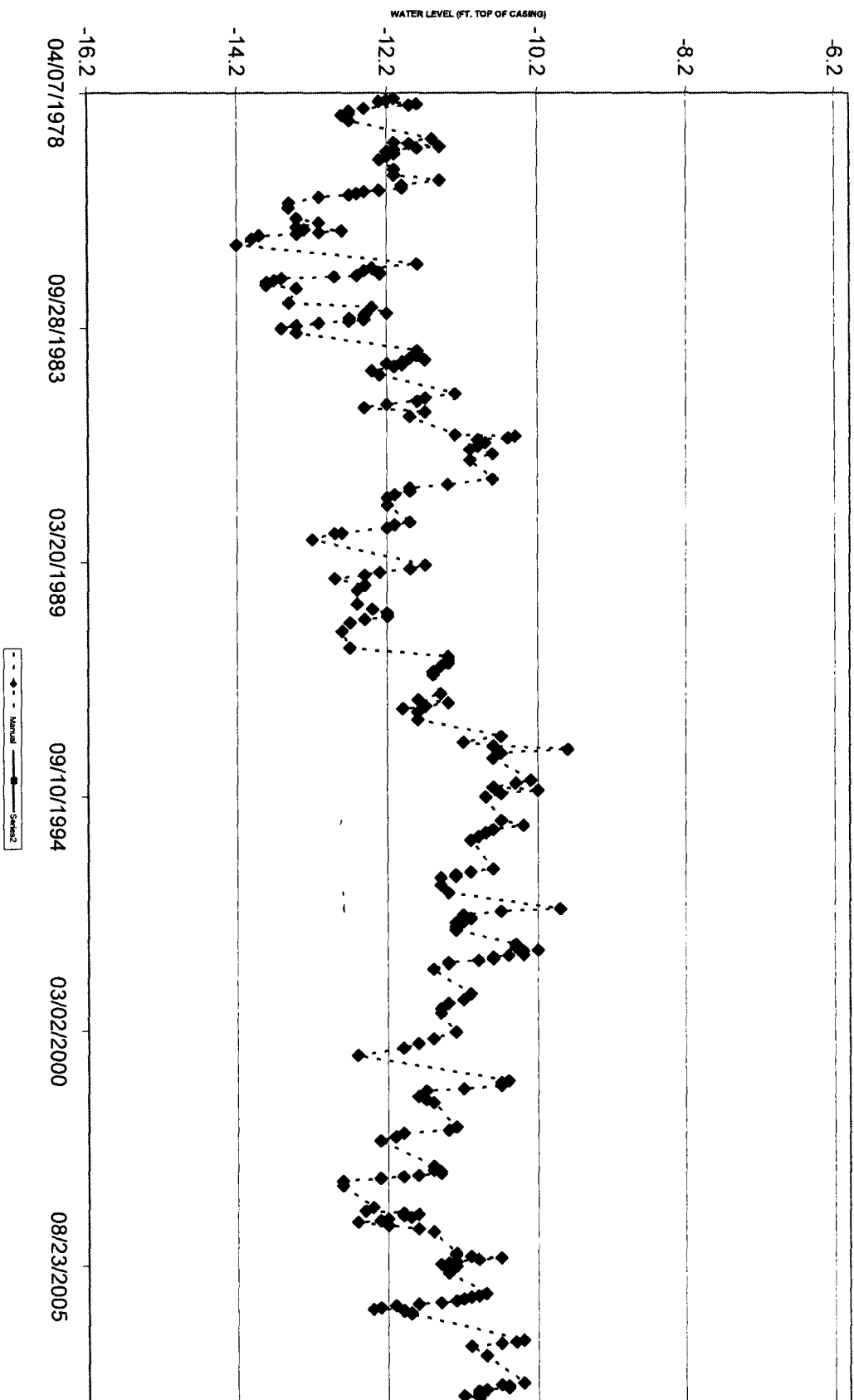
Thompson, R.F., 2001, Water Resources of the Lake Traverse Reservation, South and North Dakota, and Roberts County, South Dakota, Water-Resources Investigations Report 01-4219, USGS, Rapid City, SD, 57702.

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
GT-77B**



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



**NOTICE OF APPLICATION
NO. 7060-3**

to Appropriate Water

Notice is given that Ferdy Zirbel, Zirbel Dairy, 45202 145th St, Ortley, SD 57256 has filed an application for a water permit to appropriate 1.55 cubic feet of water per second (cfs), irrigate 50 additional acres and drill a new well to replace two wells that are being abandoned. Water Right No. 5746-3 appropriates 2.33 cfs from three wells located in the NW1/4SW1/4 Section 9

and the NW1/4NE 1/4 Section 9 to irrigate 337 acres located in the S 1/2 Section 4 and N1/2NW 1/4, W1/2 NE1/4 Section 9; all in T121N-R52W. The well and irrigation systems in the S1/2 of Section 4 will remain unchanged. The applicant intends to abandon the two wells located in the NW1/4NE1/4 Section 9 and construct a replacement well to be located in the NE1/4NE1/4 Section 8, T121N, R52W. The applicant proposes to appropriate an additional 1.55 cfs from this new well to be completed into the Big Sioux: North Aquifer (approximately 66 feet deep). The existing well in the SW1/4 Section 4 produces 2.0 cfs. The remaining 0.33 cfs diversion authority under Water Right No. 5746-3 is transferred to the new well in NE1/4NE1/4 Section 8. The authorized diversion rate from the well in Section 8 will total 1.88 cfs. Finally, the reconfiguration of the system will irrigate an additional 50 acres located in the E1/2NE1/4 Section 8 and N1/2 Section 9 T121N-R52W to the 90 acres currently authorized under Water Right No. 5746-3. This system is located in Grant County within the former boundaries of the Sisseton Wahpeton Indian Reservation.

Pursuant to SDCL 46-2A-2, the

Chief Engineer recommends **APPROVAL** of Application No. 7060-3 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 person interested in opposing or supporting this application or recommendation 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 17, 2008.

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. 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.
Oct. 29 Nov. 5

**Printer's Affidavit of Publication
RECEIVED**

STATE OF SOUTH DAKOTA
COUNTY OF GRANT

} ss.

NOV - 7 2008

WATER RIGHTS
PROGRAM

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. 7060-3 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>October 29 20 08</u>	<u>20</u>
<u>November 5 20 08</u>	<u>20</u>
<u>20</u>	<u>20</u>

That \$ 62.95, 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 5th day of Nov 20 08

Debra L. Hemmick

Notary Public, Grant County, South Dakota

DEBRA L. HEMMICK
NOTARY PUBLIC, GRANT COUNTY, S. DAK.
My Comm. Expires OCT 27, 2009

Publication Fee \$ 62.95
Notarial Fee \$
Total \$ 62.95



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 22, 2008

Grant County Review
PO Box 390
Milbank SD 57252

ATTENTION: Legal Public Notice

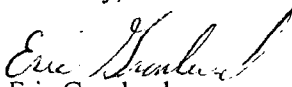
Enclosed is a Notice on Application No. 7060-3 to Appropriate Water to be published twice. Please publish the first notice on October 29, 2008 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Ferdy Zirbel, 45202 145th St., Ortle, 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. 7060-3

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

Date _____

We are in receipt of your letter of October 22, 2008 enclosing Notice to Appropriate Water by Application No. 7060-3 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 22, 2008

Ferdy Zirbel
45202 145th St
Ortley SD 57256

Dear Mr. Zirbel:

Water Permit Application No. 7060-3 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 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 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 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.

Instruction to Newspaper - Publish first Notice on October 29, 2008 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 7060-3 to Appropriate Water

Notice is given that Ferdy Zirbel, Zirbel Dairy, 45202 145th St, Ortleigh SD 57256 has filed an application for a water permit to appropriate 1.55 cubic feet of water per second (cfs), irrigate 50 additional acres and drill a new well to replace two wells that are being abandoned. Water Right No. 5746-3 appropriates 2.33 cfs from three wells located in the NW ¼ SW ¼ Section 4 and the NW ¼ NE ¼ Section 9 to irrigate 337 acres located in the S ½ Section 4 and N ½ NW ¼, W ½ NE ¼ Section 9; all in T121N-R52W. The well and irrigation systems in the S ½ of Section 4 will remain unchanged. The applicant intends to abandon the two wells located in the NW ¼ NE ¼ Section 9 and construct a replacement well to be located in the NE ¼ NE ¼ Section 8, T121N, R52W. The applicant proposes to appropriate an additional 1.55 cfs from this new well to be completed into the Big Sioux:North Aquifer (approximately 66 feet deep). The existing well in the SW ¼ Section 4 produces 2.0 cfs. The remaining 0.33 cfs diversion authority under Water Right No. 5746-3 is transferred to the new well in NE ¼ NE ¼ Section 8. The authorized diversion rate from the well in Section 8 will total 1.88 cfs. Finally, the reconfiguration of the system will irrigate an additional 50 acres located in the E ½ NE ¼ Section 8 and N ½ Section 9 T121N-R52W to the 90 acres currently authorized under Water Right No. 5746-3. This system is located in Grant County within the former boundaries of the Sisseton Wahpeton Indian Reservation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7060-3 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 recommendation 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 17, 2008.

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

773 3352

Ferdy Zirbel
Zirbel Dairy
45202 145th St
Ortley SD 57256

Dear Mr. Zirbel:

Enclosed is Water Permit No. 7060-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

This application was submitted with a \$300.00 fee. The correct fee is \$200.00. Therefore, \$100.00 will be refunded to you. The refund check should be received within the next couple of weeks.

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

enclosures

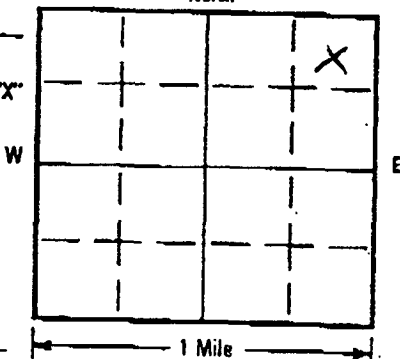
7060-3

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location NE 1/4 NE % Sec 9 Twp 12N Rg 52W
County Grant North

Please mark well location with an "X"



Well Completion Date

10/15/08

Well Owner: Zirkel Dairy
Business Name: J/O Ferdinand Zirkel
Address: 45202 145th St
Ortley, SD 57256

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>topsoil</u>	<u>0</u>	<u>1</u>
<u>Sand yellow</u>	<u>1</u>	<u>15</u>
<u>Sand darker</u>	<u>15</u>	<u>50</u>
<u>Sand (coarser) lighter</u>	<u>50</u>	<u>66</u>
<u>clay light</u>	<u>66</u>	

STATIC WATER LEVEL 8 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: Air Compressor

☐ Bailed _____

☐ Other _____

Pumping Level Below Land Surface

40 ft. After 2 Hrs. pumped 1000 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

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 of Well Owner or Equitable Property Holder: _____

Signature of Well Owner or Equitable Property Holder: _____

Signature of Well Owner or Equitable Property Holder: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: _____

LOCATION: N/A - Over 2000 ft

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? _____ ft. from _____ (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Forward Rotary

CASING DATA: ☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>50 LB/FT</u>	<u>12 IN</u>	<u>0 FT</u>	<u>45 FT</u>	<u>18 IN</u>
_____ 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 lb./gal</u>	<u>0 ft</u>	<u>25 ft</u>
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure Pressure Grout

SCREEN: ☐ Perforated pipe ☒ Manufactured

Diameter 12" PS IN Length 20' FEET

Material Stainless Steel

Slot Size 20 Set From 45 Feet to 65 Feet

Other information Stainless Steel plate bottom

X Weld Ring - Stainless

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: _____

_____ NO, Why Not? _____

Laboratory sent to for water quality analysis

Chlorine Solution

Licensing of Acreage Outside of Permitted Area

NAME: Zirbel Dairy

ADDRESS: 45202 145th St, Ortley SD, 57256

DATE: 1/23/19 COUNTY: Grant TELEPHONE: 605-398-6565

AUTHORITY

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

NO INCREASE IN PERMITTED ACREAGE OR WATER APPROPRIATED:

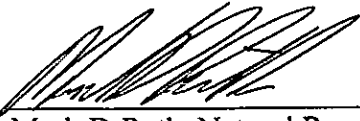
The acreage developed for irrigation is 140 acres as compared to 140 acres authorized by the permit.

UNPERMITTED ACREAGE:

- **Contiguous to Permitted Acreage**
yes
- **Owned by Same Property Owner**
yes
- **Developed Prior to Expiration of Construction Period**
yes

RECOMMENDED ACTION

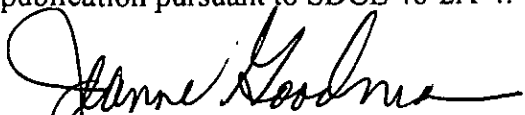
Based on the above criteria, it is recommended that the 2.5-acre area located in the W ½ NE ¼ of Sec 8 T121N-R52W (res) be included in the water license.



Mark D Rath, Natural Resources Engineer
Water Rights Program

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

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



Jeanne Goodman, Chief Engineer
Water Rights Program

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

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

Inspection contact & relationship David Zirbel, operator

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

Well Information:

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

Comments: none

Casing:

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

Screen:

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

Pump:

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

Motor:

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

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

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

Comments: none

C. Works used to apply water to beneficial use:

Center pivot: East Pivot

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

Center pivot: West Pivot

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

Chemigation Equipment:

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

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

D. Compliance with Permit Requirements:

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

E. Condition and Location:

The system is in good condition with the point(s) of diversion located as follows: from the NE corner of Sec 8 T121N-R52W (res); 445 ft S & 710 ft W latitude of 45.28167 and longitude of -97.18827, NE ¼ NE 1/4.

1. The works are capable of diverting and conveying to the place of use 1.78 cu. ft. per second of water which is to be used for irrigation use. Water has been put to beneficial use to the maximum extent as follows:
Land is located in Sec 8 T121N-R52W (res)
NW ¼ NE ¼ - 1.5 ac NE ¼ NE ¼ - 31.5 ac SE ¼ NE ¼ - 3.5 ac SW ¼ NE ¼ - 1.0 ac

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

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

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

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

In section 9, the NE1/4 NE1/4 should be SW1/4 NE1/4 based on inspection map. License reissued to reflect the correct irrigated area - see file documentation.

2. All structures, wells and lands on map Y

If no, describe: none

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

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

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

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

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

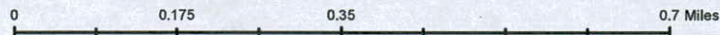
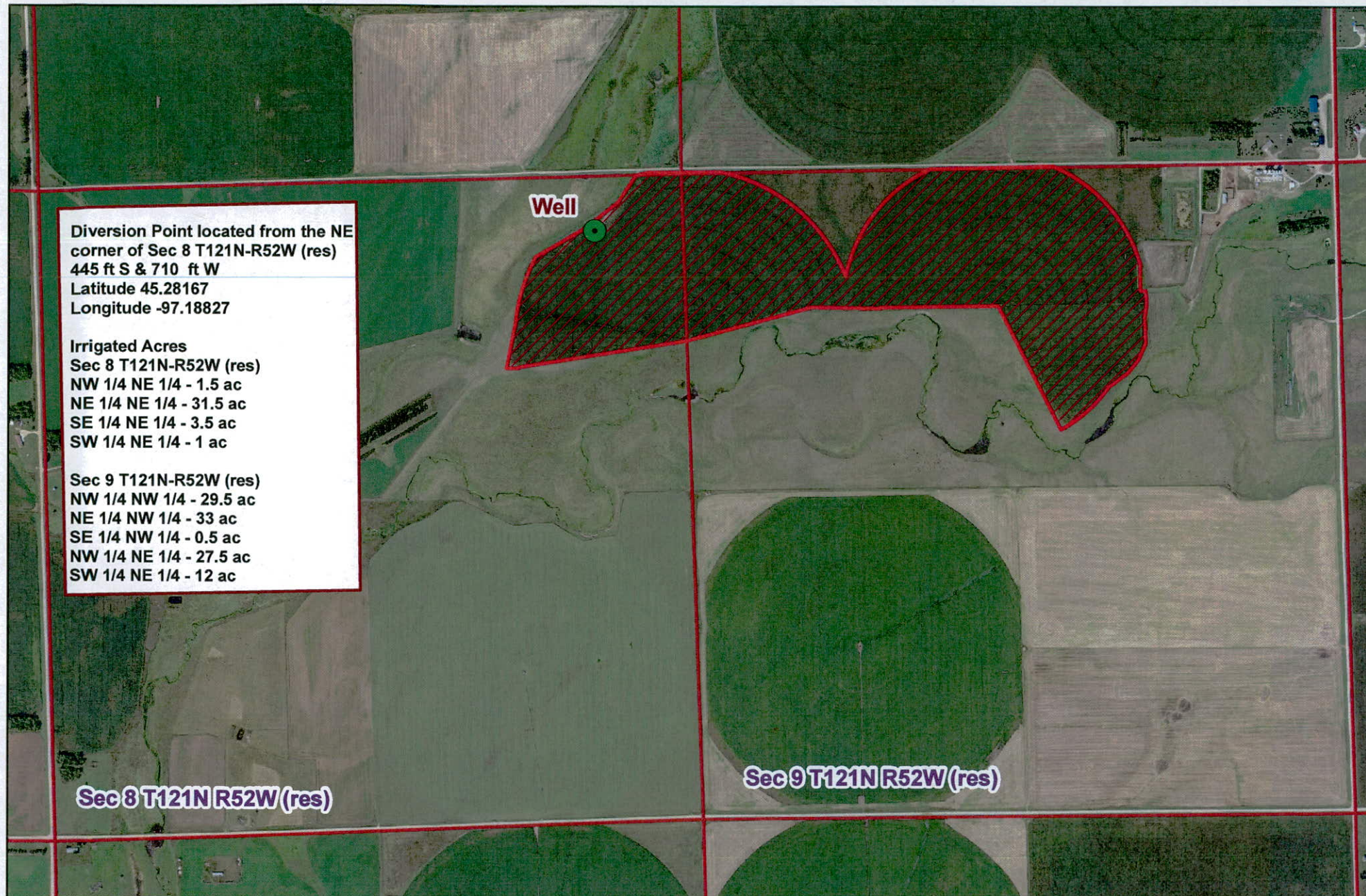
NW ¼ SW ¼ - 34 ac NE ¼ SW ¼ - 24 ac SE ¼ SW ¼ - 32 ac SW ¼ SW ¼ - 32 ac

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



Mark D Rath
Natural Resources Engineer
DENR, Water Rights Program

Date report completed: 1/23/19



Mark D Rath
 Mark D Rath
 Natural Resources Engineer
 January 23, 2019



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

SEP 04 2019

5746-3
7060-3

Ferdy Zirbel
Zirbel Dairy
45202 145th St
Ortley SD 57256

Dear Mr. Zirbel:

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

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

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

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

Sincerely,

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

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

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7060-3**

(1) Zirbel Dairy, 45202 145th St, Ortleigh SD 57256 made Application No. 7060-3, August 25, 2008 for a water permit to divert 1.55 cubic feet of water per second (cfs) from ground water, one well (Big Sioux North Aquifer), Grant County, South Dakota for irrigation purposes. Permit No. 7060-3, with a priority date of August 25, 2008 was approved November 17, 2008 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before November 17, 2013 and for the application to beneficial use of water on or before November 17, 2017.

Water Permit No. 7060-3 authorized 1.55 cfs; an additional 50 acres; and the drilling of a new well to replace two wells being abandoned under Water Right No. 5746-3. No. 5746-3 appropriates 2.33 cfs from three wells located in the SW ¼ Section 4 and the NW ¼ Section 9 to irrigate acreage in the S ½ Section 4 and N ½ Section 9, all in T121N, R52W. Water Permit No. 7060-3 allowed reconfiguration of the system enabling irrigation of an additional 50 acres located in the NE ¼ Section 8 and N ½ Section 9, T121N, R52W to the 90 acres currently authorized under No. 5746-3.

With the systems operating separately, 0.33 cfs and the land described in Section 9, T121N, R52W under Water Right No. 5746-3 are incorporated into Water License No. 7060-3. A priority date of June 29, 1976 is retained for the 0.33 cfs diversion rate and a priority date of August 25, 2008 is retained for the remaining diversion rate of 1.45 cfs. **Water License No. 5746-3 will be reissued and authorize the remaining 2.00 cfs and the land described in the S ½ Section 4, T121N, R52W.**

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the water supply system and is entitled to divert 1.78 cubic feet of water per second for beneficial use. The location of the diversion point is **(located within the former boundaries of the Sisseton Wahpeton Indian Reservation)**:

- 445'S and 710'W of the NE corner of Section 8, T121N, R52W (NE ¼ NE ¼ Section 8)
Latitude 45.28167; Longitude -97.18827

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

Section 8, T121N, R52W		Section 9, T121N, R52W	
*NW ¼ NE ¼	1.5 acres	NW ¼ NW ¼	29.5 acres
NE ¼ NE ¼	31.5 acres	NE ¼ NW ¼	33.0 acres
SE ¼ NE ¼	3.5 acres	SE ¼ NW ¼	0.5 acres
*SW ¼ NE ¼	1.0 acres	NW ¼ NE ¼	27.5 acres
		SW ¼ NE ¼	12.0 acres

Total acres irrigated – 140

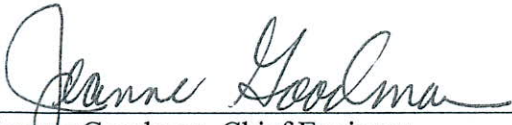
* An inspection of the water use system found 2.5 acres located outside of the permitted area in the W ½ NE ¼ Section 8. The Chief Engineer made a finding pursuant to SDCL 46-5-30.5 that the acreage change does not impair existing water rights and the overall project, as developed, is consistent with the original application.

continued

(4) Pursuant to South Dakota Water Law 46-5-30.1 Zirbel Dairy, 45202 145th St, Ortley SD 57256 the holder and/or owner of Incorporated Water Right No. 7060-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from ground water, one well (Big Sioux North Aquifer) with priority dates of June 29, 1976 (0.33 cfs) and August 25, 2008 (1.45 cfs) from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 7060-3 and subject to the following qualifications:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The well authorized by Permit No. 7060-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the 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. *The well was drilled by Lee Well Drilling Inc. in October, 2008. A copy of the well completion report is on file with the Water Rights Program.*
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



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

SEP 04 2019

date

