

WATER PERMIT NO. 7177-3

Name of Applicant: **Zochert Farms Inc.**

Address: **13758 441st Ave, Webster SD 57274**

Phone: **605 345-4695**

Amount of Water Claimed: **1.5 cfs**

Total Acres: **105 acres**

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

Water to be used for: **irrigation**

County: **Day**

Type of Waste Disposal System: **NA**

Location: **10 miles northeast of Webster**

PRIORITY

Date Received: **12-16-2009**

Application/License Fee: **\$950**

Corrected Application Received: **1-10-2010**

Period of Annual Use: **June 1 – August 31**

Remarks:

Diversion Point: **SW ¼ SE ¼ Sec 1 –T122N-R55W**

Land to be Irrigated: **SW ¼, SW ¼ SE ¼ Sec 1-
T122N-R55W**

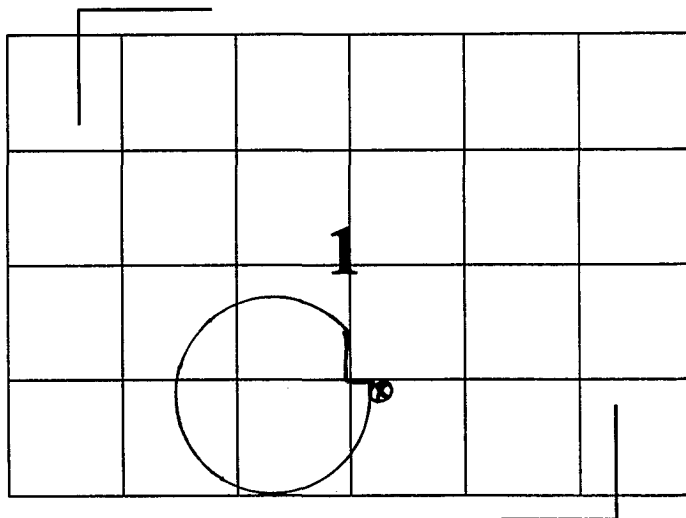
Depth of Well: **80 feet deep**

Well Driller: **Wieber Well Drilling**

Remarks:

Type of Map: **aerial**

Prepared by: **Valeree DeVine, NRCS**



Reviewed and the Number Assigned on: **1-10-2010**

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>7177-3</u>	(office use only) Hydrologic Unit <u>10160010</u>
	Basin <u>James River</u>	
	Newspaper <u>Reporter & Farmer 516 Main Ave.</u>	
	<u>605-345-3356</u>	<u>Webster 57274</u>

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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 Zochert Farms INC / Ivan Zochert Phone 605-345-4695
(check one) ☒ Owner ☐ Tenant/lessee
- Mailing Address 13758 441st Ave Webster SD 57274
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 1.5 *CFS or 675 **GPM ***AF Total Acreage 105
(*Cubic Feet per Second) (**Gallons per Minute) (***) Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County DAY
SW 1/4 SE 1/4 Sec 1 T122N R55W
- County or counties where water will be used DAY
- Annual period during which water is to be used June 1 - Aug 31
- 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
SE 1/4 & SE 1/4 of Sec 1 T122N R55W	15	NW SW	18
SE 1/4 & SW 1/4 of Sec 1 T122N R55W	40	NE SW	25
SW 1/4 & SW 1/4 of Sec 1 T122N R55W	20	SW SW	26
NE 1/4 & SW 1/4 of Sec 1 T122N R55W	30	SE SW all in Sec 1 T122N R55W	

8. Give a description of the project. (Attach sheet if more space is needed)

STATE OF SOUTH DAKOTA) SS
County of DAY

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, Neil Zochert, 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 Neil Zochert

Subscribed and sworn to before me this 15th day of December 20 09

Connie L Wagner
Notary Public signature

SOUTH DAKOTA
WATER PERMIT NO. 7177-3

Date of first receipt of application December 16, 2009.

Date of return to applicant for corrections, amendments or changes December 16, 2009.

Date of receipt of corrected application January 11, 2010.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7177-3 to Zochert Farms Inc., c/o Ivan Zochert, 13758 441st Ave, Webster SD 57274 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. 7177-3 appropriates 1.5 cubic feet of water per second from one well to be completed into the Coteau Lakes Aquifer (approximately 80 feet deep) located in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 1 to irrigate 105 acres located in the SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 1; all in T122N-R55W.
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: June 1 – August 31.
3. The date from which applicant may claim right is December 16, 2009.
4. The date of approval of Permit No. 7177-3 is April 8, 2010.
5. One-fifth of the construction is to be completed on or before October 8, 2012.
6. All construction is to be completed on or before April 8, 2015.
7. Water is to be put to beneficial use on or before April 8, 2019.
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. 7177-3 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. Permit No. 7177-3 prohibits the direct spray from the irrigation system to extend to Waubay Lake.
4. Permit No. 7177-3 prohibits the application of chemicals (chemigation) through the irrigation system.

(continued)

5. Permit No. 7177-3 does not authorize the direct overspray of water to land not authorized by this permit or not owned by the permit holder. Necessary stops shall be installed into the irrigation system to prohibit application of water on neighboring land.
6. 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

APR 20 2018

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 18 1/2 Depth 80'
- b) Casing Type PVC Diameter 12" Thickness SDR-21
- c) Screen Type PVC Diameter 12 Thickness SDR-21
- d) Gravel Pack Yes Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 43
- f) Depth to Water (ground surface to water level) 7
- g) Distance to nearest existing domestic well:
- On applicants property 1/2 mile On property owned by others NOT KNOWN

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) (1 mile West only) FARM
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System _____

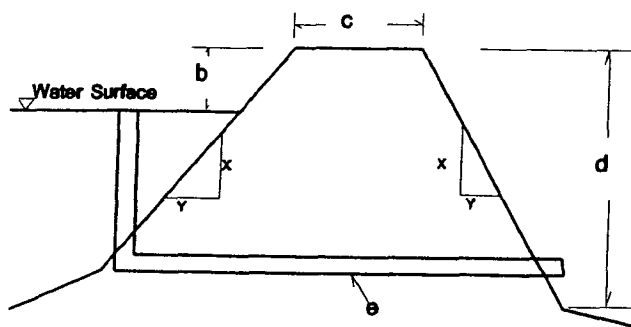
3. Dugout Information

- 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



United States Department of Agriculture Farm Service Agency



South Dakota Day County

Farm Number
869

Township-Range-Section
122N55W1

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Legend

- Restricted Use
 - ▽ Limited Restrictions
 - Exempt from Conservation Compliance Provisions
 - Tract Boundary
- RECEIVED
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May 05, 2009
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1:8,278

USDA FSA maps are for FSA Program administration only. This map does not represent a legal survey or affect actual ownership; rather it depicts the information provided directly from the producer and/or the 2006 orthorectified imagery for South Dakota. The producer accepts the data "as is" and assumes all risks associated with its use. 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 outside of FSA Programs. 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.

Zochert Farms application in SW 1/4 Section 1, T122N, R55W -- Acreage Breakout



The application appeared to have incorrect break-out of acreage. Using ArcMap the pivot coverage was simulated and each quarter quarter digitized for acreage.

NW 1/4 SW 1/4 Section 1, T122N, R55W	18 acres
NE 1/4 SW 1/4 Section 1, T122N, R55W	25 acres
SW 1/4 SW 1/4 Section 1, T122N, R55W	26 acres
SE 1/4 SW 1/4 Section 1, T122N, R55W	36 acres
TOTAL	105 acres

Eric Gronlund
Water Rights Program, DENR
January 12, 2010

SOUTH DAKOTA WATER WELL COMPLETION REPORT

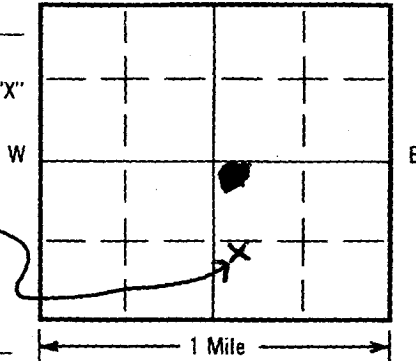
07-92

Test Hole

Location NW 1/4 SE 1/4 Sec 1 Twp 122N 55W
 County DAY

Well Owner: Zochert FARMS
 Business Name: 13758 441 ST Ave
 Address: Webster, SD 57274

Please mark well location with an "X"



Proposed site
 Well Completion Date

NOV 10-09

LOCATION:

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

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary

CASING DATA: ☐ Steel ☒ Plastic ☐ Other
 If other describe Test Hole
 PIPEWEIGHT DIAMETER FROM TO HOLE DIAMETER
 LB/FT IN FT FT IN
 LB/FT IN FT FT IN
 LB/FT IN FT FT IN

GROUTING DATA

Grout Type No. of Sacks Grout Weight From To
 lb./gal ft. ft.
 lb./gal ft. ft.
 Describe grouting procedure Bentonite

SCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter IN Length FEET
 Material Test Hole
 Slot Size Set From Feet to Feet
 Other information

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

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
SANDY LOAM	0	1
Redish GRAVEL	1	7
Till material	7	43
Very Very Coarse GRAVEL (gw)	43	80

STATIC WATER LEVEL

 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
 ft. After Hrs. pumped GPM
 ft. After Hrs. pumped GPM
 If pump installed, pump rate GPM

REMARKS

 This well was drilled under license # 480
 And this report is true and accurate.
 Drilling firm Wieber Well Drilling
 Signature of License Representative Jerry Wieber
 Signature of Well Owner or Equitable Property Holder:
 Date: 11-30-09

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RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 12/16, 20 09

RECEIVED OF Zochert Farms Inc 13758 441st Ave Webster SD 57274

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

Fee for Application for Permit No. <u>7177-3</u> to Appropriate Water, to construct and to put water to beneficial use	750	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>7177-3</u>	200	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	950 00

No. 04274

By Leland Erbule
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 16, 2009

Zochert Farms Inc.
c/o Ivan Zockert
13758 441st Ave
Webster SD 57274

Dear Mr. Zochert:

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 is the aerial photo map submitted with the application. Please outline the 105 acres to be irrigated. The outlined acreage needs to match the area identified on the application.
- Also, the application states the well will be located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 1. The well location marked on the map, appears to be the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 1. Please make the necessary correction.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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
denr.sd.gov

February 18, 2010

Neil Zochert
13758 441st Avenue
Webster SD 57274

Dear Mr. Zochert:

I am writing regarding the water permit application that Zochert Farms filed for irrigation of a portion of the SW ¼ Section 1, T122N, R55W. Upon final review prior to making a recommendation the Chief Engineer had a few questions. I am writing since I was unable to contact you by phone. The questions are:

1. Who owns the land along the east side of the proposed pivot that is highlighted in pink on the enclosed map? If the land will receive water from the pivot overspray and is not owned by Zochert Farms, an easement or agreement with the landowner will be necessary to allow overspray on this land.
2. The west side of the proposed pivot is along the lake's edge. Will stops be programmed into the pivot to prevent overspray to the lake.
3. Is it correct to presume that Zochert Farms does not intend to apply chemicals through the pivot (chemigate) given the close proximity to the lake?

Please let me know by phone, email or reply by mail using the self addressed stamped envelope.

Sincerely,

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

enclosure

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Application No. 7177-3, Zochert Farms

ADDRESS: 13758 441st Avenue, Webster SD 57274 COUNTY: Day

DATE: February 19, 2010 TELEPHONE: 345-4695

RE: Phone Conversation with Neil Zochert

Mr. Zochert called regarding to my February 18, 2010 letter regarding ownership of land on the east edge of the proposed pivot and preventing overspray into the lake on the west side of the pivot.

1. Mr. Zochert stated that the pasture to the northwest of the pivot is owned by John Henning (13409 444th Avenue, Waubay SD). I stated that the map showed the pivot not covering a small segment of a normal pivot rotation on the east side. DENR is concerned that overspray will be going on to a neighboring landowners property. If so, an easement or agreement needs to be in place. Mr. Zochert stated that stops will be in place on the pivot that will shut downs the end gun and nozzles so as to not irrigate this neighboring property.
2. Mr. Zochert stated that stops will also be installed on the west edge to prevent overspray to the lake. Mr. Zochert stated from a financial aspect he doesn't want to apply water on any area that is not crop ground.
3. Finally he indicated they will not chemigate through the pivot.

NAME: Eric Henning



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 12, 2010

John Henning
13409 444th Avenue
Waubay SD 57273

Dear Mr. Henning:

Please find enclosed DENR's report and Chief Engineer's recommendation on a water right permit application filed by Zochert Farms to irrigate. The application is to be public noticed in the Reporter & Farmer on March 22 and 29, 2010. Petitions to intervene in the process and cause a hearing before the Water Management Board must be submitted on or before April 8, 2010.

It is DENR's understanding that you own the adjoining property to the north east of where the center pivot is to be located. Mr. Zochert informed us that stops will be installed in the system so that water is not directly applied to your land. This information is being sent to inform you of this application.

Please contact me if you have any questions.

Sincerely,

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

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7177-3, Zochert Farms Inc.**

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. 7177-3, Zochert Farms, Inc., c/o Neil Zochert, 13758 441st Avenue, Webster SD 57274.

The Chief Engineer is recommending APPROVAL of Application No. 7177-3 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. 7177-3 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. Permit No. 7177-3 prohibits the direct spray from the irrigation system to extend to Waubay Lake.
4. Permit No. 7177-3 prohibits the application of chemicals (chemigation) through the irrigation system.
5. Permit No. 7177-3 does not authorize the direct overspray of water to land not authorized by this permit or not owned by the permit holder. Necessary stops shall be installed into the irrigation system to prohibit application of water on neighboring land.
6. 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
March 11, 2010

REPORT ON WATER PERMIT APPLICATION NO. 7177-3

For Zochert Farms, Inc.

January 21, 2010

Application No. 7177-3 proposes to appropriate 1.5 cfs (675 gpm) from one well approximately 80 feet deep located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of section 1 to irrigate 105 acres located in the SW $\frac{1}{4}$, SW 1E $\frac{1}{4}$ of section 1; all in T122N R55W in Day County.

AQUIFER – COTEAU LAKES (COL)

The Coteau Lakes aquifer underlies 58,200 acres and contains an estimated 130,910 acre feet of recoverable water in storage in Day County (Hedges, 1982). The aquifer extends into Roberts County to the east, Grant County to the southeast and into Marshall County to the north. The aquifer is a kind of catch all for surficial and shallow buried outwash deposits (sand and gravel) in this region. The aquifer can be encountered under water table or artesian conditions in this region.

The well log provided with the application indicates sandy loam from the surface to one foot, reddish gravel from 1 to 7 feet, till from 7 to 43 feet and very coarse gravel from 43 to 80 feet all below land surface. No test pumping data is available for this test. The application indicates there was a static water level of seven feet below land surface. This would indicate the aquifer is both buried and under artesian conditions at this site.

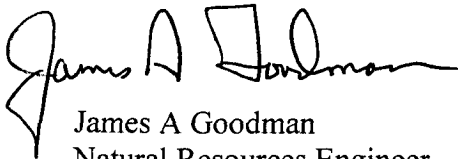
The Water Rights Program monitors an observation well DA-78C located about one and one-half miles south of the well for this application. A hydrograph for this observation well is included with this report. The aquifer is artesian in this area and the hydrograph does exhibit fluctuation due to pumping of other irrigation wells in this immediate area. In general, the hydrograph indicates the aquifer is capable of sustaining additional withdrawals (Water Rights, 2010). The hydrograph also indicates the climatic affects of the wet years beginning in the mid 1980's and extending through the 1990's. Note the observation well hydrograph is about 20 feet higher now than in the early 1980's. It was at this same time that Waubay Lake and other area lakes began filling.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is an existing water right No. 4995-3 (three wells, 3.56 cfs, 540 acres) located about one mile south of this application. The nearest existing irrigation well would be located about one and one-quarter miles south of the well for this application. Drawdown will occur as a result of pumping (this is shown by the observation well hydrograph) but interference will not be adverse. Besides this application and the existing water right are both held by the same owner.

CONCLUSIONS

1. Water is available from the Coteau Lakes aquifer.
2. The aquifer is under artesian conditions at this site. Drawdown will be created by pumping. Interference is not expected to be a concern.
3. The pivot appears to extend into Waubay Lake. Care should be taken to minimize the potential for spray from the system to enter Waubay Lake.
4. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.



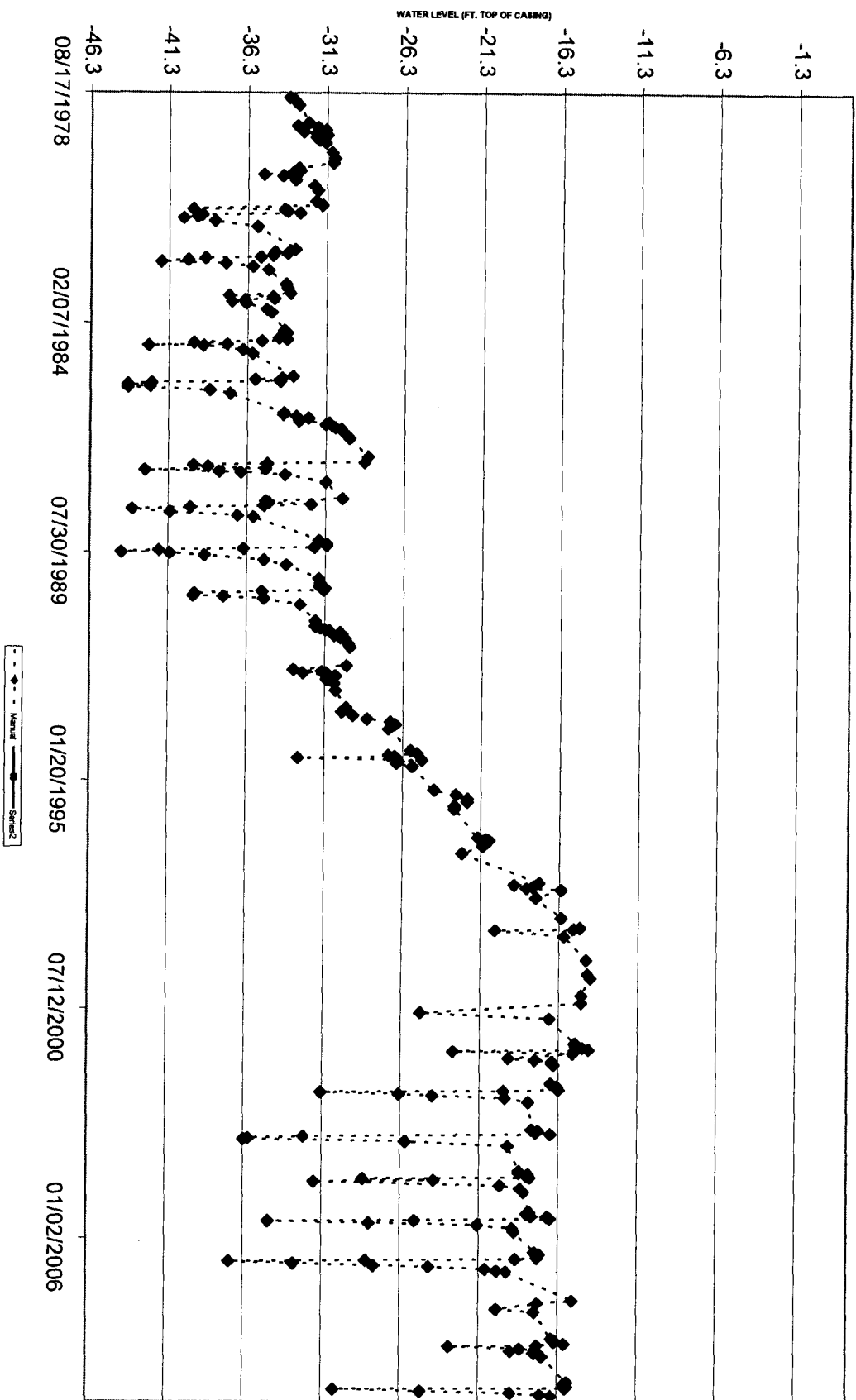
James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Hedges, L.S., and others, 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Water Rights, 2010, Unpublished Observation Well Data for Day County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL
DA-78C



AFFIDAVIT OF PUBLICATION

RECEIVED
APR 13 2010

OK

County of Day
State of South Dakota,

} ss.

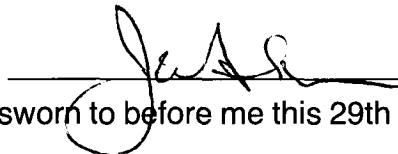
WATER RIGHTS
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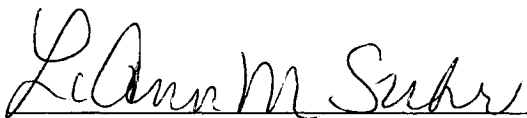
John Suhr, of said county and state being duly sworn on oath, says: That the Reporter & Farmer is a legal weekly newspaper of general circulation, and an official newspaper as required by Session Laws of 1893, printed and published in Webster, in said county and state, by the Day County Printing Company and has been such newspaper during the time hereinafter mentioned, that I, John Suhr, the undersigned, am publisher of said newspaper, and have personal knowledge of all facts stated in this affidavit and that the advertisement headed Water Appropriation Application, Neil Zochert a printed copy of which is hereunto attached, was printed and published in the said newspaper two successive and complete issues as follows:

First Publication	March 22, 2010;
Second Publication	March 29, 2010;
Third Publication	;
Fourth Publication	;
Fifth Publication	;

That the full amount of fees for publication of the annexed notice is \$48.82 and inures solely to the Reporter & Farmer, published by The Day County Printing Company, that no arrangement or understanding for a division thereof has been made with any other person, and that no part thereof has been agreed to be paid any person whomsoever.

Subscribed and sworn to before me this 29th day of March, 2010.





LeAnn M. Suhr
Day County, South Dakota
My Commission Expires November 2, 2011

Notary Public, Day County, South Dakota

Water ap

(First March 22)
**NOTICE OF APPLICATION
NO. 7177-3 TO
APPROPRIATE WATER**

Notice is given that Zochert Farms Inc. c/o Neil Zochert, 13758 441st Ave., Webster, SD 57274 has filed an application for a water permit to appropriate 1.5 cubic feet of water per second from one well to be completed into the Coteau Lakes Aquifer (approximately 80 feet deep) located in SW1/4SE1/4 Section 1 to irrigate 105 acres located in the SW1/4, SW1/4SE1/4 Section 1; all in T122N-R55W.

Pursuant to SDCL 46-2A-2 the Chief Engineer recommends APPROVAL of Application No. 7177-3 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 Engi-

propriation notice

neer 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 April 8, 2010.

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

Published twice at the total
approximate cost of \$48.82.
(Last March 29)



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 12, 2010

Reporter & Farmer
516 Main Ave
Webster SD 57274

ATTENTION: Legal Public Notice

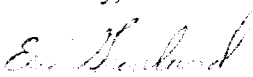
Enclosed is a Notice on Application No. 7177-3 to Appropriate Water to be published twice. Please publish the first notice on March 22, 2010 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Zochert Farms Inc., c/o Neil Zochert, 13758 441st Ave., Webster SD 57274 (Ph # 605-345-4695).

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. 7177-3

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

Date _____

We are in receipt of your letter of March 12, 2010 enclosing Notice to Appropriate Water by Application No. 7177-3 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
denr.sd.gov

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

March 12, 2010

Zochert Farms Inc
c/o Neil Zochert
13758 441st Ave
Webster SD 57274

Dear Mr. Zochert:

Water Permit Application No. 7177-3 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 Reporter & Farmer printed at Webster SD (Ph # 605-345-3356). 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
eric.gronlund@state.sd.us

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 March 22, 2010 with the second publication 7 days later. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NO. 7177-3 to Appropriate Water

Notice is given that Zochert Farms Inc. c/o Neil Zochert, 13758 441st Ave, Webster SD 57274 has filed an application for a water permit to appropriate 1.5 cubic feet of water per second from one well to be completed into the Coteau Lakes Aquifer (approximately 80 feet deep) located in SW ¼ SE ¼ Section 1 to irrigate 105 acres located in the SW ¼, SW ¼ SE ¼ Section 1; all in T122N-R55W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7177-3 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 April 8, 2010.

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.
Published twice at the total approximate cost of _____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 20 2010

Zochert Farms Inc
Ivan Zochert
13758 441st Ave
Webster SD 57274

Dear Mr. Zochert:

Enclosed is Water Permit No. 7177-3 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

enclosures

7177-3
RECEIVED

AUG 23 2010

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 8-18-10TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181FROM: Zochert Farms Inc

(name)

13758 441st Ave

(address)

Webster SD 57274

(city, state, zip)

605-345-4695

(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. 7177-3 states that the water use system is to be constructed by April 8, 2015, and water is to be put to beneficial use by April 8 2019.

(date)

(date)

The water use system was completed on June 30 2010.

(date)

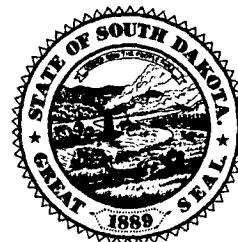
Applying the water to beneficial use was completed on July 19 2010.

(date)

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

Neil Zochert for Zochert Farms Inc

(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

August 23, 2010

7177-3

Neil Zochert
Zochert Farms Inc
13758 441st Ave
Webster SD 57274

Dear Mr. Zochert:

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

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

SOUTH DAKOTA WATER WELL COMPLETION REPORT

7177-3

07-92

Location NW 1/4 SE 1/4 Sec 1 Twp 122N Rg 55W

County

Day

North

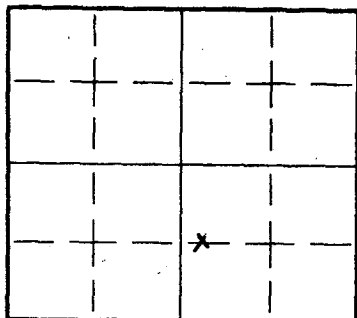
Please mark well location with an "X"

W

E

Well Completion Date

4/21/10



LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? _____ ft. from NMG (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
200 LB/FT	12 IN	0 FT	54 FT	18 1/2 IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
Wyo-Ben	15	10 lb./gal	0 ft	44 ft
onestep		_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure Full hole grout
Premie line to 44' using 1" rodsSCREEN: ☐ Perforated pipe ☒ Manufactured

Diameter 12" IN Length 20' FEET

Material PUC Ever-Flo

Slot Size .070 Set From 54 Feet to 74 Feet

Other information _____

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 _____

Well Owner: Niel Zochert

Business Name: Zochert Farms

Address: 13758 441 st Ave
Webster, S.D. 57274

WELL LOG:

DEPTH

FORMATION	FROM	TO
top soil	0	1
Red gravel	1	7
Blue clay	7	37
very coarse gravel	37	74

STATIC WATER LEVEL 7' 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? yes

WELL TEST DATA:

☐ Pumped Describe: Air☐ Bailed☒ Other

Pumping Level Below Land Surface

30 ft. After 2 Hrs. pumped 500 est. GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate 650 GPM

REMARKS

RECEIVED

FEB - 2 2011

WATER RIGHTS
PROGRAM

This well was drilled under license # 480

And this report is true and accurate.

Drilling firm Wieber Well Drilling

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: 12/30/10

Pitless Unit and Pump Record

1. Well Owner:

Name Zochert Farms Date of Installation: 6/29/10
Address 13758 441st Ave, Webster, S.D
57274

2. Location:

County DAY
SW 1/4, NW 1/4, SE 1/4 Section 1, Township 122, N., Range 55 West

3. Well Head Completion:

Pitless Unit brand name NONE, diameter _____ in., type of joint _____
depth of joint _____, inches above grade 12", other _____

4. Pump:

Type: submersible _____, jet _____, cylinder _____, turbine X, other _____
Manufacturer's name Western Land Roller LINE SHAFT
Model No. 4 stage HP _____ Volts gear drive
Pump setting (depth), 47', pumping rate 650 gpm.
Is well vented? yes X no _____ Is there a measuring port? yes X no _____

5. Pressure tank (if installed) Yes _____ No X

Manufacturer's name _____ Model No. _____ Capacity _____ gallons.
above ground _____, below ground _____
Pressure rating of pipe between well and tank _____

6. Was well and other plumbing disinfected upon completion? Yes X No _____

Installers Certification

This installation was installed under my jurisdiction and
this report is true to the best of my knowledge.

Wieber Well Drilling
INSTALLER OR FIRM NAME

Lidgerwood, ND. 58053
ADDRESS

Jerry Wieber
SIGNED BY

RECEIVED

FEB - 2 2011

WATER RIGHT
PROGRAM

480
CERTIFICATE NO.

12/30/10
DATE

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

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

I have this day, November 2, 2015 made a thorough examination of the water system used by Zochert Farms Inc., 13758 441st Ave., Webster, SD 57274, holder of Water Permit No. 7177-3, bearing the priority date of December 16, 2009. Water Permit No. 7177-3 authorizes the diversion of 1.5 cubic feet per second (cfs) from one well completed into the Coteau Lakes aquifer at approximately 80 feet below ground surface for the purposes of irrigating 105 acres in Day County as follows: 18 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 1, 25 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 1, 26 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 1, 31 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 1, 5 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1, all in T122N-R55W.

I have the following conditions to report for the system in question:

- 1) Works used to divert water:
Flowserve irrigation pump.
- 2) Works used to transport water to a place of use:
Eight Inch Underground Pipes.
- 3) Works used to apply water to beneficial use:
One Valley Pivot.

The system is in the following condition: new. The well is in the following location:

1,300 feet north and 2,600 feet west of the southeast corner of Section 1, T122N-R55W. Lat 45.40240N Lon 97.37602W.

The lands irrigated by the fore mentioned well are as follows:

- 1) 11 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 1, T122N-R55W.
- 2) 19 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 1, T122N-R55W.
- 3) 20 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 1, T122N-R55W.
- 4) 35 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 1, T122N-R55W.
- 5) 5 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1, T122N-R55W.

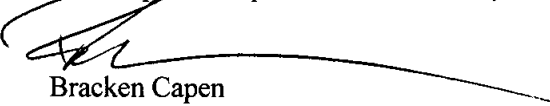
For a total of 90 acres.

License should be issued for the diversion rate of: **1.29 cfs (580 gpm) or 1.0 cfs for every 70 acres irrigated..**

Applicable permit qualifications have been complied with: **Yes**

Exceptions to compliance are: **None**

Date Report Completed: **November 4, 2015**


Bracken Capen
Natural Resources Engineer
DENR, Water Rights Program

FIELD INVESTIGATION REPORT FOR WATER PERMIT NO. 7177-3

DATE OF INVESTIGATION:	November 2, 2015
NAME & ADDRESS OF PERMIT HOLDER	Zochert Farms Inc. 13758 441 st Ave. Webster, SD 57274
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Neil Zochert, owner.
DIVERSION POINT LEGAL LOCATIONS	1,300 feet north and 2,600 feet west of the southeast corner of Section 1, T122N-R55W. Lat 45.40240N Lon 97.37602W.

WELL INFORMATION:

- 1) Well Drilling Firm: **Wieber Well Drilling**
- 2) Number of Wells: **1**
- 3) Depth: **74 feet**
- 4) Well Log Available: **Yes**
- 5) Comment:

Pumps

- 1) Make: **Flowserve**
- 2) Model: **10FM-4**
- 3) Size:
- 4) Capacity: **600 gpm**

Casing

- 1) Diameter: **12 inches**
- 2) Length: **54 feet**
- 3) Type: **Plastic**

Screen

- 1) Type: **Manufactured**
- 2) Length: **20 feet**
- 3) Static Water Level: **7 feet**

Motor

- 1) Make: **Amarillo**
- 2) Model No: **S40B**
- 3) Power: **40 hp**

System Type

- 1) Make: **Valley**
- 2) Overall length: **1,000 feet**
- 3) Number of Towers: **5 towers**
- 4) Distance Between Towers:
- 5) End Gun: **Yes**
- 6) Pressure:
- 7) Capacity: **600 gpm**

CHEMIGATION EQUIPMENT: No

- 1) Mainline Check Valve:
- 2) Low Pressure Drain:
- 3) Inspection Port/Air Relief:
- 4) Discharge 20 Feet Away:
- 5) Injection Line Check Valve or Positive Displacement Pump: Injection Check Valve:
- 6) Properly Installed:

PERMIT QUALIFICATIONS:

- 1) Special qualifications to permit being abided by: **N/A**
- 2) All structures, wells, and lands on map: **Yes**
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period: **Reported irrigation from 2010 to present.**



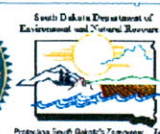
Legend

-  Irrigated_Acres
-  Section Boundaries - PLSS
-  Well Location



0 0.0375 0.075 0.15 Miles

Bracken Capen
Prepared by Bracken Capen
Natural Resources Engineer
DENR, Water Rights Program





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOV 09 2015

7177-3

Neil Zochert
Zochert Farms Inc
13758 441st Ave
Webster SD 57274

Dear Mr. Zochert:

Enclosed is Water License No. 7177-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 7177-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

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

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7177-3**

(1) Zochert Farms Inc., 13758 441st Ave, Webster SD 57274 made Application No. 7177-3, December 16, 2009 for a water permit to divert 1.50 cubic feet of water per second from ground water – one well (Coteau Lakes Aquifer), Day County, South Dakota for irrigation purposes. Permit No. 7177-3, with a priority date of December 16, 2009 was approved April 8, 2010 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before April 8, 2015 and for the application to beneficial use of said water on or before April 8, 2019.

The Permit holder submitted a "*Notice of Completion of Works and Application of Water to Beneficial Use*" on August 23, 2010. The "*Notice*" stated the water use system was completed on June 30, 2010 and the water placed to beneficial use on July 19, 2010.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.29 cubic feet of water per second for beneficial use. The location of the diversion point is 1,300 feet north and 2,600 feet west of the SE corner of Section 1, T122N, R55W (SW ¼ SE ¼).

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

Section 1, T122N, R55W	NW ¼ SW ¼	11 acres
	NE ¼ SW ¼	19 acres
	SW ¼ SW ¼	20 acres
	SE ¼ SW ¼	35 acres
	SW ¼ SE ¼	5 acres
	Total	90 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Zochert Farms Inc., 13758 441st Ave, Webster SD 57274 the holder and/or owner of Water Right No. 7177-3 is issued a license to appropriate water, the right to use 1.29 cubic feet of water per second from ground water – one well (Coteau Lakes Aquifer) with a priority date of December 16, 2009 from the location specified in (2) of this license for irrigation purposes.

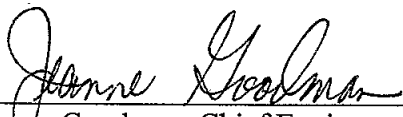
This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 7177-3 and subject to the following qualifications:

- 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. 7177-3 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 completed in April, 2010 by Wieber Well Drilling. A copy of the log is on file with the Water Rights Program.***

continued

Water License No. 7177-3

- Water Right No. 7177-3 prohibits the direct spray from the irrigation system to extend to Waubay Lake.
- Water Right No. 7177-3 prohibits the application of chemicals (chemigation) through the irrigation system.
- Water Right No. 7177-3 does not authorize the direct overspray of water to land not authorized by this permit or not owned by the permit holder. Necessary stops shall be installed into the irrigation system to prohibit application of water on neighboring land.
- 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

NOV 09 2015
date

