

WATER PERMIT NO. 7914-3

Name of Applicant: **John Zomer Jr**

Address: **26326 487th Ave, Valley Springs SD 57068** Phone: **605 359-7206**

Amount of Water Claimed: **1.56 cfs** Total Acres: **160 acres**

Source of Water Supply: **groundwater (2 existing wells)**

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

Type of Waste Disposal System:

Location: **approximately 15 miles northwest of Flandreau**

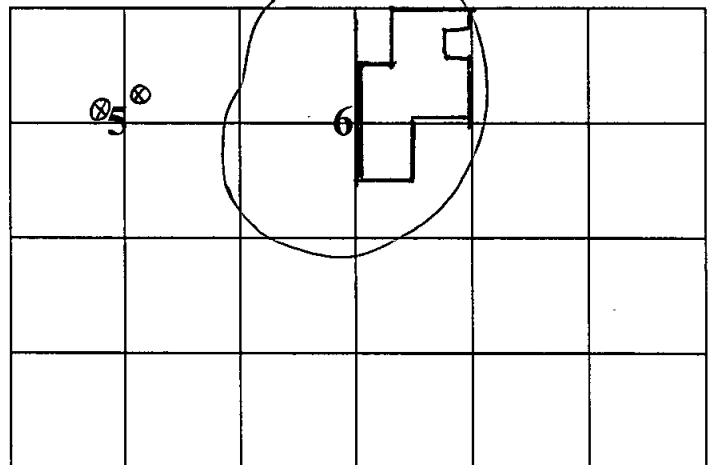
PRIORITY Date Received: **10-17-13** Application/License Fee: **\$ 1050**

Corrected Application Received: Period of Annual Use: **May 1 – Sept 30**

Remarks: **Using well authorized by Water Right No. 603-3**

Diversion Point: **SE 1/4 NW 1/4 & SW 1/4 NE 1/4**
Sec 5-T108N-R49W

Land to be Irrigated: **NE 1/4, NW 1/4 SE 1/4 Sec**
6-T108N-49W



Depth of Well: **30**

Well Driller: **Pullman Well Drilling**

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. 7914-3 (office use only) Hydrologic Unit 10120203
Basin Sioux River 605-997-3725
Newspaper Moody Co. Ent. Box 71 7 Andrews 57028
Brookings Register Box 177 57006 605-692-6271

RECEIVED
OCT 17 2013
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 603-3
(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 John Zomer Jr.
(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent
(name and complete address if different than above name)

Mailing Address 26326 487th Ave Valley Springs SD 57068
(Address) (City) (State) (Zip Code)

Home Phone _____ Cell 605 359-7206 Email _____

2. Amount of water claimed _____ *CFS or no add **GPM _____ ***AF _____ Total Acreage 160
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply well (2)

4. Location of point of diversion using the water from permit 603-3 Sec 5
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
T108-R49W CSE1/4NW1/4 & SW1/4 NE1/4 County Moody

5. County or counties where water will be used Moody

6. Annual period during which water is to be used May 1 - Sept 30

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
SW1/4 of the NE1/4 of Sec 6 108N 49W	40	NW1/4 of the SE1/4 of Sec 6 108N 49W	40
SE1/4 of the NE1/4 of Sec 6 108N 49W	40		
NW1/4 of the NE1/4 of Sec 6 108N 49W	20		
NE1/4 of the NE1/4 of Sec 6 108N 49W	20		

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

I, John Zomer Jr., 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. 7914-3

Date of first receipt of application October 17, 2013.

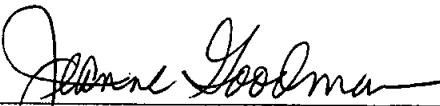
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7914-3 to John Zomer Jr., 26326 487th Ave, Valley Springs SD 57068 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 7914-3 appropriates water from two existing wells authorized by Water Right No. 603-3 to irrigate 160 new acres located in the NE 1/4, NW 1/4 SE 1/4 Section 6, T108N-R49W. Water Right No. 603-3 appropriates 2.77 cubic feet of water per second from two wells completed into the Big Sioux:Brookings Aquifer (30 feet deep) located in the SE 1/4 NW 1/4 and SW 1/4 NE 1/4 Section 5, T108N-R49W to irrigate 198.5 acres in portions of the NW ¼ and W ½ NE 1/4 Section 5, T108N-R49W. This permit will use the existing diversion rate authority and will not increase the current diversion rate to irrigate these new acres.
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: May 1 – September 30.
3. The date from which applicant may claim right is October 17, 2013.
4. The date of approval of Permit No. 7914-3 is January 6, 2013. 
5. One-fifth of the construction is to be completed on or before July 6, 2016.
6. All construction is to be completed on or before January 6, 2018.
7. Water is to be put to beneficial use on or before January 6, 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. 603-3 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.

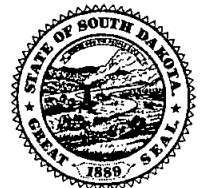
WATER MANAGEMENT BOARD

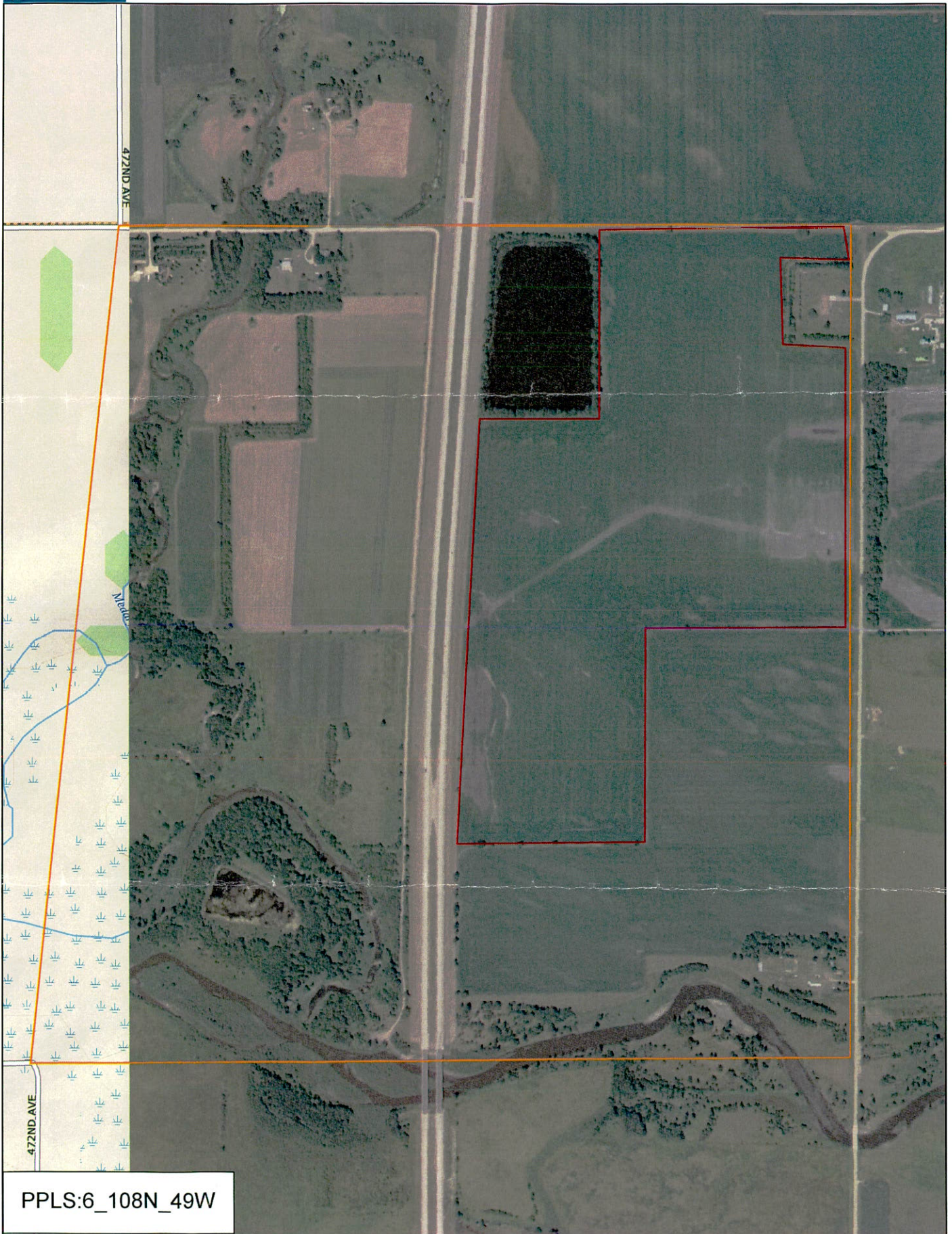
By: 

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

JAN 29 2014

date





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WESTERN TRUST CO.

P.O. Box 1052

Watertown, SD 57201

MAP NOT TO SCALE

Permit #603-3

THIS IS NOT AN OFFICIAL WETLAND MAP



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 10/17, 20 13

RECEIVED OF John A Zomer 26326 487th Ave Valley Springs SD 57068

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

Fee for Application for Permit No. <u>7914-3</u> to Appropriate Water, to construct and to put water to beneficial use	850	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>7914-3</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	1050 00

No. **06462**

By Jeane Goodman
Chief Engineer

No. 7914-3

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit Application No. 7914-3, John Zomer, Jr

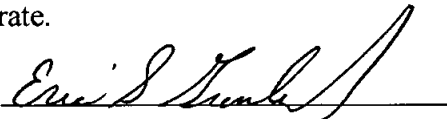
ADDRESS: COUNTY: Moody County

DATE: October 18, 2013 TELEPHONE: cell 359-7906

RE: Application for new acres

Mr. Zomer returned my call. His application states he intends to use the two existing wells authorized by Water Right No. 603-3. The application states the amount of water claimed to be 700 gpm for irrigation of 160 acres. I stated that Water Right No. 603-3 currently appropriates 1,250 gpm from the wells. I asked if his intent was to use this existing diversion rate authority or increase the pumping capability from the two well to 1,950 gpm. Mr. Zomer stated the maximum pump rate would remain 1,250 gpm and he would manage operation of the wells to serve the various pivots.

Mr. Zomer asked that I amend the application accordingly to be for new acres with no increase in the existing permitted pump rate.

NAME: 



**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. 7914-3, John Zomer, Jr**

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. 7914-3, John Zomer, Jr, 26326 487th Avenue, Valley Springs SD 57068.

The Chief Engineer is recommending APPROVAL of Application No. 7914-3 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. 603-3 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

WATER PERMIT APPLICATION NO. 7914-3

John Zomer, Jr.

November 7, 2013

Water Permit Application No. 7914-3 proposes to appropriate water to irrigate 160 new acres located in the NE¼ and NW¼ SE¼ of Section 6, T108N-R49W from two existing wells authorized by Water Right No. 603-3. This water right appropriates water at a maximum diversion rate of 2.77 cubic feet per second (cfs) from two wells completed into the Brookings management unit of the Big Sioux aquifer. The wells are approximately 30 feet deep, located in the SE¼ NW¼ and SW¼ NE¼ of Section 5, T108N-R49W. Water is currently used to irrigate 198.5 acres in portions of the NW¼ and W½ NE¼ of Section 5, T108N-R49W. If approved, this application does not authorize any increase in maximum diversion rate.

AQUIFER: Brookings management unit of the Big Sioux aquifer (BS: B)

HYDROGEOLOGY:

In total the Brookings management unit of the Big Sioux aquifer underlies approximately 323,000 acres of Brookings, Codington, Deuel, Hamlin, Kingsbury, and Moody Counties (Hamilton, 1989; Hansen, 1988; Hedges and others, 1982; Kume, 1985; Stonesifer, 2013). The Brookings management unit is hydraulically connected to the North management unit to the north, the Battle Creek aquifer to the west, the North Deer Creek, Unnamed Creek, Six Mile Creek, and Aurora management units to the east, and the Moody management unit to the south (Hedges and others, 1982). The aquifer is hydraulically connected to many surface waters, specifically the Big Sioux River. Water in the aquifer generally moves from north to south and locally towards the river (Hamilton, 1989). The existing wells are located within one half mile of the Brookings and Moody management units boundary and within one half mile of the Big Sioux River (Water Rights, 2013b).

The Big Sioux: Brookings aquifer is an alluvium mantled outwash consisting of well-sorted, permeable, medium to coarse sand and fine to medium gravel. Generally, the aquifer is underlain by till and, when buried, overlain by till. The aquifer is often under unconfined conditions near the Big Sioux River and can be confined elsewhere (Hamilton, 1989). From the average thickness of 30 feet and a commonly assumed storativity of 0.15, the Big Sioux: Brookings aquifer is estimated to contain 1,453,00 acre-feet (ac-ft) of recoverable water in storage (Hedges and others, 1982; Hamilton, 1989; Kume, 1985; Stonesifer, 2013). The aquifer in the area of the existing wells is found just below ground surface and is approximately 30 feet thick (SD Geological Survey, 2013; Water Rights, 2013b).

SDCL 46-2A-9

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

the availability of unappropriated water and existing rights from the aquifer that are pertinent to this application.

WATER AVAILABILITY:

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 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. Therefore, withdrawal/recharge issue must be considered.

HYDROLOGIC BUDGET:

Recharge:

Recharge to the Big Sioux: Brookings aquifer occurs through infiltration of precipitation in areas where the aquifer is at or near land surface, seepage through till, lake deposits, and underlying aquifers, and inflow from the Big Sioux River and its tributaries during times of relatively high surface water levels (Hamilton, 1989; Kume, 1985).

Hedges and others (1985) determined the average recharge rate to the entire Big Sioux aquifer system by base flow analysis to be 6.5 inches per year (in/yr). Koch (1980) estimated average recharge to the Big Sioux aquifer in Brookings, Deuel, and Hamlin Counties by modeling to be 6.57 in/yr to the unconfined portions. Kume (1985) estimated recharge to the Big Sioux aquifer in Hamlin and Deuel Counties to be 5.11 in/yr. Hansen (1988) estimated recharge to the Big Sioux aquifer in Moody County by modeling to be on average 4.85 in/yr. Hedges and others (1985) estimated recharge specifically of the Brookings management unit by observation well analysis to be 4.0 in/yr; this is considered the best data available due to its emphasis on the management unit. Applying the recharge rate of this management unit to the area, recharge to the Big Sioux: Brookings aquifer is estimated to be 107,000 acre-feet per year (ac-ft/yr).

Koch (1980) indicates that even more water could be pumped than the estimated average recharge based on the concepts of induced recharge from surface waters due to pumpage and capture of water to pumpage prior to evapotranspiration or natural outflow.

Discharge:

Discharge from the aquifer occurs through evapotranspiration in areas where the aquifer is at or near land surface, outflow to the Big Sioux River and its tributaries during times of relatively low surface water levels, and well withdrawals (Hamilton, 1989; Kume, 1985). There are a total of 246 water rights/permits appropriating water from the aquifer. Water rights/permits limited by annual volume currently appropriate 5,034 ac-ft/yr of water, and water rights/permits limited by diversion rate currently appropriate water at a total maximum diversion rate of 18.939 cfs. There are a total of nine future use permits reserving a total of 7,327 ac-ft/yr of water from the aquifer (Water Rights, 2013b).

Brookings-Deuel-Kingbrook and Sioux rural water systems and the municipalities of Lake Norden and Volga are required to report withdrawals from the Big Sioux: Brookings aquifer for some or all water rights/permits. Reported use of a public water supply system may not be an accurate reflection of expected use. Eventual full use of an appropriation for public water supply systems is often expected to account for future growth. Each of these entities have future use permits and subsequently any appropriation permitted but not put to beneficial use can be reverted back to the future use reservation (Water Rights, 2013b).

Several municipalities are connected to a rural water system that is either used as a primary or standby, “back-up,” source. The municipalities of Clear Lake, Hayti, and Bruce currently use a rural water system as a primary source and their water rights/permits are retained as a standby source for security, such as fire protection. These water rights are all limited by diversion rate, totaling 2.81 cfs (Water Rights, 2013b).

The amount of water that can be expected to be withdrawn by non-irrigation use water rights/permits and future use permits at the current appropriation/reservation amount can be estimated by assuming:

- 1) reported use of municipalities and rural water systems still expecting future growth is not yet considered,
- 2) water rights/permits limited by an annual volume will pump the entire volume appropriated annually,
- 3) water rights/permits limited only by diversion rate will pump at the maximum permitted diversion rate 60 percent of the time,
- 4) future use permits can be fully developed, and
- 5) water rights/permits authorized to municipalities using rural water systems as a primary source will not withdraw water.

Considering these water use expectations, non-irrigation water appropriations/reservations are expected to account for 19,368 ac-ft/yr to be withdrawn from the Big Sioux: Brookings aquifer (Water Rights, 2013b).

While there are numerous domestic wells on file, many are no longer used as primary sources since rural water systems have been introduced in the area. Considering this, and the relatively small withdrawal ability and authorization of a domestic well, the annual quantity of water withdrawn due to domestic wells is not significant to the hydrologic budget of the Big Sioux: Brookings aquifer (Water Rights, 2013c).

The average of the annual irrigation pumpage is currently 8,684 ac-ft/yr, but varies from a minimum of 1,043 ac-ft/yr to a maximum of 19,483 ac-ft/yr (Water Rights, 1980-2013). This data indicates a huge variability in the data set, which can be seen in Figure 1. The annual irrigation pumpage can be attributed to two major factors: climatic and economic conditions. For example, during the drought and high commodity prices of 2012, the irrigation pumpage was much greater than the average. While the relationship between these variables is obvious, these variables are difficult to predict.

The annual irrigation appropriation from this aquifer has remained fairly steady until just recently. Since the beginning of 2013, 20 water permits have been approved, authorizing

irrigation of 2,957.5 acres. Annual use of these permits has not yet been reported. There are also several pending applications for this aquifer that propose to appropriate water for irrigation to a total of 801 acres (Water Rights, 2013b). While the maximum allowable application rate is two feet per acre per year (ft/ac/yr), in most instances irrigators apply less than one ft/ac/yr. To be realistic yet conservative, assuming an application of one ft/ac/yr results in an expected use of these newly approved and pending permits, if approved, of 3,759 ac-ft/yr.

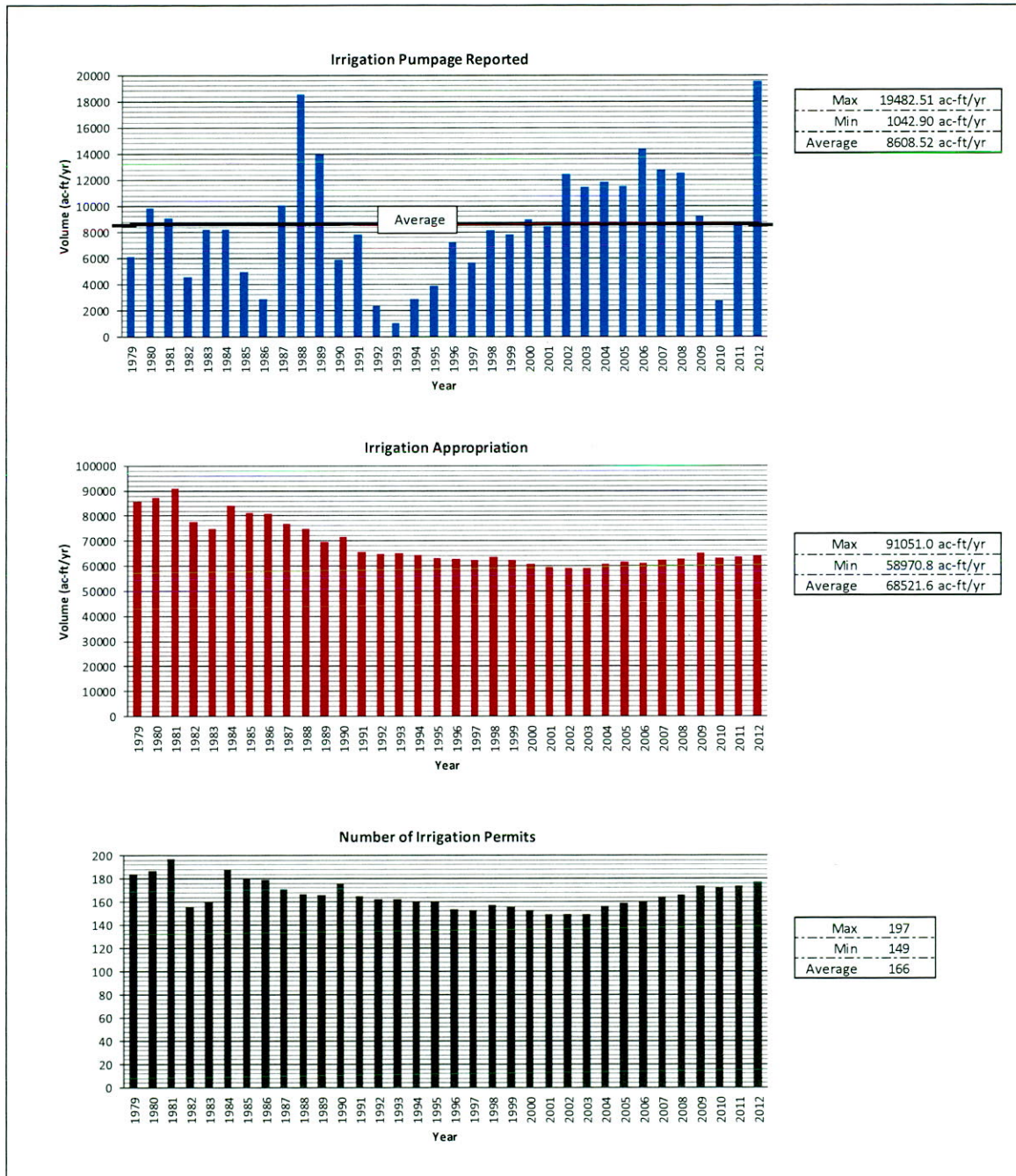


Figure 1: Historic irrigation water use from the Big Sioux: Brookings aquifer (Water Rights, 1980-2013)

Hydrologic Budget:

Recently, courts have ruled that if average annual recharge is used, average annual withdrawals should also be used to determine if unappropriated water is available and that data must be presented to show that it is probable that the average annual recharge exceeds the average annual discharge by at least the amount requested by the water permit application being considered (Memorandum Decision, April 29, 2005; Memorandum Decision, April 11, 2012).

The average annual recharge to the Big Sioux: Brookings aquifer is estimated to be 107,000 ac-ft/yr. The average annual withdrawal is expected to be at most 31,811 ac-ft/yr. Therefore, unappropriated water is available from the Big Sioux: Brookings aquifer to support the proposed appropriation.

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 currently monitors 54 observation wells completed into the Big Sioux: Brookings aquifer that produce representative data of the aquifer. Most of these wells record steady or increasing water levels in the aquifer over the period of record (Water Rights, 2013a). While a few observation wells appear to record a decreasing water level trend, further analysis reveals that these decreases are a record of the drawdown due to pumpage of new wells in the area and do not reflect an overall decrease in water availability in the aquifer. Considering this, there are no observation wells in the Big Sioux: Brookings aquifer that indicate that withdrawals have exceeded recharge.

The nearest observation well, MY-81A, is located approximately one mile southwest of the existing wells. The well is currently classified as completed into the Moody management unit. In 1981 this well replaced a destroyed Brookings management unit observation well in the same location. Current management unit delineations include this replacement well in the Brookings management unit. For the purposes of this report, this well adequately represents water level trends in the Big Sioux: Brookings aquifer. The hydrograph of this observation well is shown in Figure 2 (Water Rights, 2013a).

Water levels in these observation wells often display cyclic conditions, recharging during wet years and declining during dry years. Pumpage is generally masked by climatic conditions. The lowering of the water table shown in some wells is attributed to area pumping and drawdown effects. The water table has since remained at a similar stage since the development, indicating that at the current level of development recharge to and natural discharge from the aquifer exceeds well withdrawal. Therefore, unappropriated water is available from the Big Sioux: Brookings aquifer to support the proposed appropriation.

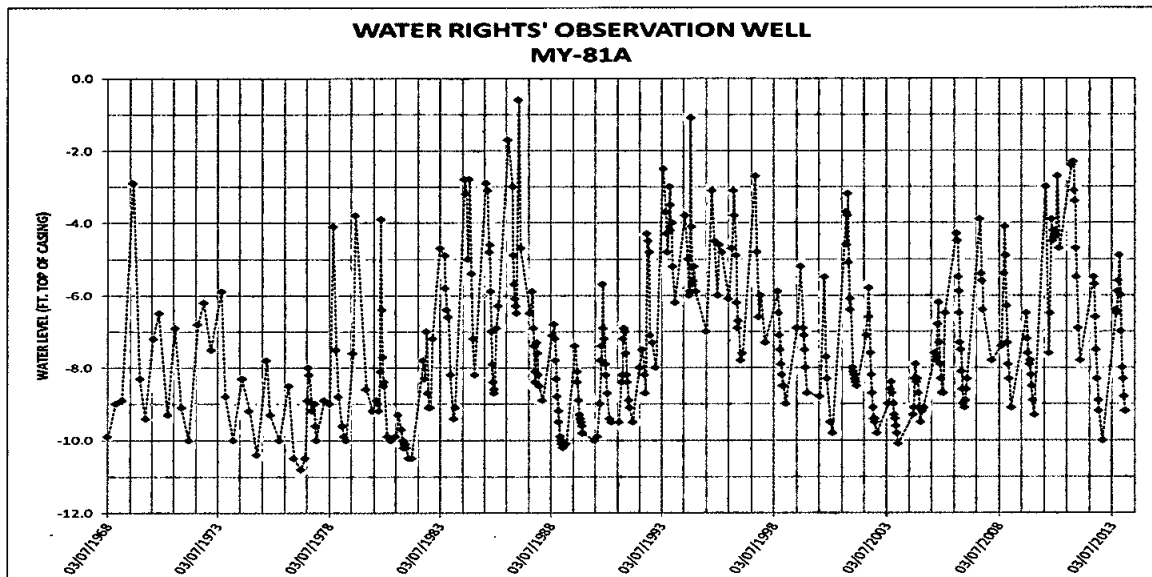


Figure 2: Hydrograph for observation well MY-81A (Water Rights, 2013a)

EXISTING WATER RIGHTS:

While this application does not propose an increase in maximum diversion rate, the increase in proposed applied acres will likely increase the average diversion rate. Therefore, the cumulative impacts could increase.

There are several wells completed into the Big Sioux aquifer in the area of the existing wells. There are two water rights/permits appropriating water and no domestic wells of file completed into the Big Sioux aquifer within one mile. The nearest well is located approximately one half mile from either of the existing wells (Water Rights, 2013b; Water Rights, 2013c).

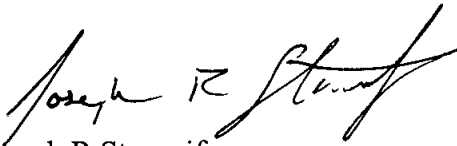
The water table conditions of the aquifer in this area dictate that water level drawdown due to pumping would probably not extend far from the wells. The close proximity of the wells to the Big Sioux River indicates that drawdown due to pumpage would be reduced due to the induced recharge. Also, the river is a strong hydraulic boundary. However, precise drawdown cannot be quantified without aquifer testing.

The Water Management Board has consistently recognized that to place water to maximum beneficial use a certain amount of drawdown may occur. Therefore, nearby adequate wells are not expected to be adversely impacted by the proposed diversion. However, cumulative impacts of withdrawals could lead to a reduction of water levels to the extent that water rights/permits can no longer pump at their developed or "historically established," diversion rates, which could be considered an adverse impact.

CONCLUSIONS:

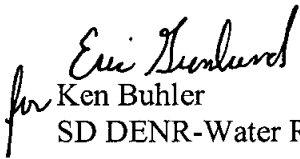
1. Water Permit Application No. 7914-3 proposes to irrigate 160 new acres from two existing wells authorized by Water Right No. 603-3.
2. Water Right No. 603-3 appropriates 2.77 cfs from two wells, 30 feet deep, completed into the Big Sioux: Brookings aquifer for the irrigation of 198.5 acres.
3. If approved, this application does not authorize any increase in maximum diversion rate.

4. Unappropriated water is available from the Big Sioux: Brookings aquifer to supply the proposed appropriation.
5. This proposed diversion will not adversely or unlawfully impair existing nearby wells.



Joseph R Stonesifer
SD DENR-Water Rights Program

Approved by



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- Hamilton, L.J. 1989. Water Resources of Brookings and Kingsbury Counties, South Dakota. Water-Resources Investigations Report 88-4185, 82 p. USGS, Huron, South Dakota.
- Hansen, H.S. 1988. Appraisal of the Water Resources of the Big Sioux Aquifer, Moody County, South Dakota. Water-Resources Investigations Report 87-4057. USGS, Huron, South Dakota.
- Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., and Schoon, R.A. 1982. Evaluation of Ground-Water Resources 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.
- Hedges, L.S., Allen, J., and Holly, D.E. 1985. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa. Task 7: Ground Water Recharge. U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.
- In the Matter of Water Permit Application No. 7239-3, by Hanson County Dairy v. Robert Bender and Stace Nelson, South Dakota First Judicial Court Civ. No. 11-54 (Memorandum Decision, April 11, 2012)
- In the Matter of Water Permit Application No. 6431-3, by Phillip W. Hines v. SD Department of Environment and Natural Resources, South Dakota Sixth Judicial Court Civ. No. HU04-37 (Memorandum Decision, April 11, 2012)

- Koch, N.C. 1980. Appraisal of the Water Resources of the Big Sioux Aquifer, Brookings, Deuel, and Hamlin Counties, South Dakota. Water-Resources Investigations Report 80-100. USGS, Huron, South Dakota.
- Kume, J. 1985. Water Resources of Deuel and Hamlin Counties, South Dakota. Water-Resources Investigations Report 84-4069. USGS, Huron, South Dakota.
- SD Geological Survey. 2013. Lithologic Logs Database, South Dakota Department of Environment & Natural Resources Geological Survey, Vermillion, South Dakota.
- Stonesifer, J. 2013. Report on Water Permit Application No. 7887-3 for Novita Aurora, LLC, c/o Rick Eggebrecht: SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 1980-2013. "Annual Irrigation Summary by Aquifer": 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, South Dakota.
- Water Rights. 2013b. Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2013c. Water Well Completion Reports, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

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DEC - 6 2013

WATER RIGHTS
PROGRAM

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Moody) SS

I, Angela Nibbelink

certify that the attached printed Notice was
taken

from the Moody County

Enterprise

printed and published in Standard

County of Moody and

state of South Dakota. The notice was
published

in the newspaper on the following date:

December 4, 2013

Cost of Printing \$ 26.41

Angela Nibbelink
(Signature)

Bookkeeper
(Title)

Dec. 4, 2013
(Date Signed)

NOTICE OF APPLICATION NO.
7914-3 to Appropriate Water

Notice is given that John Zomer, Jr., 26326 487th Ave., Valley Springs SD 57068 has filed an application for a water permit to appropriate water from two existing wells authorized by Water Right No. 603-3 to irrigate 160 new acres located in the NE ¼, NW ¼ SE ¼ Section 6, T108N-R49W. Water Right No. 603-3 appropriates 2.77 cubic feet of water per second from two wells completed into the Big Sioux-Brookings Aquifer (30 feet deep) located in the SE ¼ NW ¼ and SW ¼ NE ¼ Section 5, T108N-R49W to irrigate 198.5 acres in portions of the NW ¼ and W ½ NE ¼ Section 5, T108N-R49W. This application will use the existing diversion rate authority and not increase the current diversion rate to irrigate these new acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7914-3 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 16, 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

(Dec. 4, 2013)

Published once at the total approximate cost of \$27.

RECEIVED

DEC 20 2013

WATER RIGHTS
PROGRAM

Affidavit of Publication

State of South Dakota

ss

County of Brookings

Jennifer Milligan of said county, first duly sworn, on oath says: That she is the office clerk of THE BROOKINGS REGISTER, a daily newspaper, printed and published in the City of Brookings, in said County of Brookings, and State of South Dakota; that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies of each issue daily; that said newspaper has been published within the said County of Brookings and State of South Dakota, for more than one year prior to the first publication of Exhibit "A," hereto attached and herein mentioned, and was and is printed that the

Legal 644, 1x, 12/4
NOTICE OF APPLICATION NO. 7914-3 to
Appropriate Water
Notice is given that
John Zomer, Jr., 26326
487th Ave, Valley
Springs SD
57068 has filed an
application for a water
permit to appropriate
water from two existing
wells authorized by
Water Right No. 603-3
to irrigate 160 new

acres located in the NE
1/4, NW 1/4 SE 1/4
Section 6, T108N-
R49W. Water Right No.
603-3 appropriates 2.77
cubic feet of water per
second from two wells
completed into the Big
Sioux:Brookings Aquifer
(30 feet deep) located
in the SE 1/4 NW 1/4
and SW 1/4 NE 1/4
Section 5, T108N-
R49W to irrigate 198.5
acres in portions of the
NW 1/4 and W 1/4 NE 1/4
Section 5, T108N-
R49W. This application
will use the existing
diversion rate authority

and not increase the
current diversion rate to
irrigate these new acres.
Pursuant to SDCL 46-
2A-2, the Chief
Engineer recommends
APPROVAL of
Application No. 7914-3
because 1) unappropri-
ated 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 recom-
mended, unless a peti-
tion is filed opposing the
application or the appli-
cant files a petition con-
testing the Chief
Engineer's recommen-
dation. If a petition
opposing the application
or contesting the recom-
mendation is filed, then
a
hearing will be sched-
uled and the Water
Management Board will
consider this applica-
tion. Notice of the hear-
ing will be given to the
applicant and any per-
son filing a petition.
Any person interested in
opposing or supporting
this application or rec-
ommendation must file
a written petition with
BOTH the applicant and
Chief Engineer. The
applicant must file a
petition if contesting the
Chief Engineer's recom-
mendation. The Chief
Engineer's address is
"Water Rights Program,
Foss Building, 523 E
Capitol, Pierre SD
57501 (605 773-
3352)" and the appli-
cant's mailing address is
given above. A petition
filed by either an inter-
ested person or the
applicant must be filed
by December 16, 2013.
The petition may be

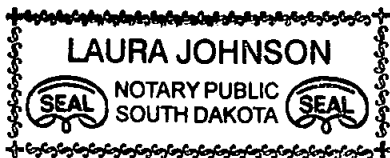
Leg#644 Notice #7914-3-Zomer

same was published, is hereto attached marked Exhibit
said newspaper for _____ 1 times, to-wit:

December 4, 2013

said Exhibit "A" inures to the sole benefit for the publishers of
said newspaper; that no agreement or understanding for the
division thereof has been made with any other person, and
that no part thereof has been agreed to be paid to any
person whomsoever; that the fees charged for the publication
thereof are:

twenty-five dollars and sixty cents \$25.60



5th _____ day of

December

2013

Notary Public in and for the County of Brookings, South Dakota.
My Commission expires August 3, 2017.

informal, but must
include a statement
describing the peti-
tioner's interest in the appli-
cation, the petitioner's
reasons for opposing or
supporting the applica-
tion, and the signature
and mailing address of
the petitioner or the peti-
tioner'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 appli-
cation. Steven M.
Pirner, Secretary,
Department of
Environment and
Natural Resources.
Published once at the
total approximate cost of
\$25.60.



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

Moody County Enterprise
PO Box 71
Flandreau SD 57028

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7914-3 to Appropriate Water. Please publish the notice once on December 4, 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 John Zomer Jr, 26326 487th Ave, Valley Springs SD 57068 (Ph # 605-359-7206).

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

Brookings Register
PO Box 177
Brookings SD 57006

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7914-3 to Appropriate Water. Please publish the notice once on December 4, 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 John Zomer Jr, 26326 487th Ave, Valley Springs SD 57068 (Ph # 605-359-7206).

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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

John Zomer Jr
26326 487th Ave
Valley Springs SD 57068

Dear Mr. Zomer:

Water Permit Application No. 7914-3 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 Moody County Enterprise printed at Brookings SD (Ph # 605-997-3725) and the Brookings Register printed at Brookings SD (Ph # 605-692-6271). 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 4, 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. 7914-3 to Appropriate Water

Notice is given that John Zomer, Jr., 26326 487th Ave, Valley Springs SD 57068 has filed an application for a water permit to appropriate water from two existing wells authorized by Water Right No. 603-3 to irrigate 160 new acres located in the NE 1/4, NW 1/4 SE 1/4 Section 6, T108N-R49W. Water Right No. 603-3 appropriates 2.77 cubic feet of water per second from two wells completed into the Big Sioux:Brookings Aquifer (30 feet deep) located in the SE 1/4 NW 1/4 and SW 1/4 NE 1/4 Section 5, T108N-R49W to irrigate 198.5 acres in portions of the NW ¼ and W ½ NE 1/4 Section 5, T108N-R49W. This application will use the existing diversion rate authority and not increase the current diversion rate to irrigate these new acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7914-3 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.

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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**

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

denr.sd.gov

December 20, 2013

John Zomer Jr
26326 487th Ave
Valley Springs SD 57068

Dear Mr. Zomer:

We received the affidavit from the Brookings Register regarding the public notice for Water Permit Application No. 7914-3. There was an error in the legal description of the lands irrigated by Water Right No. 603-3 (copy enclosed). The notice needs to be readvertised to correct the error and ensure your water permit is free from any legal problems due to insufficient public notice.

The Brookings Register will publish the notice again on December 26, 2013. Petitions filed by interested parties must be received by January 6, 2014.

The Notice in the Moody County Enterprise was correct. If you have any questions, please contact me.

Sincerely,

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

enclosure

NOTICE OF APPLICATION NO. 7914-3 to Appropriate Water

Notice is given that John Zomer, Jr., 26326 487th Ave, Valley Springs SD 57068 has filed an application for a water permit to appropriate water from two existing wells authorized by Water Right No. 603-3 to irrigate 160 new acres located in the NE 1/4, NW 1/4 SE 1/4 Section 6, T108N-R49W. Water Right No. 603-3 appropriates 2.77 cubic feet of water per second from two wells completed into the Big Sioux:Brookings Aquifer (30 feet deep) located in the SE 1/4 NW 1/4 and SW 1/4 NE 1/4 Section 5, T108N-R49W to irrigate 198.5 acres in portions of the NW 1/4 and W 1/2 NE 1/4 Section 5, T108N-R49W. This application will use the existing diversion rate authority and not increase the current diversion rate to irrigate these new acres.

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Published once at the total approximate cost of _____.

Affidavit of Publication

10/

State of South Dakota

ss

County of Brookings

Jennifer Milligan of said county, first duly sworn, on oath, says: That she is the office clerk of THE BROOKINGS REGISTER, a daily newspaper, printed and published in the City of Brookings, in said County of Brookings, and State of South Dakota; that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies of each issue daily; that said newspaper has been published within the said County of Brookings and State of South Dakota, for more than one year prior to the first publication of Exhibit "A," hereto attached and herein mentioned, and was and is printed that the

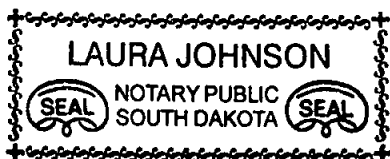
Leg#685 Notice #7914-3

same was published, is hereto attached marked Exhibit said newspaper for _____ 1 times, to-wit:

December 26, 2013

said Exhibit "A" inures to the sole benefit for the publishers of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are:

twenty-five dollars and sixty cents \$25.60



[Signature]
27th _____ day of
2013

December

Notary Public in and for the County of Brookings, South Dakota.
My Commission expires August 3, 2017.

RECEIVED

JAN - 8 2014

WATER RIGHTS PROGRAM

Exhibit "A"

Legal 685, 1x, 12/26
NOTICE OF APPLICATION NO. 7914-3 to
Appropriate Water
Notice is given that John Zomer, Jr., 26326 487th Ave, Valley Springs SD 57068 has filed an application for a water permit to appropriate water from two existing wells authorized by Water Right No. 603-3 to irrigate 160 new acres located in the NE 1/4, NW 1/4 SE 1/4 Section 6, T108N-R49W. Water Right No. 603-3 appropriates 2.77 cubic feet of water per second from two wells completed into the Big Sioux-Brookings Aquifer (30 feet deep) located in the SE 1/4 NW 1/4 and SW 1/4 NE 1/4 Section 5, T108N-R49W to irrigate 198.5 acres in portions of the NW 1/4 and W 1/2 NE 1/4 Section 5, T108N-R49W. This application will use the existing diversion rate authority and not increase the current diversion rate to irrigate these new acres. Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7914-3 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

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BROOKINGS REGISTER

312 5TH ST
P.O. BOX 177
BROOKINGS, SD 57006-0177
Phone (605) 692-6271 Fax (605) 692-2979

RECEIVED

JAN - 8 2014

WATER RIGHTS
PROGRAM

STATEMENT / INVOICE

DATE 12/31/13

CUSTOMER NUMBER 100917

PAGE 1

DEPT OF ENV & NAT RES-PIERRE
523 E CAPITOL
PIERRE SD 57501

A FINANCE CHARGE OF 1-1/2% PER MONTH
WHICH IS AN ANNUAL PERIODIC RATE OF 18%
PER YEAR WILL BE ADDED TO AMOUNTS NOT
PAID WITHIN 30 DAYS OF INVOICE DATE.

AMOUNT ENCLOSURE \$

PLEASE DETACH AND RETURN THIS PORTION WITH YOUR REMITTANCE TO ASSURE PROPER CREDIT TO YOUR ACCOUNT.

DOCUMENT	DATE	TYPE	REFERENCES	AMOUNT
321732	12/26/13	INVOICE	Leg#685 Notice #7914-3	25.60
CURRENT				25.60
PAST DUE AMOUNTS				
OVER 30 DAYS				.00
OVER 60 DAYS				.00
OVER 90 DAYS				.00
AMOUNT DUE				25.60

January 8, 2014

PAYMENT REQUEST FORM

PAYEE: Brookings Register
PO Box 177
Brookings SD 57006

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

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Re- advertisement for #7914-3 -J Zomer

AMOUNT: \$25.60

FUNDING SOURCE:

GENERAL: X

FEDERAL:

OTHER:

COMMENTS:

AUTHORIZATION:

Gail Jackson 1-8-14

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



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov



JAN 29 2014

John Zomer Jr
26326 487th Ave
Valley Springs SD 57068

Dear Mr. Zomer:

Enclosed is Water Permit No. 7914-3 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

7914-3



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

OCT 14 2022

603-3
7914-3

John Zomer Jr
26326 487th Ave
Valley Springs SD 57068

Dear Mr. Zomer:

Enclosed is Water License No. 7914-3. 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.

As 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 our office.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

Note: Upon licensing, the applicable portions of Water Right No. 603-3 were incorporated into Water License No. 7914-3.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 7914-3

(1) John Zomer, Jr., 26326 487th Ave., Valley Springs SD 57068 made Application No. 7914-3, October 17, 2013, for a water permit to add acreage to Water Right No. 603-3 using the two existing wells (Big Sioux Brookings Aquifer) located in Moody County, South Dakota. Permit No. 7914-3, with a priority date of October 17, 2013, was approved January 6, 2014, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before January 6, 2018, and for the application to beneficial use of water on or before January 6, 2022.

Water Right No. 603-3, with a priority date of May 1, 1959, authorizes diversion of water from two wells to irrigate the NW ¼ and W ½ NE ¼ all located in Section 5, T108N, R49W. Water Permit No. 7914-3 was obtained to add land in the NE ¼ and NW ¼ SE ¼ Section 6, T108N, R49W to the existing system. No additional diversion rate was authorized.

The applicable portions of Water Right No. 603-3 are incorporated into this Water License No. 7914-3. A priority date of May 1, 1959 is retained for the wells, diversion rate and the acreage located in Section 5. A priority date of October 17, 2013 is retained for the acreage in Section 6.

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

- **Well #1:** 1,970'S & 2,940'E of the NW corner of Section 5, T108N, R49W (SW ¼ NE ¼ Sec 5)
Latitude 44.19023, Longitude -96.73828
- **Well #2:** 2,370'S & 2,450'E of the NW corner of Section 5, T108N, R49W (SE ¼ NW ¼ Sec 5)
Latitude 44.18905, Longitude -96.74011

(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 6, T108N, R49W

NW ¼ NE ¼	1 acre
NE ¼ NE ¼	2 acres
SE ¼ NE ¼	35 acres
SW ¼ NE ¼	32 acres
NW ¼ SE ¼	29 acres

Section 5, T108N, R49W

NW ¼ NW ¼	17.1 acres	NW ¼ NE ¼	32.7 acres
NE ¼ NW ¼	32.7 acres	SW ¼ NE ¼	39.0 acres
SE ¼ NW ¼	39.0 acres		
SW ¼ NW ¼	38.0 acres		

Total acres irrigated: 297.5

Priority dates: October 17, 2013, as established under No. 7914-3 (land in Section 6)
May 1, 1959, as established under No. 603-3 (land in Section 5)

continued

(4) Pursuant to South Dakota Water Law 46-5-30.1 John Zomer Jr., 26326 487th Ave., Valley Springs SD 57068 the holder and/or owner of Incorporated Water Right No. 7914-3 is issued a license to appropriate water, the right to use 2.67 cubic feet of water per second from ground water, two wells (Big Sioux Brookings Aquifer) with priority dates of May 1, 1959 (land in Section 5, wells & diversion rate) and October 17, 2013 (land in Section 6) 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 Incorporated Water Right No. 7914-3 and subject to the following qualifications:

- The wells approved under Nos. 603-3 & 7914-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this water right 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.
- This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.

Eric Gronlund

Eric Gronlund, Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources

OCT 14 2022

date



Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7914-3

I have this day, June 17, 2021, made a thorough examination of the water use system constructed by John Zomer, Jr, 26326 487th Ave, Valley Springs, SD 57068 of Permit No. 7914-3, bearing the priority of October 17, 2013 authorizing irrigation of additional acres from two wells (Big Sioux: Brookings Aquifer) described in Water Right No. 603-3. The project is located in Moody County.

A. Works used to divert the water:

Well Information: (See Water Right 603-3 for well details)

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

- 1) Type PVC 2) Size 6 inches 3) Length 4500 feet

Comments: 4500 feet of buried pipeline from the wells to the center pivot

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Valley
2) Overall length 1300 feet
3) Number of towers 6 plus a corner arm
4) End gun Y
5) Capacity 800 GPM

See 603-3 for system details for land in Section 5.

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
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: From the NW corner of Sec 5 T108N-R49W - Well #1-1970 ft S & 2940 ft E, Lat 44.19023 Long -96.73828 (SW NE Sec 5) Well #2 - 2370 ft S & 2450 ft E, Lat 44.18905 Long -96.74011 (SE NW Sec 5).

Report of Examination of Works

Permit No. 7914-3

2. The works are capable of diverting and conveying to the place of use 2.67 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:

Sec 6-T108N-R49W

NW ¼ NE ¼ - 1 ac
NE ¼ NE ¼ - 2 ac
SE ¼ NE ¼ - 35 ac
SW ¼ NE ¼ - 32 ac
NW ¼ SE ¼ - 29 ac
Subtotal - 99 acres

Section 5, T108N, R49W (taken from WR 603-3)

NW ¼ NW ¼	17.1 acres	NW ¼ NE ¼	32.7 acres
NE ¼ NW ¼	32.7 acres	SW ¼ NE ¼	39.0 acres
SE ¼ NW ¼	39.0 acres		
SW ¼ NW ¼	38.0 acres		
Subtotal 198.5			

comprising a total of 297.5 acres of land and the license should be issued for 2.67 cfs

3. All structures, wells and lands on map No, only the land inspected for licensing under 7914-3 and the two wells authorized under 603-3.

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

Irrigated acreage values were determined by using FSA maps and ArcMap software.

The contact information provided on the review materials is current.

The combined production from the two (2) wells is 800 and 400 gpm for a total of 1200 gpm (2.67 cfs) as reported by Mr. Zomer. These wells provide water to pivots in Sections 5 & 6.



Darrell W DeBoer
Water Rights Inspector
DANR, Water Rights Program

Date report completed: June 19, 2021

Note: Water Right No. 603-3 will be incorporated into No. 7914-3 upon licensing. The following priority dates are retained:

October 17, 2013, for land in Section 6 (established under No. 7914-3)

May 1, 1959, for land in Section 5 and entire diversion rate of 2.67 cfs (established under No. 603-3)

Genny McMath

Diversion Point Location

From the NW corner of
Sec 5 T108N-R49W

**** Well1****

1970 ft S & 2940 ft E

Lat 44.19023

Long -96.73828

**** Well2****

2370 ft S & 2450 ft E

Lat 44.18905

Long -96.74011

Irrigated Land

Sec 6 T108N-R49W

NW1/4 NE1/4 - 1 ac

NE1/4 NE1/4 - 2 ac

SE1/4 NE1/4 - 35 ac

SW1/4 NE1/4 - 32 ac

NW1/4 SE1/4 - 29 ac

Reference
Corner

1 ac

2 ac

32 ac

35 ac

Section 6
T108N-R49W

29 ac

Well #2

Well #1

Section 5
T108N-R49W



0 900 1,800 3,600 5,400 7,200 Feet



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 20, 2023

NOTICE

TO: JOHN ZOMER JR, 26326 487TH AVE, VALLEY SPRINGS, SD 57068
FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaire(s)

Our records indicate your 2022 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7914-3. The request for the Questionnaire was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 7914-3 qualification:

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

The hearing will be held at **Wednesday, March 8, 2023 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 7914-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 8, 2023** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: HELGPF**

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 26, 2023

7914-3

John Zomer Jr
26326 487th Ave
Valley Springs SD 57068

Dear Mr. Zomer:

I am writing to acknowledge receipt of your 2022 irrigation questionnaire.

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Right No. 7914-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 3, 2026

7914-3

John Zomer Jr.
26326 487th Ave
Valley Springs, SD 57068

Dear Mr. Zomer,

I am writing to acknowledge receipt of your 2025 irrigation questionnaire(s).

You may disregard the January 20, 2026, "Notice" concerning irrigation reporting requirements for your water permit/right(s). The information was received in our office prior to the Water Management Board meeting, and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Shannon Konst
Water Rights Program
605 773-8204
Shannon.konst@state.sd.us

7914-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2026

NOTICE

TO: JOHN ZOMER, JR, 26326 487TH AVE, VALLEY SPRINGS, SD 57068

FROM: Ron Duvall, Engineer III
for Adam Mathiowetz, PE, Acting Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2025 Irrigation Questionnaire(s)

Our records indicate your 2025 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7914-3. The request for the Questionnaire was dated October 8, 2025. The Water Management Board has directed owners of water permits who have not submitted the 2025 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 7914-3 qualification:

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

The hearing will be held on **Wednesday, March 4, 2026 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 7914-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 4, 2026** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Shannon Konst at (605) 773-3352 or email at shannon.konst@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: FVRELC**

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.