

1. Considered May 22 19 80
2. Name of Applicant LEE ZOELLNER
3. Post Office Address BRUCE, S.D.
4. Amount of Water Claimed 3.54
5. Source of Water Supply 37' & 35' WELLS
6. Water to be used for IRRIGATION
7. Acres to be irrigated 35.2 maximum acre feet
8. Water to be diverted and used in BROOKINGS County  
about 4 N, 2 miles EAST of BRUCE
9. PROOF OF PUBLICATION Received 5-12-80

Not Received \_\_\_\_\_

APPLICATION

Approved 5/22/80

Subject to WI/IG

Not Approved \_\_\_\_\_

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

Priority

Date

Received 3-10-80 Application Complete ☒ yes ☐ no FEE 300.00

3-10-80

Remarks \_\_\_\_\_

Date information and/or  
fee or corrected Application received  
Period of Annual use April - October

WATER  
QUALITY

Received ☒ yes 4/16/80 no ☐ APPROVED CONDITIONAL (circle one)

WI-1 Description same as application ☒ yes ☐ no Remarks \_\_\_\_\_

Disapproved \_\_\_\_\_

Returned \_\_\_\_\_

Diversion Points \_\_\_\_\_

NW<sup>4</sup> NW<sup>4</sup> and NE<sup>4</sup> NW<sup>4</sup>

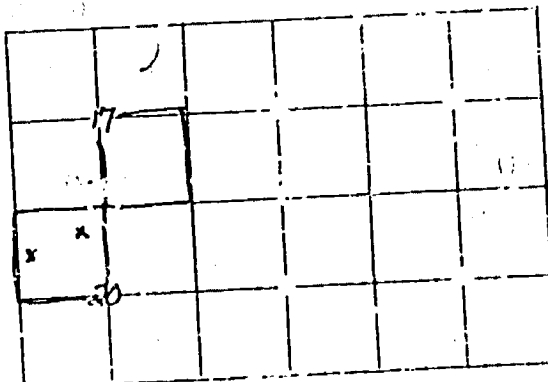
20-T 11.2N-R 50W

Lands to be irrigated \_\_\_\_\_

NW<sup>4</sup>, Section 20 and

SE<sup>4</sup>, Section 17 all in

T 11.2N-R 50W



Remarks \_\_\_\_\_

WELL  
LOG

Driller Plank Dr. Licensed ☒ yes ☐ no

Depth 37' & 35'

Water Right No. \_\_\_\_\_

MAP Map No. 3731-3 Map located in Water Right X Map file \_\_\_\_\_  
 Type of Map Drawn Prepared by De Boer

+++++

REVIEWED This Application was reviewed within 30 days of date received, accepted as complete, Number assigned and written up for advertisement before the Board on 5-22-86

Betty Woodard  
 (Signed)

+++++

PROTESTS Letters/Petitions in File - yes \_\_\_\_\_ no \_\_\_\_\_ Remarks \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_

REMARKS Date  
 F.F. & C Final Decision, including F.F. & C of Law were adopted \_\_\_\_\_  
 OF LAW, Date  
 FINAL Final Decision mailed to parties and/or parties notified that Final Decision  
 DECISIONS was adopted \_\_\_\_\_  
 ETC.

Remarks \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

No. 4507-3Map No. 3731-3 Water Division No. 3 BIG SIOUX District  
Above for Office Use 10170202

## APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

Check one of the following:

New ☒ Vested Right ☐ Future Use ☐Change in Diversion ☐ Additional Diversion ☐Change in Acreage ☐ Additional Acreage ☐

1. Name of Applicant LEE EUELNER Phone No. 627-5561  
 Post Office Address RR #1, Box 17, BRUCE State SD (Zip Code)  
 (Street, RR, or Box) (T.own) 1117  
 If a corporation show date and place of incorporation

2. Method of accomplishing work (contract, employment of others, or by direct labor) CONTRACT3. Name of diversion work LEE EUELNER IRRIGATION PROJECT #14. Amount of water claimed (cubic feet per second) 3.575. Source of water supply TWO WELLS N 1/46. Location of point of diversion WELL #1: 1320 FT ~~SE 1/4~~ AND WELL #2:  
2050 FT ~~NE 1/4~~ OF NW CORNER OF SEC 20 T12N,  
R50W County BRECKING7. Annual period or periods during which water is to be used APRIL - OCTOBER8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) IRRIGATION9. For irrigation use, Total number of acres to be irrigated 252 AC.

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. |
|-------------------------------------------|----------------|
| <u>NW 1/4, SE 1/4, SEC 17, T12N, R50W</u> | <u>37</u>      |
| <u>NE 1/4</u>                             | <u>34</u>      |
| <u>SE 1/4</u>                             | <u>20</u>      |
| <u>SW 1/4</u>                             | <u>20</u>      |

| Land Description                          | No. Acres Irr. |
|-------------------------------------------|----------------|
| <u>NW 1/4, NW 1/4, SEC 20, T12N, R50W</u> | <u>39</u>      |
| <u>NE 1/4</u>                             | <u>35</u>      |
| <u>SE 1/4</u>                             | <u>28</u>      |
| <u>SW 1/4</u>                             | <u>37</u>      |

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 3 years. Additional time required to complete application of water to the proposed beneficial use 2 years.11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water BRECKING REGISTER

12. Principal Features of the Proposed Water Supply System.

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

TURBINE PUMPS

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

BURIED PVC PIPELINE

C. Works proposed to apply water to beneficial use.

ONE CENTER PIVOT  
MOBILE GUNS

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

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

STATE OF SOUTH DAKOTA )  
County of BRECKING )ss.I, LEE EUELNER 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 [Signature]Subscribed and sworn to before me this 27<sup>th</sup> day of FEBRUARY, 1980[Signature]  
Notary Public (or other qualified officer)

# WATER RIGHT APPLICATION APPROVAL

The Board of Water Management hereby approves Water Right Application No. 4507-3

LEE ZOELLNER  
(Applicant)

RR #1, Box 17, Bruce  
(Post Office Address)

SOUTH DAKOTA 57220  
(State)

With the following qualifications.

The irrigation well(s) 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.

This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

Date of first receipt of application MARCH 10, 1980

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

Date of receipt of corrected application WQ APRIL 16, 1980

Approved MAY 22, 1980, Recorded in Book 21 Page 187

WATER RIGHT PERMIT NO. 4507-3

The Board of Water Management hereby grants and issues this Water Right Permit No. 4507-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is MARCH 10, 1980
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before NOVEMBER 22, 1981
3. The whole of said work is to be completed on or before MAY 22, 1983
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MAY 22, 1985
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 3.59 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 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 MAY 22, 1985; said water to be used during the following described annual period: APRIL - OCTOBER

Witness my hand this 30th day of MAY, 1980

THE BOARD OF WATER MANAGEMENT

By: John Hatch  
Chief Engineer, Water Rights

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

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

**(612) 289-2000**

|                     |               |
|---------------------|---------------|
| JOB PHONE           | DATE OF ORDER |
| JOB NAME / LOCATION |               |
|                     |               |
|                     |               |
|                     |               |

10 Lez Zellner  
T-112-N R 50-W NW 1/4 Sec 20  
RR1 Box 17 Bruce

PHONE  
627-5561  
ORDER TAKEN BY

## TERMS

[illegible]

|                     |                 |
|---------------------|-----------------|
| JOB PHONE           | DATE OF ORDER   |
| JOB NAME / LOCATION | 11 - 12 2 - 500 |
|                     |                 |
|                     |                 |
|                     |                 |

**(605) 692-7332**

Enoch Dec 20 11.5

ORDER TAKEN BY

[illegible]

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

D. Well Information

- (1) Drill Hole, Diameter 30 in., Depth 37 ft.
- (2) Casing, Type PLASTIC (wood, concrete, steel, etc.), Diameter 16 in., Thickness \_\_\_\_\_
- (3) Screen, Type STAINLESS, Diameter 16 in., Length 10 ft.
- (4) Gravel Pack, Thickness 7 in., Length of gravel pack 10 ft.

E. Dugout Information or Estimates

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

F. Fill out for Either a Well or a Dugout.

(1) Water Bearing Materials. (Attach a copy of test well log)

- Depth to top of water bearing material 3 FT.
- Depth to bottom of water bearing material 37 FT.
- Depth to water (ground surface to water level) 5 FT.

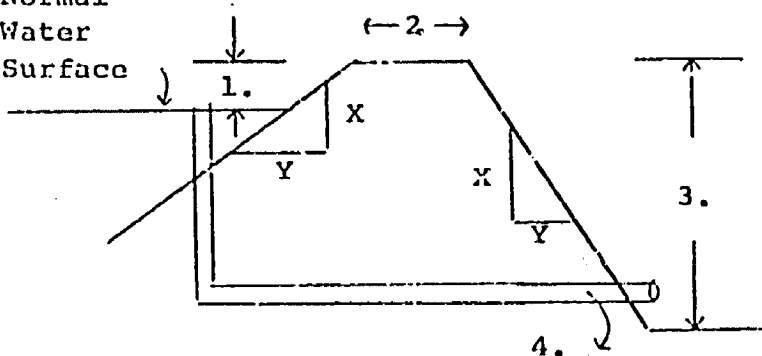
(2) Distance to nearest existing household or livestock watering well.

- On same owner's property 100 rds.
- On property owned by others 100 rds.

G. Water Storage Dams

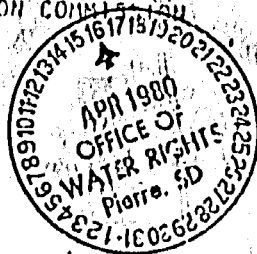
If the proposed water use system contains one or more water storage dams, please show in the space below, the height, length, maximum water depth, surface area, drainage area, storage capacity, dam slope, dimensions, location and size of outlet works, of each storage dam. The location of each water storage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

Normal  
Water  
Surface



1. Freeboard \_\_\_\_\_
2. Crest width \_\_\_\_\_
3. Height of Dam \_\_\_\_\_
4. Outlet dimensions:  
Pipe diameter \_\_\_\_\_  
Spillway width \_\_\_\_\_
- X & Y slope:  
Upstream \_\_\_\_\_  
Downstream \_\_\_\_\_  
Surface area of impoundment \_\_\_\_\_  
Drainage area above dam \_\_\_\_\_

[Signature]  
Signature of Applicant



SOIL/WATER COMPATIBILITY APPLICATION FORM  
STATE CONSERVATION COMMISSION  
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE



OWNERS NAME: LEE EDELLNER OWNERS ADDRESS: Box 17 RR #1  
COUNTY LAND LOCATED IN: BROOKINGS PHONE: 627-5561 Bruce S.D.  
TENANT'S NAME AND ADDRESS: (If Other Than Owner) \_\_\_\_\_

In accordance with State Law SDCL 46-5-6.5, if a water right is granted with a conditional permit (Soil/Water Compatibility), a copy of such conditional permit must be filed with the County Register of Deeds.  
This action must be taken by the holder of a water right within 6 months of receipt of such water right.

LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres.)

1. WELL LOCATION OR DIVERSION POINT: SW 1/4, NW 1/4, NE 1/4, SEC. 20, T112N, R5E
2. SURFACE WATER SOURCE: N.A.
3. LOCATION OF AREA TO BE IRRIGATED: SE 1/4, SEC. 17, NW 1/4, SEC. 20, T112N, R5E
4. INDICATE NON-IRRIGATED AREAS AND (APPROX.) ACRES ON MAP: (Farmstead, shelterbelts, wetlands, etc.)
5. TYPE OF IRRIGATION: (Show approximate acres under each type of system)
6. GRAVITY \_\_\_\_\_ TOWLINE \_\_\_\_\_ CENTER PIVOT ☒ GUN ☒ OTHER (Specify) \_\_\_\_\_
7. CROPS TO BE IRRIGATED: ROW CROPS, SMALL GRAIN, ALFALFA
8. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: \_\_\_\_\_  
LAND: N.A.  
IN WHAT NAME: \_\_\_\_\_

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

9. SAMPLE NUMBER: 83, 80-095
10. SALINITY (EC X 10<sup>6</sup>): 676, 650
11. SODIUM (SAR): 0.20, 0.25 ADJUSTED (SAR) 0.50, 0.60

I hereby certify that I personally obtained or that I personally observed the taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see back) were followed, and that the sample was taken at \_\_\_\_\_ A.M./P.M., on FEB 24, 1980, at the following location: SEE LETTER #1  
by \_\_\_\_\_ (Individual who took sample if other than applicant). I also

herby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

I also hereby certify that chemical analysis of the irrigation water representative of that used to irrigate shall be acquired from South Dakota State University and the soils information has been acquired from \_\_\_\_\_ Conservation District, County Extension Office or Soil Conservation Service, and further, that the legal description for the location of the well and land to be irrigated is true and correct.

I understand that the Division of Conservation or agents thereof may obtain another water sample for the purpose of validating the water sample analysis taken at the time of application (SDCL 46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS  
27 DAY OF FEBRUARY, 1980.

Harold W. DeBor P.E.  
(NOTARY PUBLIC)

Lee Edellner  
APPLICANT'S SIGNATURE

\_\_\_\_\_  
Director, Division of Conservation

\_\_\_\_\_  
APPROVED

\_\_\_\_\_  
DISAPPROVED

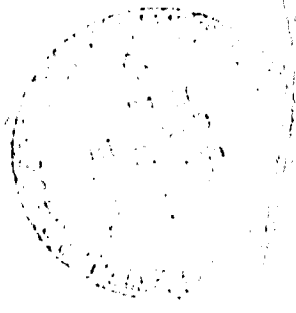
X CONDITIONALLY APPROVED

IMPORTANT

Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application.

In all cases a WATER RIGHT must be obtained from the State Water Rights Commission.

E X A M P r E



- [illegible]

Residents of counties with no Conservation Service or their land not available. If soil survey information obtain this information from a

## MAP

TO BE IRRIGATED

Vg

Rh

Vg

Vd

Vb

Rb

FARM

FARM

PLEASE USE BACK OF THIS SHEET FOR NARRATIVE  
OR EACH SEPARATE SHEET

**REPORT OF ANALYSIS**  
 Water Quality Laboratory  
 Water Resources Research Institute  
 South Dakota State University  
 Brookings, South Dakota 57007

Submitted by: Dr. J. L. Holliman  
 Address: Box 1  
Brookings, SD 57007

Date Rec'd: 7-1-71  
 Sample No.: 7-1  
 Identification: 11-11  
11-11, 11-11, 11-11

**WATER ANALYSIS**

|                                       |                             |      |           |
|---------------------------------------|-----------------------------|------|-----------|
| Calcium (Ca)                          | ppm*                        | 400  | me/l**    |
| Magnesium (Mg)                        | ppm                         | 1    | me/l      |
| Sodium (Na)                           | ppm                         | 0.2  | me/l      |
| Potassium (K)                         | ppm                         | 0.0  | me/l      |
| Sulfate (SO <sub>4</sub> )            | ppm                         | 0.40 | me/l      |
| Nitrate (as N)                        | ppm                         |      | me/l      |
| Chloride (Cl)                         | ppm                         | 0.1  | me/l      |
| Bicarbonate (HCO <sub>3</sub> )       | ppm                         | 5    | me/l      |
| Carbonate (CO <sub>3</sub> )          | ppm                         |      | me/l      |
| Iron (Fe)                             | ppm                         |      | me/l      |
| Fluoride (F)                          | ppm                         |      | me/l      |
| Hardness (EDTA as CaCO <sub>3</sub> ) | ppm                         |      | g.p.g.*** |
| Alkalinity (Methyl Orange)            | ppm (as CaCO <sub>3</sub> ) |      |           |
| Alkalinity (Phenolphthalein)          | ppm (as CaCO <sub>3</sub> ) |      |           |
| Electrical Conductivity               | micromhos per cm at 25° C.  |      |           |
| Sodium Adsorption Ratio               | Adjusted SAR                |      |           |
| Sodium                                | % of cations                |      |           |
| Residual sodium carbonate             | me/l                        |      |           |
| pH                                    |                             |      |           |
| Others:                               |                             |      |           |

\*ppm = parts per million  
 \*\*me/l = milliequivalents per liter

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

**COMMENTS:**

By: \_\_\_\_\_

Service Performed \_\_\_\_\_

Amount Due \_\_\_\_\_

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. \_\_\_\_\_

Amount Enclosed \$ \_\_\_\_\_

Signed \_\_\_\_\_

**REPORT OF ANALYSIS**  
 Water Quality Laboratory  
 Water Resources Research Institute  
 South Dakota State University  
 Brookings, South Dakota 57007

Submitted by:                       
 Address:                     

Date Rec'd:                       
 Sample No.:                       
 Identification:                     

**WATER ANALYSIS**

|                                       |     |                             |      |        |
|---------------------------------------|-----|-----------------------------|------|--------|
| Calcium (Ca)                          | 104 | ppm                         | 5.00 | me/l   |
| Magnesium (Mg)                        | 1   | ppm                         | 1.1  | me/l   |
| Sodium (Na)                           | 10  | ppm                         | 0.4  | me/l   |
| Potassium (K)                         | 0   | ppm                         | 0.00 | me/l   |
| Sulfate (SO <sub>4</sub> )            |     | ppm                         | 0.0  | me/l   |
| Nitrate (as N)                        |     | ppm                         |      | me/l   |
| Chloride (Cl)                         | 6   | ppm                         | 0.3  | me/l   |
| Bicarbonate (HCO <sub>3</sub> )       |     | ppm                         | 2.0  | me/l   |
| Carbonate (CO <sub>3</sub> )          |     | ppm                         |      | me/l   |
| Iron (Fe)                             |     | ppm                         |      | me/l   |
| Fluoride (F)                          |     | ppm                         |      | me/l   |
| Hardness (EDTA as CaCO <sub>3</sub> ) |     | ppm                         |      | g.p.g. |
| Alkalinity (Methyl Orange)            | 20  | ppm (as CaCO <sub>3</sub> ) |      |        |
| Alkalinity (Phenolphthalein)          | 0   | ppm (as CaCO <sub>3</sub> ) |      |        |
| Electrical Conductivity               | 600 | micromhos per cm at 25° C.  |      |        |
| Sodium Adsorption Ratio               |     | Adjusted SAR                |      |        |
| Sodium                                |     | % of cations                |      |        |
| Residual sodium carbonate             |     | me/l                        |      |        |
| pH                                    | 7.0 |                             |      |        |
| Others:                               |     |                             |      |        |

\*ppm==parts per million  
 \*\*me/l==millequivalents per liter

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

COMMENTS:

By:                     

Service Performed

Amount Due

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No.                     

Amount Enclosed \$                     

Signed

RG-2007/1001  
12/78

Conditional

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE  
DIVISION OF CONSERVATION

NAME OF APPLICANT Lee Zollner, Bruce, South Dakota

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

- |        |                                      |                    |
|--------|--------------------------------------|--------------------|
| SE1-17 | - Rh - Buse stony complexes, rolling | (40 to 60 acres)   |
| NW1-20 | - So Solomon Clay                    | (2 to 4 acres)     |
|        | Vo & Vp - Volga Silty clay loam      | (100 to 120 acres) |

NOTE: Volga soils require surface drainage or kept in permanent vegetation.

RECOMMENDED MANAGEMENT:

1. Water should not be applied more than NA times during the irrigation season.
2. Each uninterrupted application (one rotation of center pivot) should be of at least NA inches of water.
3. ☒ Yes ☐ No Surface drainage is a necessity on NW1-20
4. ☒ Yes ☐ No Subsurface drainage may become a necessity for continual irrigation.
5. ☒ Deep tillage (for the purpose of aiding movement of water through dense subsoil) dry seasons only.
6. ☐ Restrict all application of irrigation water.
7. Type of irrigation system recommended for use on this application: 1.) gun 2.) pivot

GENERAL COMMENTS:

SE1-17 - With a gun system, you can exclude the non-irrigable.

NW1-20 - Approximately 75% are Volga silty clay loam soils, much of which is subject to surface ponding and water-logging of soils.

Before you consider a pivot system, the doubtful areas could be graded to a drainable slope by means of cut and fill stakes.

If a high water table causes hindrance to field work and/or causes "yellow-crop" areas, one or more internal drains to an excavated pit on the lowest part of the field, may be feasible.

Such an excavation can also serve as a re-use pit to pump excess water back through your system.

Copy to applicant  
Copy to Water Rights  
Copy on File

No. 4507-3

Publish first publication, on or before May 2, 1980

NOTICE OF HEARING ON  
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

April 18, 1980

Notice is hereby given that Lee Zoellner whose post office address is Bruce, 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 46-5-3; 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 Board Rules ARSD 52:01:01:01 thru 52:01:01:13 for a permit to appropriate for beneficial use 3.50 cubic feet of water per second of time from groundwater (two wells) through the Zoellner Irrigation Project, the point of diversion of which is at the NW 1/4 NW 1/4 and NE 1/4 NW 1/4 to be located in the NW 1/4 NW 1/4 and NE 1/4 NW 1/4

of Section 20, Twp. 12 N, Range 50 W. Said water to be used for the purpose of providing irrigation or portions of the following described land:

NW 1/4, Section 20 & NE 1/4, Section 17, all in T112N - R50W

This Application No. 4507-3 will be considered by the Water Management Board at Civil Defense Meeting Room, State Capitol Bldg., Pierre, SD upon the 22nd day of May 1980 at 10 A.M. The Board 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 Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-20 may notify the Board 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 Board may be appealed to the Courts as provided by law.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

cc: Leo Zoellner  
RR 1, Box 17  
Bruce, SD 57220

BETTY WESTLUND  
Water Rights Specialist

WNR-806A-7/79  
GROUNDWATER

# Affidavit of Publication

State of South Dakota

ss

County of Brookings

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

Legal No. 201

62 lines x .367

a printed copy of which, taken from the paper in which the same was published, is hereto attached marked Exhibit "A," and is made a part

of this affidavit, was published in said newspaper for

successive weeks, to-wit:

|          |      |    |
|----------|------|----|
| April 28 | 1980 | 19 |
| May 5    | 1980 | 19 |
|          | 19   | 19 |
|          | 19   | 19 |

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

Twenty-two dollars and seventy-five cents Dollars

Subscribed and sworn to before me this 5th day of

May, 1980

Notary Public in and for the County of Brookings, South Dakota.

My Commission expires September 1, 1985

Legal No. 201 2x, April 28, May 5  
NOTICE OF HEARING ON  
APPLICATION TO APPROPRIATE  
WATER

Pierre, South Dakota 57501  
April 18, 1980

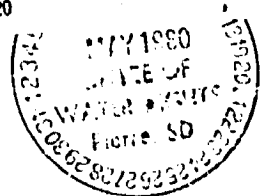
Notice is hereby given that Lee Zoellner whose post office address is Eruce, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-3-1 thru 46-5-8; 46-5-10 thru 46-5-22, 46-5-41, 46-6-3, 46-6-3.1, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 3.59 cubic feet of water per second of time from groundwater (two wells) through the Zoellner Irrigation Project No. 1, the points of diversion of which are to be located in the NW 1/4 NW 1/4 and NE 1/4 NW 1/4 of Section 20, Twp. 112 N, Range 59W. Said water to be used for the purpose of providing irrigation on portions of the following described land: NW 1/4, Section 20 and SE 1/4, Section 17, all in T112N - R50W.

This Application No., 45073 will be considered by the Water Management Board at Civil Defense Meeting Room State Capitol Bldg., Pierre, SD upon the 22nd day of May 1980 at 10 A.M. The Board is authorized to make a determination on this application at the hearing. All interested person may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board 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 Board may be appealed to the Courts as provided by law.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWRN, Joe Foss Building, Pierre, SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD  
BETTY WESTLUND  
Water Rights Specialist

Lee Zoellner  
RR 1, Box 17  
Bruce, SD 57220



5-12-80

# RECEIPT

## WATER RIGHTS COMMISSION

No 4 7377

State of South Dakota

March 11

80

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

RECEIVED OF Lee Koellner, PR Box 17, Bruce SD

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

|                                                                                                                             |     |    |
|-----------------------------------------------------------------------------------------------------------------------------|-----|----|
| Fee for Application for Permit to Appropriate Water No. <u>4507-3</u> (examination, processing, recording and filing) ----- | 300 | 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                                                                                                                       | 300 | 00 |

WATER RIGHTS COMMISSION

By John Hatch  
Chief Engineer, Executive Officer  
JOHN HATCH

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

Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501

Water Rights Division  
605 773-3352

March 22, 1983

4507-3  
Lee Zoellner  
RR 1 Box 17  
Bruce SD 57220

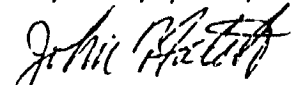
Dear Sir:

Water Permit No. 4507-3 was approved with the qualification that the irrigation questionnaire be submitted each year. To date we have not received the 1982 questionnaire from you.

Please complete the enclosed questionnaire and return to this office. Failure to return the questionnaire is in violation of the conditions under which the permit was approved.

Please advise, if you have any questions.

Very truly yours,



JOHN HATCH, Chief Engineer  
Water Rights Division

JH:ks

enclosure

NO. 4507-3

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights  
Foss Building  
Pierre, SD 57501

Date: 5-5-83

This is to notify you that the title to the lands described as follows:

SE½ Section 17, T112N, R50W and NW¼ Section 20, T112N, R50W

formerly owned by Lee Zoellner, Bruce

(Jerald A.) has been transferred to Jerry Peterson, RR 1 Box 36A, Bruce SD 57220

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 4507-3 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Office of Water Rights, Water Management Board as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA )  
County of Brookings ) ss.

I, \_\_\_\_\_ being first duly sworn on my oath depose and say:  
That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Lee Zoellner  
(Signed)

Subscribed and sworn to before me this 5th Day of MAY, 1983.



[Signature]  
(Notary Public)

# RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 9249

PIERRE, May 17, 1983

RECEIVED OF Jerald A. Peterson, RR#1, Box 36A, Bruce, SD 57220  
the following amount in fees for services rendered as provided for by law:

|                                                                                                                        |   |    |
|------------------------------------------------------------------------------------------------------------------------|---|----|
| Fee for Application for Permlt to Appropriate Water No. .... (examination,<br>processing, recording and filling) ..... |   |    |
| Fee for Inspecting Construction, and Issuing Cert. of Constraction No.....                                             |   |    |
| Fee for Inspecting Beneficial Use, and Issuing Water License No.....                                                   |   |    |
| Fee for Issuing Location Certificate-Dry Draw, No.....                                                                 |   |    |
| Fee for filing TRANSFER OF WR#4507-3 .....                                                                             | 2 | 50 |
| Fee for certified copy of .....                                                                                        |   |    |
| Fee for Print copy of map .....                                                                                        |   |    |
| Fee for Certifying .....                                                                                               |   |    |
| Fee for .....                                                                                                          |   |    |
| (any other work as provided by law)                                                                                    |   |    |
| TOTAL                                                                                                                  | 2 | 50 |

WATER RIGHTS COMMISSION

By *John L. L. L.*  
Chief Engineer, Executive Officer

JOHN L. L. L.

No. 4507-3



# Department of Water & Natural Resources

Joe Foss Building

Water Rights Division

Pierre, South Dakota 57501

Phone (605) 773-3352

May 20, 1983

Jerauld A Peterson  
RR #1 Box 36A  
Bruce SD 57220

Dear Mr. Peterson:

Enclosed is receipt No. 4 9249 In the amount of \$ 2.50 which you  
paid for transfer of Water Right No. 4507-3.

Our records now show you as the owner of this Water Right.

Sincerely,

KAREN SCHLAAK  
Administrative Aide

enclosure

WNR-821-7/79

Receipt & Notice of filing of Transfer of Water Right



# Department of Water & Natural Resources

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

Water Rights Division  
605 773-3352

December 30, 1983

3556-3  
4233-3  
4362-3  
4507-3  
4940-3

Jerauld A Peterson  
Rt 1, Box 36A  
Bruce SD 57220

Dear Mr. Peterson:

This will acknowledge receipt of your 1983 Irrigation Questionnaire. In regard to your request for a list of your permits and the lands covered under each, the following is a description of each of the permits.

- Permit No. 3556-3: 302 acres, N $\frac{1}{2}$  Section 8, T112N, R50W  
4.3 cfs - from 2 wells in centers of NW $\frac{1}{4}$  & NE $\frac{1}{4}$  Section 8
- Permit No. 4233-3: 302 acres - N $\frac{1}{2}$  Section 8, T112N, R50W  
(same land and cfs as under Permit No. 3556-3)  
this permit is for 2 additional wells in the E $\frac{1}{2}$  NW $\frac{1}{4}$   
and W $\frac{1}{2}$  NE $\frac{1}{4}$  Section 8
- Permit No. 4362-3: 147 acres - SW $\frac{1}{4}$  Section 8, T112N, R50W  
2.0 cfs - from 2 wells in NW $\frac{1}{4}$  SW $\frac{1}{4}$  & SW $\frac{1}{4}$  SW $\frac{1}{4}$  Section 8
- Permit No. 4507-3: 252 acres - SE $\frac{1}{4}$  Section 17, NW $\frac{1}{4}$  Section 20, T112N, R50W  
3.59 cfs - from 2 wells in NW $\frac{1}{4}$  NW $\frac{1}{4}$  & NE $\frac{1}{4}$  NW $\frac{1}{4}$  Section 20
- Permit No. 4940-3: 156 acres - SE $\frac{1}{4}$  Section 8, T112N, R50W  
2.2 cfs - from 1 well in approximate center of SE $\frac{1}{4}$  Sec 8

If you have any questions or need further information, contact this office.

Sincerely,

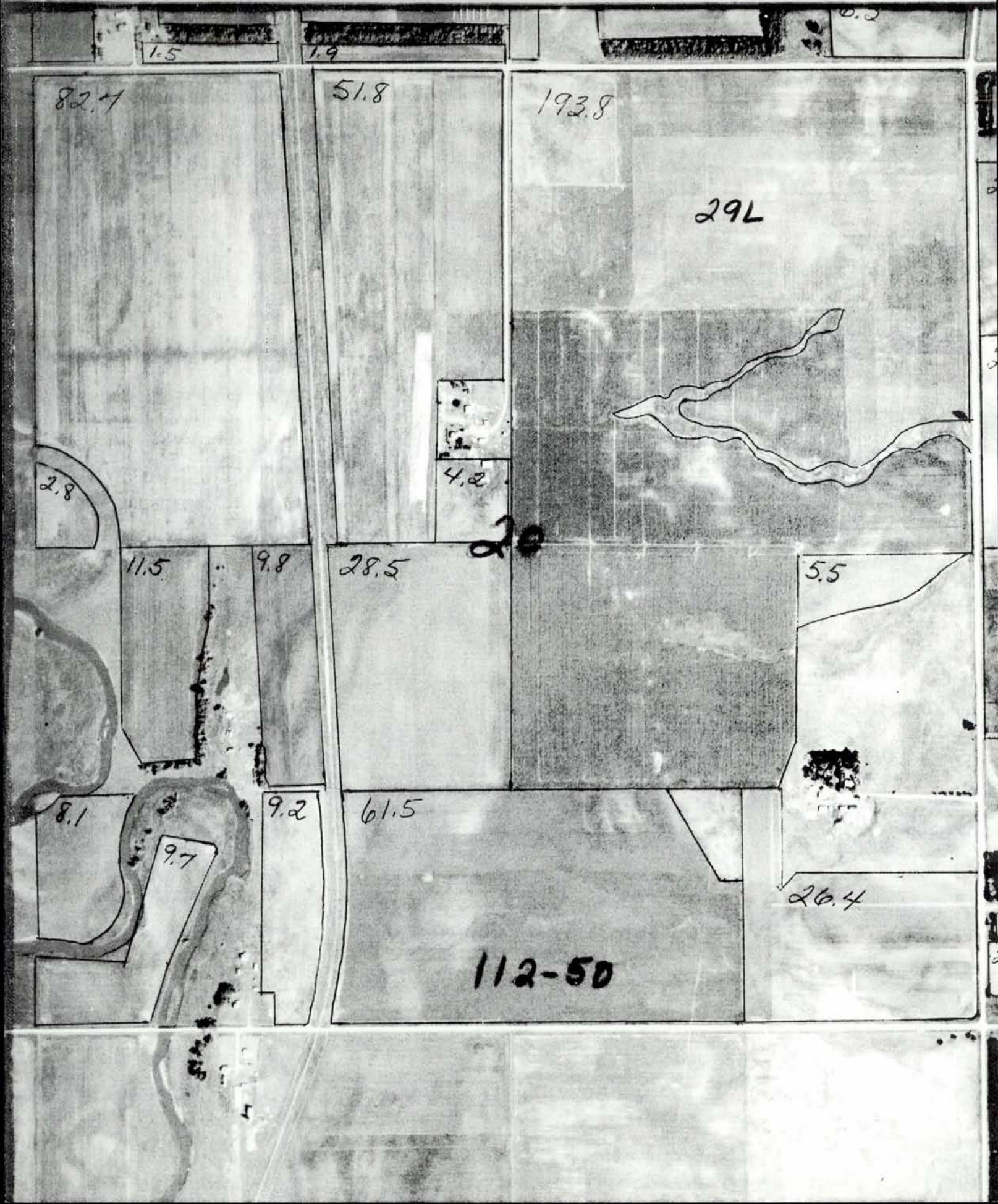
GENNY MCMATH  
Natural Resources Analyst

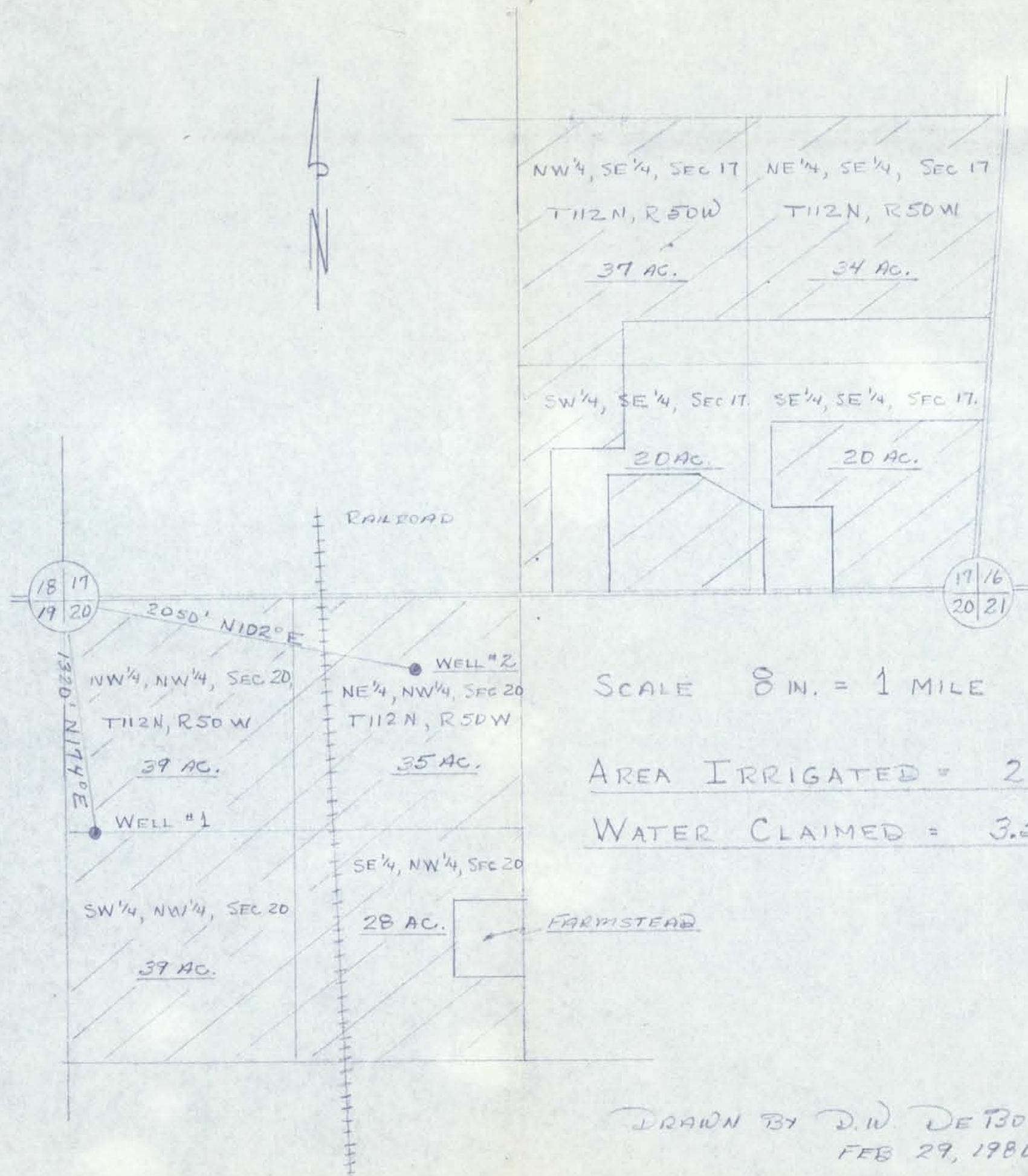
GH:ks

*Equal Opportunity Employer*

NOT TO SCALE

4507-3





# LEE ZOELLNER

## IRRIGATION PROJECT # 1

BROOKINGS COUNTY

### POINTS OF DIVERSION

WELL #1 1320 FT N 174° E

WELL #2 2050 FT N 102° E OF NW  
CORNER SEC 20, T112N, R50W

SCALE 8 IN. = 1 MILE

AREA IRRIGATED = 251 AC

WATER CLAIMED = 3.59 CFS

I, DARRELL W. DEBOER, HEREBY  
CERTIFY THAT THIS MAP IDENTIFIES  
A REASONABLY ACCURATE RECORD OF  
THE LAND OF LEE ZOELLNER  
BRUCE, S.D. BROOKINGS COUNTY

DRAWN BY D.W. DEBOER  
FEB 29, 1980

Darrell W. DeBoer P.E. # 2630  
BROOKINGS, S.D. ~~Map No 37313~~ Appl. 4507-3