

Water Right Number 4020-3

1. Considered 7-27, 1977
2. Name of Applicant EMIL P. ZEEB
3. Post Office Address FREEMAN
4. Amount of water claimed 1.97
5. Source of water supply 200' WELL
6. Water to be used for IRRIGATION
- Acres to be irrigated 138
7. Water to be diverted and used in HUTCHINSON County
about 2E, 1S Miles of OLIVET
8. Proof of Publication Received 7-14-77
Not received
9. Application Approved
Subject to
Not approved
Action deferred

10. Remarks:

No. 4020-3
 Map No. 3264.3 Water Division No. 3 JAMES RIVER
 (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 Emil P. Zeeb
 Postoffice address Freeman State So. Dak.
 If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) Employment of others
3. Name of diversion work Well
4. Amount of water claimed (cubic feet per second) 1.97 CFS ~ 885 GPM
5. Source of water supply Ground water from well
6. Location of point of diversion Plat #1 - 2805' SW 1/4 of NE 1/4 13-97-58.

- County Hutchinson
7. Annual period or periods during which water is to be used May 15 - Sept. 15
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 138

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.
NE 1/4 NE 1/4 13-97-58	40	SW 1/4 SE 1/4 NW 1/4 13-97-58	9.5
NW 1/4 NE 1/4 13-97-58	38	NW 1/4 NW 1/4 SE 1/4 NW 1/4 13-97-58	3.2
SW 1/4 NE 1/4 13-97-58	39		
SE 1/4 SE 1/4 NW 1/4 13-97-58	10		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 4 years. Additional time required to complete application of water to the proposed beneficial use 3 years.
11. Choice of newspaper for Notice of intent to Appropriate Water publication Freeman Courier
12. Principal Features of the Proposed Water Supply System.

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

Well

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

pipe line

C. Works proposed to apply water to beneficial use.

tow - lineEstimated Total Cost \$ 35,000Well power unit system

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 HutchinsonI, Emil P. Zeeb 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 Emil P. ZeebSubscribed and sworn to before me, this 13th day of April, 1977

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 4020-3EMIL P. BEEBFREEMAN

(Applicant)

(Post Office Address)

SOUTH DAKOTA 57029

(State)

With the following modifications:

The irrigation well approved under this Permit is located near domestic 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 adequate domestic wells.

*See also 4604-3
add'l acreage*

Date of first receipt of application MAY 13 19 77

Date of return to applicant for correction, amendments or changes required _____ 19 _____

Date of receipt of corrected application JUNE 21 19 77Approved JULY 28 19 77 Recorded in Book 19 Page 39WATER RIGHT PERMIT NO. 4020-3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 4020-3 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 MAY 13 19 77
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JULY 28 19 79
3. The whole of said work is to be completed on or before JULY 28 19 81
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JULY 28 19 84
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 1.97 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor 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 JULY 28 19 84 said water to be used during the following described annual period: MAY 15 - SEPTEMBER 15

Witness my hand this 10TH day of AUGUST 19 77

WATER RESOURCES COMMISSION

By:

John Hatch
Chief Engineer, Executive Officer

Certificate of Construction Issued _____ 19 _____

Water License Issued _____ 19 _____

Form 2A - Wells, Dugouts or Water Storage Dams (Supplement to form 2)

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter 12", Depth 200'
(2) Casing, Type (wood, concrete, steel, etc) Diameter Thickness
(3) Perforated Screen, Type slotted, Diameter , Length 15 ft.
(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.

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

Character of Water bearing materials gravel

Depth to top of water bearing material 40'

Depth to bottom of water bearing material 140'

Thickness of water bearing material

Depth to water (ground surface to water level)

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

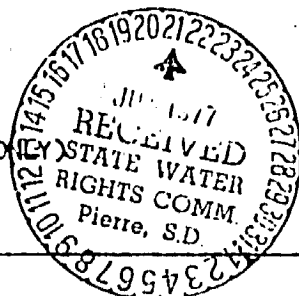
* On same owner's property 2.0 rds. On property owned by others 2.4 rds.

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.

Emil P. Zeeb
Signature of Applicant

STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-6-3 AS AMENDED
(THIS FORM REQUIRED FOR PROPOSED GROUND WATER IRRIGATION ONLY)



NAME Emil P. Zeeb
ADDRESS Freeman So. Dak.
COUNTY Hutchinson

LEGAL DESCRIPTION

1. WELL LOCATION NE 1/4 of Section 13 - 97-58
2. LOCATION OF AREA TO BE IRRIGATED same as item #1 below

TYPE OF IRRIGATION

3. GRAVITY _____ TOWLINE ☒ CENTER PIVOT _____ GUN ☒
4. CROPS TO BE IRRIGATED N 1/2 of NE 1/4 Sec. 13 Corn, Oats, mostly Alfalfa
SW 1/4 of NE 1/4 Sec 13 - Pasture, and approximately
18 A. of pasture in S 1/2 of NW 1/4 of Sec 13

WATER QUALITY

5. SAMPLE NUMBER 77-463
6. SALINITY (EC X 10⁶) 1665 (high)
7. SODIUM (SAR) 3.29 (mod)
8. RESIDUAL SODIUM CARBONATE (meq/l.) 0.0

I do hereby certify that a chemical analysis of the ground water representative of that used to irrigate shall be acquired from South Dakota State University and:
the soils information has been acquired from _____ Conservation District,
County Extension office or Soil Conservation Service.
and:
that the legal description for the location of the well and land to be irrigated is true and correct.

Emil P. Zeeb
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS
10th DAY OF May 19 77.

(Title or Seal)

Albert J. Hoff
APPROVED/NOT APPROVED

(SOILS INFORMATION ON REVERSE SIDE)

REPORT OF ANALY:
 Water Quality Laboratory
 Water Resources Research Institute
 South Dakota State University
 Brookings, South Dakota 57006

Submitted by: Earl Koeb
 Address: Winn, SD 57045
57029

Date Rec'd March 17, 1977
 Sample No. 77-463
 Identification Well-180

WATER ANALYSIS

Calcium (Ca)	174	ppm*	8.70	me/l**
Magnesium (Mg)	35	ppm	2.87	me/l
Sodium (Na)	182	ppm	7.92	me/l
Potassium (K)	20	ppm	0.52	me/l
Sulfate (SO ₄)	734	ppm	15.27	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	17	ppm	0.48	me/l
Bicarbonate (HCO ₃)	268	ppm	4.40	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		me/l
Alkalinity (Methyl Orange)	220	ppm (as CaCO ₃)		g.p.g.***
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	1665	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	3.29	"		
Sodium	34.51	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.75			

*ppm = parts per million

**me/l = milliequivalents per liter

***g.p.g. = grains per gallon

COMMENTS: Total cations 22.88 me/l
 Total anions 20.15 me/l

By: Shirley Litten

Service Performed

Amount Due

Irrigation analysis

\$15.00 PAID

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 77-463

Amount Enclosed \$

Signed

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

Submitted by: Bill Webb
 Address: Sioux Falls, SD 57105
5/10/29

Date Rec'd: March 17, 1977
 Sample No. 77-463
 Identification Cell-180'

WATER ANALYSIS

Calcium (Ca)	174	ppm*	8.70	me/l**
Magnesium (Mg)	35	ppm	2.87	me/l
Sodium (Na)	182	ppm	7.92	me/l
Potassium (K)	20	ppm	0.52	me/l
Sulfate (SO ₄)	734	ppm	15.27	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	17	ppm	0.48	me/l
Bicarbonate (HCO ₃)	268	ppm	4.40	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	220	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	1665	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	3.29			
Sodium	34.61	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.75			

*ppm=parts per million

**me/l=millequivalents per liter

***g.p.g.=grains per gallon

COMMENTS: Total cations 22.88 me/l
 Total anions 20.15 me/l

By: Shirley Kitten

Service Performed

Amount Due

Irrigation analysis

\$15.00 PAID

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 77-463

Amount Enclosed \$

Signed

Bill Webb

#2-9



May 11, 1977

Mr. Emil P. Zeeb
Freeman, SD 57029

Dear Mr. Zeeb:

Your water sample (Lab. No. 77-463) has been analyzed and the results are reported on the accompanying sheet, which is your copy to keep.

I am also enclosing a copy of AES pamphlet #13 for your use. The quality of your water for irrigation use is plotted approximately by means of the red cross in the chart on the outside back cover.

This water is marginal for use on the soils you intend to irrigate and should be considered for use only under the following conditions:

(1) It will be used no more than 3 times (preferably less) in any growing season.

(2) The soil will be completely filled with water so natural leaching can occur, by irrigating in the late fall just before freeze-up, at least one year out of 3.

(3) Water applications will be made each irrigation to completely re-wet the entire depleted soil within the rooting zone of the crop being grown. This may require 3-5 inches of water each irrigation with fine soils.

(4) If a salt problem or soil dispersion occurs, contact extension personnel or this office for management recommendations.

Sincerely yours,

L. O. Fine

L. O. Fine
Water Quality Lab

LOF:ckb

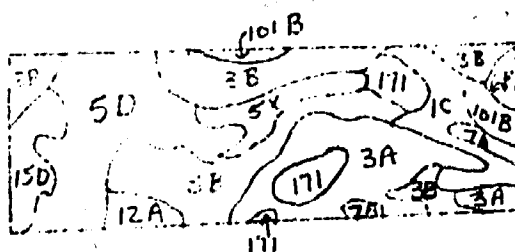
Enclosures

cc: State Conservation Commission
D. Fahl, Extension Service

P.S. Inasmuch as you earlier received a copy of the report of analysis, one is not enclosed herewith. Occasionally it may be all right to use this water more often than indicated above. In ordinary use, I would rely mostly on early spring and late fall irrigations to replenish subsoil water, using it as seldom as possible in the warm months of June, July, & August, but always adding substantial amounts so as to completely re-wet the entire soil profile.

Emil Zeeb
Capitol Twp.

North
↑



S $\frac{1}{2}$ NW $\frac{1}{4}$ 13-97-58

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 13-97-58

<u>Mapping Unit</u>	<u>Soil Classification</u>	<u>Intake Family</u>	<u>Suitability For Irrigation</u>
1C	IIIe1	0.5	Not well suited - 6-9% slopes.
3A	I ₂	0.5	good
3B	IIe2	0.5	good
5D	VIe3	—	Not suited - too steep. (15-40% slope)
5X	VIe3	—	Not suited - too steep. (9-15% slope)
6B	I ₂	0.5	good
7A	IIw1	—	Not suited - soil too tight - won't take water.
12A	IIIe3	2.0	good - will take water very fast, but top soil is shallow.
15D	VIIe1	—	Not suited - too steep. (15-40% slope)
101 B	IIIe7	1.5	good with proper treatment to control erosion from 2-6% slopes.
171	IIw1	—	Not suited - soil too tight - won't take water.

(over)

Publish first publication, on or before July 14, 1977

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

June 27, 1977Notice is hereby given that Emil P. Zeeb whose

post office address is Freeman, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-8; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, ~~Future Use 46-5-38~~
~~Temporary Permit 46-5-39, 46-5-40; Ground Water~~ 46-6-3, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13, ~~Future Use 52:01:01:24~~
~~thru 52:01:01:24~~, for a permit to appropriate for beneficial use 1.97 cubic feet

of water per second of time from ~~the~~ ground water throughthe Zeeb # 1, the point of diversion of which isto be located in the near the center of it;

of Section 13, Twp. 97N Range 53W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

~~SW 1/4, NW 1/4, NE 1/4, SW 1/4 NE 1/4~~ Section 13, T97N, R53W

This Application No. 4020-3 will be considered by the Water Rights Commission ~~the Staurplite Inn, Brookings, SD~~ at their office at Pierre upon the 27th day of July, 1977, at 10 .M. The Commission is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Commission decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Commission in writing prior to the hearing or orally at the hearing.

WATER RIGHTS COMMISSION

JAMES WINTERTON
Water Rights Specialist

cc: ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~
Emil P. Zeeb, Freeman, SD 57029

No. 44-20-5

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Hutchinson) ss.

I, Glen Lering hereby

certify that the annexed printed copy of Notice of Intent to Appropriate Water was taken from the Freeman Courier

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

town of Freeman

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

July 6, 1977

July 13, 1977

Glen Lering
(Signature)

(Publisher)
(Title)

July 13, 1977
(Date Signed)

NOTICE OF HEARING ON APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

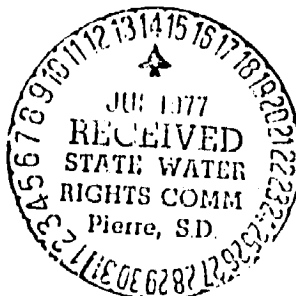
June 27, 1977

Notice is hereby given that Emil P. Zeeb whose post office address is Freeman, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-8; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, 46-6-3, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 1.97 cubic feet of water per second of time from ground water through the Zeeb No. 1, the point of diversion of which is to be located near the center of NW 1/4 of Section 13, Twp. 97N, Range 58W. Said water to be used for the purpose of providing irrigation on portions of the following described land: S 1/4, NW 1/4, NE 1/4, SW 1/4, NE 1/4 Section 13, T97N, R58W.

This Application No. 4020-3 will be considered by the Water Rights Commission at the Staurolite Inn, Brookings, South Dakota upon the 27th day of July, 1977 at 10:00 A.M. The Commission is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Commission decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Commission in writing prior to the hearing or orally at the hearing.

WATER RIGHTS COMMISSION
James Winterton,
Water Rights Specialist

2jyl3



January 29, 1980

Emil P. Zeeb
Freeman,
South Dakota 57029

Dear Mr. Zeeb:

During a field investigation it was observed that Water Permit No. 4020-3 authorizing 1.97 cubic feet per second of water to irrigate 138 acres from groundwater has not been constructed.

South Dakota Water Law Section 46-5-25 provide that one-fifth of the work must be completed within one-half the time allowed after the water permit has been approved. The expiration date for the one-fifth completion date on Water Permit No. 4020-3 was July 28, 1979.

Therefore, cancellation of Water Permit No. 4020-3 will be considered by the Water Management Board at 9:00 a.m., on March 26, 1980, at the SDEA Auditorium, at 411 East Capitol, Pierre SD.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights, WMD

JH:kw



Department of Water & Natural Resources

Joe Foss Building
Pierre, South Dakota 57501

Water Rights, Water Management Division
(605) 773-3352

4020-3

April 1, 1980

Emil P. Zeeb
Freeman, SD 57029

Dear Mr. Zeeb:

This is to inform you that the Water Management Board at their regular meeting, on March 26, 1980, took no action regarding the cancellation consideration on your Water Permit No. 4020-3, as the time limit on the completion of works has not been reached.

In accordance with SDCL 46-5-21 the construction shall be completed, not to exceed five years from the date of approval. The time limit for completion of your Water Permit is July 28, 1981.

If your irrigation project has not been completed by this date it will be re-scheduled for cancellation.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights, WMD

JH:bt

Equal Opportunity Employer

4020-3

Emil Zeeb Indicated on his irrigation
questionnaire that he would like
correspondence sent to:

Steven Mettler
Box 15
Menno, SD 57045

5-19-81
Genny

SOUTH DAKOTA Department of
Water & Natural Resources

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

March 23, 1987

STEVEN METTLER-OPERATOR
RR 1 BOX 17
MENNO, SD 57045

NOTICE

Re: Violation of Water Permit(s). 4804-3 and 1986 Irrigation
Questionnaire Requirements.

Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 4804-3. The request for the questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 4804-3 qualification:

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

The hearing will also be to determine if Permit No(s). 4020-3 should be amended with the qualification to require the Questionnaire to be submitted each year.

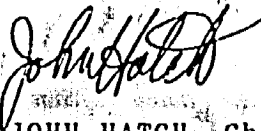
The hearing(s) will be at 2:00 pm, May 6, 1987, in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing(s) 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. Suspend Permit No(s). 4804-3 until either the 1986 Questionnaire is submitted or for the period of up to one year;
2. Amend Permit No(s). 4020-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action;
4. 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.



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

NOTE: If the questionnaire(s) are received in this office before the hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.

cc: Emil P Zeeb
RR 2, Box 76
Freeman SD 57029



Department of Water & Natural Resources

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

May 4, 1987

4020-3
4804-3

Steven Mettler, operator
RR #1 Box 17
Menno, SD 57045

Dear Mr. Mettler:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaires. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit Nos. 4020-3 and 4804-3 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 23, 1987. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,

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

cc: Emil Zeeb, RR #2 Box 76, Freeman, SD 57029

4020-3

 **Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181
January 29, 1988

STEVEN METTLER-OPERATOR
RR 1 BOX 17
MENNO, SD 57045

NOTICE

Re: Violation of Water Permit No(s). 4804-3 and 1987 Irrigation Questionnaire Requirements

Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 4804-3. The request for the questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 4804-3 qualification:

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

The hearing will also be to determine if Permit No(s) 4020-3 should be amended with the qualification to require the Questionnaire to be submitted each year.

The hearing(s) will be at 9:00 am, March 2, 1988, in Room 216, Joe Foss Building, 523 E Capitol, Pierre, South Dakota.

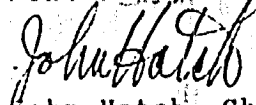
The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11, and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

Following the hearing(s), the Water Management Board can:

1. Suspend Permit No(s). 4804-3 until either the 1987 Questionnaire is submitted or for the period of up to one year;
2. Amend Permit No(s) 4020-3 also held by STEVEN METTLER-OPERATOR to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action;
4. 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.

Sincer



John Hatch, Chief Engineer
Water Rights Division

Note: If the questionnaire(s) are received in this office before the March 2 hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.

CC: Emil Zeeb, RR #2 Box 76, Freeman, SD 57029



Department of Water & Natural Resources

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

February 9, 1988

4020-3
4804-3

Steven Mettler, Operator
RR 1, Box 17
Menno SD 57045

Dear Mr. Mettler:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 4020-3 & 4804-3 and the hearing date before the Water Management Board.

Since your questionnaire was received prior to the March 2, 1988 Water Management Board Meeting, your name has been deleted from the Board Meeting agenda. If you have any questions, please contact us.

Very truly yours,

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

cc: Emil Zeeb
RR 2, Box 76
Freeman SD 57029

 **Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-5151

February 17, 1989

Steven Mettler - Operator
RR 1, Box 17
Menno, SD 57045

Dear Mr. Mettler:

On October 6, 1988, the Water Management Board adopted rules to implement a 1988 law for application of chemicals through irrigation systems. The rules establish equipment standards, performance standards and installation requirements for irrigation systems that apply chemicals (fertilizers, insecticides, or herbicides) with irrigation water.

You have indicated on your 1988 Water Management Board Irrigation Questionnaire that you do apply chemicals with irrigation water. A copy of the new rules for chemigation are enclosed for your information.

The new standards include:

- * a check valve between the irrigation pump and the point of chemical injection;
- * a vacuum relief valve on top of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a low-pressure drain on the bottom of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a chemical injection line check valve between the chemical injection pump and the point at which the chemical is injected into the irrigation line; a second check valve is required if the chemical injection pump is not a positive displacement pump;
- * an interlock system which ensures that the chemical injection pump will stop whenever the irrigation pump stops;
- * an inspection port between the irrigation pump and the check valve on the irrigation line;

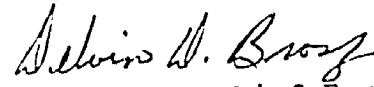


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

The equipment must be installed according to the manufacturer's specifications, calibrated, and maintained in good working condition. All chemical product labels must be followed and warning signs must be posted. These rules also require reporting of all spills, accidents, and system malfunctions. A 24-hour telephone number is provided.

The chemigation rules contain notification and record keeping requirements. Prior to using chemigation, notification must be given to the Chief Engineer on the enclosed Form 1C. Information that must be provided in this notification includes the water permit or right number, the name, address, and telephone number of the water permit or right holder and of the system operator, and the legal description of the lands on which the system is located. A record of the name, quantity, dates and hours of each chemical applied must be provided to the Chief Engineer on Form 2C. A copy of this form is also enclosed for your information. It will be mailed with the annual irrigation questionnaire and must be returned with the questionnaire by the date specified. If you have any questions regarding these rules or need additional copies of the forms, please contact Susan Bowar, Water Rights Engineer (605-773-3352).

Very truly yours,

for 
JOHN HATCH, Chief Engineer
Water Rights Division



4420-10
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

STEVEN METTLER-OPERATOR
RR 1 BOX 17
MENNO SD 57045

NOTICE

RE: Violation of Water Permit Nos(4020-3, 4804-3 and 1991 Irrigation
Questionnaire Requirements

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit Nos 4020-3, 4804-3. The request for the Questionnaires 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 permit violation and a hearing to be held by the Board. The hearing held by the Board will be to determine if Permit No(s) 4020-3 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) 4804-3 qualification:

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

The hearing will be held at 9:15 am, March 4, 1992, at 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. 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) 4804-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 4020-3 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 March 4th hearing date, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

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

cc: Emil Zeeb, RR #2 Box 76, Freeman, SD 57029



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

STEVEN METTLER- OPERATOR
RR 1, BOX 17
MENNO, SD 57045

NOTICE

Re: Failure to Report Chemical Use under Water Permit No(s) 4020-3; & 4804-3

The first notice to file chemigation report(s) for Permit No(s) 4020-3; & 4804-3 was dated October 18, 1991. Our records indicate that we have not received the 1991 chemigation report for Permits No(s) 4020-3; & 4804-3. The Water Management Board has directed that owners of water permits who have not submitted the 1991 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing held by the Board is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application.

The hearings will be held at 9:15 am, on March 4, 1992, at the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol, Pierre SD, and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to SDCL 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 or up to three years for the 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). 4020-3; & 4804-3 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.

Very truly yours,

RON DUVALL, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

NOTE: If the chemigation report(s) is(are) received by this office prior to the March 4, 1992 hearing, you will no longer be in violation and your name will be deleted from the Board agenda.



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

February 5, 1992

4020-3
4804-3

Steven Mettler, operator
RR #1 Box 17
Menno, SD 57045

Dear Mr. Mettler:

I am writing to acknowledge receipt of your 1991 irrigation questionnaires for Water Permit Nos. 4020-3 and 4804-3. 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,

Genny McMath
Natural Resources Analyst
Water Rights Division

cc: Emil Zeeb, RR #2 Box 76, Freeman, SD 57029



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 5, 1992

STEVEN HETTLER- OPERATOR
RR 1, BOX 17
HEBBO, SD 57045

Dear Mr. HETTLER- OPERATOR:

I am writing to acknowledge receipt of your 1991 chemigation report for Water Right No(s). (4020-3; & 4804-3. You may disregard the January 27, 1992 Notice of Failure to Report Chemical Use for 1991. With receipt of the chemigation report, your name has been deleted from the March 4, 1992 Water Management Board meeting agenda.

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

Sincerely,

DON FRYE, 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:

STEVEN METTLER-OPERATOR
RR 1 BOX 17
MENNO, SD 57045

5. Signature (Addressee)

Steven J. Mettler

b. 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

P757 766 234

4b. Service Type

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

7. Date of Delivery

1 - 31 - 92

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

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.

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:

Emil Zeeb
RR 2, Box 70
Freeman SD 57029

4a. Article Number

P757 Feb 235

4b. Service Type

☐ Registered ☐ Insured

☒ Certified ☐ COD

☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

5. Signature (Addressee)

Emil Zeeb

6. Signature (Agent)

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



4020-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 6 1995

4804-3

Emil P. Zeeb
Rt 2, Box 76
Freeman, SD 57029

Dear Mr. Zeeb:

Enclosed is Water License No. 4804-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 414473 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 4804-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Very truly yours,

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

rd
enclosures

NOTE: The applicable portions of Water Permit No. 4020-3 have been incorporated into this Water License No. 4804-3.

