

Water Right Number 2595-3

March 17, 1976

1. Considered \_\_\_\_\_, 1976

James B. Zell

2. Name of Applicant \_\_\_\_\_

Cavour, S.D.

3. Post Office Address \_\_\_\_\_

4. Amount of water claimed 1.9

ground water

5. Source of water supply \_\_\_\_\_

irrigation

6. Water to be used for \_\_\_\_\_

132

Acres to be irrigated \_\_\_\_\_

Beadle

7. Water to be diverted and used in \_\_\_\_\_ County

about 85,6E Miles \_\_\_\_\_ of HOBON

8. Proof of Publication Received 1st

Not received \_\_\_\_\_

9. Application Approved \_\_\_\_\_

Subject to \_\_\_\_\_

Not approved \_\_\_\_\_

Action deferred \_\_\_\_\_

10. Remarks:

No. 2545-3Map No. 1963-3 Water Division No. 3 JAMES RIVER District \_\_\_\_\_  
(Blanks to be Filled by the Engineer for the W. R. C.)

## APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE--Draw a line through items not applicable)

1. Name of Applicant James B. Zell  
Postoffice address Cavour, State So. Dakota
- If a corporation show date and place of incorporation \_\_\_\_\_
2. Method of accomplishing work (contract, employment of others, or by direct labor) Direct Labor
3. Name of diversion work James B. Zell Unit No. 2
4. Amount of water claimed (cubic feet per second) 1.9
5. Source of water supply ground water
6. Location of point of diversion A POINT IN THE SE<sup>1</sup> NE<sup>1</sup> SECTION 25, T109N, R61W

- County Beadle
7. Annual period or periods during which water is to be used April - October
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
9. For irrigation use, Total number of acres to be irrigated 132

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

| Land Description          | No. Acres Irr. | Land Description | No. Acres Irr. |
|---------------------------|----------------|------------------|----------------|
| <u>NE 1/4 S-25-109-61</u> | <u>132</u>     |                  |                |
|                           |                |                  |                |
|                           |                |                  |                |
|                           |                |                  |                |

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 2 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Daily Plainsman, Huron, S.D.
12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

Bowl Pump

B. Works proposed to transport water to place of use.

Main line

C. Works proposed to apply water to beneficial use.

Center Pivot

Estimated Total Cost \$ \_\_\_\_\_

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.  
(See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

County of BeadleI, James B. Zell the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.Signed James B. ZellSubscribed and sworn to before me this 25 day of January, 1976

Notary Public (or other qualified officer)

James B. Zell

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2595-3  
JAMES B. ZELL CAVOUR S.D.  
 (Applicant) (Post Office Address)  
SOUTH DAKOTA 57324 With the following modifications:  
 (State)

The irrigation well approved under this Permit will be located near domestic wells and other irrigation wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in existing domestic wells or in irrigation wells having prior water rights.

Date of first receipt of application FEBRUARY 27, 19 76  
 Date of return to applicant for correction, amendments or changes required —, 19 —  
 Date of receipt of corrected application —, 19 —  
 Approved MARCH 18, 19 76, Recorded in Book 15 Page 20

WATER RIGHT PERMIT NO. 2595-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2595-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is FEBRUARY 27, 19 76
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPTEMBER 18, 19 78
3. The whole of said work is to be completed on or before MARCH 18, 19 81
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 18, 19 83
5. The water appropriated shall be used for the purpose of IRRIGATION
6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 1.9 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before MARCH 18, 19 83; said water to be used during the following described annual period: APRIL - OCTOBER

Witness my hand this 24<sup>TH</sup> day of MARCH, 19 76

WATER RIGHTS COMMISSION

By:

[Signature]  
 Chief Engineer, Executive Officer

Certificate of Construction Issued \_\_\_\_\_, 19 \_\_\_\_\_

Water License Issued \_\_\_\_\_, 19 \_\_\_\_\_

## HURON DRILLING INC. DRILLERS LOG

PAGE NO.

James Zell

N.E. 25-109-61 Beadle Co. 2/26/75

7

**Terry Bawdon**

**JOB NAME**

LOCATION

DATE \_\_\_\_\_

RIG NO.

FOREMAN

[illegible]

12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates

(1) Drill Hole, Diameter \_\_\_\_\_, Depth \_\_\_\_\_

(2) Casing, Type \_\_\_\_\_, Diameter \_\_\_\_\_, Thickness \_\_\_\_\_  
(wood, concrete, steel, etc)

(3) Perforated Screen.

Type \_\_\_\_\_, Diameter \_\_\_\_\_, Length \_\_\_\_\_

(4) Gravel Pack, Thickness \_\_\_\_\_, Length of gravel pack \_\_\_\_\_

E. Dugout Information or Estimates

(1) Surface dimensions \_\_\_\_\_, Depth \_\_\_\_\_

F. Fill out for Either a Well or a Dugout. Log will be furnished by charter

(1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Depth to top of water bearing material \_\_\_\_\_

Depth to bottom of water bearing material \_\_\_\_\_

Thickness of water bearing material \_\_\_\_\_

Depth to water (ground surface to water level) \_\_\_\_\_

(2) Distance to nearest existing household or livestock watering wells.

On same owner's property 135 rds. On property owned by others 160 rds.

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

James B. Zipp  
Signature of Applicant

February 9, 1976



Mr. James B. Zell  
Cavour, SD 57324

Dear Mr. Zell:

The water samples which you submitted to the laboratory here some time ago have been analyzed. Sample #76-053 from the northeast quarter, section 25, is the one I will deal with first. This water is high salinity, low sodium. I have plotted the approximate quality of it by means of a red cross in the water quality diagram on the outside back cover of extension circular 654. It is right near the bottom line of the chart.

This water is just barely suitable for irrigation on soils with good drainage. It is possible that the soil in the northeast quarter of section 25 could be irrigated if you are willing to perform certain tasks and to observe certain recommended practices. The soil areas in the map marked as 18 are absolutely unsuitable for irrigation unless you grade the land and fill those holes or depressions or construct some kind of drainage ditch to lead surface waters off those soils into a common drain or some other means of disposal. These soils have, in addition to poor drainage, not very rapid intake rates and water will easily stand on them. Furthermore, the soil which is designated as #38 has a clay loam material at some depth below 40 inches, and this might have moderately poor permeability or poor performance under irrigation. Thus, there are 3 soil areas in the quarter which could give you problems, and you should never apply water at a rate to exceed the intake rate of the slowest soil, and you should also be sure not to cause standing water to exist on soil areas 18 especially. There may also be depression areas which are not mapped and these would likewise give you difficulty. The poor intake rate of these depressional areas are the key to the problem.

Because this water is quite high in total salt content, you should irrigate in substantial quantities each time you irrigate, but not frequently in the growing season. By this I mean 2 or 3 times as a maximum in a growing season, and applications of 3 to 4 inches each time. Any practice other than this, such as frequent light irrigations, will cause rapid build-up of salt in the surface soil, and accompanying decreased performance of crops. A water with this high salinity could cause a build-up of that salt to occur as soon as 5 or 6 years after you begin to irrigate.

The second portion of this letter deals with your proposal to irrigate in the southeast quarter of section 7. It is labeled as your unit #3.

Mr. Zell  
February 9, 1976  
Page 2

The soils in this area are even less suitable for irrigation except on the north side of the quarter, towards the center and the east. That is, those delineations marked as 12a Enet loam and 52b (Carthage fine sandy loam). The 101a is moderately well suited to irrigation but may have, of course, depressions in it which have a claypan and therefore, will hold the water up. The area 5d which is on the south of these 2 delineations is absolutely unsuitable. Therefore, I recommend you proceed no further with plans to irrigate this piece of land unless you can use a tow line system or some system which is economical for the approximately 70 acres in the north side, which are suitable.

This water for this quarter, is almost as salty as the water for that one in section 25, and these same precautions should be observed as far as applications, techniques and management are concerned. I am very reluctant to encourage you at all on this piece of land because of the irregular nature of the boundaries and the marginal nature of the water which you have.

A copy of this letter, and of the water analyses, and the other application materials, including the WI-1 forms are being sent to the State Conservation Commission. The original copies of the reports of the water analysis are yours to keep, as well as the extension circular 654, which is enclosed.

Sincerely yours,

*L. O. Fine*

L. O. Fine  
Water Quality Lab

LOF:ckb

Enclosures

cc: State Conservation Commission

D. Pahl

Dick Fadgen, County Extension Agent  
Huron Drilling Co.



Conservation  
Commission  
Form WI 31

STATE CONSERVATION COMMISSION  
SUPPORTING INFORMATION  
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE  
WITH SDCL 46-6-3 AS AMENDED  
(This Form Required for Proposed Well Irrigation Only)

FOR COMMISSION USE

Irrigation System

Water Quality: \_\_\_\_\_

Soils Capability: \_\_\_\_\_

Approved: [Signature]

Disapproved: \_\_\_\_\_

NAME: James B. Zell  
ADDRESS: Cavour, S. Dakota  
COUNTY: Beadle

LEGAL DESCRIPTION

1. WELL LOCATION: NE 1/4 S-25-109-61  
2. AREA TO BE IRRIGATED: 132 acres

TYPE OF IRRIGATION

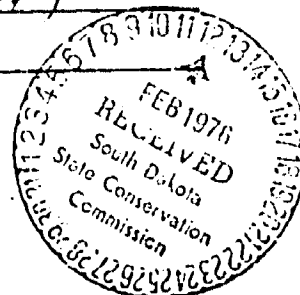
3. GRAVITY \_\_\_\_\_ SPRINKLER (Indicate Type): Pivot  
4. CROPS TO BE IRRIGATED: Corn, small grain

LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE: Attached Sheet  
6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION: \_\_\_\_\_

WATER QUALITY (To Be Completed by Commission)

7. SAMPLE NO: 76-053  
8. SALINITY: EC-1977 unknown (high)  
9. SODIUM: SAR=0.18 (low)



I do hereby certify that a chemical analysis of the ground water to be  
acquired for irrigation from South Dakota State University and:

the land capability for irrigation information has been acquired from

Soil Scientist (SCS)

and:

that the legal description for the location of the well and land to be  
irrigated is true and correct.

X James B. Bell

Subscribed and sworn before me this

28 day of February 1970.

Notary Public

James B. Bell

(Title) Notary Public

**REPORT OF ANALYSIS**  
**Water Quality Laboratory**  
**Water Resources Research Institute**  
**South Dakota State University**  
**Brookings, South Dakota 57006**

Submitted by: James P. Zell Date Rec'd January 30, 1976  
 Address: Cavour, SD 57324 Sample No. 76-053  
Huron Drilling, Inc. Identification # 2 Well-  
P.O. Box 1422 NE, Sec. 25, T. 109N, R. 61.  
Huron, SD 57350

**WATER ANALYSIS**

|                                       |      |                             |       |           |
|---------------------------------------|------|-----------------------------|-------|-----------|
| Calcium (Ca)                          | 390  | ppm*                        | 19.50 | me/l**    |
| Magnesium (Mg)                        | 92   | ppm                         | 7.54  | me/l      |
| Sodium (Na)                           | 16   | ppm                         | 0.68  | me/l      |
| Potassium (K)                         | 6    | ppm                         | 0.17  | me/l      |
| Sulfate (SO <sub>4</sub> )            | 988  | ppm                         | 20.54 | me/l      |
| Nitrate (as N)                        |      | ppm                         |       | me/l      |
| Chloride (Cl)                         | 5    | ppm                         | 0.14  | me/l      |
| Bicarbonate (HCO <sub>3</sub> )       | 473  | ppm                         | 7.34  | me/l      |
| Carbonate (CO <sub>3</sub> )          |      | ppm                         |       | me/l      |
| Iron (Fe)                             |      | ppm                         |       | me/l      |
| Fluoride (F)                          |      | ppm                         |       | g.p.g.*** |
| Hardness (EDTA as CaCO <sub>3</sub> ) |      | ppm                         |       |           |
| Alkalinity (Methyl Orange)            | 392  | ppm (as CaCO <sub>3</sub> ) |       |           |
| Alkalinity (Phenolphthalein)          | 0    | ppm (as CaCO <sub>3</sub> ) |       |           |
| Electrical Conductivity               | 1977 | micromhos per cm at 25° C.  |       |           |
| Sodium Adsorption Ratio               | 0.13 |                             |       |           |
| Sodium                                | 2.43 | % of cations                |       |           |
| Residual sodium carbonate             | 0.00 | me/l                        |       |           |
| pH                                    | 6.90 |                             |       |           |
| Others:                               |      |                             |       |           |

\*ppm=parts per million  
 \*\*me/l=millequivalents per liter  
 \*\*\*g.p.g.=grains per gallon

COMMENTS: Total cations 27.89 me/l  
 Total anions 28.52 me/l

By: Shirley Litten

| Service Performed   | Amount Due  |
|---------------------|-------------|
| Irrigation analysis | \$8.00 PAID |

Make checks payable to: Water Quality Laboratory

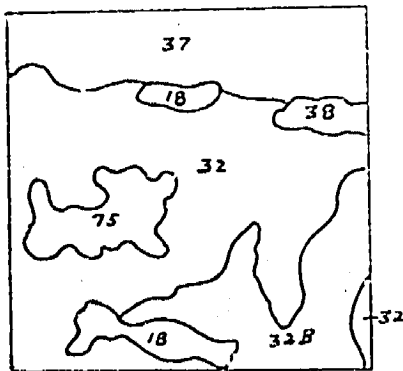
Cut along dotted line and return the lower portion with payment

Sample No. 76-053

Amount Enclosed \$

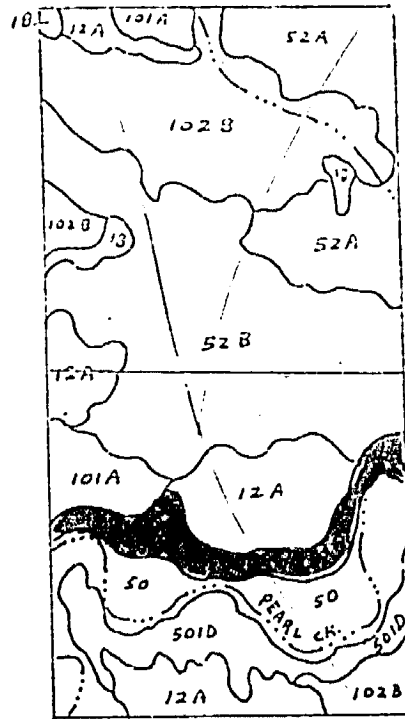
Signed

# SOILS MAP



NE<sup>1</sup>/<sub>4</sub>-25-109-61

James Zell



NE<sup>1</sup>/<sub>4</sub>-7-109-60

SE<sup>1</sup>/<sub>4</sub>-7-109-60

Leeland Skow

## SOIL LEGEND

- 5D Bett3-Ethan loams  
Not suited for irrigation
- 12A Enet loam, 0-to 2 percent slopes  
The Enet are well drained, loamy soils formed in loamy alluvial materials overlying sand and gravel. They have loam surface layers about 8 inches thick and moderately permeable subsoils of loam and clay loam underlain by sand and gravel between 20 and 36 inch depths.
- 18 Tetonka and Hoven silt loams  
This unit consists of poorly drained soils in enclosed depressions. Permeability is very slow and surface drainage is lacking. Dense compact subsoils and ponding generally limit these soils for irrigation. Drainage of these soils is desirable under irrigation.
- 32 Carthage-Blendon sandy loam, 0 to 3 percent slopes  
This unit consists of well and moderately well drained soils which have 20 to more than 60 inches of sandy loam materials overlying clay loam glacial till. The depth to the calcareous glacial till is variable within short distances. Permeability is moderately rapid to rapid in the sandy loam material and moderately slow in the clay loam substrata.

- 32B Carthage-Blendon sandy loam, 3 to 6 percent slopes  
This unit is described in the 32 mapping unit. The unit differs primarily in the degree of slope.
- 37 Doger loamy fine sand  
This unit consists of deep, sandy, well drained soils. Permeability is rapid. Calcareous clay loam material is at depths below 40 inches.
- 38 Elsmere loamy sand, 0 to 3 percent slopes  
This unit consists of deep, sandy, somewhat poorly drained soils. They have a seasonally high water table. Permeability is rapid. Calcareous clay loam material is at depths below 40 inches.
- 50 Bon loam  
This unit consists of deep moderately well and well drained loamy soils on nearly level surfaces. These soils are occasionally flooded. The physical properties of these soils make them generally well suited for irrigation.
- 52A Carthage fine sandy loam, 0 to 3 percent slopes  
This unit consists of moderately well drained soils on nearly level to gently undulating uplands. The soils have sandy loam surfaces and subsoils which grade to clay loam till at 20 to 40 inch depths. Permeability is moderately rapid in the sandy loam upper part and moderate in the underlying clay loam materials. Surface runoff is medium.
- 52B Carthage fine sandy loam, 3 to 6 percent slopes.  
This unit has soils as described above in the 52A mapping unit. It differs in the degree of slope.
- 75 Loup loamy fine sand, loamy substrata  
This unit consists of somewhat poorly drained and poorly drained soils in swales and depressed areas. These soils have 20 to 40 inches of sandy materials overlying clay loam glacial till. Permeability is rapid in the sandy materials and moderate in the underlying clay loam materials. Surface runoff is slow to ponded.
- 101A Houdek-Prosper loams, 0 to 2 percent  
This unit consists of deep well and moderately well drained loamy soils with calcareous substrata. The subsoils contain 30-35% clay. Depth to the calcareous clay loam substratum ranges from 18 to 30 inches. Permeability is moderately slow. Included within these areas are small depressions and small areas of soil with claypan subsoils which contain salts. Drainage or fill of these included areas may become desirable to prevent ponding and excessive wetness.
- 102B Houdek-Prosper loams, 2 to 6 percent slopes  
The Houdek and Prosper soils are described in the 101A mapping unit. The unit differs primarily in the degree of slope.

March 1, 1976

James B. Zell  
Cavour,  
South Dakota 57324

Dear Mr. Zell:

We are returning your check in the amount of \$16.00 and request that you send us one in the amount of \$8.00.

Your proposal to irrigate in Section 7, T109N, R60W, was disapproved by the State Conservation Commission. We can take no further action on the application when it is disapproved. We will be returning the data submitted to you soon.

Sincerely,

BURTON F. JONES  
Water Rights Specialist

BFJ/bw  
Encl: As stated

WATER LICENSE NO. 2595-3

(1) WHEREAS, On the 27th day of February A. D. 1976 James B. Zell

made Water Right Application No. 2595-3 for a permit to use 1.9 cubic feet per second of the waters of groundwater (one well)

County of Beadle, State of South Dakota, for irrigation purposes; and

(2) WHEREAS, On the 18th day of March A. D. 1976 Permit No. 2595-3 with a date of priority of February 27, 1976

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 18th day of March A. D. 1981 and for the application to beneficial use of said water on or before the 18th day of March A. D. 1983

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 1.0 cubic feet per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent,

to irrigate portions of the following land all in Section 25-T109N-R61W

|         | acres |
|---------|-------|
| NW¼ NE¼ | 33    |
| NE¼ NE¼ | 25    |
| SW¼ NE¼ | 33    |
| SE¼ NE¼ | 33    |
| total   | 124   |

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to James B. Zell

\_\_\_\_\_ of Cavour, SD

the holder \_\_\_\_\_ and owner \_\_\_\_\_ of said permit No. 2595-3 a water right dating from February 27, 1976

\_\_\_\_\_ to use of 1.0 cubic feet per second of the waters

of groundwater (one well)

in the County of Readle and State of South Dakota, or so much thereof as may be necessary for the

purposes hereinbelow mentioned, to be diverted at a point 1300 ft South and 230 ft West

of the NE Corner, Section 25-T109N-R61W

and conduct to and upon portions of land in Section 25-T109N-R61W, more fully  
described on the face of this License

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 2595-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota  
this 24th day of January A. D.  
Nineteen Hundred and Seventy-nine

WATER RIGHTS COMMISSION

By: John Hatch  
Chief Engineer, Executive Officer JOHN HATCH

Permit No. 2595-3

Water Diversion No. 3 James River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That James B. Zell

\_\_\_\_\_ the holder \_\_\_\_\_ of  
Permit No. 2595-3, issued upon Application No. 2595-3, bearing date of priority of February 27,  
1976 authorizing the diversion of 1.0 cu. ft. per second of the waters of \_\_\_\_\_  
groundwater (one well) County of Beadle, State of South Dakota at a  
point 1300 ft South and 230 ft West of the NE Corner, Section 25-  
T109N-R61W  
\_\_\_\_\_, for irrigation

purposes, has \_\_\_\_\_ complied with the provisions of the laws of the State of South Dakota relating to proof of  
completion of the works of diversion set out and described in said Permit, that said works are found in satisfactory  
condition for diverting and conveying to the place of intended use 1.0 cu. ft. per second of water.

Date January 24, 1979

By.

WATER RIGHTS COMMISSION

John Hatch  
JOHN HATCH, Chief Engineer

Form 6 - Notice of Intent to Appropriate Water

No. 2595-3

Publish first publication, on or before March 5, 1976

NOTICE  
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

March 1, 1976

Notice is hereby given that James B. Zell

whose post office address is Cavour, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use

1.9 cubic feet of water per second of time from the ground water through the

2-11 Unit #2, the point of diversion of which is to be located in the

SE 1/4 NE 1/4

of Section 25, Twp. 109N, Range 61W. Said water to be used for the purpose

of providing irrigation on <sup>portions of</sup> the following described land:

NE 1/4, Section 25, T109N, R61W

2595-3

This application No. \_\_\_\_\_ will be considered by the Water Rights Commission at their office at  
Pierre upon the 17th day of March, 1976, at 1:00 P. M. All interested  
persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON F. JONES  
Water Rights Specialist

BFJ/bw

cc: James B. Zell, Cavour, S.D. 57324

Form 8 - Proof of Publication - Notice of  
Intent to Appropriate Water

No. 101 - 3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )

County Beadle ) ss.

I, Dorothy Murphy hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Huron Daily Plainsman

A newspaper which during the whole time of publication of said notice  
herein after stated, has been and is printed and published in the \_\_\_\_\_

City of Huron

County of Beadle and State of South Dakota;  
that the said notice was published in said newspaper on the following  
two dates:

March 11, 1976

March 11, 1976

Dorothy Murphy  
(Signature)

Dorothy Murphy  
(Title)

March 11, 1976  
(Date Signed)

F.P. 3476 L.P. 311-76

NOTICE INTENT TO  
APPROPRIATE WATER  
Pierre, South Dakota 57501

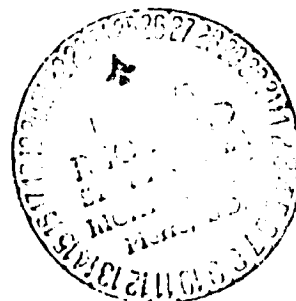
March 1, 1976

Notice is hereby given that James  
B. Zell whose post office address is  
Cavour, South Dakota, has made an  
application in accordance with the  
provisions of the water laws of South  
Dakota for a permit to appropriate  
for beneficial use 1.9 cubic feet of  
water per second of time from  
ground water through the Zell Unit  
No. 2, the point of diversion of which  
is to be located in the NE1/4 of Sec-  
tion 25, Twp. 109N, Range 61W. Said  
water to be used for the purpose of  
providing irrigation on portions of  
the following described land: NE1/4,  
Section 25, T109N, R61W.

This application No. 2595-3 will be  
considered by the Water Rights  
Commission at their office at Pierre  
upon the 17th day of March, 1976, at  
1:00 p.m. All interested persons may  
appear and be heard.

WATER RESOURCES COM-  
MISSION

By: BURTON F. JONES  
Water Rights Specialist  
No. 101 (adv.)



# RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

N<sup>o</sup> 4 6723

January 22

79

PIERRE, \_\_\_\_\_, 19\_\_\_\_

RECEIVED OF James Zell, Cavour SD 57324

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

|                                                                                                                             |    |    |
|-----------------------------------------------------------------------------------------------------------------------------|----|----|
| Fee for Application for Permit to Appropriate Water No. <u>2595-3</u> (examination, processing, recording and filing) _____ |    |    |
| Fee for inspecting Construction, and issuing Cert. of Construction No. <u>2595-3</u> )                                      | 50 | 0  |
| Fee for inspecting Beneficial Use, and issuing Water License No. <u>2595-3</u> )                                            |    |    |
| Fee for issuing Location Certificate-Dry Draw, No. _____                                                                    |    |    |
| Fee for filing _____                                                                                                        |    |    |
| Fee for certified copy of _____                                                                                             |    |    |
| Fee for Print copy of map _____                                                                                             |    |    |
| Fee for Certifying _____                                                                                                    |    |    |
| Fee for _____<br>(any other work as provided by law)                                                                        |    |    |
| TOTAL                                                                                                                       | 50 | 00 |

WATER RIGHTS COMMISSION

By: John Patch  
Chief Engineer, Executive Officer  
JOHN PATCH R

2595-3

James B. Zell

11-2-78

Well Depth 170' Static 308'

Pumpage 450 Capacity 900 gpm

Motor U.S. Elec. 60 HP - 1770 RPM

ID# R-6234-00-84, R2097426

Pump Worthington, Model

6" PVC from well to CP

Electrogator Mengerle "Piper"

Model 2-555, 0

Serial # 9761232

Permit No. 2-595-3Water Division 3 James River Water DistrictREPORT OF EXAMINATION OF WORKS  
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by James B Zell  
 of Cavour, South Dakota, 57324 holder  
 of Permit No. 2-595-3, bearing date of priority of February 26, 19 76  
 authorizing the diversion of 1.9 cu. ft. per second of the waters of one Well.  
 for Irrigation purposes, in Beadle County.

I have to report on the condition of the same as follows:

The Water Use System consists of,

## A. Works used to divert the water:

Motor - 665 Elec. ID# R-6234-00-84 R2097426  
60 HP, 1770 RPM.  
 Pump - Worthington,  
Pumping 450 gpm

## B. Works used to transport water to place of use,

1100 ft - 6" dia. PVC Pipe - Underground

## C. Works used to apply water to beneficial use.

Electroqator - Minigator. Center Pivot. Model 2-54E5  
Ser # 9761032

The system is in the following condition: Good

The point of diversion is located 1300 ft South and 230 ft west of the  
NE corner of section 25, T109N R61W

The works are capable of diverting and conveying to the place of use 1.0  
 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: All in section 25, T109N R61W  
NW 1/4 NE 1/4 - 33 Ac. NE 1/4 NE 1/4 - 25 Ac. SW 1/4 NE 1/4 - 33 Ac.  
SE 1/4 NE 1/4 - 33 Ac.

comprising a total of 124 acres of land.

Well: depth - 120 ft  
 Static - 30 ft  
 Pumping - 450 gpm  
 Capacity - 900 gpm

Date January 10, 1979

Leroy J. Merranagh  
 (Signature)

**South Dakota Department of  
Water & Natural Resources**

Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501-3181

February 8, 1989

JAMES B ZELL  
RR 1 BOX 153  
CAVOUR, SD 57324

**NOTICE**

RE: Violation of Requirement to Submit 1988 Irrigation Questionnaire

Our records indicate that the 1988 Irrigation Questionnaire has not been submitted for Permit No(s). 4379-3, 2595-3. The request for the Questionnaire was dated October 26, 1988. The Water Management Board had directed that owners of water permits who have not submitted the 1988 Irrigation Questionnaire be given notice of hearing to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:45 am, March 1, 1989 at the Howard Johnson's, Roosevelt Room, 1-90 at LaCrosse, Rapid City SD.

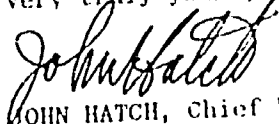
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s). 4379-3, 2595-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action,
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 is received in this office before the March 1st hearing date, your name will be deleted from the agenda for the hearings.

Very truly yours,



JOHN HATCH, Chief Engineer  
Water Rights Division  
605 773-3352





# Department of Water & Natural Resources

Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501-3181

March 7, 1989

2595-3

4379-3

James B Zell  
RR #1 Box 153  
Cavour, SD 57324

Dear Mr. Zell:

I am writing to acknowledge receipt of your 1988 irrigation questionnaires for Water Permit Nos. 2595-3 and 4379-3. You may disregard the February 8, 1989, Notice of failure to submit the 1988 irrigation questionnaire. Your questionnaires were received prior to the March Water Management Board meeting and your name was deleted from the agenda pertaining to the hearing.

If you have any questions, please contact Genny McMath, at (605) 773-3352.

Very truly yours,

JOHN HATCH, Chief Engineer  
Water Rights Division

**SOUTH DAKOTA Department of  
Water & Natural Resources**

Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501-3181

February 9, 1990

JAMES B ZELL  
RT 1 BOX 153  
CAVOUR, SD 57324

**NOTICE**

**RE: Violation of Requirement to Submit 1989 Irrigation Questionnaire**

Our records indicate that the 1989 Irrigation Questionnaire has not been submitted for Permit No(s). (2595-3) 4379-3. The request for the Questionnaire was dated October 13, 1989. The Water Management Board had directed that owners of water permits who have not submitted 1989 Irrigation Questionnaire be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 8:30 am, March 7, 1990 at the Howard Johnson's, Jefferson-Roosevelt Room, I-90 at LaCrosse, Rapid City SD.

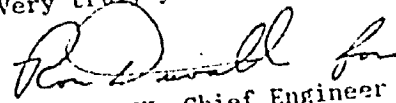
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 2595-3, 4379-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

The hearing(s) 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 received in this office before the March 7th hearing date, your name will be deleted from the agenda for the hearing.

Very truly yours,



JOHN HATCH, Chief Engineer  
Water Rights Division  
605 773-3352



# Department of Water & Natural Resources

Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501-3181

March 14, 1990

2595-3  
4379-3

James B. Zell  
RR #1 Box 153  
Cavour, SD 57324

Dear Mr. Zell:

I am writing to acknowledge receipt of your 1989 irrigation questionnaires for Water Permit Nos. 2595-3 and 4379-3. You may disregard the February 9, 1990 Notice of failure to submit the 1989 irrigation questionnaires. Your questionnaires were received prior to the March Water Management Board meeting and your name was deleted from the agenda pertaining to the hearing.

If you have any questions, please contact Genny McMath, at (605) 773-3352.

Sincerely,

RON DUVALL  
Natural Resources Engineer  
Water Rights Division

*South Dakota*

DEPARTMENT OF WATER & NATURAL RESOURCES  
Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501-3181

GREAT FACES. GREAT PLACES.

February 1, 1991

JAMES B ZELL  
RT 1 BOX 153  
CAVOUR SD 57324

NOTICE

RE: Violation of Requirement to Submit 1990 Irrigation Questionnaire

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 2595-3, 4379-3. The request for the Questionnaire was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 Irrigation Questionnaire be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:15 am, February 27, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, Pierre SD.

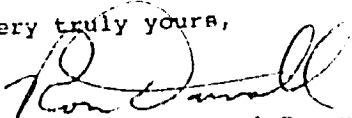
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s) 2595-3, 4379-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

The hearing(s) 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 received in this office before the February 27th hearing date, your name will be deleted from the agenda for the hearing.

Very truly yours,



Ron Duvall, Natural Resources Engineer IV  
Water Rights Division  
605 773-3352

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                         |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|
| <b>SENDER:</b> Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.<br>Put your address on the <b>RETURN TO</b> Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return is a 1st class privilege given to the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and restrictions for additional services requested.<br>1. <input checked="" type="checkbox"/> Show to whom delivered, date, and addressee's address. 2. <input type="checkbox"/> Restricted Delivery (extra charge) |                                                         |
| 3. Article Addressed to:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 4. Article Number                                       |
| <b>JAMES B ZELL</b><br><b>RT 1 BOX 153</b><br><b>CAVOUR SD 57324</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>P 694-057-367</b>                                    |
| Type of Service:<br>Registered <input type="checkbox"/> Insured<br><input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD<br>Express Mail <input type="checkbox"/> Return Receipt for Merchandise                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                         |
| Signer's Signature (if not agent) or agent and <b>DATE DELIVERED.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                         |
| 5. Signature - Addressee                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 6. Addressee's Address (ONLY if requested and fee paid) |
| X <i>James B Zell</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                         |
| 6. Signature - Agent                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                         |
| X <i>Henry K. Zell</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                         |
| 7. Date of Delivery                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                         |
| <i>12/91</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                         |



# Department of Water & Natural Resources

Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501-3181

March 5, 1991

2595-3  
4379-3

James B Zell  
RR #1 Box 350  
Cavour, SD 57324

Dear Mr. Zell:

I am writing to acknowledge receipt of your 1990 irrigation questionnaires for Water Permit Nos. 2595-3 and 4379-3. You may disregard the February 1, 1991, Notice of failure to submit the 1990 irrigation questionnaire. The questionnaires were postmarked prior to the Water Management Board meeting and your name was deleted from the agenda.

If you have any questions, please contact Genny McMath, at (605) 773-3302.

Sincerely,

Ron Duvall, Natural Resources Engineer IV  
Water Rights Division



JAMES B ZELL  
RT 1 BOX 153  
CAVOUR SD 57324

2576-3  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3181

NOTICE

RE: Violation of Requirement to Submit 1991 Irrigation Questionnaire

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit No(s) 2595-3 & 4379-3. The request for the Questionnaire was dated October 18, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1991 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:15 am, March 4, 1992, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, 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 SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 2595-3 & 4379-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
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 4th hearing date, your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV  
Water Rights Division  
605 773-3352



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3181

February 6, 1992

2595-3  
4379-3

James B Zell  
RR #1 Box 350  
Cavour, SD 57324

Dear Mr. Zell:

I am writing to acknowledge receipt of your 1991 irrigation questionnaires for Water Right Nos. 2595-3 and 4379-3. You may disregard the January 27, 1992, Notice of failure to submit the 1991 irrigation questionnaire. The questionnaires were received prior to the Water Management Board meeting and your name was deleted from the agenda.

If you have any questions, please contact me at (605) 773-3352.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Genny McMath', is written over a horizontal line.

Genny McMath  
Natural Resources Analyst  
Water Rights Division

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt Fee will provide you the signature of the person delivered to and the date of delivery.

3. Article Addressed to:

JAMES B ZELL  
RT 1 BOX 153  
CAVOUR, SD 57324

5. Signature (Addressee)

6. Signature (Agent)

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address2. ☐ Restricted Delivery

Consult postmaster for fee.

4a. Article Number

P906-557665

4b. Service Type

- |                                               |                                                         |
|-----------------------------------------------|---------------------------------------------------------|
| <input type="checkbox"/> Registered           | <input type="checkbox"/> Insured                        |
| <input checked="" type="checkbox"/> Certified | <input type="checkbox"/> COD                            |
| <input type="checkbox"/> Express Mail         | <input type="checkbox"/> Return Receipt for Merchandise |

7. Date of Delivery

1-29-92

8. Addressee's Address (Only if requested and fee is paid)

2595-3



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3181

January 29, 1993

NOTICE

TO: JAMES B ZELL  
RT 1 BOX 350  
CAVOUR SD 57324

FROM: Ron Duvall, Natural Resources Engineer IV  
for JOHN HATCH, Chief Engineer  
Water Rights Division

RE: Violation of Requirement to Submit 1992 Irrigation Questionnaire

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 2595-3 & 4379-3. The request for the Questionnaire was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:30 am, March 3, 1993, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, 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 SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 2595-3 & 4379-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
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. Prior to February 22, 1993, contact the Water Rights Division, 523 E Capitol, Pierre SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the questionnaire(s) is(are) received in this office before the March 3rd hearing date, your name will be deleted from the Board agenda.

Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

Article, Addressed to:

2595-3

JAMES B ZELL  
RT 1 BOX 350  
CAVOUR SD 57324

*James B Zell*  
6. Signature (Addressee)

6. Signature (Agent)

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

4a. Article Number

9906560010

4b. Service Type

- ☐ Registered
- ☒ Certified
- ☐ Express Mail
- ☐ Insured
- ☐ COD
- ☐ Return Receipt for Merchandise

7. Date of Delivery

1/30/93 *AG*

8. Addressee's Address (Only if requested and fee paid)

PS Form 3811, December 1991 \* U.S.G.P.O. : 1992-307-530

**DOMESTIC RETURN RECEIPT**

Return Receipt Service.  
Thank you for using



2595-3

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3181

February 22, 1993

2595-3  
4379-3

James B Zell  
RR #1 Box 350  
Cavour, SD 57324

Dear Mr. Zell:

I am writing to acknowledge receipt of your 1992 irrigation questionnaires for Water Right Nos. 2595-3 and 4379-3. You may disregard the January 29, 1993, Notice of Violation of the Requirement to Submit the 1992 Irrigation Questionnaires.

The questionnaires were received in our office prior to the Water Management Board meeting, your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads 'Genny McMath'.

Genny McMath  
Natural Resources Analyst  
Water Rights Division  
(605) 773-3352



2595-3

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3181

February 16, 1994

JAMES B ZELL  
RT 1 BOX 350  
CAVOUR SD 57324

NOTICE

RE: Violation of Requirement to Submit 1993 Irrigation Questionnaire

Our records indicate that the 1993 Irrigation Questionnaire has not been submitted for Permit No(s) 2595-3 & 4379-3. The request for the Questionnaire was dated October 18, 1993. The Water Management Board has directed that owners of water permits who have not submitted the 1993 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 8:45 am, April 6, 1994, at the Golden Hills Resort, 900 Miners Ave, Lead, 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 SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 2595-3 & 4379-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
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 on/or before April 1, 1994, your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV  
Water Rights Division  
605 773-3352

Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☒ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

JAMES B ZELL  
RT 1 BOX 350  
CAVOUR SD 57324

4a. Article Number

2595-3 P837692520711

4b. Service Type

- ☐ Registered ☐ Insured  
☒ Certified ☐ COD  
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

2/19/94

5. Signature (Addressee)

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3181

March 9, 1994

**NOTICE**

**TO:** JAMES B ZELL  
RT 1 BOX 350  
CAVOUR, SD 57324

**FROM:** Ron Duvall, Natural Resources Engineer IV  
For John Hatch, Chief Engineer,  
Water Rights Division  
(605) 773-3352

**SUBJECT:** April 6, 1994 Water Management Board Meeting --  
Irrigation Questionnaire Violation(s)  
RE: , 2595-3 & 4379-3

On February 16, 1994, a notice was sent to you concerning submission of the 1993 irrigation questionnaire(s). The time and location of the April 6th hearing have been changed.

The hearing is now scheduled as follows:

**9:30 a.m., April 6, 1994, in the Conference Room of  
the Floyd Matthew Training Center, Joe Foss Building,  
523 E Capitol, Pierre, SD.**

All other provisions of the February 16th notice still apply. If the questionnaire(s) are received in this office prior to April 1, 1994, your name will be deleted from the agenda.

If you have any questions, please contact Genny McMath at (605) 773-3352.

## CERTIFICATION

I hereby certify that on March 9, 1994, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 9, 1994, regarding April 6, 1994, Water Management Board Meeting -- Irrigation Questionnaire Violation(s) on the following Water Rights/Permits and addresses as stated below:

- 2709-3: Alex A./Ann L. Falk, 1301 N. 4th St., Aberdeen, SD 57401.  
 2763-3 & 4281-3: Alfred LaCroix, Jr., RR 1, Box 350, Jefferson, SD 57038.  
 5238-3 & 2520-3: B. Deloris Jensen, RR 2, Box 107, Beresford, SD 57004-9578.  
 2534-3: Barry Imsland, RR 2, Box 26, Conde, SD 57434.  
 1677A-3: Burnett Quam, RR 1, Box 222, Elk Point, SD 57025.  
 1814-3: Caroline & Garry S. Kerkvliet, RFD 2, Box 145, Castlewood, SD 57223.  
 4773-3 & 1880-3: City of Brookings, Theodore Kryger, F.O., P.O. Box 270, Brookings, SD 57006-0270.  
 180-3 & 291-3: Craig Flyger, RR 1, Box 22, Parker, SD 57053.  
 1076-2, 1236-2 & 2167-2: Dale Heese, HCR 88, Box 36, Millboro, SD 57580-7417.  
 1488-2: Dan Donelan, HCR 33, Box 23, Mission Ridge, SD 57532.  
 417-1A & 417-1B: Darrell C. Anderson, 1700 Kings Rd., Rapid City, SD 57702.  
 540-2: Darrell E. Heldman, Box 402, Edgemont, SD 57735.  
 1503-2: Dave Hemmingson, HCR 3, Box 11, Philip, SD 57567.  
 792-1: David L. & Mary Lou Mollman, HC 63, Box 62, Ludlow, SD 57755.  
 4093-3: Dell Rapids Golf & Rec Assoc, Mike Solem, Box 165, Dell Rapids, SD 57022.  
 2394-3 & 2395-3: Dennis Jones, RR 1, Box 55, Bath, SD 57427.  
 1275-2: Donald Kaiser, HCR 89, Box 303, Hermosa, SD 57744.  
 1556-3: Ed & Dale Fawcett, Inc., Box 3D, Ree Heights, SD 57371.  
 1555-3: Ed & Dale Fawcett, Inc., HCR 64, Box 155, Miller, SD 57362.  
 2622-3: Evelyn Bernard, RR 1, Box 35, Jefferson, SD 57038.  
 526-2: Fred & Dan McFarland, P.O. Box 2110, Rapid City, SD 57709.  
 1390A-1: Fred W. Carlson, 716 10th Ave., Belle Fourche, SD 57717.  
 3026-3: G. Waldner, Hillcrest Colony, Box 17, Garden City, SD 57236.  
 1291-3 & 2474-3: Gary Hanson, Operator, RR 2, Box 224, Elk Point, SD 57025.  
 407-2, 408-2 & 409-2: Gerrit DeJong, HCR 81, Box 50, Kennebec, SD 57544-9503.  
 4209-3: Harold Nelson & Son, RR 2, Box 156, Yankton, SD 57078.  
 5315-3: Hillcrest Golf/Country Club, T. Cihak, President, 2206 Mulberry, Yankton, SD 57078.  
 2595-3 & 4379-3: James B. Zell, Rt 1, Box 350, Cavour, SD 57324.  
 4687-3A & 4687-3B: James L. Sutton, Box 33, Onida, SD 57564.  
 5203-3: Jeffery O. & Sally J. Nelson, RR 2, Box 2080, Brandon, SD 57005-9606.  
 475-2 & 1114-2: John Pitkin, Rex Ranch, Box 92, Nenzel, SD 69219.  
 961-3, 1050-3, 1120-3 & 1223-3: Kevin Dettler, HC 71, Box 29, Doland, SD 57436.

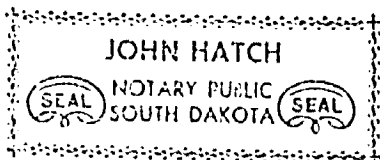
4524-3 & 4524-3A: Leon Lengkeek, 1605 Buffalo TR, Brookings, SD 57006.  
 4443-3: Lonnie H. Nelson, RR 2, Box 156, Yankton, SD 57073.  
 5010-3: Loren & Joyce Forrest, RR 1, Box 213, Laverne, MN 56156.  
 156-3, 157-3, 164-3 & 1878-3: Marene Flyger, Box 362, Hurley, SD 57036.  
 2242-3: Mark Quam, RR 2, Box 456, Elk Point, SD 57025.  
 1523-2 & 1525-2: May & Sons, Inc., HC 53, Box 21, Interior, SD 57750.  
 3550-3: Melvin A. Schmidt, Rt 2, Box 127, Parker, SD 57053.  
 1714-2 & 2063-2, 400-2 & 401-2: Melvin E. Brassfield, Box 24, Caputa, SD 57725.  
 5353-3: Michael A. Koslowski, RF 1, Box 44, Waubay, SD 57273.  
 4910A-3: Michael L. Kreber, RR 1, Box 89, Tabor, SD 57063.  
 2120-2: Mick Zink, HC 88, Box 51, Wewela, SD 57578.  
 5205-3: Oahe Shores Golf Association, Dennis Moser, P.O. Box 174, Pollock, SD 57648.  
 1684-3 & 2742-3: Paul Daly, P.O. Box 379, Ft. Thompson, SD 57339-0379.  
 5736-3: Robert Streeter, 2645 Country VW, Monroe, WI 53566.  
 235-3: Russell Doolittle, RR 1, Box 53, Wolsey, SD 57384.  
 1264-3A: Steffen Brothers, Inc., HCR 37, Box 132, Pierre, SD 57501-9514.  
 424-1: Steve Smeen, Rt 1, Box 134, Newell, SD 57760.  
 399-2: Thomas & Robin Jagow, HC 56, Box 39, Buffalo Gap, SD 57722.  
 5225-3: Town of Pollock, Lila Renner, F.O., P.O. Box 57, Pollock, SD 57648-0057.  
 925-1: Warren N. Golliher, RR 1, Box 237D, Spearfish, SD 57783.  
 897-2: Wilbert & Judith Ohlmann, HCR 69, Box 663, Midland, SD 57552.  
 1402A-2: William & James O'Kief, HC 68, Box 32, Wood Lake, NE 69221.  
 4646A-3: William A. Stoddard, 821 S. Walts Ave., Sioux Falls, SD 57104.

*Cheryl F. Frost*

Cheryl F. Frost  
Secretary

STATE OF SOUTH DAKOTA    )  
                                       ) SS  
 COUNTY OF HUGHES         )

Sworn to, before me, this 10<sup>th</sup> day of March, 1994.



*John Hatch*  
Notary Public

JOHN HATCH, Notary Public  
My Commission Expires  
April 1, 2001

2595-3



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3181

March 29, 1994

2595-3  
4379-3

James B Zell  
RR #1 Box 350  
Cavour, SD 57324

Dear Mr. Zell:

I am writing to acknowledge receipt of your 1993 irrigation questionnaires. You may disregard the February 16, 1994, **Notice of Violation of the Requirement to Submit the 1993 Irrigation Questionnaire.**

The questionnaires were 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,

A handwritten signature in cursive script that reads 'Genny McMath'.

Genny McMath  
Environmental Scientist  
Water Rights Division  
(605) 773-3552



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501 3181

February 7, 1995

JAMES B ZELL  
RR 1 BOX 350  
CAVOUR SD 57324

# NOTICE

RE: Violation of Requirement to Submit 1994 Irrigation Questionnaire

Our records indicate that the 1994 Irrigation Questionnaire has not been submitted for Permit Nos. 2595-3 & 4379-3. The request for the Questionnaire was dated November 3, 1994. The Water Management Board has directed that owners of water permits who have not submitted the 1994 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:30 am, March 8, 1995, in the Crown Room, 3rd Floor, Kings Inn Best Western Convention Center, 220 S 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 SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit Nos. 2595-3 & 4379-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
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 questionnaires are received in this office on/or before March 3, 1995 your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV  
Water Rights Division  
605 773-3352

Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to:

JAMES B ZELL  
RR 1 BOX 350  
CAVOUR, SD 57324

5. Signature (Addressee)

6. Signature (Agent)

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

4a. Article Number

P 757 566 346

4b. Service Type

- ☐ Registered ☐ Insured  
☒ Certified ☐ COD  
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

2-8-95

8. Addressee's Address (Only if requested and fee is paid)

2595-3



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181

March 6, 1995

2595-3  
4379-3

James B Zell  
RR #1 Box 350  
Cavour, SD 57324

Dear Mr. Zell:

I am writing to acknowledge receipt of your 1994 irrigation questionnaires. I completed questionnaires for you following our March 6th telephone conversation. You may disregard the February 7, 1995, Notice of Violation of the Requirement to Submit the 1994 Irrigation Questionnaires.

The questionnaires were 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  
Environmental Scientist  
Water Rights Division  
(605) 773-3352



2595-3

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181

January 30, 1996

**NOTICE**

TO: JAMES B ZELL, RR 1 BOX 350, CAVOUR, SD 57324

FROM: Ron Duval, Natural Resources Engineer  
for John Hatch, Chief Engineer  
Water Rights Program

SUBJECT: Violation of Requirement to Submit 1995 Irrigation Questionnaire

Our records indicate that the 1995 Irrigation Questionnaire has not been submitted for Permit No(s) 2595-3, 4379-3. The request for the Questionnaire was dated October 20, 1995. The Water Management Board has directed that owners of water permits who have not submitted the 1995 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:45 am, March 6, 1996, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 2595-3, 4379-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
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 on/or before March 1, 1996 your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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.

2595-3



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181

March 4, 1996

2595-3

4379-3

James B Zell  
RR 1 Box 350  
Cavour, SD 57324

Dear Mr. Zell:

I am writing to acknowledge receipt of your 1995 irrigation questionnaires. You may disregard the January 30, 1996, Notice of Violation of the Requirement to Submit the 1995 irrigation questionnaire.

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  
Environmental Scientist  
Water Rights Program  
(605) 773-3352



2595-3

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181

February 4, 1997

**NOTICE**

TO: JAMES B ZELL, RR 1 BOX 350, CAVOUR, SD 57324

FROM: Ron Duvall, Natural Resources Engineer  
for John Hatch, Chief Engineer  
Water Rights Program

SUBJECT: Violation of Requirement to Submit 1996 Irrigation Questionnaire

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 2595-3 & 4379-3. The request for the Questionnaire was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 2:30 pm, March 5, 1997, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 2595-3 & 4379-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
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 on/or before February 28, 1997, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

**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 ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181

February 21, 1997

2595-3  
4379-3

James B Zell  
RR 1 Box 350  
Cavour, SD 57324

Dear Mr. Zell:

I am writing to acknowledge receipt of your 1996 irrigation questionnaires. You may disregard the February 4, 1997, Notice of Violation of the Requirement to Submit the 1996 Irrigation Questionnaire.

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  
Environmental Scientist  
Water Rights Program  
(605) 773-3352



2595-3

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181

January 9, 1998

**NOTICE**

**TO:** JAMES B ZELL, RR 1 BOX 350, CAVOUR, SD 57324

**FROM:** Ron Duvall, Natural Resources Engineer  
for John Hatch, Chief Engineer  
Water Rights Program

**SUBJECT:** Reporting Requirement for 1997 Irrigation Questionnaire(s)

Our records indicate that the 1997 Irrigation Questionnaire has not been submitted for Permit No(s) 2595-3 & 4379-3. The request for the Questionnaire was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 9:45 am, February 25, 1998, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 2595-3 & 4379-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
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 on/or before February 20, 1998, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

**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.

Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

JAMES B ZELL  
RR 1 BOX 350  
CAVOUR SD 57324

2595-3

4a. Article Number

119 141 184

4b. Service Type

- |                                                         |                                               |
|---------------------------------------------------------|-----------------------------------------------|
| <input type="checkbox"/> Registered                     | <input checked="" type="checkbox"/> Certified |
| <input type="checkbox"/> Express Mail                   | <input type="checkbox"/> Insured              |
| <input type="checkbox"/> Return Receipt for Merchandise | <input type="checkbox"/> COD                  |

7. Date of Delivery

1-10-98

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3181

February 24, 1998

2595-3  
4379-3

James B Zell  
21795 408th Ave  
Cavour, SD 57324

Dear Mr. Zell:

I am writing to acknowledge receipt of your 1997 irrigation questionnaires. You may disregard the January 9, 1998, "Notice" concerning reporting requirements for Water Permit Nos. 2595-3 and 4379-3.

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  
Environmental Scientist  
Water Rights Program  
(605) 773-3352



January 22, 1999

**NOTICE**

2595-3  
**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181  
www.state.sd.us/denr

**TO:** JAMES B ZELL, 21795 408TH AVE, CAVOUR, SD 57324

**FROM:** Ron Duvall, Natural Resources Engineer  
for John Hatch, Chief Engineer  
Water Rights Program

**SUBJECT:** Reporting Requirement for 1998 Irrigation Questionnaire(s)

Our records indicate that the 1998 Irrigation Questionnaire has not been submitted for Permit No(s) 2595-3 & 4379-3. The request for the Questionnaire was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 9:45 am, March 3, 1999, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 2595-3 & 4379-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
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 Courts provided by law.

If the questionnaire(s) is(are) received in this office on/or before March 1, 1999, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

**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.

2595-3

is your RETURN ADDRESS completed on the reverse side?

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |  |                                                                                                                                                                                                                                                                                                                                                               |  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <b>SENDER:</b> <ul style="list-style-type: none"><li>Complete items 1 and/or 2 for additional services.</li><li>Complete items 3, 4a, and 4b.</li><li>Print your name and address on the reverse of this form so that we can return this card to you.</li><li>Attach this form to the front of the mailpiece, or on the back if space does not permit.</li><li>Write "Return Receipt Requested" on the mailpiece below the article number.</li><li>The Return Receipt will show to whom the article was delivered and the date delivered.</li></ul> |  | <b>I also wish to receive the following services (for an extra fee):</b> <ul style="list-style-type: none"><li><input type="checkbox"/> Addressee's Address</li><li><input type="checkbox"/> Restricted Delivery</li></ul> Consult postmaster for fee.                                                                                                        |  |
| <b>3. Article Addressed to:</b><br><br>JAMES B ZELL<br>21795 408TH AVE<br>CAVOUR SD 57324                                                                                                                                                                                                                                                                                                                                                                                                                                                           |  | <b>4a. Article Number</b><br>P378 080 719                                                                                                                                                                                                                                                                                                                     |  |
| <b>5. Received By: (Print Name)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  | <b>4b. Service Type</b> <ul style="list-style-type: none"><li><input type="checkbox"/> Registered</li><li><input type="checkbox"/> Express Mail</li><li><input type="checkbox"/> Return Receipt for Merchandise</li><li><input checked="" type="checkbox"/> Certified</li><li><input type="checkbox"/> Insured</li><li><input type="checkbox"/> COD</li></ul> |  |
| <b>6. Signature (Addressee or Agent)</b><br>X <i>[Signature]</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |  | <b>7. Date of Delivery</b><br>1-23-99                                                                                                                                                                                                                                                                                                                         |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |  | <b>8. Addressee's Address (Only if requested and fee is paid)</b>                                                                                                                                                                                                                                                                                             |  |

PS Form 3811, December 1994

102595-00-B-0229 Domestic Return Receipt

Thank you for using Return Receipt Service.



2595-3

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181  
www.state.sd.us/denr

February 4, 1999

2595-3  
4379-3

James B Zell  
21795 408<sup>th</sup> Ave  
Cavour, SD 57324

Dear Mr. Zell:

I am writing to acknowledge receipt of your 1998 irrigation questionnaire for Water Right No. 2595-3. I completed a questionnaire for you for No. 4379-3 based on the information you supplied on No. 2595-3. You may disregard the January 22, 1999, "Notice" concerning reporting requirements for Water Right Nos. 2595-3 and 4379-3.

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  
Environmental Scientist  
Water Rights Program  
(605) 773-3352



25-95-3  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181  
www.state.sd.us/denr

January 14, 2000

NOTICE

TO: JAMES B ZELL, 21795 408TH AVE, CAVOUR, SD 57324

FROM: Ron Duvall, Natural Resources Engineer  
for Garland Erbele, Chief Engineer  
Water Rights Program

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaire(s)

Our records indicate that the 1999 Irrigation Questionnaire has not been submitted for Permit No(s) 2595-3 & 4379-3. The request for the Questionnaire was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 1:30 pm, March 1, 2000, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 2595-3 & 4379-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
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 on/or before February 28, 2000, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

**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.

2595-7

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

JAMES B ZELL  
21795 408TH AVE  
CAVOUR SD 57324

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly) B. Date of Delivery

Millie Zell 1-15-00

C. Signature

X Millie Zell

☐ Agent

☐ Addressee

D. Is delivery address different from item 1? ☐ Yes  
if YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number (Copy from service label)

2227670422

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

March 6, 2000

**NOTICE OF AMENDMENT OF WATER RIGHTS**

TO: James B Zell, 21795 408<sup>th</sup> Ave, Cavour, SD 57324

FROM: Garland Erbele, Chief Engineer  
Water Rights Program *Garland Erbele*

SUBJECT: Amendment to Water Right Nos. 2595-3 & 4379-3

Pursuant to the provisions of the notice dated January 14, 2000, and following the hearing March 1, 2000, the Water Management Board has amended Water Right Nos. 2595-3 and 4379-3 to add the following qualification:

**"This water right is subject to the Irrigation Water Use Questionnaire being submitted each year."**

This action was taken for failure to return the 1999 irrigation questionnaires. The addition of this qualification to your Water Rights means that failure to submit the required irrigation questionnaire in the future could result in suspension of the water rights with no use of water for up to one year for the first violation.

Please contact Genny McMath (605) 773-3352, if you have any questions.

CERTIFICATION

2595-3

I hereby certify that on March 6, 2000, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 6, 2000, regarding Amendment to the following Water Rights/Permits. addressed as stated below:

W.R. #424-1: Steve Smeenck, Rt 1, Box 134, Newell, SD 57760.

W.R. #968-2: Dwayne Newman, Box 429, Philip, SD 57567-0429.

W.P. #'s 1362-2, 1363-2 & 1365-2: Oakley Eide, RR 2, Box 24, Burke, SD 57523.

W.R. #'s 1045-3 & 1962-3: Alvin Gutormson, 2187 21<sup>st</sup> SE, Huron, SD 57350.

W.R. #'s 1237-3 & 1395-3: Rolland Vander Pol, Box 32, Corsica, SD 57328.

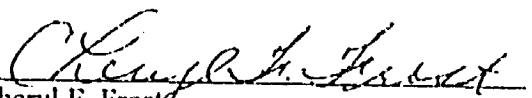
W.R. #'s 2040-3, 2246-3, 4248-3 & 4397-3: Ronald W. Marone, 21536 405<sup>th</sup> Ave., Cavour, SD 57324-7615.

W.R. #2150-3: Ronald Foster, 46571 196<sup>th</sup> St., Estelline, SD 57234-5102.

W.R. #'s 2595-3 & 4379-3: James B. Zell, 21795 408<sup>th</sup> Ave., Cavour, SD 57324.

W.R. #3358-3: Allan Kramer, 2004 Arizona Ave. NW, Orange City, IA 51041.

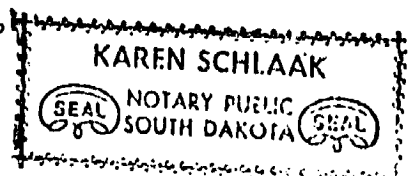
W.R. #4475-3: John Pillote, HCR 1, Box 886, Michigamme, MI 49861-9660.

  
Cheryl F. Frost  
Secretary

STATE OF SOUTH DAKOTA     )  
                                          )   SS  
COUNTY OF HUGHES         )

Sworn to, before me, this 7<sup>th</sup> day of March, 2000

  
Karen Schlaak  
Notary Public  
KAREN SCHLAACK, Notary Public  
My Commission Expires



2595-3

| SENDER, COMPLETE THIS SECTION                                                                                                                                                                                                                                                                                   |  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>                               |  |
| <p>1. Article Addressed to:</p> <p style="text-align: center;">JAMES B ZELL<br/>21795 408TH AVE<br/>CAVOUR SD 57324</p>                                                                                                                                                                                         |  |
| <p>2. Article Number (Copy from service label)</p> <p style="text-align: center;">7000 0600 0026 9814 1754</p>                                                                                                                                                                                                  |  |
| <p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail    <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered    <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail    <input type="checkbox"/> C.O.D.</p> |  |
| <p>4. Restricted Delivery? (Extra Fee)    <input type="checkbox"/> Yes</p>                                                                                                                                                                                                                                      |  |
| <p>5. Received by (Please Print Clearly)    B. Date of Delivery</p> <p style="text-align: center;">Adam Zell    1-20-01</p>                                                                                                                                                                                     |  |
| <p>C. Signature    <input type="checkbox"/> Agent</p> <p>X <i>Adam Zell</i>    <input checked="" type="checkbox"/> Addressee</p>                                                                                                                                                                                |  |
| <p>D. Is delivery address different from item 1?    <input type="checkbox"/> Yes</p> <p>If YES, enter delivery address below:    <input type="checkbox"/> No</p>                                                                                                                                                |  |

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-1-0952



2595-3  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

January 19, 2001

NOTICE

TO: JAMES B ZELL, 21795 408TH AVE, CAVOUR, SD 57324  
FROM: Ron Duvall, Natural Resources Engineer  
for Garland Erbele, Chief Engineer  
Water Rights Program

SUBJECT: Reporting Requirement for 2000 Irrigation Questionnaire(s)

Our records indicate that the 2000 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2595-3 & 4379-3. The request for the Questionnaire was dated October 20, 2000. The Water Management Board has directed that owners of water permits who have not submitted the 2000 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) 2595-3 & 4379-3 qualification:

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

The hearing will be held at 10:00 am, March 7, 2001 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, 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) 2595-3 & 4379-3 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 on/or before March 2, 2001, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Ginny McMath at (605) 773-3352.

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 ENVIRONMENT  
and NATURAL RESOURCES

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February 23, 2001

2595-3  
4379-3

James B Zell  
21795 408<sup>th</sup> Ave  
Cavour, SD 57324

Dear Mr. Zell:

I am writing to acknowledge receipt of your 2000 irrigation questionnaires. You may disregard the January 19, 2001, "Notice" concerning reporting requirements for Water Right Nos. 2595-3 and 4379-3.

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  
Environmental Scientist  
Water Rights Program  
(605) 773-3352



2595-3  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
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PIERRE, SOUTH DAKOTA 57501-3182  
www.state.sd.us/denr

January 16, 2002

NOTICE

TO: JAMES B ZELL, 21795 408TH AVE, CAVOUR, SD 57324

FROM: Ron Duvall, Natural Resources Engineer  
for Garland Erbele, Chief Engineer  
Water Rights Program

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaire(s)

Our records indicate that the 2001 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2595-3 & 4379-3. The request for the Questionnaire was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 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) 2595-3 & 4379-3 qualification:

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

The hearing will be held at 10:00 am, March 13, 2002 in the Visitor Center (west side of Capitol Lake), 650 E Capitol, 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) 2595-3 & 4379-3 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 on/or before March 8, 2002, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

**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.

2595-3

**SENDER COMPLETE THIS SECTION**

- Complete Items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits

1. Article Addressed to:

JAMES B ZELL  
21795 408TH AVE  
CAVOUR SD 57324

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly) Jim Zell B. Date of Delivery 1-17-02

C. Signature James Zell ☐ Agent ☐ Addressee

X D. Is delivery address different from item 1? ☒ Yes ☐ No  
If YES, enter delivery address below

3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Insured Mail ☐ Return Receipt for Merchandise

4. Restricted Delivery? (Extra Fee) ☐ Yes ☒ No

**JAN 2002**  
**WATER RIGHTS**  
**PROGRAM**  
**PICTA SD**  
**8801-1808**

7001 2510 0004 4797 3640

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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[www.state.sd.us/denr](http://www.state.sd.us/denr)

February 12, 2002

2595-3  
4379-3

James B Zell  
21795 408<sup>th</sup> Ave  
Cavour, SD 57324

Dear Mr. Zell:

I am writing to acknowledge receipt of your 2001 irrigation questionnaires. You may disregard the January 16, 2002, "Notice" concerning reporting requirements for Water Right Nos. 2595-3 and 4379-3.

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  
Environmental Scientist  
Water Rights Program  
(605) 773-3352



25-95-3  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

January 17, 2003

NOTICE

TO: JAMES B ZELL, 21795 408TH AVE, CAVOUR, SD 57324  
FROM: Ron Duvall, Natural Resources Engineer  
for Garland Erbele, Chief Engineer  
Water Rights Program

SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaire(s)

Our records indicate that the 2002 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2595-3 & 4379-3. The request for the Questionnaire was dated October 11, 2002. The Water Management Board has directed that owners of water permits who have not submitted the 2002 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) 2595-3 & 4379-3 qualification:

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

The hearing will be held at 8:30 am, March 5, 2003 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) 2595-3 & 4379-3 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 on/or before February 28, 2003, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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.



2595-3

## Track & Confirm

### Delivery Status

You entered 2301 0370 0000 7541 4418

Your item was delivered at 1:14 pm on January 21, 2003 in CAVOUR, SD 57324. The item was signed for by J ZELL.

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|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|------------|
| SIGNATURE CONFIRMATION NUMBER:<br>2301 0370 0000 7541 4418                                                                                                                                                                                                                                                                   | Postage at      | e mailing. |
|                                                                                                                                                                                                                                                                                                                              | Article #       |            |
|                                                                                                                                                                                                                                                                                                                              | JAMES B ZELL    |            |
|                                                                                                                                                                                                                                                                                                                              | 21795 408TH AVE |            |
|                                                                                                                                                                                                                                                                                                                              | CAVOUR SD 57324 |            |
|                                                                                                                                                                                                                                                                                                                              | Postmark Here   |            |
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| PS Form 153, February 2001                                                                                                                                                                                                                                                                                                   |                 |            |



DEPARTMENT of ENVIRONMENT  
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[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 31, 2003

2595-3  
4379-3

James B Zell  
21795 408<sup>th</sup> Ave  
Cavour SD 57324

Dear Mr. Zell:

I am writing to acknowledge receipt of your 2002 irrigation questionnaires. You may disregard the January 17, 2003, "Notice" concerning reporting requirements for Water Right Nos. 2595-3 and 4379-3.

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  
Environmental Scientist  
Water Rights Program  
(605) 773-3352



2595-3

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 14, 2004

NOTICE

TO: JAMES B ZELL, 21795 408TH AVE, CAVOUR, SD 57324

FROM: Ron Duvall, Natural Resources Engineer  
for Garland Erbele, Chief Engineer  
Water Rights Program

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaire(s)

Our records indicate that the 2003 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2595-3 & 4379-3. The request for the Questionnaire was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 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) 2595-3 & 4379-3 qualification:

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

The hearing will be held at 8:30 am, March 3, 2004 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) 2595-3 & 4379-3 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 on/or before February 27, 2004, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

**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.



2595-3

## Track & Confirm

### Current Status

You entered 2301 3460 0000 8515 9845

Your item was delivered at 12:10 pm on January 15, 2004 in CAVOUR, SD 57324. The item was signed for by E ZELL.

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SIGNATURE CONFIRMATION NUMBER:  
2301 3460 0000 8515 9845

JAMES B ZELL  
21795 408TH AVE  
CAVOUR SD 57324

Waiver of Signature ☐ YES ☐ NO

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2595-3



**DEPARTMENT of ENVIRONMENT  
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[www.state.sd.us/denr](http://www.state.sd.us/denr)

February 6, 2004

2595-3  
4379-3

James B Zell  
21795 408<sup>th</sup> Ave  
Cavour SD 57324

Dear Mr. Zell:

I am writing to acknowledge receipt of your 2003 irrigation questionnaires.

You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Right Nos. 2595-3 and 4379-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

On your irrigation questionnaires you indicated you need to do some work on your irrigation systems and plan on replacing them in the future. I reviewed your past irrigation questionnaires and found it has been several years since you have irrigated. No. 2595-3 (NE ¼ Section 25) has been irrigated once out of the last 11 years and No. 4379-3 (SE ¼ Section 25) has been irrigated once in the last 15 years.

Under South Dakota water law, water must be placed to beneficial use for the purpose it was appropriated at least once every three years unless legal excuse exists for not irrigating. I am enclosing excerpts of our water laws and Water Management Board rules dealing with these issues.

If legal excuse does not exist for the years of non-use for your water rights, they may be subject to cancellation due to abandonment and/or forfeiture. The Water Management Board is the entity that makes determinations on validity of water rights. Please review the enclosed excerpts and get in touch with us concerning your intent towards the water rights.

If you have any questions, please contact me.

Sincerely,

Genny McMath  
Environmental Scientist  
Water Rights Program  
(605) 773-3352



2595-3  
**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
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PIERRE, SOUTH DAKOTA 57501-3182  
www.state.sd.us/denr

January 20, 2005

**NOTICE**

TO: JAMES B ZELL, 21795 408TH AVE, CAVOUR, SD 57324

FROM: Ron Duvall, Natural Resources Engineer  
for Garland Erbele, Chief Engineer  
Water Rights Program

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaire(s)

Our records indicate that the 2004 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2595-3 & 4379-3. The request for the Questionnaire was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 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) 2595-3 & 4379-3 qualification:

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

The hearing will be held at 8:30 am, March 2, 2005 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) 2595-3 & 4379-3 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 on/or before February 25, 2005, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

**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.



2595-3

## Track & Confirm

### Current Status

You entered 2301 3460 0000 8516 1091

Your item was delivered at 1:03 pm on January 24, 2005 in CAVOUR, SD 57324. The item was signed for by J ZELL.

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## U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:  
2301 3460 0000 8516 1091

JAMES B ZELL  
21795 408TH AVE  
CAVOUR SD 57324

Waiver of Signature ☐ YES ☐ NO

Postmark  
Here

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PS Form 158, July 2001



2595-3

**DEPARTMENT of ENVIRONMENT  
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[www.state.sd.us/denr](http://www.state.sd.us/denr)

February 2, 2005

2595-3  
4379-3

James B Zell  
21795 408<sup>th</sup> Ave  
Cavour SD 57324

Dear Mr. Zell:

I am writing to acknowledge receipt of your 2004 irrigation questionnaires. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right Nos. 2595-3 and 4379-3.

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  
Environmental Scientist  
Water Rights Program  
(605) 773-3352

Leone Bottomley

3-134C 89.4

7.4

28.0

NW 1/4 NE 1/4 - 33 AC

NE 1/4 NE 1/4  
23 AC

out

54.2

OP 10

Well

200'

SW 1/4 NE 1/4

33 AC.

Breder Zell

SE 1/4 NE 1/4 - 33 AC

James

25

Anna Pearson

77.4

NW 1/4 SE 1/4 - 33 AC.

Permit #  
2248-3  
L379-3

OP

SW 1/4 SE 1/4 - 33 AC

NE 1/4 SE 1/4 - 33 AC

44.1

46.0

Well #3

4" Pipes  
300' Each

1000' 8" Ac Pipe

Well #1

320'

SE 1/4 SE 1/4 - 33 AC

109-61

Henry DeVries

Oliver Hansen

3-134C

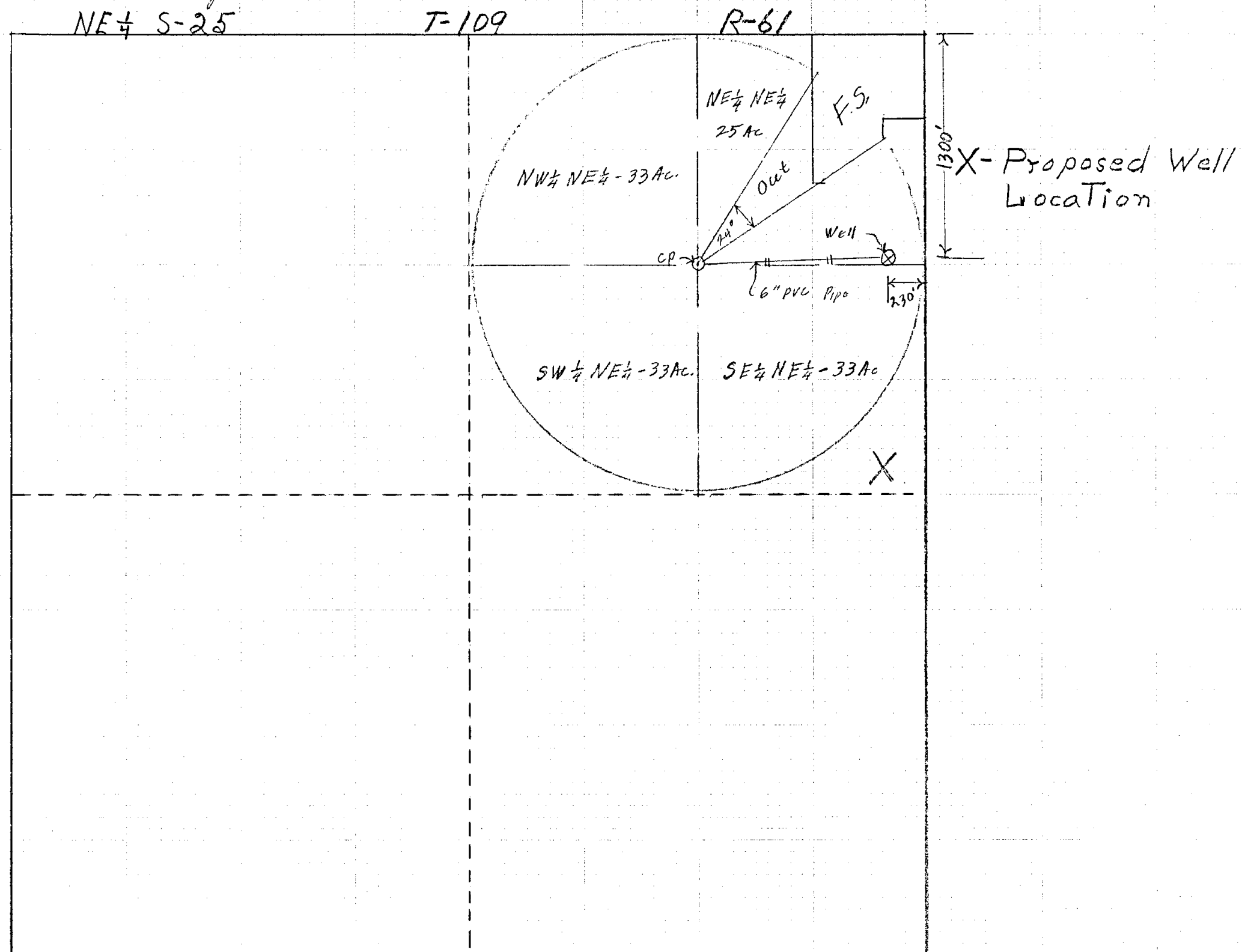
James B Zell

Mona McCoy

Permit # 2595-3

MAR 1963-3

Prepared by Dick Fadgen, Beadle Co. Extension Agent James B. Zell, Unit No. 2  
Dick Fadgen





2595-3

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 24, 2006

NOTICE

TO: JAMES B ZELL, 21795 408TH AVE, CAVOUR, SD 57324

FROM: Ron Duvall, Natural Resources Engineer  
for Garland Erbele, Chief Engineer  
Water Rights Program

SUBJECT: Reporting Requirement for 2005 Irrigation Questionnaire(s)

Our records indicate that the 2005 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2595-3 & 4379-3. The request for the Questionnaire was dated October 28, 2005. The Water Management Board has directed that owners of water permits who have not submitted the 2005 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) 2595-3 & 4379-3 qualification:

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

The hearing will be held at 10:30 am, March 2, 2006 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) 2595-3 & 4379-3 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 on/or before **February 24, 2006**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

**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.

2595-3



## Track & Confirm

### Current Status

You entered 2303 2160 0000 0799 5586

Your item was delivered at 12:52 pm on January 26, 2006 in CAVOUR, SD 57324. The item was signed for by M ZELL.

[Shipment Details >](#)

### Notification Options

▶ Track & Confirm by email

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▶ Request Proof of Delivery

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### Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

## U.S. Postal Service™ Signature Confirmation™ Receipt

SIGNATURE CONFIRMATION NUMBER:  
2303 2160 0000 0799 5586

JAMES B ZELL  
21795 408TH AVE  
CAVOUR SD 57324

Waiver of Signature ☐ YES ☐ NO

Postmark  
Here

mailing.

### POSTAL CUSTOMER:

Keep this receipt. For Inquiries:  
Access internet web site at  
[www.usps.com](http://www.usps.com)®  
or call 1-800-222-1811

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[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 30, 2006

2595-3  
4379-3

James B Zell  
21795 408<sup>th</sup> Ave  
Cavour SD 57324

Dear Mr. Zell:

I am writing to acknowledge receipt of your 2005 irrigation questionnaires. I completed questionnaires for you based on our telephone conversation.

You may disregard the January 24, 2006, "Notice" concerning reporting requirements for Water Right Nos. 2595-3 and 4379-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Thank you for calling and if you have any questions, please contact me.

Sincerely,

Genny McMath  
Environmental Scientist  
Water Rights Program  
(605) 773-3352



November 30, 2006

2595-3

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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2595-3  
4379-3

Eric & Windy Zell  
21815 406<sup>th</sup> Ave  
Cavour SD 57324

Dear Mr. & Mrs. Zell:

I am writing to acknowledge receipt of your irrigation questionnaires and your notation concerning the ownership changes needed for Water Right Nos. 2595-3 and 4379-3. I have included copies of both permits in the event you need them.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

The water rights are transferable however; they may or may not have legal standing. I note from going through the files that it's been several years since the land was irrigated. South Dakota Water Laws specify that water must be placed to beneficial use for the purpose it was appropriated at least once every three years unless legal excuse exists for the period of non-use. I am enclosing excerpts of the water laws and Water Management Board Rules dealing with issues of abandonment and/or forfeiture. The excerpts include information on legal excuse.

If legal excuse does not exist for the years of non-use, Water Right Nos. 2595-3 and 4379-3 may be subject to cancellation for abandonment or forfeiture. The Water Management Board is the entity who determines if water rights or permits have legal standing. Simply transferring a water right and beginning to irrigate does not cure past years of non-use. I would caution you on making a capitol investment in irrigation equipment prior to seeking a declaratory ruling from the Board on the status of the water rights.

If I can answer any questions for you, please contact me.

Sincerely,

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

2595-3  
COE

Prepared by:  
FOSHEIM, HABERSTICK & HUTCHINSON  
239 Wisconsin Avenue S.W., #203  
Huron, SD 57350  
(605) 352-0702

## CONTRACT FOR DEED

**THIS AGREEMENT** made and entered into this 6th day of March, 2006, by and between James B. Zell and Mildred M. Zell, husband and wife, of 21795 408th Avenue, Cavour, South Dakota 57324, hereinafter referred to as Sellers, and Eric Alan Zell and Windy Lou Zell husband and wife, as joint tenants with right of survivorship and not as tenants in common, of 21815 406th Avenue, Cavour, South Dakota 57324, Buyers,

### WITNESSETH:

**WHEREAS:** The Sellers are the owners of, with right to convey, and have this day sold and agreed to convey the real property hereinafter described to the Buyers, and the Buyers have purchased and agreed to pay for said real property upon the terms and conditions herein set forth,

**NOW, THEREFORE,** it is mutually agreed as follows:

1) **Property and Price.** The Sellers hereby covenant and agree to sell and convey to the Buyers at time of closing, in fee simple, free and clear of liens, defects or encumbrances, except easements of record, by good and sufficient Warranty Deed in statutory form, and to pay the South Dakota transfer tax, if any, upon the recording of said Deed, that certain real estate described as follows:

Southeast Quarter (SE 1/4) of Section Twenty-five (25), Township One Hundred Nine (109), Range Sixty-one (61), Beadle County, South Dakota;

Northeast Quarter (NE 1/4) of Section Twenty-five (25), Township One Hundred Nine (109), Range Sixty-one (61), Beadle County, South Dakota;  
and

Northwest Quarter (NW 1/4) of Section Twenty-five (25), Township One Hundred Nine (109), Range Sixty-one (61), Beadle County, South Dakota  
(except a tract of land lying in the Southwest Quarter (SW 1/4) of the Northwest Quarter (NW 1/4) of the Northwest Quarter (NW 1/4) of Section Twenty-

RECEIVED

NOV 28 2006

WATER RIGHTS  
PROGRAM

to this Contract for Deed, but to give the Court guidance in adjusting the rights of the parties hereunder.

11) **Non-waiver.** It is further mutually understood and agreed that the waiver of any breach herein or acceptance of late payments by the Sellers in one or more instances shall not be construed to be a continuing waiver and that a waiver of a breach or acceptance of late payments in one or more instances shall not prejudice Sellers' right in enforcing this agreement strictly according to its terms upon subsequent breaches or late payments.

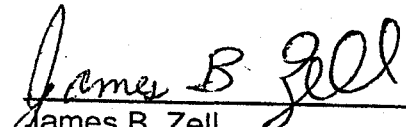
12) **Binding Upon Heirs, Successors and Assigns.** It is mutually understood and agreed by the parties hereto that all of the covenants and agreements herein contained shall extend to and be obligatory upon the heirs, devisees, legatees, personal representatives, administrators, successors or assigns of the respective parties.

13) **Safekeeping of Warranty Deed.** The parties acknowledge that Sellers have on the date of this Contract executed a Warranty Deed to the subject premises naming Buyers as Grantees. Sellers (or their agent) will hold said Warranty Deed and deliver same to Buyers upon full and final compliance with the terms of this Contract.

14) **Entire Agreement.** The parties agree this contract represents the entire contract between them and that there are no oral or collateral agreements or understandings of any kind or character except those contained herein and that this contract may not be changed except by an express agreement in writing signed by all the parties hereto.

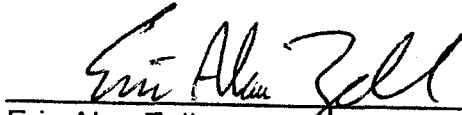
IN WITNESS WHEREOF, the parties have hereunto set their hands the day and year hereinbefore written.

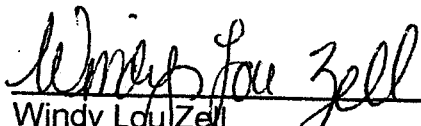
SELLERS:

  
James B. Zell

  
Mildred M. Zell

BUYERS:

  
Eric Alan Zell

  
Windy Lou Zell

## NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer  
Water Rights Program, DENR  
523 E. Capitol  
Pierre, SD 57501-3181

No. 2595-3

RECEIVED  
11 am  
DEC 18 2006

Date: 12/6/06

WATER RIGHTS  
PROGRAM

I/We request that Water Right No. 2595-3

formerly owned by: James Zell

be transferred to: (name & address) Eric & Windy Zell, 21815 406<sup>th</sup> Ave, Cavour SD 57324

Telephone No. 605-352-1701

Title to the following described land(s)/property has been transferred as described above:

124 acres - NE 1/4 Section 25, T109N, R61W

I/We understand that the validity of Water Right No. 2595-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

**A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.**

I/We Eric Zell, the new owner, certify that the above information is true and correct.

Eric Zell  
(Signed by new owner)

**NOTE:** Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

2595-3



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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December 18, 2006

2595-3  
4379-3

Eric & Windy Zell  
21815 406<sup>th</sup> Ave  
Cavour SD 57324

Dear Mr. & Mrs. Zell:

I am writing to acknowledge receipt of "Notice of Transfer of Ownership" forms you submitted for changing ownership on Water Right Nos. 2595-3 and 4379-3.

In order to complete the transfers, a filing fee of \$2.50 each is required. My first letter may not have been clear with respect to payment of the fee. Please remit a total of \$5.00. The check or money order for the fee can be made payable to the Water Rights Program.

If I can answer any questions for you, please contact me.

Sincerely,

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

*Thank You*  
*Eric Zell*

RECEIVED  
DEC 21 2006  
WATER RIGHTS  
PROGRAM

# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date December 21, 20 06

RECEIVED OF Eric Zell, 21815 406th Ave, Cavour SD 57324

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

|                                                                                                                |       |      |
|----------------------------------------------------------------------------------------------------------------|-------|------|
| Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use |       |      |
| 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. _____            |       |      |
| Fee for Filing Transfer Form <u>2595-3</u>                                                                     |       | 2 50 |
| 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 | 2.50 |

No.

02707

By

Darlene Ables  
Chief Engineer *gm*



January 4, 2007

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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2595-3  
4379-3

Eric & Windy Zell  
21815 406<sup>th</sup> Ave  
Cavour SD 57324

Dear Mr. & Mrs. Zell:

I am writing to acknowledge receipt of the filing fees you paid for transferring Water Right Nos. 2595-3 and 4379-3. The ownership changes have been completed. The water rights formerly listed in the name of James Zell are now listed in your names.

Enclosed are your Receipt Nos. 02707 and 02708 in the amount of \$2.50 each. You may keep these for your records.

If you have any questions concerning the water rights, please contact me.

Sincerely,

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

enclosures

## 2595-3 & 4379-3

### Water Rights Program - DENR Conversation File Documentation

NAME OF PERSON OR FILE: Water Right Nos. 2595-3 & 4379-3, Eric Zell

ADDRESS: COUNTY: Beadle

DATE: March 29, 2007 TELEPHONE:

RE: Call from Eric Zell regarding his water rights

#### COMMENTS:

Mr. Eric Zell contacted the Water Rights Program. He currently holds two water rights for irrigation of the E ½ of Section 25, T109N, R61W. Specifically.

Water Right No. 2595-3 appropriates 1.0 cfs to irrigation 124 acres in the NE ¼ of Section 25. This is a full sized pivot that doesn't make full rotation because of a farm place in the NE ¼ NE ¼ of the section.

Water Right No. 4379-3 appropriates 1.56 cfs from three wells in the SE ¼ to irrigate 132 acres in the SE ¼ of Section 25.

Mr. Zell indicated his desire to replace the system in the NE ¼ of the section with a pivot capable of irrigating 150 acres. In doing so he will shift this pivot to the south so it can make a full rotation. This will mean that the pivot will reach into the N ½ SE ¼ of Section 25 on acreage authorized by Water Right No. 4379-3.

I asked about the pivot in the SE 1/4 and Mr. Zell stated it is an old pivot that he intends to abandon. He has not intention of developing this acreage further at this time. His focus is on getting a new pivot in place in NE ¼ and they working to replace the pivot he has in neighboring Section 30 authorized by Water Right No. 1796-3. He understood that the lions share of the acreage under No. 4379-3 would be abandoned and he'd lose the priority date established.

I told that since he is not intending to irrigate more acres or increase the diversion rate under Water Right Nos. 2595-3 and 4379-3 that this should be permissible. Once he is done, he can contact me and when in the area I'll conduct a licensing investigation for incorporating the two water rights into one water license. Again, Mr. Zell understood that at that time the acreage and diversion rate not being used would be lost.

NAME: Eric Zell

2595-3

## Consolidated Ready Mix Inc.



1921 3rd St SE  
Huron, SD 57350  
605-352-3296 office

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DEC - 4 2007

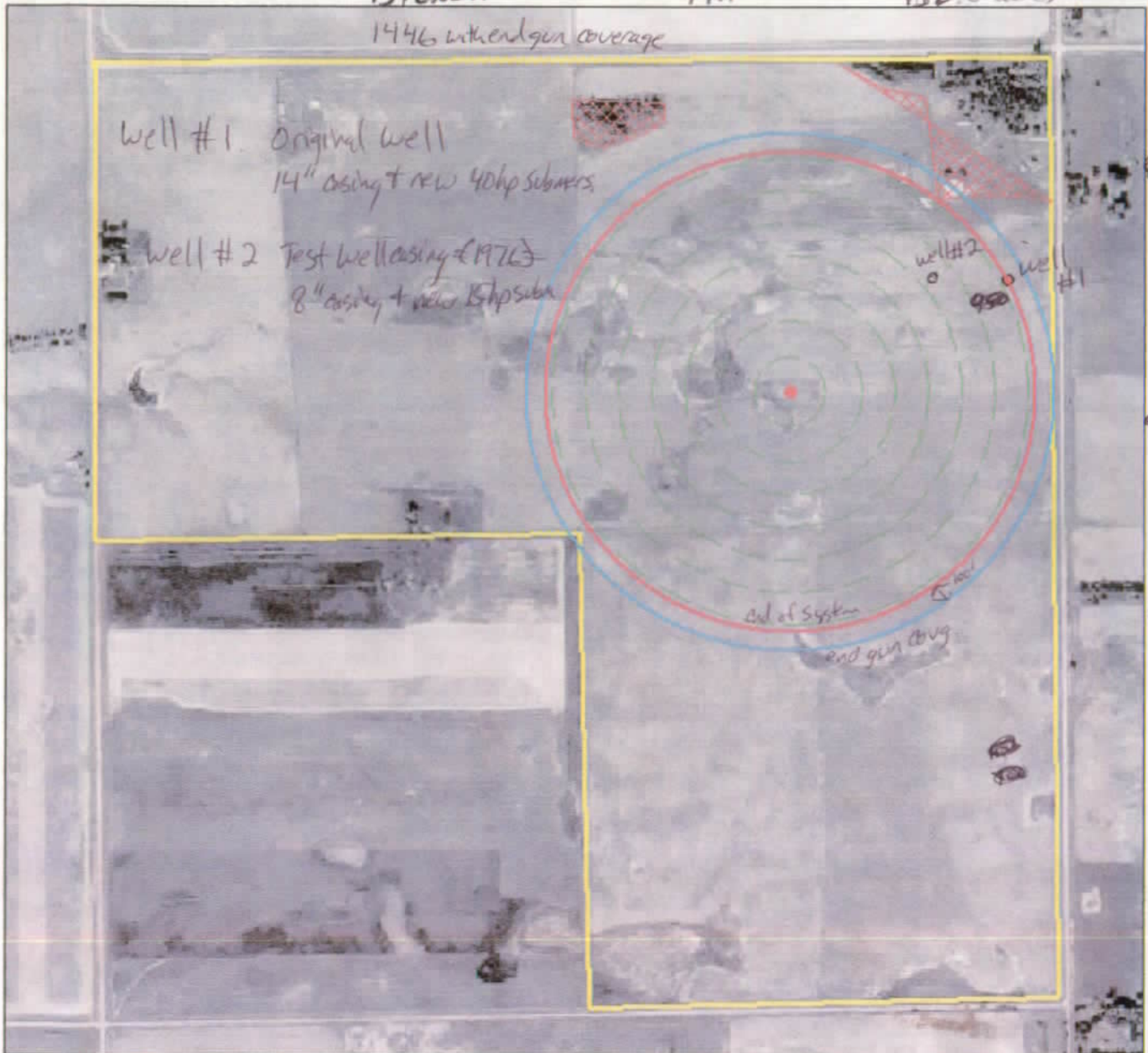
WATER RIGHTS  
PROGRAM

Farm: Zell

Grower: Eric Zell

3/22/2007

| Systems:  | Length                          | Spans / Overhang                | Total area including endgun        |
|-----------|---------------------------------|---------------------------------|------------------------------------|
| ● Pivot 1 | 1335.00 ft<br><i>1316.00 ft</i> | 7 spans / 33 ft<br><i>44 ft</i> | 148.51 acres<br><i>150.0 acres</i> |



Rx Date/Time  
2008-12-09 09:45

DEC-09-2008(TUE) 09:03  
>> 605 773 4068

2595-3  
Eric Zell

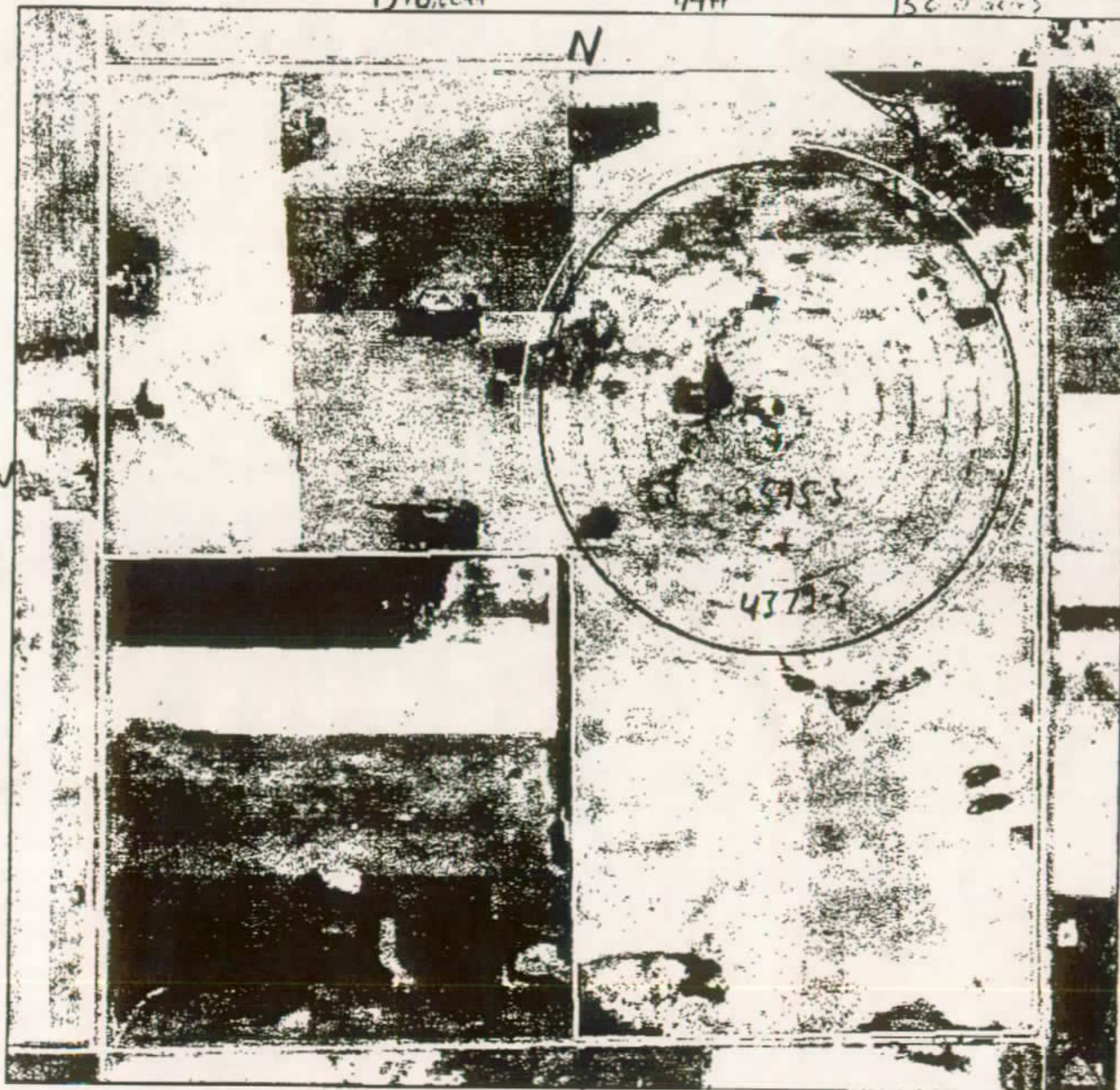
## Consolidated Ready Mix Inc.



1921 3rd St SE  
Huron, SD 57350  
605-352-3296 office

This map was faxed in with the 2008 irrigation and shows the pivot as modified (see March 2007 file doc by Eric Gronlund)

|                   |            |                  |                             |
|-------------------|------------|------------------|-----------------------------|
| Farm: Zell        |            |                  |                             |
| Grower: Eric Zell |            | 25-109-61        | 3/22/2007                   |
| Cell 350 4125     |            |                  |                             |
| Systems:          | Length     | Spans / Overhang | Total area including endgun |
| ● Pivot 1         | 1335.00 ft | 7 spans / 33 ft  | 148.51 acres                |
|                   | 1316.00 ft | 44 ft            | 152.00 acres                |





2595-3  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 23, 2020

NOTICE

TO: ERIC ZELL, 21815 406TH AVE, CAVOUR, SD 57324

FROM: Ron Duvall, Natural Resources Engineer  
for Jeanne Goodman, Chief Engineer  
Water Rights Program

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaires

Our records indicate your 2019 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1796-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1693A-3, 2595-3 & 4379-3 qualification:

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

The hearing will be held at **Wednesday, February 26, 2020 at 8:30 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) 1693A-3, 2595-3 & 4379-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1796-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 questionnaires are received in this office before the **February 26, 2020** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires 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](mailto:genny.mcmath@state.sd.us). **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: TBJAGX**

**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 ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
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PIERRE SOUTH DAKOTA 57501-3182  
[www.denr.sd.gov](http://www.denr.sd.gov)

January 29, 2020

Eric Zell  
21815 406<sup>th</sup> Ave  
Cavour SD 57324

RE: Water Right Nos. 1693A-3, 1796-3, 2595-3 & 4379-3

Dear Mr. Zell:

I am writing to acknowledge receipt of your 2019 irrigation questionnaires.

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for Water Right Nos. 1693A-3, 1796-3, 2595-3 & 4379-3. 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  
email: [genny.mcmath@state.sd.us](mailto:genny.mcmath@state.sd.us)

2595-3



**DENR**  
SOUTH DAKOTA

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[denr.sd.gov](http://denr.sd.gov)

October 27, 2020

1796-3

2595-3

4379-3

Eric Zell  
21859 408th Ave  
Cavour SD 57324-7627

Dear Mr. Zell:

Enclosed is a "Notice" dated October 23, 2020 concerning your 2020 irrigation questionnaires.

Thank you for visiting with me about the change in address. I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script, reading "Genny McMath".

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

enclosures