

WATER PERMIT NO. 8298-3

Name of Applicant: Zochert Farms Inc.

Address: 13760 441st Ave, Webster SD 57274 Phone: 605 520-4733

Amount of Water Claimed: 0.27 cfs Total Acres: 40 acres

Source of Water Supply: groundwater (1 existing well)

Water to be used for: irrigation County: Day

Type of Waste Disposal System:

Location: 5 miles northwest of Waubay

PRIORITY Date Received: 7-13-17 Application/License Fee: \$ 700

Corrected Application Received: Period of Annual Use: April 10 – September 10

Remarks: Using existing well authorized by Water Right No. 7177-3

Diversion Point: SW 1/4 SE 1/4 Sec 1-T122N-
R55W

Land to be Irrigated: N 1/2 NE 1/4 Sec 12-T122N-
R55W and NW 1/4 NW 1/4 Sec 7-T122N-R54W

Depth of Well: 80

Well Driller: Weiber Well Drilling

Remarks:

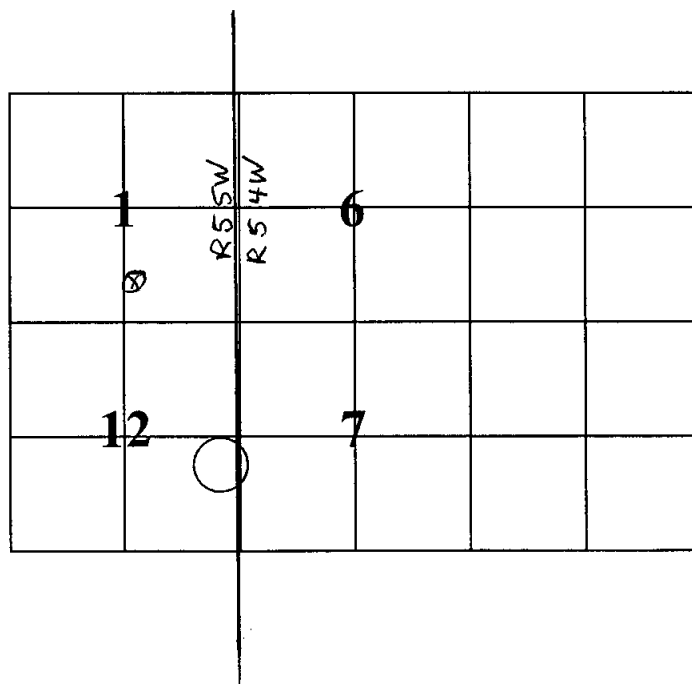
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 7-13-17

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



RECEIVED

JUL 13 2017

WATER RIGHTS
PROGRAM

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8298-3</u> (office use only) Hydrologic Unit <u>10160010</u>
	Basin <u>James River</u>
	Newspaper <u>Reporter & Farmer Webster</u>
	<u>Public Opinion, Watertown</u>

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. & Neil Zochert
 Note: The "Name to Appear on Irrigation Permit" must be the name in which the property to be irrigated is held in.
- Mailing Address 13760 441st Ave Webster SD 57274
 (Address) (City) (State) (Zip Code)
- Phone 345-4695 Mobile 520-4733 Email nzochert@itctel.com
2. Amount of water claimed 0.27 *CFS or 2120 **GPM ***AF Total Acreage 40
 (*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 irrigation well
4. Location of point of diversion SW 1/4 of SE 1/4 of Sec 1 - 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 Apr 10 - Sept 10
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>NW 1/4 NE 1/4 12-122N 55W</u>	<u>1</u>		
<u>NW 1/4 NW 1/4 7-122N 54W</u>	<u>2</u>		
<u>NE 1/4 NE 1/4 12-122N 55W</u>	<u>37</u>		

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

Irrigate above land with water from existing
irrigation well under permit # 7177-3

I, Neil Zochert, the applicant, certify under
 Name of Person Title (if applicable)

penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

SOUTH DAKOTA
WATER PERMIT NO. 8298-3

Date of first receipt of application July 13, 2017.

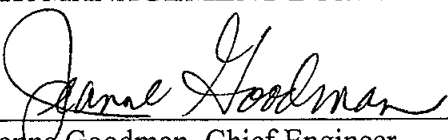
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8298-3 to Zochert Farms Inc., c/o Ivan & Neil Zochert, 13760 441st Ave, Webster SD 57274 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 8298-3 appropriates 0.27 cubic feet of water per second (cfs) from one existing well completed into the Coteau Lakes Aquifer (74 feet deep) located in the SW 1/4 SE 1/4 Section 1-T122N-R55W and irrigation of 40 acres located in the N 1/2 NE 1/4 Section 12-T122N-R55W and NW 1/4 NW 1/4 Section 7-T122N-R54W which is approximately five miles northwest of Waubay SD. The well is currently authorized by Water Right No. 7177-3 appropriating 1.29 cfs to irrigate 90 acres in portions of the SW 1/4 and SW 1/4 SE 1/4 of Section 1-T122N-R55W. Combined, Water Right No. 7177-3 and this permit, will appropriate 1.56 cfs for irrigation of 130 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: April 10 – September 10.
3. The date from which applicant may claim right is July 13, 2017.
4. The date of approval of Permit No. 8298-3 is September 28, 2017.
5. One-fifth of the construction is to be completed on or before March 28, 2020.
6. All construction is to be completed on or before September 28, 2022.
7. Water is to be put to beneficial use on or before September 28, 2026.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Water Right No. 7177-3 and Water Permit No. 8298-3 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.

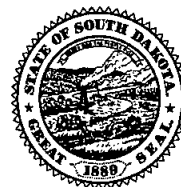
WATER MANAGEMENT BOARD

By: 

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

OCT 02 2017

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 _____ Have test holes been drilled ☐ Yes ☐ No Drilled by _____
(if yes, please provide copies of logs)
- b) If existing wells, how many 1 Provide copy of log(s), if available. Drilled by Weiber Well Drilling

For either Existing or Proposed Wells:

- c) Well Depth (required) 80 Depth to Top of Water Bearing Material _____ Depth to Water from Surface _____
- d) Distance to nearest domestic well on applicant's property _____ 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

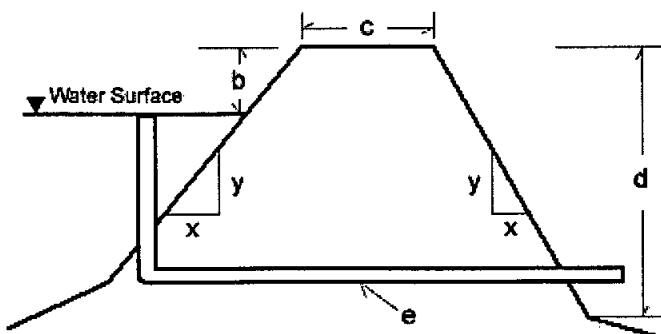
3. Dugout Information

- 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

137th St

urvey

© 2016 Google



1991

Imagery Date: 4/19/2014 lat 45.396903° lon -97.368917° elev 1812 ft eye alt

Aerial Map



map center: 45° 24' 7.58, -97° 22' 4.68

1-122N-55W
Day County
South Dakota



10/27/2016

Field borders provided by Farm Service Agency as of 5/21/2008

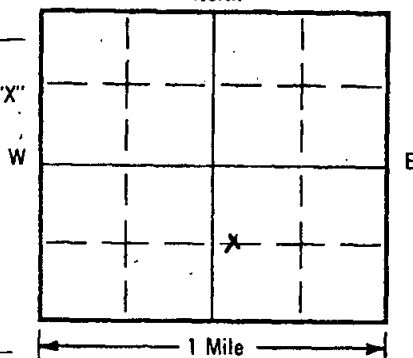
SOUTH L. KOTA WATER WELL COMPLETION REPORT

7177-3

07-92

Location NW 1/4 SE 1/4 Sec 1 Twp 122N Rg 55WCounty Day North

Please mark well location with an "X"



Well Completion Date

4/21/10

LOCATION:

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

PROPOSED USE:

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

METHOD OF DRILLING:

Forward RotaryCASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>200</u> LB/FT	<u>12</u> IN	<u>0</u> FT	<u>54</u> FT	<u>18 1/2</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

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

Describe grouting procedure Full hole grout
Premix line to 44' using 1" rodsSCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 12" IN Length 20' FEETMaterial PVC Ever-FlowSlot Size 0.70 Set From 54 Feet to 74 Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

____ YES, How: _____

____ NO, Why Not? _____

Laboratory sent to for water quality analysis _____

Well Owner: Niel ZochertBusiness Name: Zochert FarmsAddress: 13758 441 st AveWebster, S.D. 57274

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>top soil</u>	<u>0</u>	<u>1</u>
<u>Red gravel</u>	<u>1</u>	<u>7</u>
<u>Blue clay</u>	<u>7</u>	<u>37</u>
<u>very coarse gravel</u>	<u>37</u>	<u>74</u>

STATIC WATER LEVEL 7' Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? yes

WELL TEST DATA:

☐ Pumped Describe: Air☐ Bailed _____☒ Other _____

Pumping Level Below Land Surface

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

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate 650 GPM

REMARKS

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FEB - 2 2011

WATER RIGHTS
PROGRAMThis well was drilled under license # 480

And this report is true and accurate.

Drilling firm Wieber Well Drilling

Signature of License Representative

Signature of Well Owner or Equitable Property Holder:

Date: 12/30/10

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date July 13, 2007

RECEIVED OF Neal Zochert 13760 441st Ave. Weyster, SD 58274

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

Fee for Application for Permit No. <u>8298-2</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>8298-2</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. **08296**

By

Jeanne Goodman
Chief Engineer Zm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8298-3, 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. 8298-3, Zochert Farms Inc., c/o Ivan and Neil Zochert, 13760 441st Avenue, Webster SD 57274.

The Chief Engineer is recommending APPROVAL of Application No. 8298-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Water Right No. 7177-3 and Water Permit No. 8298-3 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
September 12, 2017

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 8298-3
ZOCHERT FARMS INC
C/O IVAN AND NEIL ZOCHERT
SEPTEMBER 13, 2017

Water Permit Application No. 8298-3 proposes to authorize the irrigation of 40 acres located in the N $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 12- T122N-R55W and the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 7-T122N-R54W and an appropriation of 0.27 cubic feet of water per second (cfs) from an existing well completed into the Coteau Lakes aquifer located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 1-T122N-R55W authorized by Water Right No. 7177-3. Water Right No. 7177-3 authorizes the irrigation of 90 acres located in the SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 1-T122N-R55W at a maximum instantaneous diversion rate of 1.29 cfs. Combined Water Right No. 7177-3 and this application, if approved, will authorize the irrigation of 130 acres at a maximum diversion rate of 1.56 cfs. This irrigation project is located in Day County approximately 4.5 miles northwest of the City of Waubay.

AQUIFER: Coteau Lakes (COL)

Aquifer Characteristics:

The Coteau Lakes aquifer as described by Hedges and others (1982) 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 have been considered collectively as the Coteau Lakes aquifer by Gilbertson (1996), the Coteau Lakes aquifer system by Thompson (2001), and the Eastern Lakes Subsystem by Leap (1988 and 1972). For this report, the aquifer will be referred to as the Coteau Lakes aquifer. These discontinuous outwash deposits are often connected through buried channels of outwash and fairly permeable till (Leap, 1988). Hedges and others (1982) estimated the various deposits comprising the Coteau Lakes aquifer underlie approximately 58,200 acres of Day County. Much of the Coteau Lakes aquifer is under unconfined conditions, but confined conditions can be found locally, especially further from the lakes.

Leap (1988) constructed a map of "Vertical variability map of drift aquifer materials in Day County, South Dakota" for the elevation interval (1800-1700 feet above mean sea level). The outwash shown in the well completion report for the well authorized by Water Right No. 7177-3 is in that interval. Leap (1988) used vertical variability analysis and identified an area of approximately 45 square miles (28,800 acres) where aquifer material was predicted to exist. This 45 square mile portion of the Coteau Lakes aquifer is the portion from which Water Permit No. 7177-3 authorizes the withdrawal of water. Mathiowetz (2014) estimated the areal extent of this portion of the aquifer to be 21,800 acres underlying Waubay and Minnewasta Lakes and land adjacent to the lakes. Buhler (2015) estimated the portion of the aquifer to be in excess of 3,500 acres.

The well completion report for Water Right No. 7177-3 submitted with this application identified very coarse gravel from 37 to 74 feet below ground surface with a static water level of seven feet

below grade at the time of construction in April 2010. The well is located approximately 700 feet from Lake Minnewasta.

The static water level of the well at the time of completion was within approximately two feet of the lake elevation. The lakebed elevation for Minnewasta Lake in 1970 was approximately 1,783 feet above mean sea level (fmsl) (Buhler, 2015; Leap, 1988). The approximate elevation of the aquifer materials encountered while drilling the well for Water Right No. 7177-3 are 1,737 to 1,774 ft above mean sea level. A South Dakota DENR-Geological Survey test hole drilled in the SE corner Sec. 12-T122N-R55W identified 83 feet of aquifer materials at an elevation range of 1,704 to 1,787 fmsl. This means the lakebed and the aquifer likely intersect, and the lake and aquifer are in hydraulic connection. This is clearly shown by the hydrographs for Minnewasta Lake and observation well DA-78C shown in Figure 1.

Observation well DA-78C is located approximately 0.25 miles from Minnewasta Lake. The hydrographs show the lake levels were higher than water levels in the aquifer for the early portion of the period of record (pre-1997). Since 1997, the water level of the aquifer and Minnewasta Lake suggest a direct hydraulic connection when levels are above approximately 1,800 fmsl or above. The hydrograph for Waubay Lake (see Figure 1) shows a water level that has been very comparable to observation well DA-78C across the period of record but has been nearly identical since 1995. The lakebed elevation for Waubay Lake is approximately 1,765 to 1,775 (Leap, 1988; SDGFP, 2017). This indicates Waubay Lake and the aquifer are likely in direct hydraulic connection. These hydraulic connections and the hydrographs support Mathiowetz's (2014) estimated areal extent of 21,800 acres for this portion of the Coteau Lakes aquifer.

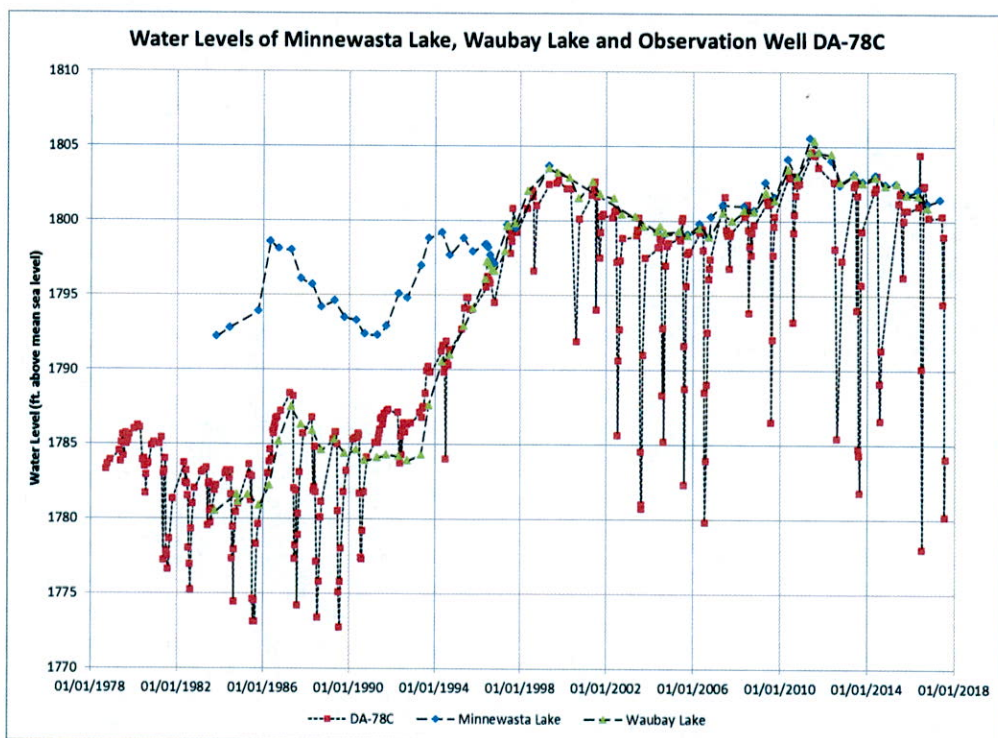


Figure 1- Hydrograph with water levels for Minnewasta Lake, Waubay Lake and observation well DA-78C completed into the Coteau Lakes aquifer (Water Rights, 2017a and 2017d)

SOUTH DAKOTA CODIFIED LAW (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 this 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 effects on existing rights from the aquifer that are pertinent to this application.

WATER AVAILABILITY:

This application proposes to appropriate water from the Coteau Lakes aquifer. The probability of unappropriated water available from the 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 water distribution system has applied for a permit, the Board need not consider the recharge/withdrawal issue. In this case, the aquifer is not stratigraphically lower than the Greenhorn Formation and the applicant is not a water distribution system.

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 in addition to other data 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 one observation well completed into the portion of the Coteau Lakes aquifer the well authorized by Water Right No. 7177-3 that this application proposes to use is completed into (Water Rights, 2017a). Observation well DA-78C is approximately 1.2 miles south of the well authorized by Water Right No. 7177-3. The hydrograph for DA-78C shown in Figures 1 and 2 shows the water level of the aquifer responds well to climatic conditions. The water levels rise during periods when recharge exceeds withdrawals plus natural discharge, and gradually declines when natural discharge plus withdrawals exceed recharge. Over the period of record, the water level shown in the hydrograph for DA-78C has been stable to rising. The effects of seasonal pumping are apparent on the water level. However, the temporal impacts caused by pumping are masked by the effects of climate on the water level. This means recharge to and natural discharge from the aquifer greatly exceeds pumping. Recognizing natural discharge from an aquifer can be captured for pumping, the hydrograph for DA-78C documents there is unappropriated water available for this proposed appropriation.

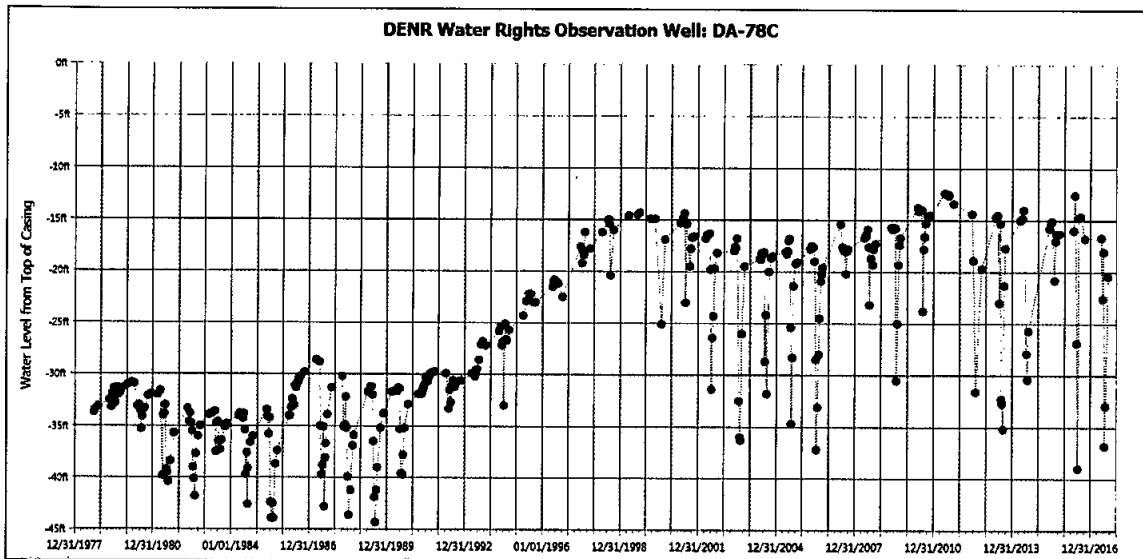


Figure 2- Hydrograph for DA-78C, approximately 1.2 miles south of the well Application No. 8298-3 proposes to use (Water Rights, 2017a)

Recharge and Discharge:

Recharge:

The Coteau Lakes aquifer system is recharged primarily through infiltration of precipitation where the aquifer material is at or near land surface (Leap, 1988). There is also recharge to the aquifer where hydraulically connected bodies of surface water have higher water levels than the aquifer (Leap, 1988). Hedges and others (1985) estimated the average annual recharge rate to the Coteau Lakes aquifer system was estimated to be 4.5 inches per year by analyzing observation well data. Assuming Mathiowetz's (2014) approximate aquifer areal extent (21,800 acres), that is an average annual recharge of 8,175 acre-feet per year (ac-ft/yr.). Using Buhler's (2015) estimated extent as a minimum, there would be at least 1,313 ac-ft/yr. of recharge to this portion of the Coteau Lakes aquifer.

Discharge:

This portion of the Coteau Lakes aquifer discharges through evapotranspiration where the aquifer is near land surface, seepage to lakes when water levels in the aquifer are higher than in the hydraulically connected lakes, and well withdrawals. The water rights/permits authorized to withdraw water from this portion of the Coteau Lakes aquifer are shown in Table 1. The historic irrigation pumping from this portion of the aquifer as reported to the Water Rights Program through the annual irrigation questionnaire is shown in Table 2.

Table 1- Water rights/permits authorized to withdraw water from the same portion of the Coteau Lakes aquifer Application No. 8298-3 proposes to use (Water Rights, 2017b)

Permit No.	Name	Status	Use	CFS	Acres
5223-3	ZOCHERT FARMS INC	LC	IRR	5.34	540
7177-3	ZOCHERT FARMS INC	LC	IRR	1.29	90
7912-3	ZOCHERT FARMS INC	PE	IRR	0.45	32.3
8002-3	TODD BLOCK	PE	IRR	1.44	120
8180-3	ZOCHERT FARMS INC	PE	IRR	1.56	120

Table 2- Historic irrigation pumpage from the portion of the Coteau Lakes aquifer Application No. 8298-3 proposes to use (Water Rights, 1979-2017)

Year	No. of Permits Reporting	Appropriation (ac-ft)	Pumpage (ac-ft)
2016	5	1834.6	213.06
2015	4	1594.6	180.3
2014	3	1324.6	152.47
2013	2	1260	232.83
2012	2	1260	167.93
2011	3	1370	0
2010	3	1370	64.3
2009	2	1160	30.64
2008	2	1160	68.84
2007	2	1160	106.06
2006	2	1160	130.81
2005	2	1160	168.42
2004	2	1160	180.89
2003	2	1160	208.29
2002	2	1160	197.83
2001	2	1160	99.1
2000	2	1160	100.76
1999	2	1160	10.61
1998	2	1160	31.82
1997	2	1160	18
1996	2	1160	58.04
1995	2	1160	0
1994	2	1160	43.74
1993	3	2240	0
1992	1	80	0
1991	1	80	0
1990	1	80	0
1989	n/a	n/a	n/a
1988	1	80	0
1987	1	80	0
1986	1	80	0
1985	n/a	n/a	n/a
1984	n/a	n/a	n/a
1983	1	80	0
1982	n/a	n/a	n/a
1981	n/a	n/a	n/a
1980	n/a	n/a	n/a
1979	n/a	n/a	n/a
Min	1	80	0
Max	5	2240	232.83
Avg.	2.1	1012.1	79.5
Avg. 1994 to 2016			107.2

The average annual irrigation pumpage across the period of record is 79.5 ac-ft/yr. The average since 1994, the first year there was irrigation pumping reported, is 107.2 ac-ft/yr. However, there has been a recent build out of irrigation and the average volume pumped does not represent the new irrigation properly. Therefore, it is more reasonable to assume the irrigation water rights/permits will apply less than 10 inches of water per acre, which is approximately two times more than is currently applied based on the irrigation questionnaire data. Assuming the application rate of 10 in/yr., the annual irrigation pumping by water rights/permits from this portion of the Coteau lakes aquifer would be 752 ac-ft/yr. Using the same methodology, this application is expected to pump less than 34 ac-ft/yr.

Hydrologic Budget:

Estimated average annual recharge ranges from 1,313 (Buhler, 2015) to 8,175 ac-ft/yr. (Mathiowetz, 2014) for this portion of the Coteau Lakes aquifer. The estimated average annual use is expected to be less than 752 ac-ft/yr. and this application is expected to pump less than 34 ac-ft/yr. Therefore, there is a reasonable probability unappropriated water is available for this proposed appropriation.

EXISTING WATER RIGHTS:

The nearest wells authorized by a water right/permit to the well Application No. 8298-3 proposes to use are approximately 1.1 miles away (see Figure 3) and held by the applicants (Water Rights, 2017b). The only domestic wells on file with the Water Rights Program within approximately one mile of the well this application intends to use that appear to be completed into the same portion of the Coteau Lakes aquifer are for one of the applicants, Ivan Zochert (Water Rights, 2017c). That does not mean there are no other domestic wells within approximately one mile of the well.

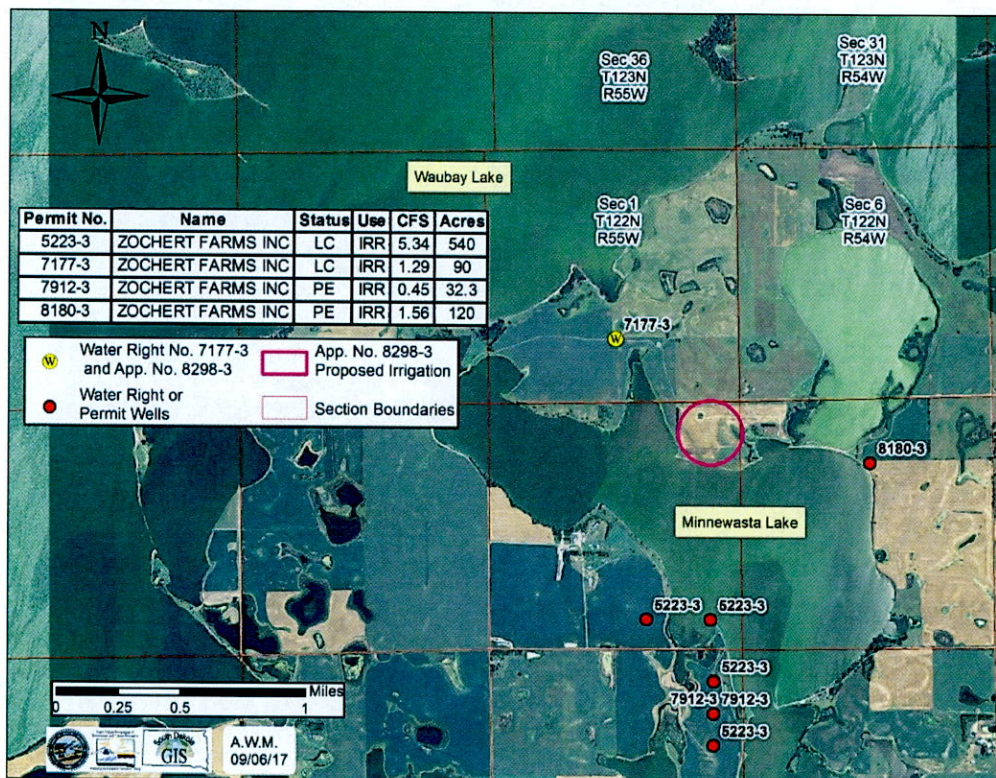


Figure 3- Map showing wells authorized by water rights/permits to withdraw water from the same portion of the Coteau Lakes aquifer as proposed by Application No. 8298-3 (Water Rights, 2017b)

The Coteau Lakes aquifer is under unconfined conditions at the well this application proposes to use, but confined conditions are found in the area. This means any drawdown associated with pumping proposed by this application may be different in various areas around the well even though they may be equidistant from the pumping well. That is to say in the unconfined portions the drawdown will be very small and in the confined portions at the exact same distance from the pumping well as the unconfined portions of the aquifer the drawdown may be measurably

greater. However, the distance between the well the application proposes to use and other wells, and the presence of the hydraulically connected Minnewasta Lake between appropriative wells and this well and nearby Waubay Lake means drawdown is expected to be minimal.

To protect domestic well users, the Water Management Board defined an “adversely impacted domestic well” in ARSD 74:02:04:20(7) as:

“a well in which the pump intake was set at least 20 feet below the top of the aquifer at the time of construction or, if the aquifer is less than 20 feet thick, is as near to the bottom of the aquifer as is practical and the water level of the aquifer has declined to a level that the pump will no longer deliver sufficient water for the well owner’s needs”.

Nearby adequate wells are not expected to be adversely impacted as defined in ARSD 74:02:04:20(7). However, out of an abundance of caution if this application is approved, the water permit should include a qualification the well owner should control their withdrawals so there is not a reduction of needed water supplies for adequate domestic wells or for adequate wells having prior water rights. When all of the above factors are considered, there is a reasonable probability the proposed diversion can be made without adversely impacting existing appropriative or domestic water users.

CONCLUSIONS:

1. Application No. 8298-3 proposes to authorize the irrigation of 40 acres and appropriate 0.27 cfs from one well completed into the Coteau Lakes aquifer authorized by Water Right No. 7177-3.
2. Water Right No. 7177-3 authorizes the irrigation of 90 acres at a maximum instantaneous diversion rate of 1.29 cfs from the Coteau Lakes aquifer
3. Combined Water Right No. 7177-3 and Application No. 8298-3, if approved, would authorize the irrigation of 130 acres at a maximum instantaneous diversion rate of 1.56 cfs.
4. Based on the observation well data and a hydrologic budget, there is a reasonable probability unappropriated water is available for this proposed appropriation.
5. There is a reasonable probability the diversion proposed by this application can be made without adversely impacting existing appropriative or domestic users.



Adam Mathiowetz, PE
SD DENR-Water Rights Program

REFERENCES:

Buhler, K.A. 2015. Report to the Chief Engineer on Water Permit Application No. 8180-3 Zochert Farms, Inc. c/o Neil & Ivan Zochert. SD DENR-Water Rights Program. Pierre, South Dakota.

- 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. SD DENR-Geological Survey, Vermillion, South Dakota.
- Hedges, L.S., Allen, J., 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.
- 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.
- Leap, D.I. 1988. Geology and Hydrology of Day County, South Dakota. Bulletin 24. SD DENR-Geological Survey, Vermillion, South Dakota.
- Leap, D.I. 1972. Major Aquifers and Sand and Gravel Resources in Day County, South Dakota. SD DENR-Geological Survey Information Pamphlet No. 3. Vermillion, South Dakota.
- Mathiowetz, A.W. 2014. Report to the Chief Engineer on Water Permit Application No. 8002-3 Todd Block. SD DENR-Water Rights Program. Pierre, South Dakota.
- SDGFP. 2017. Most Recent Lake Survey - Waubay Lake. <<https://gfp.sd.gov/fishing-boating/tacklebox/lake-surveys/northeast-lakes/docs/2014/Waubay%20Lake.pdf>>. Accessed: September 9, 2017. SD Dept. of Game, Fish, and Parks. Pierre, SD.
- Thompson, R.F. 2001. Water Resources of Lake Traverse Reservations, South and North Dakota, Roberts County, South Dakota. U.S. Geological Survey Water-Resources Investigations Report 01-4219
- Water Rights. 1979-2017. "1979-2016 Irrigation Questionnaires": SD DENR-Water Rights Program, Joe Foss Building, Pierre, South Dakota.
- Water Rights. 2017a. Observation Well Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2017b. Water Right/Permit Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2017c. Well Completion Reports. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2017d. Lake Levels Database. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

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DEPARTMENT
OF
ENVIRONMENT
AND NATURAL
RESOURCES

NOTICE OF APPLICATION NO.

8298-3 to Appropriate Water
Notice is given that Zochert Farms Inc., c/o Ivan and Neil Zochert, 13760 441st Ave, Webster SD 57274 have filed an application for a water permit to appropriate 0.27 cubic feet of water per second (cfs) from one existing well completed into the Coteau Lakes Aquifer (74 feet deep) located in the SW 1/4 SE 1/4 Section 1-T122N-R55W and irrigation of 40 acres located in the N 1/2 NE 1/4 Section 12-T122N-R55W and NW 1/4 NW 1/4 Section 7-T122N-R54W which is approximately 3.5 miles northwest of Waubay SD. The well is currently authorized by Water Right No. 7177-3 appropriating 1.29 cfs to irrigate 90 acres in portions of the SW 1/4 and SW 1/4 SE 1/4 of Section 1-T122N-R55W. Combined, Water Right No. 7177-3 and this application, if approved, will appropriate 1.56 cfs for irrigation of 130 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8298-3 with qualifications 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. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

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 September 28, 2017.

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.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. 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.

Steven M. Pimer, Secretary
Department of Environment and
Natural Resources.

Published once at an
approximate cost of \$56.34
(September 18, 2017)

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

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Codington) SS

I, Jackie Wettestad

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:

September 18, 2017

Cost of Printing \$56.89

Jackie Wettestad
(Signature)

Accounting Clerk
(Title)

9-25-17
(Date Signed)

AFFIDAVIT OF PUBLICATION

County of Day
State of South Dakota,

SS.

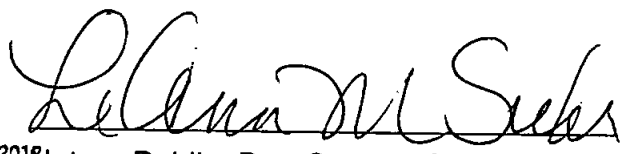
John Suhr, of said county and state being duly sworn on oath, says: That the Reporter & Farmer is a legal weekly newspaper of general circulation, and an official newspaper as required by Session Laws of 1893, printed and published in Webster, in said county and state, by the Day County Printing Company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

First Publication	September 18;
Second Publication	;
Third Publication	;
Fourth Publication	;
Fifth Publication	;

That the full amount of fees for publication of the annexed notice is \$34.16 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 18th day of September, 2017.

LeAnn M. Suhr
Day County South Dakota
My Commission Expires November 2, 2018


Notary Public, Day County, South Dakota

Application

NOTICE OF APPLICATION NO. 8298-3 TO APPROPRIATE WATER

Notice is given that Zochert Farms Inc., c/o Ivan and Neil Zochert, 13760 441st Ave., Webster, SD 57274 have filed an application for a water permit to appropriate 0.27 cubic feet of water per second (cfs) from one existing well completed into the Coteau Lakes Aquifer (74 feet deep) located in the SW1/4 SE1/4 Section 1-T122N-R55W and irrigation of 40 acres located in the N1/2NE1/4 Section 12-T122N-R55W and NW1/4NW1/4 Section 7-T122N-R54W which is approximately five miles northwest of Waubay, SD. The well is currently authorized by Water Right No. 7177-3 appropriating 1.29 cfs to irrigate 90 acres in portions of the SW1/4 and SW1/4SE1/4 of Section 1-T122N-R55W. Combined, Water Right No. 7177-3 and this application, if approved, will appropriate 1.56 cfs for irrigation of 130 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8298-3 with qualifications 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. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

Any person interested in

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SEP 22 2017

WATER RIGHTS
PROGRAM

n for water

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 September 28, 2017.

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.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. 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.

Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of \$34.16.

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, September 13, 2017 10:31 AM
To: legals@thepublicopinion.com
Subject: 8298-3, Zochert Farms Inc
Attachments: 8298-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on September 18, 2017.

Zochert Farms Inc., c/o Ivan and Neil Zochert, 13760 441st Ave, Webster SD 57274 (605 345-4695 or c 605 520-4733) have been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak

SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, September 13, 2017 10:30 AM
To: news@reporterandfarmer.com
Subject: 8298-3, Zochert Farms Inc
Attachments: 8298-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on September 18, 2017.

Zochert Farms Inc., c/o Ivan and Neil Zochert, 13760 441st Ave, Webster SD 57274 (605 345-4695 or c 605 520-4733) have been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak
SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, September 13, 2017 10:34 AM
To: 'nzochert@itctel.com'
Subject: Application No. 8298-3
Attachments: 8298-3.pdf

Mr. Zochert,

Attached is the information being mailed to you today. Please contact the papers ASAP. The Webster paper has a Thursday noon deadline for publication the following week.

Karen Schlaak

SD DENR, Water Rights Program
(605) 773-3352





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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(S) RIGHT AWAY.**

September 13, 2017

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

Dear Sirs:

Water Permit Application No. 8298-3 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 September 18, 2017. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 8298-3 to Appropriate Water

Notice is given that Zochert Farms Inc., c/o Ivan and Neil Zochert, 13760 441st Ave, Webster SD 57274 have filed an application for a water permit to appropriate 0.27 cubic feet of water per second (cfs) from one existing well completed into the Coteau Lakes Aquifer (74 feet deep) located in the SW 1/4 SE 1/4 Section 1-T122N-R55W and irrigation of 40 acres located in the N 1/2 NE 1/4 Section 12-T122N-R55W and NW 1/4 NW 1/4 Section 7-T122N-R54W which is approximately five miles northwest of Waubay SD. The well is currently authorized by Water Right No. 7177-3 appropriating 1.29 cfs to irrigate 90 acres in portions of the SW 1/4 and SW 1/4 SE 1/4 of Section 1-T122N-R55W. Combined, Water Right No. 7177-3 and this application, if approved, will appropriate 1.56 cfs for irrigation of 130 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8298-3 with qualifications 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. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

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 September 28, 2017.

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.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. 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.

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

OCT 02 2017

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

Dear Sirs:

Enclosed is Water Permit No. 8298-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

A 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 information 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

8298-3
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AUG 06 2018

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

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

Date FROM: Zochert Farms

(name)

13760 441st Avenue

(address)

Webster

(city)

SD

(state)

57274

(zip)

(phone)

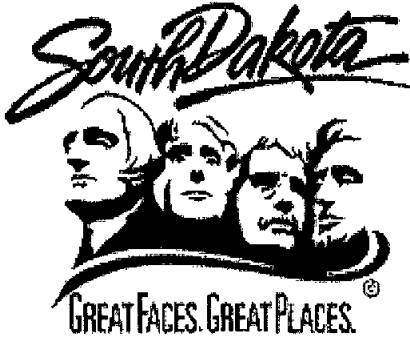
I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 8298-3 states that the water use system is to be constructed by9/28/2022, and water is to be put to beneficial use by 9/28/2026
(date) (date)The water use system was completed on 5-15-18
(date)Applying the water to beneficial use was completed on 8-1-18
(date)

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

Neil Zochert
Sign





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 6, 2018

8298-3

Neil Zochert
Zochert Farms
13760 441st Ave
Webster SD 57274

Dear Mr. Zochert:

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

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

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

Sincerely,

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. 8298-3

I have this day, September 13, 2023, made a thorough examination of the water use system constructed by Zochert Farms, Inc, 13760 441st Ave, Webster, SD 57274 of Permit No. 8298-3, bearing the priority of July 13, 2017 authorizing the diversion of 0.27 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: (SEE LICENSE NO. 7177-3 FOR WELL INFORMATION)

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

- 1) Type Buried PVC 2) Size 8 inches 3) Length 2800 feet

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Valley
- 2) Overall length 600 feet
- 3) Number of towers 5
- 4) End gun Y
- 5) Capacity 600 GPM

Chemigation Equipment:

- 1) Does chemigate N

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by N

If no, describe: **0.27 cfs authorized by Permit but 1.33 cfs is delivered to the Center Pivot. The 1.33 cfs is shared with another pivot.**

- 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: WELL LOCATION
2. From the SE corner Sec 1 T122N R55W 1215 ft N & 2586 ft W, Lat 45.40241 Long -97.37604 (SW ¼ SE ¼)

3. The works are capable of diverting and conveying to the place of use 1.33 cu. ft. per second of water 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 12 T122N R55W

NE NE – 33 acres

comprising a total of 33 acres of land and the license should be issued for 0.27

4. All structures, wells and lands on map Y

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

The irrigated acreage was estimated with the aid of FSA imagery and ArcMAPS software.

The pump rate reported in a recent Irrigation Questionnaire was used to establish the system flow capacity.

The mailing address and the telephone number in the permit materials are current.

I talked to one of the Zocherts on the phone today to verify the phone number as being current.



Darrell W DeBoer
Water Rights Inspector
DANR, Water Rights Program

Date report completed: November 21, 2023



0 0.1 0.2 0.4 0.6 0.8 Miles



Darrell DeBoer
Water Right Inspector
DANR-Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

NOV 27 2023

8298-3

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

Dear Sirs:

Enclosed is Water License No. 8298-3. 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 our office.

Sincerely,

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

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 8298-3**

(1) Zochert Farms Inc. c/o Ivan & Neil Zochert; 13760 441st Ave, Webster SD 57274, made Application No. 8298-3, July 13, 2017, for a water permit to divert 0.27 cubic feet of water per second (cfs) from groundwater, one existing well (Coteau Lakes Aquifer), Day County, South Dakota for irrigation purposes. Permit No. 8298-3, with a priority date of July 13, 2017, was approved September 28, 2017, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before September 28, 2022, and for the application to beneficial use of water on or before September 28, 2026.

The applicant submitted a "Notice of Completion of Works" for Permit No. 8298-3 dated August 6, 2018, indicating that construction of the project was completed May 15, 2018, and water was put to beneficial use on August 1, 2018.

(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 0.27 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 1,215 ft N & 2,589 ft W of the SE corner Section 1, T122N, R55W (SW $\frac{1}{4}$ SE $\frac{1}{4}$)
(Latitude 45.40241 & Longitude -97.37604)

(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 10 – September 10.

(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 12, T122N, R55W
NE $\frac{1}{4}$ NE $\frac{1}{4}$ - 33 acres

(5) Pursuant to South Dakota Water Law 46-5-30.1 Zochert Farms Inc., the holder and/or owner of Water Right No. 8298-3 is issued a license to appropriate water, the right to use 0.27 cubic feet of water per second from groundwater, one well, Coteau Lakes Aquifer, with a priority date of July 13, 2017, from the location specified in (2) of this license for irrigation purposes.

Water Right No. 8298-3 uses diversion rate authority from the well authorized under Water Right No. 7177-3. Combined, Water Right Nos. 7177-3 and 8298-3 appropriate 1.33 cfs for the irrigation of 123 acres.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 8298-3 and subject to the following qualifications:

1. The well approved under Water Right Nos. 7177-3 & 8298-3 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 their 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 Water Right is 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

NOV 27 2023

date

