

Map No. 1641-3 Water Division No. 3 JAMES RIVER District 4
(Blank) to be Filled by the Engineer for the W. R. C.)



APPLICATION FOR PERMIT

to add additional points of Diversion on Permit #2248-3

To Appropriate Water within the State of South Dakota

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

1. Name of Applicant James Zell
Postoffice address Cavour State SD 57324
If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) completed
3. Name of diversion work Zell #1
4. Amount of water claimed (cubic feet per second) no additional
5. Source of water supply three wells
6. Location of point of diversion well #1-1320' N & 320' W of the Se Corner Sec. 25 Well #2-
1500' N & 50' W of the NE Corner Sec. 25. Well #3 - 1620' N & 320' W of the
SE Corner Sec. 25 all in 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 160 (no additional)

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.
NW $\frac{1}{4}$ SE $\frac{1}{4}$ -25T109R61W	40		
NE $\frac{1}{4}$ " " " "	"		
SW $\frac{1}{4}$ " " " "	"		
SE $\frac{1}{4}$ " " " "	"		

Attach sheet if more space is needed

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

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

3 motors & pumps

NOTE: This permit is for 2 additional points of diversion to permit no. 2248-3

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

pipelines

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)
) ss.

County of _____)

I, James 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 ZellSubscribed and sworn to before me this 29th day of January 1979
Bernice A. Carberg
Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL.

The Water Rights Commission hereby approves Water Right Application No. 4379-3

JAMES ZELL
(Applicant)

CAVOUR
(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 adequate domestic wells or in irrigation wells having prior water rights.

The wells approved under this permit, must be spaced so there is at least 660 feet between wells.

Priority for this Permit No. 4379-3 is established by Permit No. 2248-3

Date of first receipt of application January 31, 1979

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

Date of receipt of corrected application March 28 1939

Approved March 28, 1979, Recorded in Book 20 Page 300

WATER RIGHT PERMIT NO. 4379-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 4379-3, 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 April 9, 19 75

2. The equivalent of at least one-fifth of the work above specified is ~~to be~~ completed ~~on or before~~ _____ 14

3. The whole of said work is ~~to be~~ completed ~~on or before~~ _____, 19____.

4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is Completed

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 no additional 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 2 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 This Date 19; said water to be used during the following described annual period: April - October

Witness my hand this 12th day of April 1979

WATER RIGHTS COMMISSION

By:

John Hitch
Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19____

Water License Issued _____ 19. _____

PAGE NO.

FOREMAN

FOREMAN

[illegible]

PAGE NO.

FOREMAN

FOREMAN

6" PVC Plastic to 71 ft
6" Johnson Screen Galv. 25 ft

PAGE NO.

FOREMAN

RIG NO.

[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 to be furnished by driller

- (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 _____

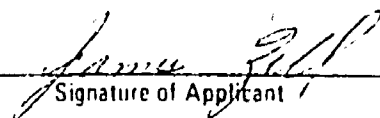
Depth to water (ground surface to water level) _____

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

On same owner's property _____ 160 _____ 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.



Signature of Applicant

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 to be furnished by driller

- (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 160 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 J. [Signature]
Signature of Applicant

No. 4373-3

Publish first publication, on or before March 9, 1979

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

February 22, 1979

Notice is hereby given that James Zell whose post office

address is Cavour, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 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, 46-6-3.1, 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 no addl cubic feet of water per second of time from groundwater

(two wells) through the Zell #1 to add additional XXXXXX the point(s) of diversion on an existing Permit which is(are) to be located in the NE 1/4 SE 1/4

of Section 25, Twp. 109N, Range 61W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SE 1/4, Section 25-T109N-R61W.

This Application No. 4373-3 will be considered by the Water Rights Commission at The Community Room in the City Hall, upon the 28th day of March, 1979
222 East Dakota, Pierre, SD

at 10 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.

This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Commission may be appealed to the Courts as provided by law.

WATER RIGHTS COMMISSION

Betty Westlund
Water Rights Specialist

BW:plh

cc: James Zell, Cavour, SD 57324

FORM 6 - Notice of Intent to Appropriate Water
GROUNDWATER

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

No. 4379-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Beadle) ss.

I, Linda Schlotter 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 9, 1979
March 16, 1979

Linda Schlotter
(Signature)

Bookkeeper
(Title)

3-16-79
(Date Signed)

F.P. 1979 L.P. 31672
NOTICE OF HEARING
ON APPLICATION
TO APPROPRIATE WATER

Pierre, South Dakota 57501
February 22, 1979

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This Application No. 4379-3 will be considered by the Water Rights Commission at the Community Room in the City Hall, 222 East Dakota, Pierre, S.D. upon the 28th day of March, 1979 at 10 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. This hearing is an adversary proceeding. Any person has the right to be present or to be represented by a lawyer. These and other due process rights will be cised at the hearing. Decisions of the Commission may be appealed to the Courts as provided by law. Water Rights Commission Betty Westlund Water Rights Specialist No. 104 (adv.)





Department of Natural Resource Development

WATER RIGHTS COMMISSION
Joe Foss Building, Pierre, South Dakota 57501
Phone 605/773-3151



November 30, 1978

W/R not needed

James Zell
Cavour,
SD 57324

Dear Mr. Zell:

On November 2, 1978 I was at your place to make final inspection on your Water Right Permit No. 2248-3 for the SE $\frac{1}{4}$ of Section 25, T109N, R61W. The inspection indicated that you were irrigating from three wells whereas your permit indicates but one well. In order to comply with the South Dakota Water Laws it will be necessary for you to apply for the two additional points of diversion.

Enclosed are completed copies of Form 2, "Application for Permit" and Form 2A for you to complete. Please check the forms, make any necessary corrections, sign, have notarized and return to this office with a check for \$150.00 to cover the cost of the filing fees. We can then proceed to process your application. Also we would like to have a signed copy of the drillers log for the wells.

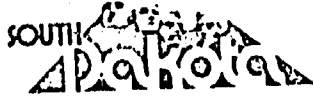
If you have any questions regarding the matter please feel free to contact this office.

Sincerely,

LeRoy J. Mernaugh
LeRoy J. Mernaugh
Water Resources Engineer

LJM:p1h

Enclosures



Department of Natural Resource Deveiopment

WATER RIGHTS COMMISSION
Joe Foss Building, Pierre, South Dakota 57501
Phone 605/773-3151

November 30, 1978

James Zell
Cavour,
SD 57324

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Enclosed are completed copies of Form 2, "Application for Permit" and Form 2A for you to complete. Please check the forms, make any necessary corrections, sign, have notarized and return to this office with a check for \$150.00 to cover the cost of the filing fees. We can then proceed to process your application. Also we would like to have a signed copy of the drillers log for the wells.

If you have any questions regarding the matter please feel free to contact this office.

Sincerely,

LeRoy J. Mernaugh
Water Resources Engineer

LJM:plh

Enclosures

RECEIPT

WATER RIGHTS COMMISSION

No 4 6749

State of South Dakota

February 1

79

PIERRE,

19

James Zell, Cavour SD

RECEIVED OF

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

Fee for Application for Permit to Appropriate Water No. 4379-3 (examination, processing, recording and filing)	150	00
Fee for Inspecting Construction, and issuing Cert. of Construction No.		
Fee for inspecting Beneficial Use, and issuing Water License No.		
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 (any other work as provided by law)		
TOTAL	150	00

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer
JOHN HATCH E.J.W.



No. 4379-3

Department of Natural Resource Development

WATER RIGHTS COMMISSION
Joa Foss Building, Pierre, South Dakota 57501
Phone 605/773-3151

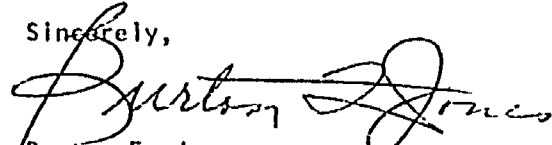
March 14, 1979

Mr. James Zell
Cavour, SD 57324

Dear Mr. Zell:

Although your Application No. 4379-3 was advertised to be considered at 10:00 a.m. on March 28, 1979, it will be considered at 4:15 p.m. on March 28, 1979 along with the deferred applications in Beadle County.

Sincerely,



Burton F. Jones
Water Rights Specialist III

BFJ:kjw

No. 4377-3

SOUTH Dakota Department of
Water & Natural Resources
Joe Foss Building Water Rights Division
Pierre, South Dakota 57501 (605) 773-3352

June 16, 1982

James Zell
Cavour
South Dakota 57324

Dear Mr. Zell:

The inspection of your water use system and inspection of the extent of your application of water to beneficial use, as developed under your Water Right No. 4377-3 has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuing of the Water License. Upon receipt of the \$50.00 fee from you, your Water License will be sent to you.

You will also receive the Certificate of Construction as required by statute.

Sincerely,

KAREN SCHLAACK
Administrative Secretary

NOTE: On form of payment, please include the number of the water permit.
This insures proper handling of the fee.

WNR-814-7/79
Notification of Water License Ready for Issuing (\$50.00)

Permit No. 4379-3Water Division 3 JAMES RIVER Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / FOSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by JAMES ZELLof CAVOUR holderof Permit No. 4379-3, bearing date of priority of APRIL 9, 1975*authorizing the diversion of 2.28 cu. ft. per second of the waters of GROUNDWATERfor IRRIGATION purposes, in BEADLE County.

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

The Water Use System consists of, WELL #1 - 44' DEEP WITH 14" STEEL CASING -
25' JOHNSON GALVANIZED SCREEN.

A. Works used to divert the water:

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

300' 4" BURIED PLASTIC PIPE FROM WELL #2 TO WELL #1300' 4" " " " " " WELL #3 TO WELL #11000 8" BURIED ASBESTOS-CONCRETE PIPE FROM WELL #1
TO CENTER OF PILOT

C. Works used to apply water to beneficial use.

VALLEY II TOWER WATER DRIVE CENTER PILOT
SYSTEM 1300' LONGThe system is in the following condition: GOODThe point of diversion is located WELL #1 - 1320' N & 320' W; WELL #2 - 1500' N &
50' W; WELL #3 - 1620' N & 320' W OF THE SE CORNER, SEC 25, T109N, R61WThe works are capable of diverting and conveying to the place of use 1.56 (700 GPM.)
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:

FOR IRRIGATING A 130 ACRE CIRCLE IN THE
SE⁴ SECTION 25, T109N, R61Wcomprising a total of 130 acres of land.* THE APPLICABLE PORTIONS OF PERMIT NO 2248-3
HAVE BEEN INCORPORATED INTO THIS WATER LICENSEDate MAY 27, 1982
Dwight Jones
(Signature)

SECOND NOTICE
PERMIT NO. 4379-3

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

December 20, 1982

Janos Zell
Cavour, South Dakota 57324

Dear Mr. Zell:

June 16, 1982 you were notified the required final inspection fee of \$50.00 is due before Water License No. 4379-3 can be issued. As of this date, the fee has not been received.

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-13(3). Upon receipt of the \$50.00 fee, your Water License will be sent to you. You will also receive the Certificate of Construction as required by Statute. These are the final papers for the perfection of your Water Right.

A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used. Failure to pay the fee means that the legal requirements to establish a water right have not been completed and a property right has not been established.

Please submit the required fee immediately to avoid jeopardizing your water permit or advise if you have any questions.

Very truly yours,

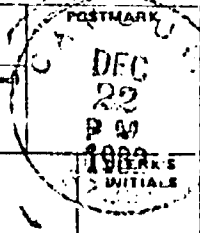
JOHN HATCH, Chief Engineer
Water Rights Division

CD0802ks.wr

PS Form 3811 Jan. 1979

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.		
1. The following service is requested (check one.) ☒ Show to whom and date delivered.....¢ ☐ Show to whom, date and address of delivery.....¢ ☐ RESTRICTED DELIVERY Show to whom and date delivered.....¢ ☐ RESTRICTED DELIVERY Show to whom, date, and address of delivery. \$..... (CONSULT POSTMASTER FOR FEES)		
2. ARTICLE ADDRESSED TO: <i>James Bell</i> <i>Carroll St 57324</i>		
3. ARTICLE DESCRIPTION.		
REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	<i>P200950</i>	<i>202</i>
(Always obtain signature of addressee or agent)		
I have received the article described above.		
SIGNATURE ☒ Addressee ☐ Authorized agent		
<i>James Bell</i>		
4. DATE OF DELIVERY <i>12-22-82</i>		
5. ADDRESS (Use extra lines only if requested)		
6. UNABLE TO DELIVER BECAUSE		



Permit No. 4379-3
 Water Division 3 James River Water District

AMENDED
**REPORT OF EXAMINATION OF WORKS
 AND/OR APPLICATION OF WATER TO BENEFICIAL USE**

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / FOSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by James Zell
Cavour of _____ holder _____
 of Permit No. 4379-3, bearing date of priority of April 9, 1975*
 authorizing the diversion of 2.28 cu. ft. per second of the waters of groundwater
 for Irrigation Beadle County.
 purposes, in _____ 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:

Well #1-99' deep with 14" steel casing - 25' Johnson galvanized screen.

Well #2-96' deep with 6" steel casing 25' Johnson galvanized screen

Well #3-100' deep with 6" PVC plastic 60' blank and 40' slotted PVC

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

300' 4" buried plastic pipe from Well #2 to Well #1

300' 4" buried plastic pipe from Well #3 to Well #1

1000' 8" buried asbestos-concrete pipe from Well #1 to center of pivot

C. Works used to apply water to beneficial use.

Valley 11 tower water drive center pivot system 1300' long

The system is in the following condition: good

The point of diversion is located Well #1-1320'N & 320'W; Well #2-1500'N & 50'W;
Well #3-1620'N & 320'W of the SE corner, Section 25, T109N, R61W

The works are capable of diverting and conveying to the place of use 1.56 (700 gpm)

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:

for irrigating a 132 acre circle in the SE 1/4 Section 25, T109N, R61W

comprising a total of 132 acres of land.

* The applicable portions of Permit No. 2248-3 have been incorporated into this Water License.

Prepared by: _____

Date: May 27, 1982

James Zell
 (Signature)

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 4379-3

(1) WHEREAS, On the 31st day of January A. D. 19 79
James Zell

made Water Right Application No. 4379-3 for a permit to use No Additional cubic feet per second of the waters of groundwater (two wells)

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

(2) WHEREAS, On the 28th day of March A. D. 19 79
 Permit No. 4379-3, with a date of priority of April 9, 1975

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 _____ day of _____ A. D. 19 _____ and for the application to beneficial use of said water on or before the _____ day of _____ A. D. 19 _____

WHEREAS, on the 27th day of May, 1982, the applicable portions of Permit No. 2248-3 have been incorporated into this License No. 4379-3

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 1.56 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 the following land all in Section 25, T109N, R61W

NW $\frac{1}{4}$ SE $\frac{1}{4}$ 33 Acres (DB)

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 33 " (DA)

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 33 " (DC)

SE $\frac{1}{4}$ SE $\frac{1}{4}$ 33 " (DD)

TOTAL 132 ACRES

(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 Zell

_____ of Rt#1, Box 153, Cavour, SD 57324

the holder _____ and owner _____ of said permit No. 4379-3 a water right, dating from April 9, 1975

_____ to use of 1.56 cubic feet per second of the waters

of groundwater (three wells)

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

purposes hereinbelow mentioned, to be diverted at Well #1 1320'N and 320'W (DD); Well #2 - 1500'N

and 50'W (DA); Well #3 - 1620'N and 320'W (DA) of the SE Corner, Section 25,

T109N, R61W.

and conducted to and upon _____ portions of 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. 4379-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 7th day of March A. D.
Nineteen Hundred and Eighty-Three

WATER MANAGEMENT BOARD

By: John Hatch
Chief Engineer, Executive Officer JOHN HATCH

Permit No. 4379-2

Water Diversion No. 3 James River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That James Zell

_____ the holder _____ of
Permit No. 4379-3, issued upon Application No. 4379-3, bearing date of priority of _____
April 9, 1975 authorizing the diversion of 2.28* cu. ft. per second of the waters of _____
groundwater (three wells) - County of Beadle, State of South Dakota at _____
Well #1 - 1320'N and 320'W (DD); Well #2 - 1500'N and 50'W (DA);
Well #3 - 1620'N and 320'W (DA) of the SE 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 1.56/ (700 gpm) cu. ft. per second of water.

* The applicable portions of Permit
No. 2248-3 have been incorporated
into this Water License No. 4379-3

Date March 7, 1983


JOHN HATCH, Chief Engineer
Water Rights Division

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 9086

PIERRE, December 29, 1982

RECEIVED OF James Zell, Route #1, Box 153, 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. (examination, processing, recording and filing)		
Fee for Inspecting Construction, and issuing Cert. of Construction No. 4379-3	50	00
Fee for inspecting Beneficial Use, and issuing Water License No. 4379-3		
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		
(any other work as provided by law)		
TOTAL	50	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH (ms)

No. 4379-3

 **Department of
Water & Natural Resources**

Joe Foss Building Water Rights Division
Pierre, South Dakota 57501

(605) 773-3352

March 10, 1983

James Zell
Route #1, Box 153
Cavour, South Dakota 57324

Dear Mr. Zell:

Enclosed herewith are, Water License No. 4379-3 and Certificate of Construction.

Water License No. 4379-3 is the final water right document completing your process of obtaining a water right.

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.

Very truly yours,


JOHN HATCH, Chief Engineer
Water Rights Division

JH:ms

enclosures



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, 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, 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 Genr. 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.

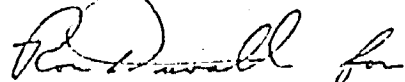
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

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 DUVAL
Natural Resources Engineer
Water Rights Division



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 ZEHL
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

 **Department of
Water & Natural Resources**

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

March 5, 1991

2595-3
4379-3

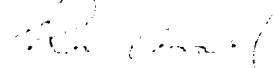
James B Zell
RR #1 Box 350
Cavour, SD 57324

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) 771-3302.

Sincerely,



Ron Duvall, Natural Resources Engineer IV
Water Rights Division



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

JAMES B ZELL
RT 1 BOX 153
CAVOUR SD 57324

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)

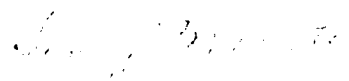
James B Zell
RR #1 Box 350
Cavour, SD 57324

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,


Genny McMath
Natural Resources Analyst
Water Rights Division

4379-3



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.



4379-3

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,

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



4379-3

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

4379-3



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 & 4279-3

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 R. 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.

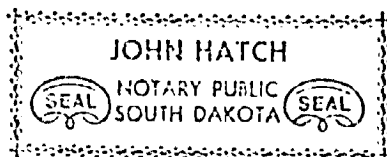
4524-3 & 4524-3A: Leon Lengkeek, 1605 Buffalo TR, Brookings, SD 57006.
 4443-3: Lonnie H. Nelson, RR 2, Box 156, Yankton, SD 57078.
 5010-3: Loren & Joyce Forrest, RR 1, Box 213, Laverne, MN 56156.
 156-3, 157-3, 164-3 & 1878-3: Marene Flyger, Box 362, Hurley, SD 57036.
 2242-3: Mark Quam, RR 2, Box 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, RR 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 Smeenck, 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. Goliher, 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 10th day of March, 1994.



John Hatch
Notary Public

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

4379-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 29, 1994

2595-3

4379-J

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,

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

4379-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3161

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

4379-3



**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,

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

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



4379-3

**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 Duvall, 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 SDCI 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.

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.

JAMES B ZELL
RR 1 BOX 350
CAVOUR SD 57324

4a. Article Number

2348 318 914

4b. Service Type

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

7. Date of Delivery

1-31-96

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

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

James B Zell

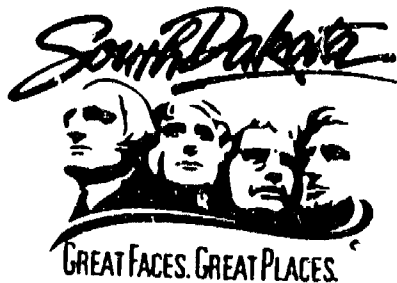
PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

is your RETURN ADDRESS completed on the reverse side

4379-3



**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,

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

Genny McMath
Environmental Scientist
Water Rights Program
(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, 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

4a. Article Number

P378 081 412

4b. Service Type

☐ Registered

☐ Express Mail

☐ Return Receipt for Merchandise

☒ Certified

☐ Insured

☐ COD

7. Date of Delivery

2-11-97

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

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X James Zell

Domestic Return Receipt

PS Form 3811, December 1994

Thank you for using Return Receipt Service.



4379-3

**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.

4379-3



**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

4379-3



January 9, 1998

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TC: 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.



4379-3

**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

4379-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE

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 Court as 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.



4379-3

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 408th 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



4379-3

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.



4379-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 6, 2000

NOTICE OF AMENDMENT OF WATER RIGHTS

TO: James B Zell, 21795 408th Ave, Cavour, SD 57324

FROM: Garland Erbele, Chief Engineer
Water Rights Program

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

4379-3

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 Smeenk, 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 21st SE, Huron, SD 57350.

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

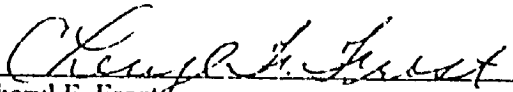
W.R. #'s 2040-3, 2246-3, 4248-3 & 4397-3: Ronald W. Marone, 21536 405th Ave., Cavour, SD 57324-7615.

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

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

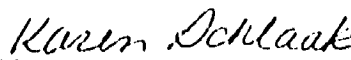
W.R. #3358-3: Allan Kramer, 2004 Arizona Ave. NW, Orange City, IA 51041.

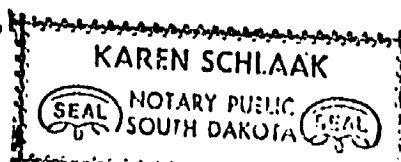
W.R. #4475-3: John Pillote, HCR 1, Box 886, Michigamme, MI 49861-9600.


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 7th day of March, 2000


Notary Public
KAREN SCHLAACK, Notary Public
My Commission Expires





4379-3
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."

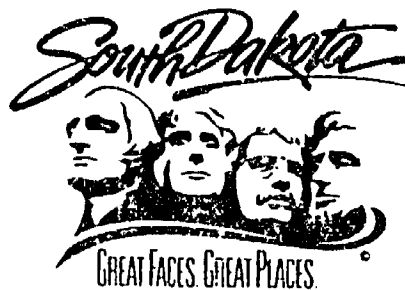
The hearing will be held at 10:00 am, March 7, 2001 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, 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 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 57501-3182
www.state.sd.us/denr

February 23, 2001

2595-3

4379-3

James B Zell
21795 408th 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



4379-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
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.

4379-3

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) B. Date of Delivery

Jim Zell 1-17-02

C. Signature

X James Zell ☐ Agent ☐ AddresseeD. 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 ☐ COD-1E080
4. Restricted Delivery? (Extra Fee) ☐ Yes

7001 2510 0004 4797 3640

PS Form 3811, July 1993

Domestic Return Receipt

102595-00 M-0952



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 12, 2002

2595-3

4379-3

James B Zell
21795 408th 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

4379-3



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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 31, 2003

2595-3
4379-3

James B Zell
21795 408th 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

4379-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
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PIERRE, SOUTH DAKOTA 57501-3182
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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.



4379-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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www.state.sd.us/denr

February 6, 2004

2595-3
4379-3

James B Zell
21795 408th 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



4379-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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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.



4379-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 2, 2005

2595-3
4379-3

James B Zell
21795 408th 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

BY Dick Fader DATE 14 April '75 SUBJECT Jim Zell
CHKD BY DATE IFFI 12/31/07
Dick Fader, Butte Co. Ext. agent

SHEET NO. OF
JOB NO.

Section 25

109-61 (Clifton Twp.)

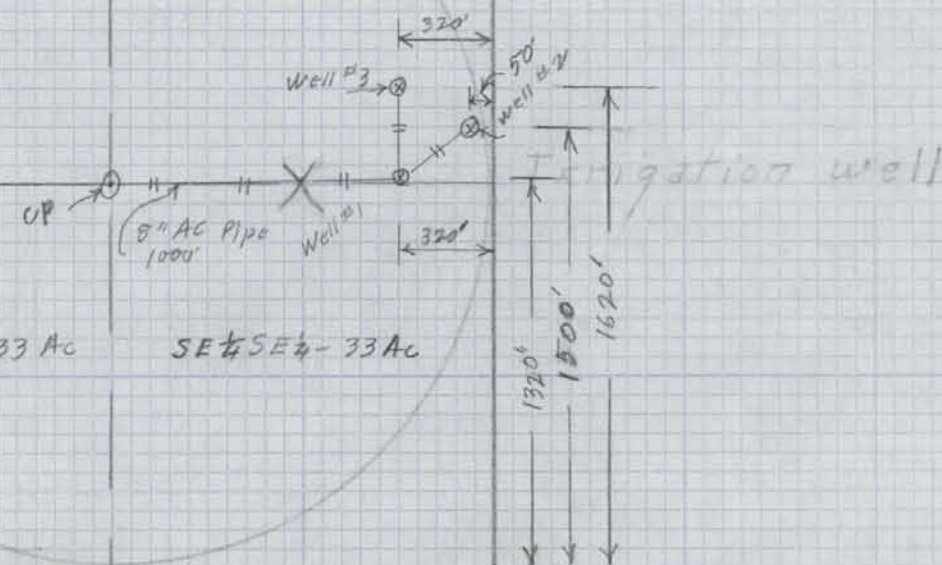
25

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

NE 1/4 SE 1/4 - 33 Ac.

SW 1/4 SE 1/4 - 33 Ac.

SE 1/4 SE 1/4 - 33 Ac.



APPL # 4379-3
MAP No 1641-3 APPL No 2248-3



4379-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 30, 2006

2595-3
4379-3

James B Zell
21795 408th 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

4379-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

2595-3
4379-3

Eric & Windy Zell
21815 406th 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

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.

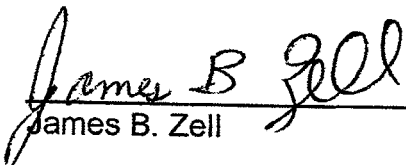
12) **Binding Upon Heirs, Successors and Assigns.** It is mutually understood and agreed by the parties hereto that all of the covenants and agreements herein contained shall extend to and be obligatory upon the heirs, devisees, legatees, personal representatives, administrators, successors or assigns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

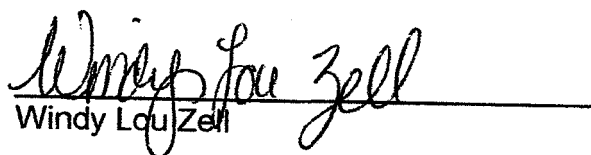
SELLERS:


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. 4379-3

Date: 12/6/06

RECEIVED
DEC 11 9m 2006

WATER RIGHTS
PROGRAM

I/We request that Water Right No.

formerly owned by: James Zell

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

Telephone No. 605-352-1701

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

132 acres - SE ¼ Section 25, T109N, R61W

I/We understand that the validity of Water Right No. 4379-3 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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

December 18, 2006

2595-3
4379-3

Eric & Windy Zell
21815 406th 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
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date December 21, 2006

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	2 50	
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>4379-3</u>		
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. _____	2.50	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No.

027 8

By

Darland Ebel
Chief Engineer



January 4, 2007

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

2595-3
4379-3

Eric & Windy Zell
21815 406th 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

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

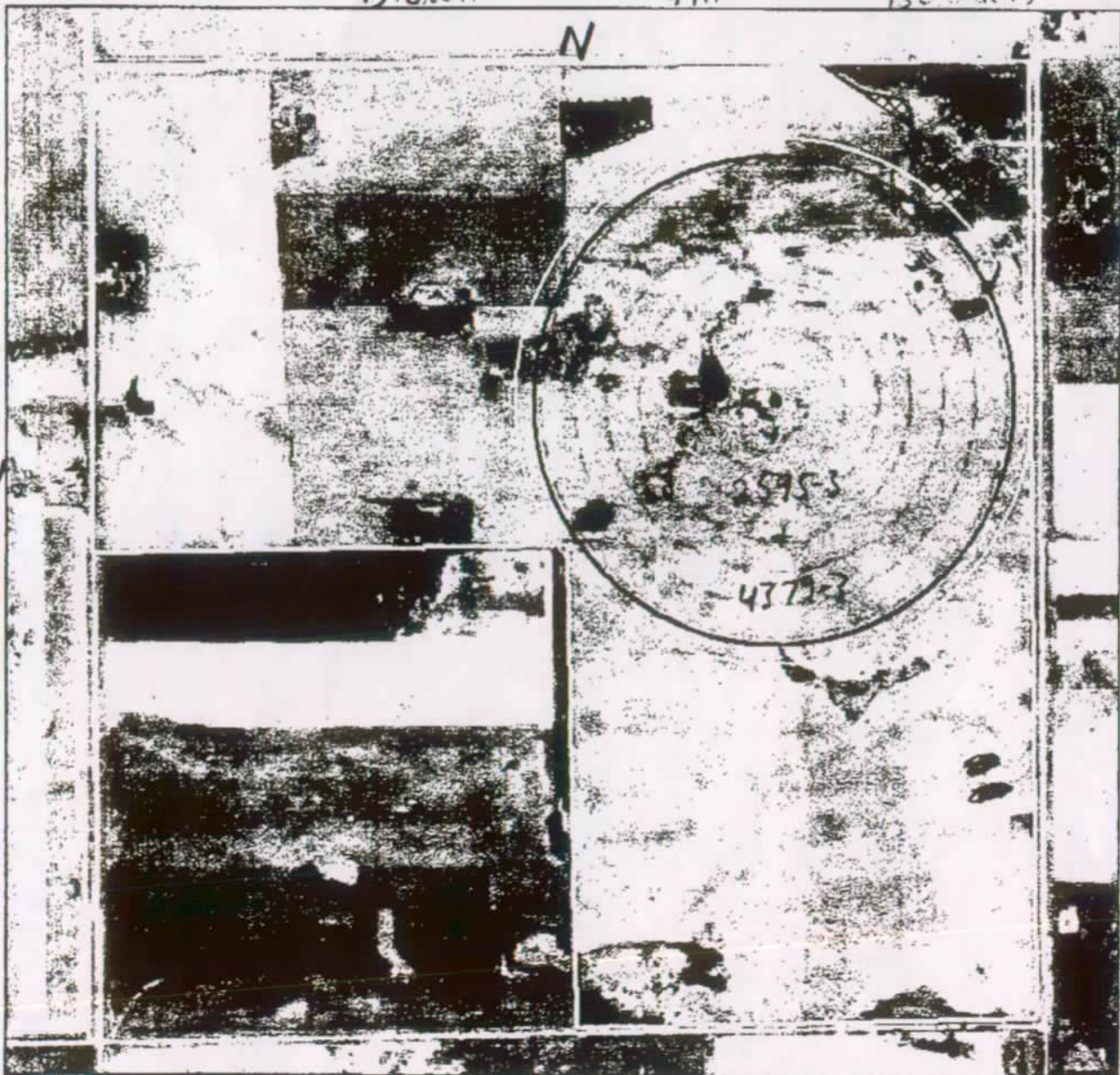
Consolidated Ready Mix Inc.



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

This map was faxed in with the 2008 irrigation questionnaire and shows the pivot

Farm: Zell		as modified.	
Grower: Eric Zell		25-109-61	3/22/2007
Zell 350 4125			
Systems:	Length	Spans / Overhang	Total area including endgun
● Pivot 1	1335.00 ft 1316.00 ft	7 spans / 33 ft 114 ft	148.51 acres 152.00 acres





4379-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

4379-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 29, 2020

Eric Zell
21815 406th 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.

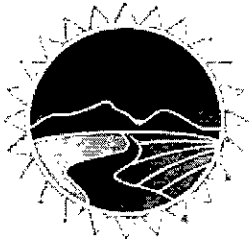
If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Genny McMath". The signature is fluid and cursive, with the first name "Genny" being more prominent.

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

4379-3



DENR
SOUTH DAKOTA

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
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 black ink, appearing to read "Genny McMath". The signature is fluid and cursive, with the first name "Genny" being more prominent than the last name "McMath".

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

enclosures