

WATER PERMIT NO. 7912-3

Name of Applicant: Zochert Farms Inc.

Address: c/o Neil Zockert, 13760 441st Ave, Webster SD 57274

Phone: 605 520-4733

Amount of Water Claimed: 0.45 cfs Total Acres: 32.3

Source of Water Supply: groundwater (2 existing wells)

Water to be used for: irrigation County: Day

Type of Waste Disposal System:

Location: 6 miles northeast of Webster

PRIORITY Date Received: 10-16-13 Application/License Fee: \$ 700

Corrected Application Received: Period of Annual Use: April 1 – Sept 15

Remarks: Utilizing two existing wells authorized by Water Right No. 5223-3

Diversion Point: E 1/2 NE 1/4 Sec 13-T122N-
R55W

Land to be Irrigated: N 1/2 SE 1/4 Sec 13-T122N-
R55W

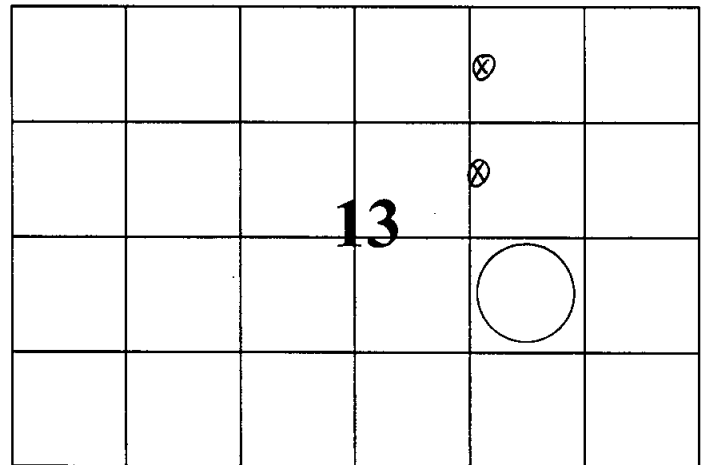
Depth of Well: 70 feet deep

Well Driller:

Remarks:

Type of Map: aerial

Prepared by:



Reviewed and the Number Assigned on: 10-17-13

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

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

Mail to:
PMB 2020
DENR - Water Rights
523 E Capitol Ave
Pierre, SD 57501-3182
ph. (605) 773-3352

No. 7912-3 (office use only)
Hydrologic Unit 10160010
Basin James River 605-345-3356
Newspaper Reporter & Farmer 516 Main Webster 57274
605-886-6901
Public Opinion, Box 10 Watukun 52201

RECEIVED
OCT 16 2013
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____

(Use predates Mar 2, 1955)

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

1. Name to Appear on Irrigation Permit Zochert Farms Inc / Ivan & Neil Zochert
(check one) ☐ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent _____
(name and complete address if different than above name)

Mailing Address 13760 441st Ave Webster SD 57274
(Address) (City) (State) (Zip Code)

Home Phone 605/345/4695 Cell 605/620/4732 Email nzochert@itc-tele.com

2. Amount of water claimed 0.45*CFS or **GPM ***AF Total Acreage 32.3
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Existing Wells / water license # 5223-3

4. Location of point of diversion 2 wells in NE 1/4 13 122N 55W
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

County Day

5. County or counties where water will be used Day

6. Annual period during which water is to be used April 1 - Sept 15

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>N 1/2 SE 1/4 S13T122NR55W</u>	<u>32.3</u>		

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

I, Neil Zochert Neil Zochert, the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true.

**SOUTH DAKOTA
WATER PERMIT NO. 7912-3**

Date of first receipt of application October 16, 2013.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7912-3 to Zochert Farms Inc., c/o Ivan and Neil Zochert, 13760 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. 7912-3 appropriates 0.45 cubic feet of water per second (cfs) to irrigate 32.3 new acres from wells authorized by Water Right No. 5223-3. Water Right No. 5223-3 appropriates 5.34 cfs from four wells completed into the Coteau Lakes Aquifer (70 feet deep) located in the E 1/2 NE 1/4 Section 13 and S 1/2 SE 1/4 Section 12 for irrigation of 540 acres located in the SE 1/4 Section 11, SW 1/4, W 1/2 SE 1/4 Section 12, NE 1/4, N 1/2 SE 1/4 Section 13 and NE 1/4 Section 14; all in T112N-R55W. This permit authorizes an additional 0.45 cfs from the two existing wells located in the E 1/2 NE 1/4 Section 13 to irrigate 32.3 new acres located in the N 1/2 SE 1/4 Section 13-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: April 1 – September 15.
3. The date from which applicant may claim right is October 16, 2013.
4. The date of approval of Permit No. 7912-3 is December 19, 2013.
5. One-fifth of the construction is to be completed on or before June 19, 2016.
6. All construction is to be completed on or before December 19, 2018.
7. Water is to be put to beneficial use on or before December 19, 2022.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

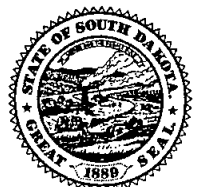
1. The wells approved under Water Right No. 5223-3 and this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

JAN 10 2014

date



Supplemental Information

(type or print)

1. Well Information (check one or both as applicable) ☐ Drilling new well(s) ☒ Using existing well(s)a) If new wells, how many 2 Have test holes been drilled ☐ Yes ☐ No Drilled by _____
(if yes, please provide copies of logs)b) If existing wells, how many 2 Provide copy of log(s), if available. Drilled by _____c) Well Depth 70' Depth to Top of Water Bearing Material _____ Depth to Water from Surface 9'

d) Distance to nearest existing domestic well:

On applicant's property ☒ On property owned by others _____**2. Wastewater Disposal System Information**

a) Type of System (i.e. septic tank, drain field) _____

b) System Capacity (gallons) _____ Year Constructed _____

c) Connected to the City of _____ Sanitary System

3. Dugout Information

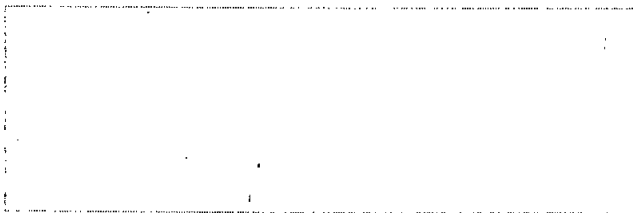
a) Surface Dimensions _____ Depth _____

b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

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

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



b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

g) X & Y Slope (e.g. 3 to 1 is a typical slope)

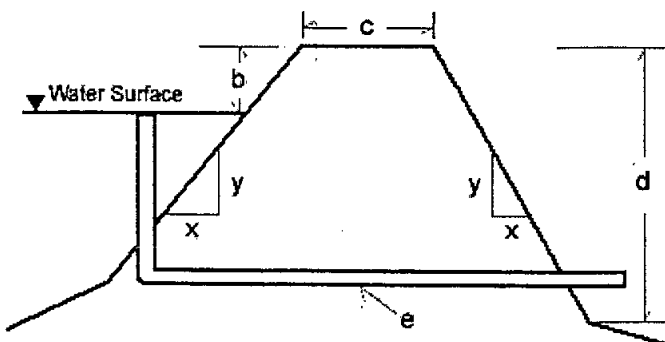
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

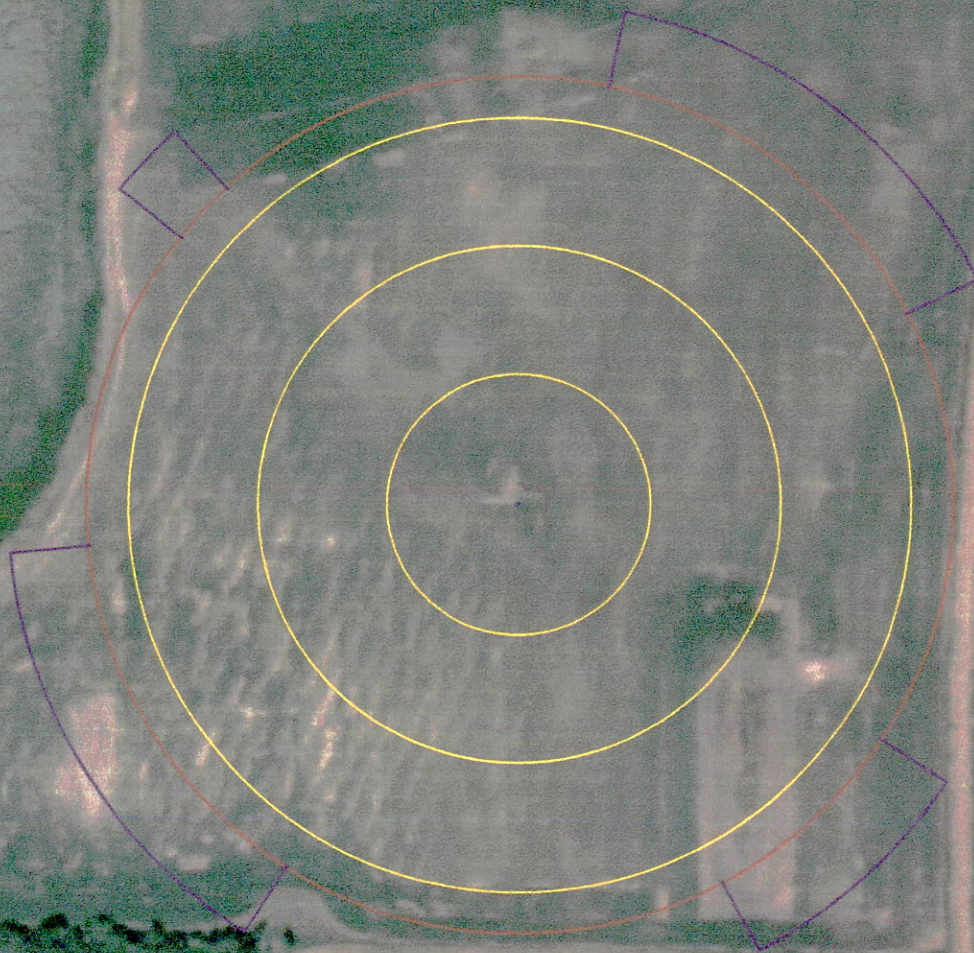
i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



Zochert Farms

180.0 | ALL Span
180.0 | ALL Span
180.0 | ALL Span
55.9 | ALL Overhang
110 | SR100 EndGun
Total Length : 597.9 ft
Irrigated Area : 32.3 ac



Farmers
Implement and Irrigation
Brookings, SD

Data use subject to license.
© DeLorme. XMap® 7.
www.delorme.com

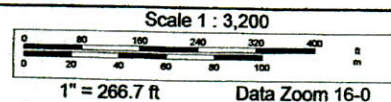


RECEIVED

OCT 16 2013

WATER RIGHTS
PROGRAM

VALLEY





United States Department of Agriculture
Farm Service Agency

PLSS: 13_122N_55W
Farm: 869

Day County, SD
1:8,325



May 10, 2010

Wetland Determination Identifiers

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

Common Land Units

RECEIVED

OCT 16 2013

**WATER RIGHTS
PROGRAM**

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

2008 Ortho-Photography - Not to Scale

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 10/16, 20 13

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>7912-3</u> to Appropriate Water, to construct and to put water to beneficial use	500	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>7912-3</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	700 00

No. **06459**

By Jeanne Rodman
Chief Engineer

Water Rights Program - File Documentation

NAME: Neil Zochert

ADDRESS: Webster SD

DATE: 10-17-13 **COUNTY:** Day **TELEPHONE:** 605 520-4733

RE: Pending application

COMMENTS:

Neil Zochert stated he would like to request the statutory limit to irrigate the 32.3 acres which is 0.45 cfs or approximately 200 gpm, utilizing his existing wells authorized by Water Right No. 5223-3.



Karen Schlaak
Water Rights Program



**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. 7912-3, 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. 7912-3, Zochert Farms Inc., c/o Ivan and Neil Zochert, 13760, 13760 441st Avenue, Webster SD 57274.

The Chief Engineer is recommending APPROVAL of Application No. 7912-3 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 wells approved under Water Right No. 5223-3 and this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Jeanne Goodman, Chief Engineer
November 22, 2013

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 7912-3
ZOCHERT FARMS
C/O IVAN AND NEIL ZOCHERT
NOVEMBER 25, 2013

Water Permit Application No. 7912-3 proposes to appropriate water at a maximum diversion rate of 0.45 cubic feet of water per second (cfs) from existing wells completed into the Coteau Lakes aquifer and authorized by Water Right No. 5223-3 for the irrigation of 32.3 acres. Water Right No. 5223-3 appropriates 5.34 cfs from four wells completed into the Coteau Lakes aquifer (70 feet deep) located in the E ½ NE ¼, Section 13 and S ½ SE ¼ Section 12 for the irrigation of 540 acres located in the SE ¼ Section 11, SW ¼, W ½ SE ¼ Section 12, NE ¼, N ½ SE ¼ Section 13 and NE ¼ Section 14; all in T112N-R55W. This application proposes to appropriate the 0.45 cfs from the two existing wells located in the E ½ NE ¼ Section 13 to irrigate 32.3 acres located in the N ½ SE ¼ Section 13; T122N-R55W in Day County.

AQUIFER: Coteau Lakes (COL)

GEOLOGY AND AQUIFER CHARACTERISTICS:

Leap (1988) separated these discontinuous outwash deposits into several aquifers dependent on location and depth to aquifer material. However, Hedges and others (1982) naming convention of Coteau Lakes will be followed, and the aquifer names that Leap used will be ignored. The Coteau Lakes “aquifer” is a group of unconsolidated sand and gravel outwash deposits that are at or near ground surface in southeastern Marshall, eastern Day, and southwestern Roberts Counties. These deposits may or may not be hydraulically connected, but because of their similarities they are considered collectively as the Coteau Lakes aquifer by Gilbertson (1996) or the Coteau Lakes aquifer system by Thompson (2001). These discontinuous outwash deposits are often connected through buried channels of outwash and fairly permeable till (Leap, 1988). The outwash deposits are “most often adjacent to, and hydraulically connected with, one or more of the large lakes in these areas” (Gilbertson, 1996). Hedges and others (1982) estimated the Coteau Lakes aquifer underlies 90,200 acres and contains an estimated 250,910 ac-ft of recoverable water in storage with 58,200 acres and 130,910 ac-ft in Day County alone.

The Coteau Lakes aquifer in this area is primarily comprised of medium sand to coarse gravel and can be clay-rich to clean (Leap, 1988). Nearby well and test hole logs (Water Rights, 2013c) and lithologic logs (SDGS, 2013) identify sand and gravel ranging from approximately 40 to 90 feet below grade with outwash most commonly identified between 50 and 70 feet below ground. The Coteau Lakes aquifer is under confined conditions in this area.

SDCL 46-2A-9:

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is reasonable probability that there is unappropriated water available for the applicant’s proposed use, the proposed diversion can be developed without unlawful impairment of existing rights and the proposed use is a beneficial use and in the public interest. This report will address the

availability of unappropriated water from the aquifer and the potential for impairment of existing rights.

WATER AVAILABILITY:

This application proposes to appropriate water from the Coteau Lakes aquifer system. Actual water use, if this application is approved, will likely be less than 64.6 acre-feet annually (ac-ft/yr). The probability of unappropriated water available from an aquifer can be evaluated by considering SDCL 46-6-3.1 which requires "No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source." If the source of the water is older or lower than the Greenhorn Formation and a public water system has applied for a permit, the Board need not consider the recharge/withdrawal issue. Here, a public water system is not involved and the aquifer is not older or lower than the Greenhorn Formation, therefore withdrawal/recharge issue must be considered.

Hydrologic Budget:

Recharge:

Recharge to the Coteau Lakes aquifer system is primarily by infiltration of rainfall and snowmelt, but at times it may be possible that adjacent lakes could recharge the aquifer (Thompson, 2001). The Coteau Lakes aquifer system may also be hydraulically connected to the Big Sioux aquifer, which may provide some groundwater inflow. The average annual recharge rate to the Coteau Lakes aquifer system was estimated to be 4.5 inches per year using observation well analysis (Hedges et. al, 1985). That equates to a recharge of 33,825 ac-ft/yr for the entire aquifer and 21,825 ac-ft/yr for the Coteau Lakes aquifer in Day County.

Discharge:

Discharge from the Coteau Lakes aquifer occurs through evapotranspiration, seepage to lakes, and well withdrawals. Historic irrigation water use from the entire Coteau Lakes aquifer and for the aquifer just in Day County is shown in Table 1. Irrigation development has slowly been increasing over the period of record. However, overall water pumpage has not increased at the same rate as the number of permits or the appropriation.

There are 11 non-irrigation water rights permits; 10 for commercial use and one, Water Right No. 5599-3 for NE-SO-DAK Bible Camp, for institutional and recreation use (Water Rights, 2013b). The estimated average annual use by non-irrigation appropriations is 144 ac-ft/yr for the entire aquifer with 103 ac-ft/yr from Day County alone. This estimate comes from assuming pumping at the maximum permitted diversion rate for 60 percent of the time.

Estimated average annual water use from the Coteau Lakes aquifer is 1,094 ac-ft/yr with 259 ac-ft/yr in Day County alone. The use is much less than the estimated annual recharge to the Coteau Lakes aquifer. Therefore, there is a reasonable probability that unappropriated water is available for this proposed appropriation.

Year	Entire Aquifer				Day County		
	No. Permits Reporting	Appropriated (ac-ft)	Pumpage (ac-ft)		No. Permits Reporting	Appropriated (ac-ft)	Pumpage (ac-ft)
2012	21	9126	1462.11		5	2415	167.93
2011	22	9206	1419.33		6	2495	92.25
2010	21	8886	926.71		6	2495	267.14
2009	20	8676	982.32		5	2285	104.66
2008	19	7957	1077.4		5	2285	204.73
2007	18	7637	1078.86		5	2285	209.17
2006	18	7637	2420.33		5	2285	739.33
2005	16	7117	1652.43		5	2285	244.51
2004	17	7695	1685.71		5	2285	406.49
2003	16	7415	1630.19		4	2005	285.63
2002	16	7415	1428.07		4	2005	337.03
2001	16	7415	1602.6		4	2005	227.73
2000	16	7415	1479.59		4	2005	252.67
1999	17	7993	1282.23		4	2005	149.81
1998	17	7993	1149.04		4	2005	123.3
1997	16	7721	879		4	2005	25
1996	15	7455	885.7		3	1739	58.04
1995	15	7455	141.02		3	1739	3.31
1994	14	7191	722.28		3	1739	63.62
1993	13	7429	65		4	2819	0
1992	11	5269	282		2	659	33
1991	12	6605	218		2	659	0
1990	14	7215	651		4	1269	70
1989	14	8054	620.6		3	1189	110
1988	14	7556	1155.6		4	1269	154.6
1987	12	6076	836.6		2	659	103
1986	12	6076	67		2	659	0
1985	11	5996	570		1	579	51
1984	13	7212	811.5		2	979	121
1983	11	5656	597.51		2	659	154.68
1982	8	5146	822.61		1	579	106.06
1981	11	7183	794		2	2036	260.52
1980	7	6101	700		2	2036	159.09
1979	7	6101	207		2	2036	0
Min	7	5146	65		1	579	0
Max	22	9206	2420.33		6	2819	739.33
Avg	14.7	7267.1	950.1		3.5	1719.2	155.5

Table 1- Irrigation water use from the Coteau Lakes aquifer (Water Rights, 1979-2013)

Observation Well Data:

Administrative Rule of South Dakota Section 74:02:05:07 requires that the Water Management Board shall rely upon the record of observation well measurements to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge of the aquifer.

The DENR-Water Rights Program monitors 11 observation wells completed into the Coteau Lakes aquifer system with two of the wells in Day County (Water Rights, 2013a). The nearest observation well, DA-78C, is approximately 0.5 miles west of the proposed wells. The next nearest observation well completed into the Coteau Lakes aquifer is approximately six miles east of the proposed well. The hydrograph DA-78C is shown in Figure 1.

The hydrograph shows that the water level responds well to climatic conditions with rising water levels during wet periods and gradually declining water levels during dry conditions. The hydrograph does show the temporal impacts of well withdrawals. This is primarily due to the

proximity, within one mile, of a number of high capacity wells. However, the observation well data shows that at the current level of development, climatic conditions mask the temporal effects of well withdrawals. The hydrograph for DA-78C agrees, in general, with the hydrographs for the other observation wells completed into the Coteau Lakes aquifer. Therefore, the observation well data documents that recharge to and natural discharge from this aquifer significantly exceeds pumping. The hydrograph documents that there is unappropriated water available from the aquifer to support this proposed appropriation.

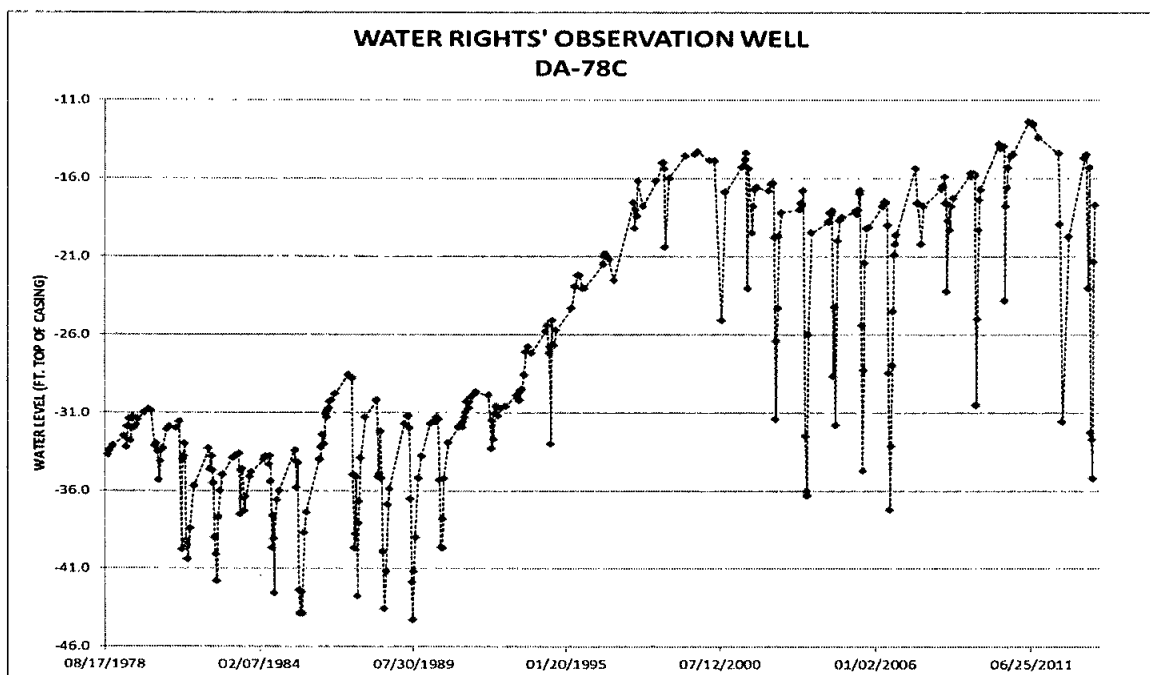


Figure 1- Hydrograph for observation well DA-78C (Water Rights, 2013a)

EXISTING WATER RIGHTS:

There are only two water rights/permits, Water Right No. 5223-3 and Permit No. 7177-3 both for Zochert Farms Inc., that authorize wells completed into the Coteau Lakes aquifer within approximately 1.5 miles of the proposed wells (Water Rights, 2013b). There are a number of domestic wells on file with the SD DENR-Water Rights Program that appear to be completed into the Coteau Lakes aquifer within approximately 1.5 miles of the proposed wells (Water Rights, 2013c). However, there are no domestic wells on file within approximately 0.5 miles of the proposed wells.

In the past, the Water Management Board has recognized that to place water to maximum beneficial use, a certain amount of drawdown may occur. Drawdown cannot be precisely quantified without aquifer testing in the area. If approved, the water permit should include a qualification that the well owner controls his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights. Due to proximity, there is a reasonable probability that this proposed diversion will not adversely impact existing appropriative or domestic users.

CONCLUSIONS:

1. Water Permit Application No. 7912-3 proposes to appropriate water at a maximum diversion rate of 0.45 cfs from the Coteau Lakes aquifer for the irrigation of 32.3 acres in Day County using wells authorized under Water Right No. 5223-3.
2. Water Right No. 5223-3 appropriates 5.34 cfs from four wells completed into the Coteau Lakes aquifer for the irrigation of 540 acres.
3. There is a reasonable probability that unappropriated water is available from the Coteau Lakes aquifer to supply this proposed appropriation.
4. There is a reasonable probability that the diversion rate requested by this application can be made without adversely impacting existing water rights/permits and domestic users.



Adam Mathiowetz
SD DENR-Water Rights Program

Approved by:



for Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- Gilbertson, J.P. 1996. Investigation of Ground Water Resources in Portions of Roberts County, South Dakota. SD DENR-Geological Survey open-File Report 81-UR.
- Hedges, L.S. J. Allen, and D.E. Holly. 1985. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 7: Ground Water Recharge. South Dakota DENR-Geological Survey, Vermillion, SD.
- Hedges, L.S., S.L. Burch, D.L. Iles, R.A. Barari, and R.A. Schoon. 1982. Evaluation of Ground-water Resources in Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa. Task 1: Bedrock Topography and Distribution, Task 2: Extent of Aquifers, Task 3: Ground-Water Storage, Task 4: Computerized Data Base, Final Report; U.S. Army Corps of Engineers Contract DACW 45-80-C-0185
- Lead, D.I. 1988. Geology and Hydrology of Day County, South Dakota. Bulletin 24. SD-DENR Geological Survey, Vermillion, South Dakota.
- SDGS. 2013. Lithologic Logs Database. < <http://sddenr.net/lithdb/>>. Accessed: November 7, 2013. SD DENR-Geological Survey, Vermillion, South Dakota.
- Thompson, R.F. 2001. Water Resources of Lake Traverse Reservations, South and North Dakota, and Roberts County, South Dakota. U.S. Geological Survey Water-Resources Investigations Report 01-4219.
- Water Rights. 1979-2013. Irrigation Water Use Summaries. SD DENR-Water Rights Program. Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2013a. Observation Well Files. SD DENR-Water Rights Program. Joe Foss Bldg., Pierre, SD.
- Water Rights. 2013b. Water Right/Permit Files. SD DENR-Water Rights Program. Joe Foss Bldg., Pierre, SD.
- Water Rights. 2013c. Well Completion Reports. SD DENR-Water Rights Program. Joe Foss Bldg., Pierre, SD.

AFFIDAVIT OF PUBLICATION

County of Day
State of South Dakota,

} ss.

RECEIVED

DEC 30 2013

WATER RIGHTS
PROGRAM

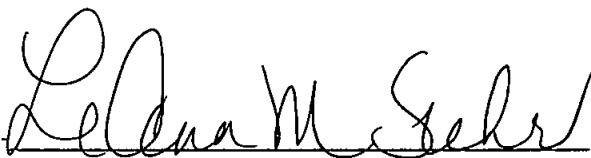
John Suhr, of said county and state being duly sworn on oath, says: That the Reporter & Farmer is a legal weekly newspaper of general circulation, and an official newspaper as required by Session Laws of 1893, printed and published in Webster, in said county and state, by the Day County Printing Company 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, Zochert Farms, a printed copy of which is hereunto attached, was printed and published in the said newspaper one successive and complete issues as follows:

First Publication	Dec. 9, 2013;
Second Publication	;
Third Publication	;
Fourth Publication	;
Fifth Publication	;

That the full amount of fees for publication of the annexed notice is \$30.78 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 ninth day of December, 2013.

LeAnn M. Suhr
Day County South Dakota
My Commission Expires November 2, 2014


Notary Public, Day County, South Dakota

Application

NOTICE OF APPLICATION NO. 7912-3 TO APPROPRIATE WATER

Notice is given that Zochert Farms Inc., c/o Ivan and Neil Zochert, 13760 441st Ave., Webster, SD 57274 has filed an application to appropriate 0.45 cubic feet of water per second (cfs) to irrigate 32.3 new acres from wells authorized by Water Right No. 5223-3. Water Right No. 5223-3 appropriates 5.34 cfs from four wells completed into the Coteau Lakes Aquifer (70 feet deep) located in the E1/2NE1/4 Section 13 and S1/2SE1/4 Section 12 for irrigation of 540 acres located in the SE1/4 Section 11, SW1/4, W1/2SE1/4 Section 12, NE1/4, N1/2SE1/4 Section 13 and NE1/4 Section 14; all in T112N-R55W. This application proposes to appropriate an additional 0.45 cfs from the two existing wells located in the E1/2NE1/4 Section 13 to irrigate 32.3 new acres located in the N1/2SE1/4 Section 13-T112N-R55W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7912-3 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

n to appropriate water

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 December 19, 2013.

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 once, at the total
approximate cost of \$30.76.

RECEIVED
DEC 13 2013
WATER RIGHTS
PROGRAM

Form 8

DEPARTMENT
OF ENVIRON-
MENT AND
NATURAL
RESOURCES

NOTICE OF APPLICATION
NO. 7912-3 to

Appropriate Water

Notice is given that Zochert Farms Inc, c/o Ivan and Neil Zochert, 13760 441st Ave, Webster SD 57274 has filed an application to appropriate 0.45 cubic feet of water per second (cfs) to irrigate 32.3 new acres from wells authorized by Water Right No. 5223-3. Water Right No. 5223-3 appropriates 5.34 cfs from four wells completed into the Coteau Lakes Aquifer (70 feet deep) located in the E 1/2 NE 1/4 Section 13 and S 1/2 SE 1/4 Section 12 for irrigation of 540 acres located in the SE 1/4 Section 11, SW 1/4, W 1/2 SE 1/4 Section 12, NE 1/4, N 1/2 SE 1/4 Section 13 and NE 1/4 Section 14; all in T112N-R55W. This application proposes to appropriate an additional 0.45 cfs from the two existing wells located in the E 1/2 NE 1/4 Section 13 to irrigate 32.3 new acres located in the N 1/2 SE 1/4 Section 13-T122N-R55W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7912-3 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 December 19, 2013.

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 once at the approximate cost of \$61.00. (December 9, 2013)

All legal notices in the Public Opinion and other South Dakota newspapers can be found at
www.sdpublicnotices.com

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
County of Codington)

I, Monica K. Saathoff

certify that the attached printed Notice was taken

from the Watertown Public Opinion

printed and published in Watertown

County of Codington and

state of South Dakota. The notice was published

in the newspaper on the following date:

December 9th, 2013

Cost of Printing 66.01

Monica K. Saathoff
(Signature)

Bookkeeper

(Title)

December 9th, 2013

(Date Signed)



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

November 25, 2013

Reporter & Farmer
516 Main Ave
Webster SD 57274

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7912-3 to Appropriate Water. Please publish the notice once on December 9, 2013. 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 and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Zochert Farms Inc, c/o Ivan & Neil Zochert, 13760 441st Ave, Webster SD 57274 (Ph # 605-345-4695).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

November 25, 2013

Public Opinion
PO Box 10
Watertown SD 57201

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7912-3 to Appropriate Water. Please publish the notice once on December 9, 2013. 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 and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Zochert Farms Inc, c/o Ivan & Neil Zochert, 13760 441st Ave, Webster SD 57274 (Ph # 605-345-4695).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

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



**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.

November 25, 2013

Zochert Farms Inc
Ivan & Neil Zochert
13760 441st Ave
Webster SD 57274

Dear Sirs:

Water Permit Application No. 7912-3 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 Reporter & Farmer printed at Webster SD (Ph # 605-345-3356) and the Public Opinion printed at Watertown SD (Ph # 605-886-6901). You will need to contact the newspaper(s) 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(s) to authorize publication of your Notice and to arrange for payment. Early contact with the paper(s) can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. 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 the Notice on December 9, 2013. 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. 7912-3 to Appropriate Water

Notice is given that Zochert Farms Inc, c/o Ivan and Neil Zochert, 13760 441st Ave, Webster SD 57274 has filed an application to appropriate 0.45 cubic feet of water per second (cfs) to irrigate 32.3 new acres from wells authorized by Water Right No. 5223-3. Water Right No. 5223-3 appropriates 5.34 cfs from four wells completed into the Coteau Lakes Aquifer (70 feet deep) located in the E 1/2 NE 1/4 Section 13 and S 1/2 SE 1/4 Section 12 for irrigation of 540 acres located in the SE 1/4 Section 11, SW 1/4, W 1/2 SE 1/4 Section 12, NE 1/4, N 1/2 SE 1/4 Section 13 and NE 1/4 Section 14; all in T112N-R55W. This application proposes to appropriate an additional 0.45 cfs from the two existing wells located in the E 1/2 NE 1/4 Section 13 to irrigate 32.3 new acres located in the N 1/2 SE 1/4 Section 13-T122N-R55W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7912-3 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 December 19, 2013.

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 once at the total approximate cost of_____.



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



JAN 10 2014

Zochert Farms Inc
Ivan & Neil Zochert
13760 441st Ave
Webster SD 57274

Dear Sirs:

Enclosed is Water Permit No. 7912-3 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,

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

enclosures

7912-3
RECEIVED

AUG - 4 2014

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 8-2-14TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM:

Zochert Farms INC of Ivani & Neil Zochert

(name)

13760 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. 7912-3 states that the water use system is to be constructed by12-19-2018, and water is to be put to beneficial use by 12-19-2022.

(date)

(date)

The water use system was completed on 7-1-14.

(date)

Applying the water to beneficial use was completed on 7-1-14.

(date)

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

Neil Zochert
(signature)



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



August 4, 2014

7912-3

Ivan & Neil Zochert
Zochert Farms Inc
13760 441st Ave
Webster SD 57274

Dear Sirs:

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,

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

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7912-3

I have this day, **October 14, 2024**, made a thorough examination of the water use system constructed by **Zochert Farms, Inc, c/o Neil Zochert, 13760 441st Ave, Webster, SD 57274** of Permit No. **7912-3**, bearing the priority of **December 19, 2013** authorizing the diversion of **0.45** cu. ft. per second of the waters of the **Coteau Lakes Aquifer** for **irrigation** purposes, in **Day** County.

A. Works used to divert the water:

Well Information: DETAILS FOR WELL 1 & 2 CAN BE FOUND ON THE INSPECTION REPORT FOR WR NO. 5223-3

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

- 1) Type PVC 2) Size 4 inches 3) Length 2000 feet

Comments:

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Valley
2) Overall length 500 feet
3) Number of towers 3
4) End gun Y
5) Capacity 245 GPM

Chemigation Equipment:

- 1) Does chemigate N

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y

List any extended period of nonuse: **From 2019 to present due to high adjacent lake water. Wells and pivot point are in standing water.**

- 3) Exceptions to compliance are: None

E. Condition and Location:

1. The system is in **good** condition with the point(s) of diversion located as follows: **WELL LOCATIONS From the NW corner Sec 13 T122N R55W, Well #1: 1700 ft S & 4055 ft E, Lat 45.37985 Long -97.37092 (SE ¼ NE ¼), Well #2: 785 ft S & 4175 ft E, Lat 45.38235 Long -97.37041 (NE ¼ NE ¼).**

2. The works are capable of diverting and conveying to the place of use 0.54 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

legal description/acreage

All land in Sec 13 T122N R55W

NE 1/4 SE 1/4 - 27 acres

NW 1/4 SE 1/4 - 3 acres

comprising a total of 30 acres of land and the license should be issued for 0.43 cfs.

3. All structures, wells and lands on map Y

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

FSA maps and the ArcGIS program were used to construct the attached well location and irrigated area map which was used to estimate irrigated acreage.

The flow rate reported on the 2018 Irrigation Questionnaire was used to establish the system flow capacity.

The address and phone number in the permit application are current.

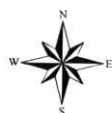
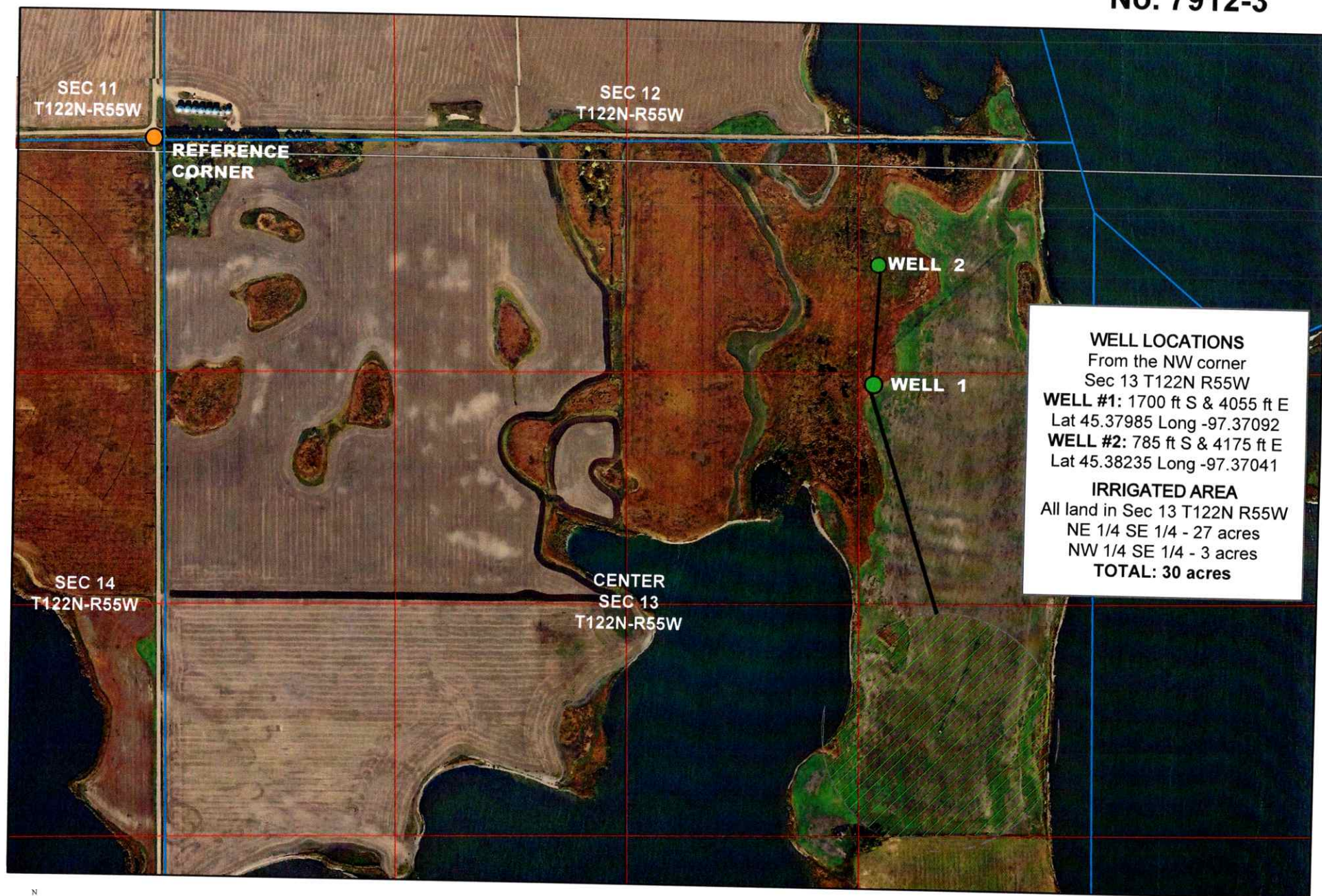
I talked to Mr. Neil Zochert on the phone regarding Permit details.



Darrell DeBoer
Water Rights Inspector
DENR, Water Rights Program

Date report completed: October 15, 2024

No. 7912-3



0 600 1,200 2,400 3,600 4,800 Feet

Darrell DeBoer
Water Right Inspector
DANR-Water Rights Program

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7912-3**

(1) Zochert Farms Inc., 13760 441st Ave, Webster SD 57274, made Application No. 7912-3, October 16, 2013, for a water permit to divert 0.45 cubic feet of water per second from groundwater, two wells (Coteau Lakes Aquifer), Day County, South Dakota for irrigation purposes. Permit No. 7912-3, with a priority date of October 16, 2013, was approved December 19, 2013, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before December 19, 2018, and for the application to beneficial use of water on or before December 19, 2022.

The two wells authorized under Permit No. 7912-3 are also authorized under Water Right No. 5223-3 (Wells No. 1 & 2).

(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 0.43 cubic feet of water per second for beneficial use. The locations of the diversion points are:

- Well 1: 1,700 ft S & 4,055 ft E of the NW corner Section 13-T122N-R55W (SE $\frac{1}{4}$ NE $\frac{1}{4}$)
(Latitude 45.37958 & Longitude -97.37092)
- Well 2: 785 ft S & 4,175 ft E of the NW corner Section 13-T122N-R55W (NE $\frac{1}{4}$ NE $\frac{1}{4}$)
Latitude 45.38235 & Longitude -97.37041)

(3) The amount of appropriation may not exceed 2 acre-feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – September 15.

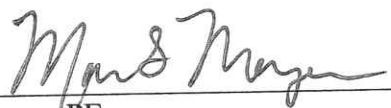
(4) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate to following land:

Section 13-T122N-R55W
NE $\frac{1}{4}$ SE $\frac{1}{4}$ - 27 acres
NW $\frac{1}{4}$ SE $\frac{1}{4}$ - 3 acres
TOTAL: 30 acres

(5) Pursuant to South Dakota Water Law 46-5-30.1 Zochert Farms Inc., the holder and/or owner of Water Right No. 7912-3 is issued a license to appropriate water, the right to use 0.43 cubic feet of water per second from groundwater, two wells (Coteau Lakes Aquifer), with a priority date of October 16, 2013, from the locations 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. 7912-3 and subject to the following qualifications:

1. The wells approved under Water Right No. 5223-3 and this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This Permit is approved subject to the irrigation use questionnaire being submitted each year.



Mark Mayer, PE
Director of the Office of Water
Department of Agriculture and Natural Resources

8/22/25

date





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

AUG 22 2025

7912-3

Zochert Farms Inc.
c/o Neil Zochert
13760 441st Ave
Webster SD 57274

Dear Mr. Zochert:

Enclosed is Water License No. 7912-3. 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 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.

So long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact Amanda Dewell, Water Rights Permitting Administrator (605) 773-3352.

Sincerely,

Mark Mayer, PE
Director of the Office of Water
(605) 773-3352

NOTE: The investigation found your irrigation system capable of diverting 0.54 cfs (approx. 245gpm). The statutory limit for 30 acres is 0.43 cfs (approx. 195 gpm). Diversion of water under this water license is limited to 0.43 cfs.

enclosures