

Water Right Number 1076-2

1. Considered May 19, 19 1
2. Name of Applicant William E. Heese
3. Post Office Address Millboro, S.D.
4. Amount of water claimed 5.59
5. Source of water supply ground water, spring creek and a dam
6. Water to be used for irrigation
Acres to be irrigated ~~5559~~ 391.90
7. Water to be diverted and used in Tripp County
about 12 1/2 miles of irrigation
8. Proof of Publication Received 1/23
Not received _____
9. Application Approved _____
Subject to _____
Not approved _____
Action deferred _____

10. Remarks:

Bill Hesse - File Tripp Co.

On Aug 10, 1976 I checked the
spring flow in the creek on the
North side of section 29, T45 N,
R. 76 W. The flow was estimated
at 50 gpm. a short distance,
(700 ft) above the bridge.

The same creek at the south
side of section 29 had a flow
of approx 20 gpm.

LeRoy J McNaugh

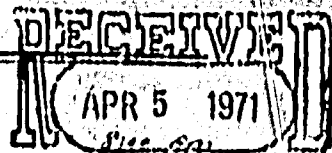
1076-2 Wm E Hesse McNaugh
2/12/16 Valley 7 town 700 ft. 44 acres
in section 31

Valley 7 town 700 ft. 44 acres
in section

Wants to put CP west of present CP in
sec 31.

Wants to put in concrete finish off that part
in N.E. of sec 32.

Wants to put in well P.S. no. 1 on sec 32 about 500 ft
off the road about 400 on the present 4 wells

No. 1076-2Water Division No. 2 KEYAPAH RIVER District
(Blanks to be Filled by the Engineer for the W. R. C.)

STATE WATER RESOURCES BOARD

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

(NOTE—Draw a line through items not applicable.)

1. Name of applicant William E. Haase
Postoffice address Millboro, County Tripp, State S.D.

- I. If a corporation
- (a) Name of same
 - (b) Date and place of incorporation
 - (c) Amount of capital stock
 - (d) Amount paid in
 - (e) Names and addresses of directors

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

- (a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)
Contract & Direct Labor
- (b) Cash on hand, \$ Adequate (c) Treasury stock, \$
- (d) Bonds to be issued, \$ (e) Other resources, \$

2. Name of diversion work Haase Irrigation Project
3. Amount of water claimed 5.59 cubic feet per second
4. Source of water supply Ground water, and Spring Creek and dam
5. Location of point of diversion See attachment
_____ on _____ bank Tripp County.
6. Annual period or periods during which water is to be used April 1st through November 1st
7. To be used for:

I. Irrigation or domestic use; Gravity, overhead sprinkling or combination system? Sprinkler

(a) Number of acres to be irrigated 391.2 acres.

(b) Legal subdivisions to be irrigated See attachment

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

(c) Statement as to domestic use (giving location, etc.)

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

- (a) Nature of use _____
Name any of the above uses claimed
- (b) Amount of power to be generated _____ horse power.
Amount claimed for engine cooling _____
- (c) Location of plant _____
- (d) Method of developing power _____
- (e) Point where water will be returned to stream _____

See Maps 459-2, 460-2, 461-2, & 462-2

LANDS TO BE IRRIGATED BY REESE IRRIGATION PROJECT

All in T95N, R76W

FROM GROUND WATER AND DAM

	<u>Section</u>	<u>Acres</u>
Lot 1	31	42.3 -
NE½ NW½	31	40.0 -
NW½ NE½	31	19.6 -
Lot 2	31	42.2 -
Lot 4	31	11.6 -
Lot 5	31	36.8 -
Lot 6	31	6.2 -
W½ SE½ NW½	31	14.6 -
Lot 3	31	35.8 -
Lot 4	31	24.8 -
Lot 3	32	9.5 -
Lot 4	32	40.5 -

FROM SPRING CREEK

NW½ NW½	32	20.8 -
NE½ NW½	32	17.6 -
NW½ NE½	32	29.6 -

Total 391.9

XXXXXXXXXX

DIVERSION POINTS

From Spring Creek: 1240 ft., S75° 0' East of NW Corner, Section 32, T95N, R76W.

From 5 acre feet dam: 2231 feet South and 1901 feet east of NW Corner Section 31, T95N, R76W.

- Well No. 1: 400' N. and 330' W of SE Corner, Section 31, T95N, R76W
- Well No. 2: 280' N. and 290' E of SW Corner, Section 32, T95N, R76W
- Well No. 3: 70' N. and 710' E of SW Corner, Section 32, T95N, R76W
- Well No. 4: 900' N. and 900' E of SW Corner, Section 32, T95N, R76W
- Well No. 5: 300' N. and 90' E of SW Corner, Section 32, T95N, R76W

8. Estimated cost of work:

(a) Head Gates, \$.....

(b) Pumping plant, \$.....

(c) Fluming, \$.....

(d) Canal-earth, \$.....

Rock, \$.....

(e) Other structures \$.....

Total, \$.....

9. Description of diversion work:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

Dam, Pumping plant, Pipe, and Dam

II. Dimensions of works.

(a) Dam: Height 30 feet; length at bottom 100 feet; length at top 320 feet; thickness at bottom 190 feet; thickness at top 12 feet; slope at front water face 1:1; slope at back face 2:1; material used in construction Earth Fill

(b) Reservoir: Capacity when filled 15 acre feet. Surface area at highwater mark 1.5 acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	FEET	ACRE-Feet CAPACITY

(c) * Head gate: Width feet; height feet;
Material

(d) Canal: Total length miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work 5 years.

11. Time required for complete application of water to the proposed beneficial use 4 years.

12. Choice of newspaper for publication of notice of intention to appropriate

Winner Advocate

STATE OF SOUTH DAKOTA

County of Hughes } ss.

I, William E. Heese, 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, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed William E. Heese

Subscribed and sworn to before me this 2nd day of April 1921

Betty Williamson
Notary Public (or other qualified officer.)

John. Assit, W. R. C.

*Each diversion must have a headgate or measuring device.

Remarks by State Water Resources Commission:

LOW FLOWS OF SPRING CREEK AS NEEDED FOR
DOWNSTREAM DOMESTIC USE, INCLUDING LIVESTOCK
WATERING, AND PRIOR WATER RIGHTS MUST BE
BY-PASSED.

STATE OF SOUTH DAKOTA
County of HUGHES ss.

Pierre, South Dakota, JUNE 9, 1971.

This is to certify that the foregoing application was received by the Commission at 8:00 o'clock
a.m. upon the 5TH day of APRIL, 1971.

State Water Resources Commission

By:

[Signature]
Chief Engineer, Executive Officer

Number of permit 1076-2

Date of first receipt of application APRIL 5, 1971.

Date of return to applicant for correction, amendments or changes required as follows: —, 19—.

Date of receipt of corrected application —, 19—.

Date from which applicant may claim right APRIL 5, 1971.

Approved MAY 19, 1971, Recorded in Book 12 Page 2

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before NOVEMBER 19, 1978.

2nd. The whole of said work is to be completed on or before MAY 19, 1976.

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is

MAY 19, 1980

4th. The water appropriated shall be used for the purpose of IRRIGATION.

5th. 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.

6th. 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 system of diversion works, nor the least amount of water that experience may hereafter indicate is necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must 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 19, 1980, said water to be used during the following described annual period:

APRIL 1 THRU NOVEMBER 1

Witness my hand this 8TH day of JUNE, 1971.

State Water Resources Commission

By:

[Signature]
Chief Engineer, Executive Officer

Certificate of Construction Issued —, 19—.

Water License Issued —, 19—.

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

No. 1076-2

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Trepp) ss.

I, W. L. Johannson hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Winnipeg Advocate.

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

Winnipeg Advocate of Winnipeg, S. Dak.

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

April 15, 1971

April 22, 1971

April 29, 1971

May 5, 1971

W. L. Johannson
(Signature)

Publisher
(Title)

May 8, 1971
(Date Signed)

NOTICE No. 1076-2 NOTICE
INTENT TO APPROPRIATE WATER
Pierre, South Dakota 57501
April 6, 1971
Notice is hereby given that William E.
Heese whose post office address is Mullboro,
South Dakota has made an application in
accordance with the provisions of the water
laws of South Dakota for a permit to ap-
propriate for beneficial use 5.57 cubic feet of
water per second of flow from ground water
Spring Creek and a dam through the Heese
Irrigation Project, the point of diversion of
which is to be located from ground water at 4
points in Lot 4, Section 32, and one point in
Lot 3, Section 32, from a dam in Lot 5,
Section 31 and from Spring Creek and a point
in the NE 1/4 NW 1/4 of Section 32, Twp. 75N,
Range 76W. Said water is to be used for the
purpose of providing irrigation on portions
of the following described land: Lots 1, 2, 3,
4, 5 and 6, E 1/2 NW 1/4 NW 1/4 NE 1/4 Section
31; Lots 3 and 4, NW 1/4 NW 1/4 and NW 1/4 NE 1/4
Section 32; all in T75N, R76W, S32.
This application No. 1076-2 will be con-
sidered by the Water Resources Commission
at their office at Pierre upon the 17th day of
May, 1971, at 3:00 p.m. All interested per-
sons may appear and be heard.
WATER RESOURCES COMMISSION
By: Burton F. Jones
BURTON F. JONES, Water Rights
Specialist (15-18)

RECEIVED
JUN 2 1971

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

1076-2

Publish first publication, on or before April 22, 1971NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

April 6, 1971Notice is hereby given that William E. Heese

whose post office address is Millboro, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 5.59 cubic feet of water per second of time from the a dam through the Heese Irrigation Project, the point of diversion of which is to be located xxxxx from ground water at 4 points in Lot 4, Section 32, and one point in Lot 3, Section 31; from a dam in Lot 5, Section 31 and from Spring Creek and a point in the NE 1/4 NW 1/4

of Section 32, Twp. 95N, Range 76W. Said water to be used for the purpose of providing irrigation on portions of the following described land:
Lots 1, 2, 3, 4, 5 and 6, E 1/2 NW 1/4, NW 1/4 NE 1/4, Section 31; Lots 3 and 4, N 1/2 NW 1/4 and NW 1/4 NE 1/4, Section 32, all in 95N, R76W

This application No. 1076-2 will be considered by the Water Resources Commission at their office at Pierre upon the 19th day of May, 1971, at 2:00 P. M. All interested persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON F. JONES, Water Rights Specialist

cc: William E. Heese Millboro, S.D. 57554

SOUTH DAKOTA
Water Resources Commission

STATE OFFICE BUILDING
PIERRE, SOUTH DAKOTA
57501

June 8, 1971

Mr. William E. Heese
Millboro
South Dakota 57554

Dear Mr. Heese:

Enclosed herewith is your Water Right Permit No. 1076-2 as approved by the Water Resources Commission, authorizing you to construct your water diversion system and apply the water to beneficial use, not exceeding the limits as specified in said Water Right Permit No. 1076-2.

Also enclosed is Form No. 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Water Resources Commission when you have completed the system and/or have put the water to beneficial use. The Commission can then schedule an inspection so that your Certificate of Construction and/or your Water License may be issued to you, thus completing your acquisition of a water right.

Respectfully,

WATER RESOURCES COMMISSION

By:

J.W. GRIMME, Executive Officer

JWG/BJJ/bw
Encl: As stated

P.S. As was discussed with you, approval of this Permit cancels and replaces Permits Nos. 448-2, 449-2, 450-2 and 451-2.

Re: 1236-2
1076-2

July 13, 1976

Mr. John Simpson
Attorney
138 East 3
Winner, SD 57580

Dear Mr. Simpson:

This will confirm our telephone conversation July 13, 1976, and your request that Mr. Kenneth Borber and Mr. William Hesse, irrigators south of your clients Mr. Lawrence Jerred and Mr. Bernard Foster, shut off their irrigation wells to see if the flow in the Spring Creek returns.

Based upon our field investigation of June 17, 1976, we do not believe there is enough justification to shut these two irrigators off at this time.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Commission

JH:nlm

SOUTH DAKOTA
Department of Resource Development

1076-2, 1236-2 & 1259-2

WATER RIGHTS COMMISSION

John F. Jones, Water Rights Specialist, Pierre, South Dakota 57501
Phone 605/224-3151

March 11, 1976

John J. Simpson
P.O. Box 1712
Winner, South Dakota 57580

Dear Mr. Simpson:

Reference is made to your letter regarding Mr. Bernard Foster's water problem. We are committed to go down and make a further investigation of this area as soon as time permits, and prior to the coming irrigation season if possible.

Per your request, I am enclosing a copy of the Permits as issued to Mr. Sorber and Mr. Heese.

A member of the Commission Staff will contact you at the time of the investigation. Please accept our apologies for the tardy answer.

Sincerely,

BURTON F. JONES
Water Rights Specialist

BFJ/ew
Encl: as stated

original ltr filed in 1259-2



Department of Water & Natural Resources

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

April 12, 1985

William F. Heese
SR. Box 8
Millboro SD 57554

Notice

Re: Violation of Requirement To Submit 1984 Irrigation Questionnaire

Our records indicate that the 1984 Irrigation Questionnaire has not been submitted for Permit No(s) 1076-2. The request for the Questionnaire was dated October 17, 1984. The Water Management Board has directed that owners of water permits who have not submitted 1984 Irrigation Questionnaires 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 10:30 a.m., May 15, 1985 in the Civil Defense Room, State Capitol Building, Pierre, South Dakota.

The hearing will be conducted pursuant to the provisions of SDC 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 SDC 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s) 1076-2 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.

Sincerely,

John Hatch
John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 773-3352

NOTE: If the questionnaire(s) is received in this office before the May 15th hearing date, your name will be deleted from the agenda for the hearings.



Department of Water & Natural Resources

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

June 12, 1985

Notice of Amendment to Water Permit(s)

TO: William E. Hoese
St. Rt., Box 8
Millboro, SD 57554

FROM: John Hatch, Chief Engineer
Water Rights Division 773-3352

SUBJECT: Amendment to Water Permit No(s). 1076-2.

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 1076-2 to add the following qualification:

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

The addition of this qualification to your Permit means that failure to submit the required Irrigation questionnaire in the future could result in suspension of the water permit and no use of water for up to one year for the first violation. Please include the enclosed attachment with your permit.



Department of Water & Natural Resources

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

Attachment to Water Permit No(s). 1076-2

"Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 1076-2 to add the following qualification:

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

**Department of
Water & Natural Resources**

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

May 16, 1986

NOTICE OF ONE YEAR SUSPENSION OF WATER PERMIT

TO: William Heese
SR Box 8
Millboro SD 57554

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352

*John Hatch
by Del Boy*

SUBJECT: One Year Suspension of Water Permit No(s). 1076-2
If the 1985 Irrigation Questionnaire Is Not Received By
June 1, 1986

Pursuant to the provisions of the notice dated March 26, 1986 and following the hearing May 14, 1986, the Water Management Board ordered:

That Water Permit No(s). 1076-2 be suspended until December 31, 1986, unless the required 1985 Irrigation Water Use Questionnaire is received by June 1, 1986.

Suspension of a permit means water may not be pumped during the 1986 irrigation season. Decisions of the Board may be appealed to the Circuit Court and the Supreme Court as provided by law.

Equal Opportunity Employer

South Dakota
Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181
May 26, 1986

Permit No. 1076-2

William Heese
% Marlene Sloan
Millboro SD 57654

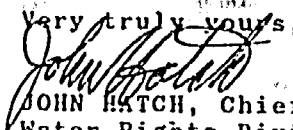
Dear Ms. Sloan:

I am writing to acknowledge receipt of your 1985 Irrigation Questionnaire. A notice was sent to you May 16, 1986 regarding the Board action taken May 14, 1986 to suspend your permit(s) if the 1985 irrigation questionnaire was not received before June 1, 1986.

You may disregard the May 16 notice. With receipt of your 1985 questionnaire(s), your permit(s) will not be suspended.

If you have any questions, please contact us.

Very truly yours,


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

SOUTH DAKOTA
Department of
Water & Natural Resources

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

March 23, 1987

MARLENE SLOAN
SR BOX 12
MILLBORO, SD 57554

NOTICE

Re: Violation of Water Permit No(s). 1076-2

Our records indicate that the 1986 Irrigation Questionnaire has not been received for Permit No(s). 1076-2. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 1076-2 qualification:

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

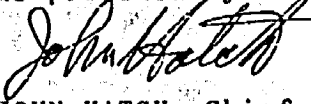
The hearing(s) will be at 2:00 pm, May 6, 1987, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

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

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

1. Suspend Permit No(s). 1076-2 until either the 1986 Questionnaire is submitted or for a period of up to one 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.


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

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

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

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

May 11, 1987

1076-2

Marlene Sloan
SR Box 12
Millboro, SD 57554

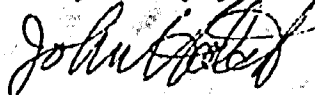
Dear Mrs. Sloan:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaire. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit No. 1076-2 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Your questionnaire was received prior to the May 6, 1987 Water Management Board Meeting and was no longer considered to be in violation. Your name was deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,



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

NOTE: Mrs. Sloan, Water Permit No. 1076-2 has not been licensed due to lack of a \$50.00 fee. Also, the permit has not yet been transferred from Mr. William Heese to your name due to lack of the filing of a "Notice of Transfer" and a \$2.50 filing fee. Please contact this office so these matters can be cleared up.

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

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

February 8, 1989

DALR HEESE & MARLENE SLOAN
SR BOX 12
MILLBORO, SD 57554

NOTICE

RE: Violation of Water Permit No(s). 1076-2

Our records indicate that the 1988 Irrigation Questionnaire has not been submitted for Permit No(s). 1076-2. 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 permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s). 1076-2 qualification:

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

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

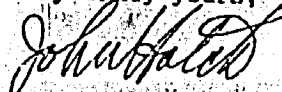
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Suspend Permit No(s). 1076-2 until the 1988 Irrigation Water Use Questionnaire is submitted or for a period of up to one 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, you will no longer be in violation of your permit and 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

February 23, 1989

1076-2

Dale Heese & Marlene Sloan
SR Box 36
Millboro, SD 57554

Dear Mr. Heese & Ms. Sloan:

I am writing to acknowledge receipt of your 1988 irrigation questionnaire for Water Permit No. 1076-2. You may disregard the February 8, 1989, Notice of failure to submit the 1988 irrigation questionnaire. With receipt of the questionnaire your name has been deleted from the March Water Management Board meeting agenda.

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

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

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

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 1076-2

September 7, 1984

William E. Heese
Millboro, South Dakota 57554

Dear Mr. Heese:

The inspection of your water use system and inspection of the extent of the application of water to beneficial use, as developed under your Water Right No. 1076-2 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.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until this \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Maxine Stirling
Staff Assistant;

ms/

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

A well log is needed for each of your wells before this water license can be issued. If you do not have copies of the logs, try checking with your well driller, he may still have copies of the logs. If possible, submit the logs when remitting the license fee. Thank you.

DWNR-814 8/83

January 29, 1985

STANDARD NOTICE
Permit No. 1076-2

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

William B. Heere
Billboro, SD 57554

Dear Mr. Heere:

September 7, 1984 you were notified the final inspection fee of \$50.00 is due before Water License No. 1076-2 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. This is the final document 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.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the License fee has been paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 773-3352

ES008.JR

PLEASE NOTE: A well log is needed for each of your wells before this water license can be issued. If you do not have copies of the logs, try checking with your well driller, he may still have copies of the logs. If possible, submit the logs when remitting the license fee. Thank you.

1076-2

PS Form 3811, Dec. 1980

● **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space
on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
☐ Show to whom and date delivered
☐ Show to whom, date, and address of delivery..
2. ☐ **RESTRICTED DELIVERY**
(The restricted delivery fee is charged in addition to
the return receipt fee.)

TOTAL \$

3. **ARTICLE ADDRESSED TO:**
Wm E. H. Lee
Millboro, SD 57554

4. **TYPE OF SERVICE:**
☐ REGISTERED ☐ INSURED
☐ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER
P404786 543

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent
Maureen Sloan

5. **DATE OF DELIVERY**
1-30-85

POSTMARK

6. **ADDRESSEE'S ADDRESS (Only if requested)**

7. **UNABLE TO DELIVER BECAUSE:**

7a. **EMPLOYEE'S INITIALS**
S.L.

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

Water Rights Division
605 773-3352

THIRD NOTICE
Permit No. 1076-2

July 8, 1985

NOTICE OF ORDER TO STOP DIVERTING WATER
UNDER PERMIT NO. 1076-2 FOR FAILURE
TO SUBMIT WATER LICENSE INSPECTION FEE

William E Heese
Millboro SD 57554

Dear Mr. Heese:

September 7, 1984 and January 29, 1985 you were notified the final inspection fee of \$50.00 is due before Water License No. 1076-2 can be issued. To date, the fee has not been received.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the License fee has been paid. Pursuant to SDCL 46-2-17 and 46-2-18, you are ordered to stop diverting any water authorized by Permit No. 1076-2 until the \$50.00 fee is paid.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

PS Form 3811, Dec. 1950

• **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).

☒ Show to whom and date delivered —c
☐ Show to whom, date, and address of delivery.. —c

2. ☐ **RESTRICTED DELIVERY**
(The restricted delivery fee is charged in addition to the return receipt fee.) —c

TOTAL \$

3. ARTICLE ADDRESSED TO:

*Wm. Hulse
Millboro 57554*

4. TYPE OF SERVICE:

☐ REGISTERED ☐ INSURED
☐ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER

P404 786 643

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

Maileene Hulse

DATE OF DELIVERY

1-9-85

POSTMARK

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

S.W.

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

1076-2

WATER RIGHTS DIVISION
(605) 773-3352

May 21, 1986

Marlene Sloan
Star Route, Box 12
Hillboro, South Dakota 57554

Dear Ms. Sloan:

In reference to our telephone conversation of May 19, 1986, enclosed is a "Notice of Transfer" for Water Permit No. 1076-2. Also enclosed is a copy of Water License No. 1260-2 listed in the name of Beverly Burnham.

The transfer notice has been partially completed. Please check over the form, complete where necessary, and sign in the presence of a notary public. Return the completed form to our office with a required filing fee of \$2.50.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

In checking through Water Permit No. 1076-2 I note that an inspection of the water use system for licensing purposes was conducted August 22, 1984. The license was ready to be issued upon receipt of a \$50.00 fee. This fee is required by Statute for inspection and issuance of the Water License.

Mr. Heese was notified several times of the requirement to remit the \$50.00 inspection fee. I have enclosed copies of the notices sent to him. After our telephone conversation, I can understand why the fee was never remitted.

At this time, the \$50.00 is still needed before Water License No. 1076-2 can be issued. Please remit this amount as soon as possible. As stated in the notices water cannot be diverted until the license fee has been paid.

If you have any questions, please contact our office.

Sincerely,

Genny McMath
Natural Resources Analyst

GM:ms
Enc.

A circular ink stamp from the Division of Water Rights in Pierre, South Dakota. The text "JUL 1983" is at the top, "DIVISION OF WATER RIGHTS" is in the middle, and "Pierre, SD" is at the bottom. The stamp is slightly tilted and has some wear.

S. D. Dept. of Water & Natural Resources
Water Rights Division
Joe Foss Building
523 E. Capitol
Pierre, S. Dak. 57501-3181

Enclosed please find notice of transfer of water permit from William Reese to Harlowe Sloan and Dale Reese, a copy of the well logs, and 2 checks in the amount of \$26.25 each for a total of \$52.50.

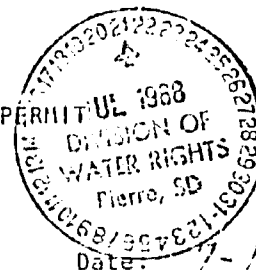
\$50.00 as required for the issuance of the final water licence and \$2.50 for the transfer.

Sincerely,

Marlene Sloan

NO. 1076-2

NOTICE OF TRANSFER OF WATER PERMIT



TO: Water Rights
Foss Building
Pierre, SD 57501

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

391.9 Acres - Lots 1, 2, 3, 4, 5 & 6, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 31;

Lots 3 & 4, N $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 32. T95N, R76W

formerly owned by William Heese

has been transferred to Marlene Sloan " Dale Heese. Millboro, SD 57564
(please include complete mailing address)

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

Water Right Permit No. 1076-2 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 Div. 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 Tripp) ss.

I, Marlene Sloan 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.

Marlene Sloan
(Signed)

Subscribed and sworn to before me this 18 Day of July, 1988.



Patricia L. Strand
(Notary Public)

Chase Well Drilling, Inc.

AINSWORTH, NEBRASKA 68210

PHONE 337-1800 1929



Drilled for Bill Hasse Millboro, So. Dak. Date 2/23/1970

Hole No. 1 (static water level - 12 ft.)

0	-	3	Sandy loam
3	-	30	Fine sand
30	-	40	Magnesium and clay layers
40	-	50	Magnesium and clay
50	-	55	Clay layers and sand
55	-	60	Sandy clay and fine sand
60	-	70	Magnesium and clay
70	-	80	Clay and thin layers of yellow chalk
80	-	100	Clay - Blue shale

Hole No. 2 (static water level - 8 ft.)

0	-	3	Sandy loam
3	-	10	Fine sand
10	-	54	Medium to fine sand
54	-	100	Redrock and magnesium

Hole No. 3 (static water level - 11 ft.)

0	-	2	Sandy loam
2	-	56	Fine sand
56	-	62	Loose magnesium
62	-	80	Magnesium and redrock layers

LICENSE FOR PERMIT NUMBER 1076-2

1. Legal location of wells: Well #1 - 230' E & 500' N, #2 - 600' E & 215' N
#3 - 1075' E & 800' N, #4 - 530' W & 550' N of SW Corner
dams & structures: Section 32-T95N-R76W
2. Well Information: Well Drilling Firm Chase Well Drilling
No. of wells 4 Depth See Well Log
Casing a) diameter 16 inch Screen a) type Steel
b) length Varies b) length 40 ft
c) type Steel Static Water Level 8 to 12 feet
Pump a) make Westinghouse Motor a) make 6 cyl Chrysler diesel
Well #1 b) model No. 45-101150 b) model no. HA 225-621
c) size _____ c) horsepower rating _____
d) capacity 750-800 GPM d) motor efficiency rating _____
e) turbine pump no. of stages _____
3. Distribution lines:
a) size of lines 4" & 6"
b) type Rigid PVC
c) length 6300 ft
4000' - 6" from Well #1 to pivot
2300' - 4" from other wells to Well #1
4. Dam information:
a) height to crest _____
b) height to spillway _____
c) crest width _____
d) crest length _____
e) spillway length _____
f) spillway width _____
g) approx. storage _____
h) Distribution lines or canals:
1) size _____
2) type _____
3) length _____
i) Outlet tubes:
1) diameter _____
2) type _____
3) valued (Y/N) _____
4) valve type _____
5) location on structure _____
5. System Type a) sideroll:
1) length _____ feet
2) diameter of pipe _____
3) make, model & number of sprinklers _____
4) spacing of sprinklers _____
5) nozzle size _____
b) towline:
1) length _____ feet
2) make, model & number of sprinklers _____
3) spacing of sprinklers _____
4) nozzle size _____

System Type: c) center pivot

- 1) make _____
- 2) number of towers _____
- 3) distance between towers _____
- 4) overall length _____
- 5) End gun (Y/N) _____
- 6) High or low pressure _____
- 7) make & size of nozzles _____
- 8) PSI reading while system is running _____
- 9) GPM _____

g) Gun

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____
- 6) hose size _____
- 7) hose length _____

d) Gate Pipe

- 1) length: _____
- 2) diameter _____
- 3) spacing of gates _____

e) Siphons

- 1) number _____
- 2) size _____

f) Portable boom

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____

h) Hydromatic

- 1) make _____
- 2) model _____
- 3) serial number _____
- 4) length _____
- 5) nozzle size _____
- 6) spacing _____
- 7) PSI _____
- 8) capacity (GPM) _____

YES NO

Check Items

X _____

1. Soil and water permit lands agree with lands being irrigated and lands listed on permit.

X _____

2. Special Qualifications to permit being abided by.

X _____

3. All Structures, wells and lands on map.

REMARKS:

Note: Spring Creek diversion & Storage dam specified on the application were not developed.

Enr

Permit No. 1076-2Kayapaha River Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

TO: Chief Engineer, Division of Water Rights, DWR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by William E. Heese of Millboro, SD holder ofPermit No. 1076-2, bearing the priority of April 5, 1971 authorizing the diversion of 5.59 cu. ft. per second of the waters of Groundwater & Spring Creek* for Irrigation purposes, in Tripp County.

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

- A. Works used to divert the water: 4 Worthington Pumps
1 6 cyl. Chrysler diesel motor
1 3 Hp Baldon Elec. motor
1 5 Hp Dayton Elec. motor

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

4000 ft. : 6" Buried PVC pipe
2300 ft. : 4" Buried PVC pipe

C. Works used to apply water to beneficial use:

6 tower Valley Center Pivot
7 tower " " " "
Good

The system is in the following condition GoodThe point of diversion is located Well #1 - 230' E. & 500' N., #2 - 600' E. & 215' N., #3 - 1075' E. & 800' N., #4 - 530' W. & 550' N. of SW Corner Sec. 32-T9N-R76WThe works are capable of diverting and conveying to the place of use 1.63 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:

Lot 4 Sec. 32-T9N-R76W - 32 Acres
Lot 3 Sec. 31-T9N-R76W - 19 Acres
Lot 4 " " - 27 Acres
Lot 5 " " - 36 Acres

comprising a total of 114 acres of land and the license should be issued for 1.63 cfsApplicable permit qualifications have been complied with X Yes NoExceptions to compliance are: No well logs available Date August 22, 1984

*Only the groundwater sources was developed.

(signature)

Timothy H. Schaefer

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 1076-2

(1) William E. Heese of Millboro SD 57554 made Application No. 1076-2, April 5, 1971 for a water permit to appropriate 5.59 cubic feet of water per second from groundwater (5 wells), Spring Creek and a dam in Tripp County, South Dakota for irrigation purposes. Permit No. 1076-2 with a priority date of April 5, 1971 was approved May 19, 1971 and issued to applicant(s) for diversion of water with construction of the described water supply system to be completed on or before May 19, 1976 and for the application to beneficial use of said water on or before May 19, 1980.

On July 21, 1988, Water Permit No. 1076-2 was transferred to Marlene Sloan and Dale Heese, Millboro, South Dakota.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.63 cubic feet of water per second for beneficial use. The location of the diversion points are: Well #1 - 230'E and 500'N; Well #2 - 600'E and 215'N; Well #3 - 1075'E and 800'N; Well #4 - 530'W and 550'N; all from the SW corner of Section 32, T95N, R76W.

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

T95N, R76W	Section 32	Lot 4	32	acres
	Section 31	Lot 3	19	"
		Lot 4	27	"
		Lot 5	36	"

TOTAL 114 acres

(4) Pursuant to Section 46-5-30.1 Marlene Sloan and Dale Heese of SR Box 12, Millboro SD 57554 the holder(s) and/or owner(s) of Water Permit No. 1076-2 is issued a license to appropriate water, the right to use 1.63 cubic feet of water per second from groundwater (four wells) with a priority date of April 5, 1971 from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 1076-2 and subject to South Dakota State Law.



JOHN HATCH, Chief Engineer
Water Rights Division
Department of Water and Natural
Resources

SEP 14 1989

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, July 21, 1988

RECEIVED OF Dale Heese, Sr, Box 36, Hillboro, SD 57551

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. 1076-2 1/2 fee *	25	00
Fee for Filing Transfer Form Permit No. 1076-2 1/2 fee *	1	25
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____ (Any Other Work Provided by Law)		
Total	26	25

Remainder of fee paid by Marlene Sloan

By John Hatch
Chief Engineer JOHN HATCH (RIS)

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, July 21, 1988

RECEIVED OF Marlene Sloan, SR Box 12, Hillboro, SD 57554

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. 1/2 fee for #1076-2 *	25	00
Fee for Filing Transfer Form Permit No. 1076-2 1/2 fee *	1	25
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____ (Any Other Work Provided by Law)		
Total	26	25

*remainder of fee paid by Heidi & Dale Heese

By John Hatch
Chief Engineer JOHN HATCH (RIS)

 **Department of
Water & Natural Resources**

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

SEP 14 1989

1076-2

Marlene Sloan and Dale Heese
SR, Box 12
Millboro SD 57554

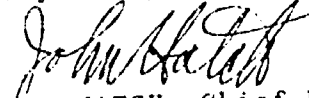
Dear Ms. Sloan and Mr. Heese:

Enclosed is Water License No. 1076-2. This is the final water right document completing your process of obtaining a Water Right. Enclosed are your receipts for the transfer and the inspection and issuance of the Water License (\$26.25 each).

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 1076-2, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Very truly yours,


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

enclosures





1076-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

DALE HEESE
HCR 88 BOX 36
MILLBORO SD 57580-7417

NOTICE

RE: Violation of Water Permit No(s) 1076-2, 1236-2 & 2167-2

Our records indicate that the 1993 Irrigation Questionnaire has not been submitted for Permit No(s) 1076-2, 1236-2 & 2167-2. 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 permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 1076-2, 1236-2 & 2167-2 qualification:

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

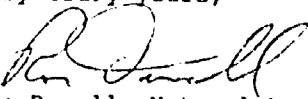
The hearing will be held at 8:45 am, April 6, 1994, at the Golden Hills Resort, 900 Miners Ave, Lead, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit 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) 1076-2, 1236-2 & 2167-2 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 April 1, 1994, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,


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



1076-2

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

March 9, 1994

NOTICE

TO: DALE HEESE
HCR 88 BOX 36
MILLBORO, SD 57580-7417

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: 1076-2, 1236-2 & 2167-2,

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.
 2595-2 & 4379-3: James B. Zell, Rt 1, Box 350, Cavour, SD 57324.
 4687-3A & 4687-3B: James L. Sutton, Box 33, Onida, SD 57564.
 5203-3: Jeffery O. & Sally J. Nelson, RR 2, Box 2080, Brandon, SD 57005-9606.
 475-2 & 1114-2: John Pitkin, Rex Ranch, Box 92, Nenzel, SD 69219.
 961-3, 1050-3, 1120-3 & 1223-3: Kevin Dettler, HC 71, Box 29, Doland, SD 57436.

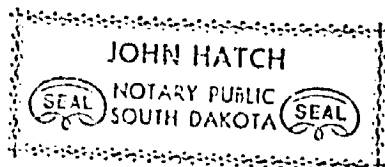
4524-3 & 4524-3A: Leon Lengkeek, 1605 Buffalo TR, Brookings, SD 57006.
 4413-3: Lonnie H. Nelson, RR 2, Box 156, Yankton, SD 57073.
 5010-3: Loren & Joyce Forrest, RR 1, Box 213, Laverne, MN 56156.
 156-3, 157-3, 164-3 & 1878-3: Marene Flyger, Box 362, Hurley, SD 57036.
 2242-3: Mark Quam, RR 2, Box 456, Elk Point, SD 57025.
 1523-2 & 1525-2: May & Sons, Inc., HC 53, Box 21, Interior, SD 57750.
 3550-3: Melvin A. Schmidt, Rt 2, Box 127, Parker, SD 57053.
 1714-2 & 2063-2, 400-2 & 401-2: Melvin E. Brassfield, Box 24, Caputa, SD 57725.
 5353-3: Michael A. Koslowski, 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 Smeenk, Rt 1, Box 134, Newell, SD 57760.
 399-2: Thomas & Robin Jagow, HC 56, Box 39, Buffalo Gap, SD 57722.
 5225-3: Town of Pollock, Lila Renner, F.O., P.O. Box 57, Pollock, SD 57648-0057.
 925-1: Warren N. Golliher, RR 1, Box 237D, Spearfish, SD 57783.
 897-2: Wilbert & Judith Ohlmann, HCR 69, Box 663, Midland, SD 57552.
 1402A-2: William & James O'Kief, HC 68, Box 32, Wood Lake, NE 69221.
 4646A-3: William A. Stoddard, 821 S. Walts Ave., Sioux Falls, SD 57104.

Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
 COUNTY OF HUGHES)

Sworn to, before me, this 10th day of March, 1994.



John Hatch
Notary Public

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

1076-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3191

March 16, 1994

1076-2
1236-2
2167-2

Dale Heese
HCR 88 Box 36
Millbro, SD 57580-7417

Dear Mr. Heese:

I am writing to acknowledge receipt of your 1993 irrigation questionnaires. You may disregard the February 16, 1994, Notice of Violation of Water Permit Nos. 1076-2, 1236-2 and 2167-2.

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



1076-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 1995

DALE HEESE
HCR 88 BOX 36
MILLBORO SD 57580 7417

NOTICE

RE: Violation of Water Permit No(s) 1076-2, 1236-2 & 2167-2.

Our records indicate that the 1994 Irrigation Questionnaire has not been submitted for Permit No(s) 1076-2, 1236-2 & 2167-2. 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 permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 1076-2, 1236-2 & 2167-2 qualification:

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

The hearing will be held at 9:30 am, March 8, 1995 in the Crown Room, 3rd Floor, Kings Inn Best Western Convention Center, 200 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. 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) 1076-2, 1236-2 & 2167-2 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 3, 1995, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

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

Is your RETURN Address completed on the reverse side?

SENDER: • Complete items 1 and/or 2 for additional services. • Complete items 3, and 4a & d. • 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: DALE HEESE HCR 88 BOX 36 MILLBORO, SD 57580 7417		4a. Article Number P757566311	
		4b. Service Type ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail ☐ Return Receipt for Merchandise	
		7. Date of Delivery 2-10-95	
5. Signature (Addressee) Dale Heese		8. Addressee's Address (Only if requested and fee is paid)	
6. Signature (Agent)			

Thank you for using Return Receipt Service.



1076-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 27, 1995

1076-2 ✓
1236-2
2167-2

Dale Heese
HCR 88 Box 36
Millboro, SD 57580-7417

Dear Mr. Heese:

I am writing to acknowledge receipt of your 1994 irrigation questionnaires. You may disregard the February 7, 1995, Notice of Violation of Water Permit Nos. 1076-2, 1236-2 and 2167-2.

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

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:

DALE HEESE
HCR 88 BOX 36
MILLBORO SD 57580 7417

1076-2

4a. Article Number

P378 081 438

4b. Service Type

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

7. Date of Delivery

2-5-97

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

Received By: (Print Name)

Signature: (Addressee or Agent)

X Vanna Heese
orm 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service



1076-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 4, 1997

NOTICE

TO: DALE HEFSE, HCR 88 BOX 36, MILLBORO, SD 57580 7417

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

SUBJECT: Violation of Water Permit No(s). 1076-2, 1236-2 & 2167-2

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 1076-2, 1236-2 & 2167-2. 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 permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 1076-2, 1236-2 & 2167-2 qualification:

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

The hearing will be held at 2:30 pm, March 5, 1997 in the Floyd Mathew 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) 1076-2, 1236-2 & 2167-2 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, 1997, 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.



1076-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 18, 1997

1076-2

1236-2

2167-2

Dale Heese
HCR 88 Box 36
Millboro, SD 57580-7417

Dear Mr. Heese:

I am writing to acknowledge receipt of your 1996 irrigation questionnaires. You may disregard the February 4, 1997, Notice of Violation of Water Permit Nos. 1076-2, 1236-2 and 2167-2.

I completed questionnaires for you based on our February 14th telephone conversation. 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



January 1, 1998

1076-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE

TO: DALE HEESE, HCR 88 BOX 36, MILLBORO, SD 57580 7417

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(s) has not been submitted for Permit No(s) 1076-2, 1236-2 & 2167-2. 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(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) 1076-2, 1236-2 & 2167-2 qualification:

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

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. 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) 1076-2, 1236-2 & 2167-2 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 20, 1998, 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 57501-3181

January 9, 1998

NOTICE

TO: DALE HEESE, HCR 88 BOX 36, MILLBORO SD 57580

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

RE: Requirement to Report 1997 Chemical Use

The first notice to file chemigation report(s) for Permit No(s) **1076-2 & 2167-2** was dated October 17, 1997. Our records indicate that we have not received your 1997 chemigation report(s). The Water Management Board has directed that owners of water permits who have not submitted the 1997 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application

The hearing will be held at 9:45 am, February 25, 1998, Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5: 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation or up to three years for the second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s). **1076-2 & 2167-2** 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. Prior to February 20, 1998, contact the Water Rights Program, 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 chemigation report(s) is(are) received by this office prior to February 20, 1998 you will no longer be in violation and your name will be deleted from the Board agenda.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 2, 1998

NOTICE OF ONE YEAR SUSPENSION

TO: DALE HEESE, HCR 88 BOX 36, MILLBORO, SD 57580 7417

FROM: JOHN HATCH, Chief Engineer
Water Rights Program
(605) 773-3352

SUBJECT: One Year Suspension of Water Right No. 1076-2 and Water Permit Nos. 1236-2 and 2167-2

Pursuant to the provisions of the notice dated January 9, 1998, and following the hearing of February 25, 1998, the Water Management Board has ordered:

That Water Right No. 1076-2 and Water Permit Nos. 1236-2 and 2167-2 be suspended until December 31, 1998, for failure to submit the 1997 irrigation questionnaires and chemical reporting forms.

Suspension of a water right or permit means water may not be pumped during the 1998 irrigation season. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

If you wish to petition the Water Management Board to rescind the suspensions, you will need to submit the 1997 irrigation questionnaires and chemical reporting forms with a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 6, 1998, in Pierre, SD. The letter should include your reasons for not completing the 1997 irrigation questionnaires and chemical reporting forms.

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

CERTIFICATION

I hereby certify that on March 2, 1998, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 2, 1998, regarding One Year Suspension of the following Water Rights/Permits until December 31, 1998, for failure to submit the 1997 irrigation questionnaires, addressed as stated below:

W R #881-2: Ronnie Edwards, Box 169, Winner, SD 57580.

W.P. #5309-3: Norman DeLange, RR 2, Box 88, Corsica, SD 57328.

W P #5313-3: Thomas Corio, RR 1, Box 612, Jefferson, SD 57038.

Water Right No. 1076-2 and Water Permit Nos. 1236-2 and 2167-2 are suspended for failure to submit the 1997 irrigation questionnaires and chemical reporting forms, and the Notice was sent to the following:

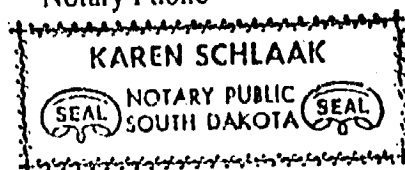
Dale Heese, HCR 88, Box 36, Millboro, SD 57580-7417.

Cheryl F. Frost
Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 3rd day of March, 1998

Karen Schlaak
Notary Public





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 17, 1998

1076-2
1236-2
2167-2

Dale Heese
HCR 88 Box 36
Millboro, SD 57580-7417

Dear Mr. Heese:

I am writing to acknowledge receipt of your 1997 irrigation questionnaires and chemical reporting forms for Water Right No. 1076-2 and Water Permit Nos. 1236-2 and 2167-2.

On February 25, 1998, The Water Management Board suspended Water Right No. 1076-2 and Water Permit Nos. 1236-2 and 2167-2 until December 31, 1998, for failure to submit the 1997 irrigation questionnaires and chemical reporting forms. Submission of these forms does not mean that suspension of your water rights is automatically lifted. In order to be able to irrigate during the 1998 irrigation season, the Water Management Board will need to reconsider their action to suspend your water right and water permits.

If you would like the Board to reconsider the suspension of Water Right No. 1076-2 and Water Permit Nos. 1236-2 and 2167-2, you will need to write a letter to us requesting the matter be scheduled for hearing. The letter should include your reason(s) for not submitting the forms in a timely manner. The next Water Management Board meeting is May 6, 1998, in Pierre.

If you have any questions, please contact me.

Sincerely,

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

CERTIFICATION

I hereby certify that on May 4, 1998, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated May 4, 1998, regarding Notice of Hearing to Consider Request to Rescind Suspensions of Water Right Nos. 1076-2, 1236-2 and 2167-2, to be heard at the May 6, 1998, Water Management Board Meeting addressed as stated below:

Dale Heese, HCR 88, Box 36, Millboro, SD 57580-7417.

A copy of the above described Notice was sent Inter-office to:

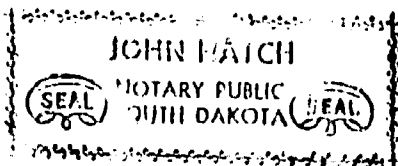
Diane Best, Assistant Attorney General, Capitol Building.

Chas. F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Subscribed before me this 16th day of May, 1998



Geometrid

Notari Public

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 4, 1998

NOTICE

TO: Dale Heese, HCR 88 Box 36, Millboro, SD 57580-7417

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program
(605) 773-3352

SUBJECT: Notice of Hearing to Consider Request to Rescind Suspensions of Water Right Nos. 1076-2, 1236-2 and 2167-2

On May 4, 1998, a letter was received from you explaining that due to major medical problems, you were unable to return the 1997 irrigation questionnaires and chemical reporting forms in a timely manner.

Your request to have the suspensions of Water Right Nos. 1076-2, 1236-2 and 2167-2 reconsidered by the Water Management Board has been scheduled for 10:00 am, May 6, 1998, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, 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.

After all evidence is taken at the hearing, the Board may issue a decision to rescind either the suspensions of the water right/permits, defer action or take no action. The hearing is an adversary proceeding and any party 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. Any decision rendered by the Board may be appealed to the Circuit Court or to the State Supreme Court as provided by law.

c: Diane Best, Assistant Attorney General

IRRIGATION QUESTIONNAIRE AND CHEMICAL REPORTING VIOLATIONS WATER RIGHT/PERMIT NOS. 1076-2, 1236-2, 2167-2, DALE HEESE

May 6, 1998

BRIEF DESCRIPTION:

Water Right No. 1076-2, authorizes diversion of 1.63 cubic feet of water per second (cfs) from ground water (four wells) to irrigate 114 acres in Sections 31 & 32, T95N, R76W, Tripp County. Amended in 1985 to include questionnaire qualification.

*Water Permit No. 1236-2, authorizes diversion of 1.96 cfs from ground water (two wells) to irrigate 136 acres in the SE ¼ Section 30, T95N, R76W, Tripp County. Amended in 1987 to include questionnaire qualification.

*Water Permit No. 2167-2, allowed use of the four wells authorized by No. 1076-2 to irrigate land described under No. 1236-2. Approved in 1991 with questionnaire qualification.

* On March 30, 1998, Water Permit No. 1236-2 was incorporated into Water License No. 2167-2

SUBMISSION OF PAST IRRIGATION QUESTIONNAIRES:

DATE MAILED	DATE DUE IN OFFICE	DATE RECEIVED	BOARD ACTION
October, 1990	December 14, 1990	January 24, 1991	none
October, 1991	December 20, 1991	January 17, 1992	none
October, 1992	December 18, 1992	January 14, 1993	none
October, 1993	December 17, 1993	March 15, 1994 hearing date - April 6, 1994	none
November, 1994	December 16, 1994	February 24, 1995	none
October, 1995	December 15, 1995	January 22, 1996	none
October, 1996	December 20, 1996	February 14, 1997	none
October, 1997	December 1, 1997	March 13, 1998	February 25, 1998

CURRENT STATUS

On February 25, 1998, the Water Management Board suspended Water Right No. 1076-2 and Water Permit Nos. 1236-2 & 2167-2 until December 31, 1998, for failure to return the 1997 irrigation questionnaires and chemical reporting forms (chemical reporting forms required for Nos. 1076-2 and 2167-2) Failure to return the forms was the first violation of the water permit/rights.

On March 13, 1998, Mr. Heese returned his 1997 irrigation questionnaires and chemical reporting forms.

On May 4, 1998, the water right holder submitted a letter explaining the circumstances involving the late submission of the forms (copy attached). The letter requested the matter be placed on the agenda for Board consideration.

Note: SDCL 46-1-12 states the board may suspend the permit or license for a period of up to one year for the first violation; up to three years for the second violation; and may cancel the permit for license for a third violation.

Genny McMath, Environmental Scientist

Department of Environment & Natural Resources
Joe Fose Building
523 East Capitol
Pierre, So. Dak. 57501-3181

Genny McMath
Environmental Scientist
Water Rights Program



Dear Genny;

I am writing this letter asking the Water Management Board to schedule a hearing to rescind the suspension of my Water Right #1076-2 and Water Permit #1236-2 and #2167-2. I sincerely apologize for the late response of my questionnaires. I was unable to get them sent in time, because of a major medical problem I had, which incapacitated me for a lengthy amount of time. Again, I apologize for the inconvenience to you, and ask that my permits be reinstated. Thank you for your attention to this matter. If you have any further questions, please feel free to contact me at 605-557-3403

Sincerely; *Dale Heese*

Dale Heese
HCR 88 Box 36
Millboro, So. Dak.
57580-7417



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 11, 1998

NOTICE

TO: Dale Heese, HCR 88 Box 36, Millboro, SD 57580

FROM: John Hatch, Chief Engineer
Water Rights Program
(605) 773-3352

SUBJECT: Reinstatement of Water Right Nos. 1076-2, 1236-2 and 2167-2

On May 6, 1998, the Water Management Board passed a motion to reinstate Water Right Nos. 1076-2, 1236-2 and 2167-2 effective immediately. This action means that you will be allowed to irrigate during the 1998 irrigation season.

They took into consideration that the irrigation questionnaires were now on file with the Water Rights Program and that this was your first violation. However, the Board did want to make you aware that future violations could result in suspension or possible cancellation of the water right with no opportunity for reinstatement.

Violations of any qualifications on irrigation rights and the subsequent Board action become part of the permanent record. This notice will be placed in Water Right Nos. 1076-2, 1236-2 and 2167-2 and failure to submit future irrigation questionnaires will result in past violations being reviewed by the Water Management Board.

c: Diane Best, Assistant Attorney General

CERTIFICATION

I hereby certify that on May 11, 1998, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated May 11, 1998, regarding Reinstatement of Water Right Nos. 1076-2, 1236-2 and 2167-2, in the name of Dale Heese, and Reinstatement of Water Right No. 1637-2, in the name of Tony O'Neill, addressed as stated below:

Dale Heese, HCR 88, Box 36, Millboro, SD 57580.

Tony O'Neill, HC 77, iBox 33A, Cody, NE 69211.

A copy of the above described Notices was sent Inter-office to:

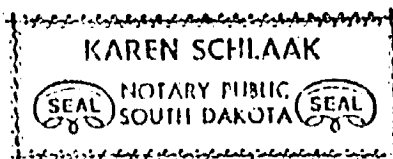
Diane Best, Assistant Attorney General, Capitol Building.

Cheryl F. Frost
Cheryl F. Frost
Secretary

[illegible]

Sworn to, before me, this 13th day of May, 1998

Dawn L. Linnick
Notary Public



KAREN SCHLAACK, Notary Public
My Commission Expires
April 1, 2009



1076-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 22, 1999

NOTICE

TO: DALE HEESE, HCR 88 BOX 36, MILLBORO SD 57580

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

RE: Requirement to Report 1998 Chemical Use

The first notice to file chemigation report(s) for Permit No(s) 1076-2 & 2167-2 was dated October 16, 1998. Our records indicate that we have not received your 1998 chemigation report(s). The Water Management Board has directed that owners of water permits who have not submitted the 1998 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application.

The hearing will be held at 9:45 am, March 3, 1999, Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation or up to three years for the second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s). 1076-2 & 2167-2 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. Prior to March 3, 1999, contact the Water Rights Program, 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 chemigation report(s) is(are) received by this office prior to March 1, 1999 you will no longer be in violation and your name will be deleted from the Board agenda.



1076-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 22, 1999

NOTICE

TO: DALE HEESE, HCR 88 BOX 36, MILLBORO, SD 57580 7417

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(s) has not been submitted for Permit No(s) 1076-2 & 2167-2. 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(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) 1076-2 & 2167-2 qualification:

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

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. 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) 1076-2 & 2167-2 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 1, 1999, 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.

1076-2

SENDER: • Complete items 1 and/or 2 for additional services. • Complete items 3, 4a, and 4b. • Print your name and address on the front 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 allow. • 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: DALE HEESE HCR 88 BOX 36 MILLBORO SD 57580 7417		4a. Article Number 2119141568	
5. Received By: (Print Name)		4b. Service Type ☐ Registered ☒ Certified ☐ Express Mail ☐ Insured ☐ Return Receipt for Merchandise ☐ COD	
6. Signature: (Addressee or Agent) X Vanessa Heese		7. Date of Delivery 1-23-99	
PS Form 3811, December 1994		8. Addressee's Address (Only if requested and fee is paid)	

Domestic Return Receipt

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.



1076-2
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

1076-2
2167-2

Dale Heese
HCR 88 Box 36
Millboro, SD 57580-7417

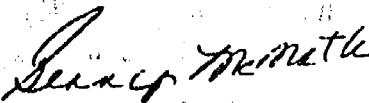
Dear Mr. Heese:

I am writing to acknowledge receipt of your 1998 irrigation questionnaires and chemical reporting forms. You may disregard the January 22, 1999, "Notices" concerning reporting requirements for Water Right Nos. 1076-2 and 2167-2.

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



1076-2
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: DALE HEESE, HCR 88 BOX 36, MII LBORO, SD 57580 7417
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(s) has not been submitted for Permit No(s) 1076-2 & 2167-2. 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(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) 1076-2 & 2167-2 qualification:

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

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. 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) 1076-2 & 2167-2 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, 2000, 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.

10762

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:

DALE HEESE
HCR 88 BOX 36
MILLBORO SD 57580 7417

COMPLETE THIS SECTION ON DELIVERY

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

Dale Heese

1-19-00

C. Signature

X Dale Heese

- ☐ Agent
☐ Addressee

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number (Copy from service label)

2 227 670 458



1076-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 3, 2000

1076-2
2167-2

Dale Heese
HCR 88 Box 36
Millboro, SD 57580-7417

Dear Mr. Heese:

I am writing to acknowledge receipt of your 1999 irrigation questionnaires. You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Right Nos. 1076-2 and 2167-2.

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

1076-2

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:

DALE HEESE
 BOX 88 BOX 36
 MILLBORO SD 57580 7417

COMPLETE THIS SECTION

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

Dale Heese

1-20-01

C. Signature

X Dale Heese

☐ Agent☐ Addressee

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below.

☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number (Copy from service label)

7000 0600 0026 9814 2461

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952



1076-2
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: DALE HEESE, HCR 88 BOX 36, MILLBORO, SD 57580 7417

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) 1076-2 & 2167-2. 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) 1076-2 & 2167-2 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) 1076-2 & 2167-2 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 28, 2001

1076-2
2167-2

Dale Heese
30379 315th Ave
Millboro, SD 57580-6123

Dear Mr. Heese:

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. 1076-2 and 2167-2.

I completed questionnaires for you based on our February 28th telephone conversation. 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 again and if you have any questions, please contact me.

Sincerely,

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



1076-2
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: DALE HEESE, 30379 315th Ave, MILLBORO, SD 57589 6123
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) 1076-2 & 2167-2. 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) 1076-2 & 2167-2 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) 1076-2 & 2167-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

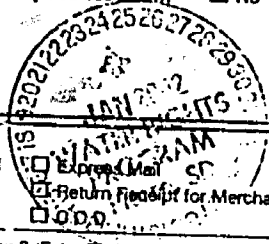
The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by 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.

1076-2

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
■ 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.		A. Received by (Please Print Clearly) <u>Yente S'can</u> B. Date of Delivery <u>1-23-02</u> C. Signature <u>[Signature]</u> ☐ Agent ☐ Addressee D. Is delivery address different from item 1? ☒ Yes ☐ No If YES, enter delivery address below:	
1. Article Addressed to: DALE HEESE 30379 315th Ave MILLBORO SD 57580 6123		3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ O.D.O.	
		4. Restricted Delivery? (Extra Fee) ☐ Yes	



7001 2510 0004 4797 4258



1076-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-1182
www.state.sd.us/denr

January 29, 2002

1076-2
2167-2

Dale Heese
39379 315th Ave
Millboro, SD 57580-6123

Dear Mr. Heese:

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. 1076-2 and 2167-2.

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

1076-2



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: DALE HEESE, 30379 315th Ave, MILLBORO, SD 57580 6123
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) 1076-2 & 2167-2. 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) 1076-2 & 2167-2 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) 1076-2 & 2167-2 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**

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

February 26, 2003

1076-2
2167-2

Dale Heese
30379 315th Ave
Millboro SD 57580-6123

Dear Mr. Heese:

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. 1076-2 and 2167-2.

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



1076-2
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 20, 2005

NOTICE

TO: DALE HEESE, 30379 315th Ave, MILLBORO, SD 57580 6123

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

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaires

Our records indicate that the 2004 Irrigation Questionnaire(s) has not been submitted for Permit Nos. 1076-2 & 2167-2. 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 Questionnaires 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 Nos. 1076-2 & 2167-2 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 Water Right Nos. 1076-2 & 2167-2 in accordance with applicable provisions of SDCL 46-1-12. **Due to a past violation, Water Rights Staff will be recommending to the Board that your water rights be suspended for three years.**
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 **February 25, 2005**, you will no longer be in violation of your permits and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaires, 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.



1076-2

Track & Confirm

Current Status

You entered 2301 3460 0000 8516 0438

Your item was delivered at 10:23 am on January 25, 2005 in WINNER, SD 57580. The item was signed for by D G98SDGHDDDEDESDE.

[Shipment Details >](#)

Notification Options

► Track & Confirm by email

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[What is this?](#)

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Track & Confirm

Enter label number:

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U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
9540 9758 0000 0438 1002

DALE HEESE
30379 315th Ave
MILLBORO SD 57580 6123

Waiver of Signature ☐ YES ☐ NO

Postmark
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POSTAL CUSTOMER:

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Access internet web site at
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or call 1-800-222-1811

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PS Form 153, July 2001

(See Reverse)



1076-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 10, 2005

1076-2
2167-2

Dale Heese
30379 315th Ave
Millboro SD 57580-6123

Dear Mr. Heese:

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. 1076-2 and 2167-2.

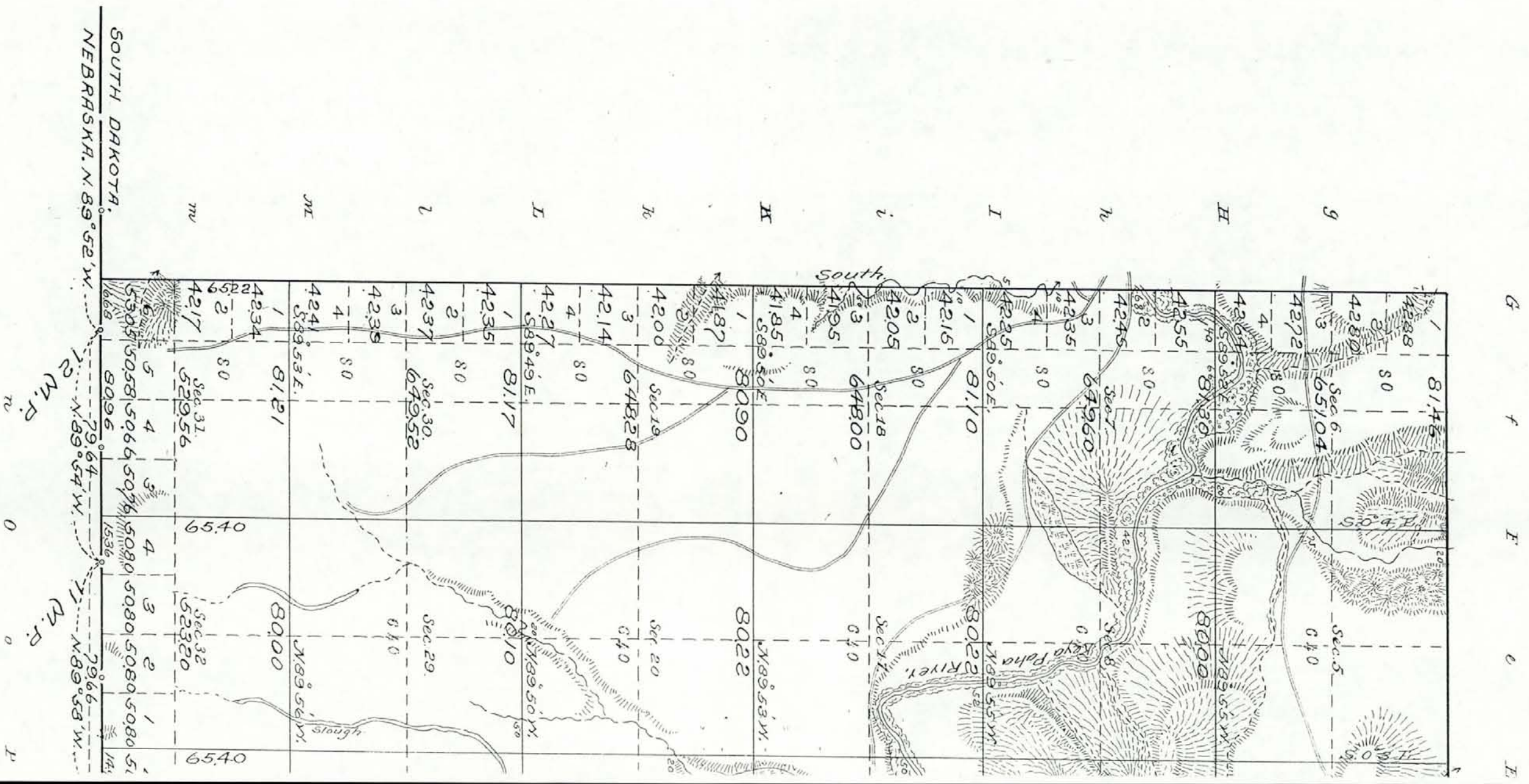
The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

Township No. 25 North, Range N



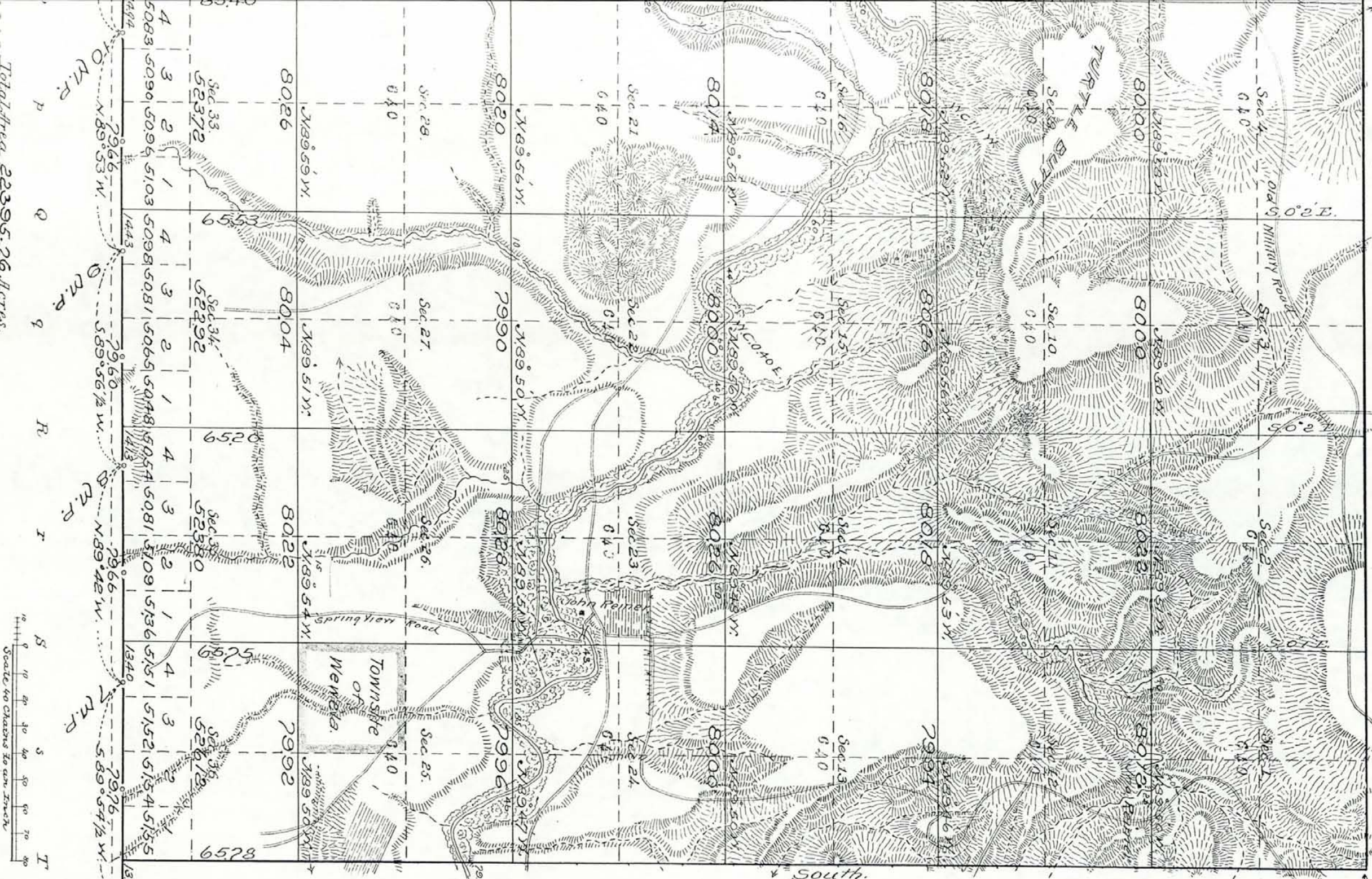
Surveys Designated	By Whom Surveyed	Area	Contract Date	Time
Subdivisions	W. M. Daugherty	122	July 24 1896	59
Connections	" " "	"	"	"
N. E. & W. T. poles	" " "	"	"	"
State Boundary	J. H. Jenkins		May 20, 1893	

No. 76 West, 5th Principal Meridian, South Dakota.

E a D c b a A

S. 89° 55' E.

Latitude 43° 05' N.
Longitude 99° 47' W.
Mean Mag. Decl. 12° 36' E



Total Area 22395.76 Acres.

Scale 40 Chains to an Inch

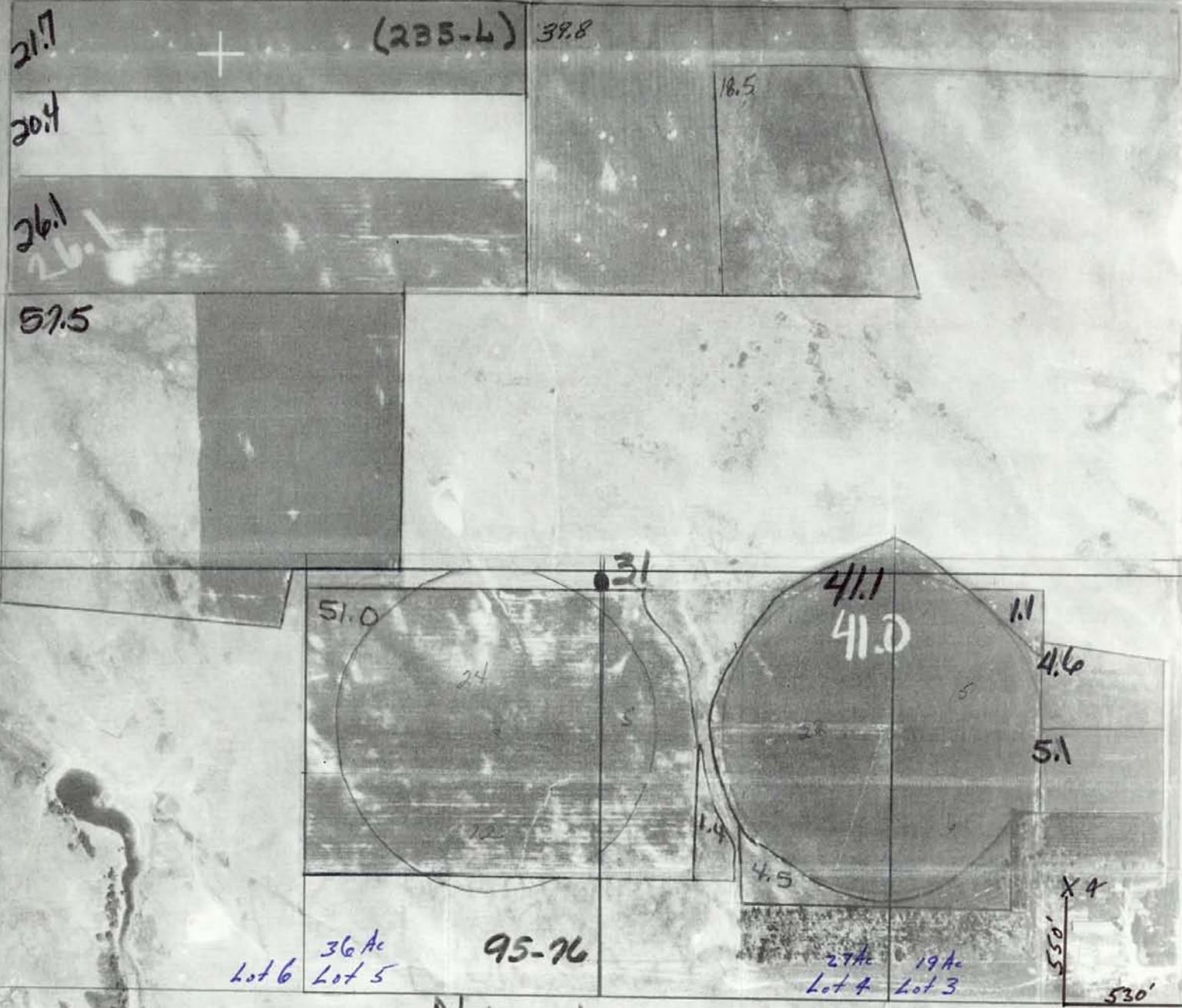
Dec. 30, 1897
Latitude
Longitude
Mean mag. Decl.

Count of Surveys	When Surveyed.
Chs. 15	Oct. 9-16, 1896
22 26	" " "
	Sept. " "
	August. 1893

The above Map of Township No. 76 North of Range No. 76 West of the 5th Principal Meridian, South Dakota, is strictly conformable to the field notes of the survey thereof on file in this Office, which have been examined and approved.
U. S. Surveyor General's Office
Richard B. Shuehler
Huron S. Dat. Oct. 25th 1897.

Water Right No. 1076-2

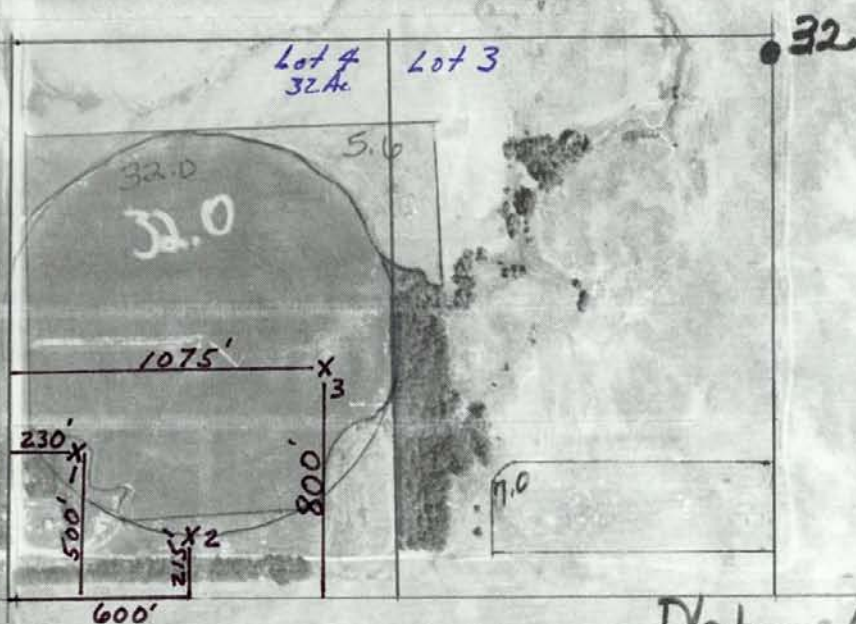
NOT TO SCALE



Nebraska

Timothy L. Shae
Water Resources Engineer
August 22, 1984
1076-2

NOT TO SCALE



95-76

Nebraska

Water Right No. 1076-2



1076-2

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 26, 2007

NOTICE

TO: DALE HEESE, 30379 315th Ave, MILLBORO, SD 57580 6123

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

SUBJECT: Reporting Requirement for 2006 Irrigation Questionnaires

Our records indicate that the 2006 Irrigation Questionnaires have not been submitted for Permit Nos. 1076-2 & 2167-2. The request for the Questionnaire was dated October 20, 2006. The Water Management Board has directed that owners of water permits who have not submitted the 2006 Irrigation Questionnaires 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 Nos. 1076-2 & 2167-2 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 7, 2007 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 Nos. 1076-2 & 2167-2 in accordance with applicable provisions of SDCL 46-1-12; **Due to a past violation, Water Rights Staff will be recommending to the Board that both water rights be suspended for three years.**
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 1, 2007**, you will no longer be in violation of your permits and your name will be deleted 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. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V5-IQ.pdf>

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.



1076-2

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DALE HEESE
30379 315th Ave
MILLBORO SD 57580 6123

Walver of Signature ☐ YES ☐ NO

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www.state.sd.us/denr

February 13, 2007

1076-2
2167-2

Dale Heese
30379 315th Ave
Millboro SD 57580-6123

Dear Mr. Heese:

I am writing to acknowledge receipt of your 2006 irrigation questionnaires. You may disregard the January 26, 2007, "Notice" concerning reporting requirements for Water Right Nos. 1076-2 and 2167-2.

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



1076-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
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www.state.sd.us/denr

January 18, 2008

NOTICE

TO: DALE HEESE, 30379 315th Ave, MILLBORO, SD 57580 6123

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

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaire(s)

Our records indicate that the 2007 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1076-2 & 2167-2. The request for the Questionnaire was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 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) 1076-2 & 2167-2 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 11, 2008** 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) 1076-2 & 2167-2 in accordance with applicable provisions of SDCL 46-1-12; **based on the number of past violations, the Water Rights Staff recommendation to the Board will be to suspend Nos. 1076-2 and 2167-2 for three years;**
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 3, 2008**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V6-IQ.pdf>

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.

1076-2

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SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 2946	
DALE HEESE 30379 315th Ave MILLBORO SD 57580 6123	
Waiver of Signature ☐ YES ☐ NO	
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January 29, 2008

1076-2
2167-2

Dale Heese
30379 315th Ave
Millboro SD 57580-6123

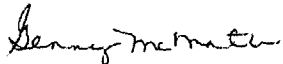
Dear Mr. Heese:

I am writing to acknowledge receipt of your 2007 irrigation questionnaires. You may disregard the January 18, 2008, "Notice" concerning reporting requirements for Water Right Nos. 1076-2 and 2167-2.

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



1076-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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January 23, 2009

NOTICE

TO: DALE HEESE, 30379 315th Ave, MILLBORO, SD 57580 6123

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

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaire(s)

Our records indicate that the 2008 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1076-2 & 2167-2. The request for the Questionnaire was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 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) 1076-2 & 2167-2 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 11, 2009** 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) 1076-2 & 2167-2 in accordance with applicable provisions of SDCL 46-1-12; **Due to a past violation, Water Rights Staff will be recommending to the Board that both water rights be suspended for three years;**
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 6, 2009**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V7-IQ.pdf>

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.

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1076-2

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DALE HEESE
30379 315th Ave
MILLBORO SD 57580 6123

Waiver of Signature ☐ YES ☐ NO

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1076-2



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January 29, 2009

1076-2
2167-2

Dale Heese
30379 315th Ave
Millboro SD 57580-6123

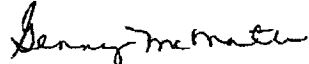
Dear Mr. Heese:

I am writing to acknowledge receipt of your 2008 irrigation questionnaires. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Right Nos. 1076-2 and 2167-2.

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
email: genny.mcmath@state.sd.us



1076-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 21, 2011

NOTICE

TO: DALE HEESE, 30379 315th Ave, MILLBORO, SD 57580 6123

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

SUBJECT: Reporting Requirement for 2010 Irrigation Questionnaire(s)

Our records indicate that the 2010 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1076-2 & 2167-2. The request for the Questionnaire was dated October 15, 2010. The Water Management Board has directed that owners of water permits who have not submitted the 2010 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) 1076-2 & 2167-2 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 9, 2011** 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) 1076-2 & 2167-2 in accordance with applicable provisions of SDCL 46-1-12; **Due to a past violation, staff will recommend to the Board that both water rights be suspended for a period of three years.**
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 4, 2011**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) 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: <http://denr.sd.gov/iq.aspx>

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.

1076-2

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DALE HEESE
30379 315th Ave
MILLBORO SD 57580 6123

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

January 24, 2011

1076-2
2167-2

Dale Heese
30379 315th Ave
Millboro SD 57580-6123

Dear Mr. Heese:

I am writing to acknowledge receipt of your 2010 irrigation questionnaires.

You may disregard the January 21, 2011, "Notice" concerning reporting requirements for Water Right Nos. 1076-2 and 2167-2. 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
email: genny.mcmath@state.sd.us



1076-2
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 15, 2016

NOTICE

TO: DALE HEESE, 30379 315th Ave, MILLBORO, SD 57580 6123.

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

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaire(s)

Our records indicate your 2015 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1076-2 & 2167-2. The request for the Questionnaire was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 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) 1076-2 & 2167-2 qualification:

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

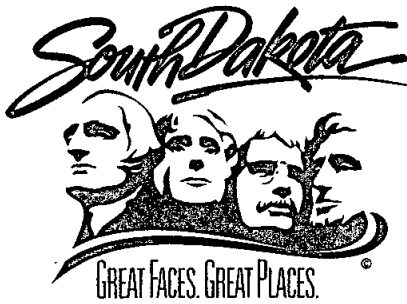
The hearing will be held at **Thursday, March 3, 2016 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant 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) 1076-2 & 2167-2 in accordance with applicable provisions of SDCL 46-1-12; **Due to a past violation, the Water Rights Program will recommend to the Board that these water rights be suspended for a period of up to three years;**
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 3, 2016** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) 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: <http://denr.sd.gov/iq.aspx>

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.



1076-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 28, 2016

1076-2
2167-2

Dale Heese
30379 315th Ave
Millboro SD 57580 6123

Dear Mr. Heese:

I am writing to acknowledge receipt of your 2015 irrigation questionnaires.

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for Water Right Nos. 1076-2 and 2167-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



1076-2
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 26, 2018

NOTICE

TO: DALE HEESE, 30379 315th Ave, MILLBORO, SD 57580 6123

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

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaire(s)

Our records indicate your 2017 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1076-2 & 2167-2. The request for the Questionnaire was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 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) 1076-2 & 2167-2 qualification:

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

The hearing will be held at **Wednesday, March 7, 2018 at 10:00 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) 1076-2 & 2167-2 in accordance with applicable provisions of SDCL 46-1-12; **Based on a previous violation, the Water Rights Program will recommend Nos. 1076-2 and 2167-2 be suspended for three years;**
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 7, 2018** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) 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: <http://denr.sd.gov/iq.aspx>

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.denr.sd.gov

February 5, 2018

1076-2
2167-2

Dale Heese
30379 315th Ave
Millboro SD 57580-6123

Dear Mr. Heese:

I am writing to acknowledge receipt of your 2017 irrigation questionnaires.

You may disregard the January 26, 2018, "Notice" concerning reporting requirements for Water Right Nos. 1076-2 and 2167-2. 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 that reads "Genny McMath". The signature is written in a cursive, flowing style.

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



1076-2
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 25, 2019

NOTICE

TO: DALE HEESE, 30379 315th Ave, MILLBORO, SD 57580 6123

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

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaire(s)

Our records indicate your 2018 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1076-2 & 2167-2. The request for the Questionnaire was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 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) 1076-2 & 2167-2 qualification:

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

The hearing will be held at **Wednesday, March 6, 2019 at 10:30 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) 1076-2 & 2167-2 in accordance with applicable provisions of SDCL 46-1-12; **Due to a past violation, the Water Rights Staff will recommend both water rights be suspended for a period of up to three years.**
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 6, 2019** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) 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: <http://denr.sd.gov/iq.aspx>

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.

1076-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 7, 2019

1076-2
2167-2

Dale Heese
30379 315th Ave
Millboro SD 57580-6123

Dear Mr. Heese:

I am writing to acknowledge receipt of your 2018 irrigation questionnaires.

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Right Nos. 1076-2 and 2167-2. 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 that reads "Genny McMath". The signature is written in a cursive, flowing style.

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



1076-2
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: DALE HEESE, 30379 315th Ave, MILLBORO, SD 57580 6123

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

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaire(s)

Our records indicate your 2019 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1076-2 & 2167-2. The request for the Questionnaire was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 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) 1076-2 & 2167-2 qualification:

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

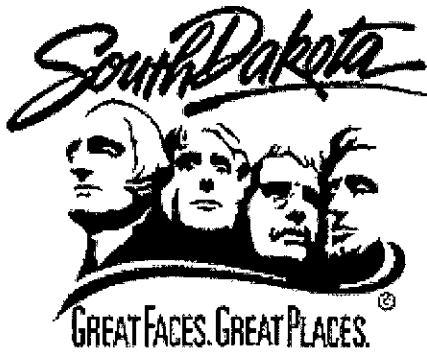
The hearing will be held at **Wednesday, February 26, 2020 at 8:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant 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) 1076-2 & 2167-2 in accordance with applicable provisions of SDCL 46-1-12; **Based on previous violations of Nos. 1076-2 & 2167-2, the Board may consider a three-year suspension of the water rights;**
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 **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 questionnaire(s) 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: TXJDAU**

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.



1076-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 25, 2020

1076-2
2167-2

Dale Heese
30379 315th Ave
Millboro SD 57580-6123

Dear Mr. Heese:

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

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for Water Right Nos. 1076-2 and 2167-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

1076-2



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 2021

NOTICE

TO: DALE HEESE, 30379 315th Ave, MILLBORO, SD 57580 6123

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

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaire(s)

Our records indicate your 2020 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1076-2 & 2167-2. The request for the Questionnaire was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 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) 1076-2 & 2167-2 qualification:

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

The hearing will be held at **Wednesday, March 3, 2021 at 10:00 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) 1076-2 & 2167-2 in accordance with applicable provisions of SDCL 46-1-12; ; **(Due to a previous suspension, the recommendation to the Board will be for a three year suspension of both of the above permits)**
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 3, 2021** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) 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: TCIEND**

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.



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 8, 2021

1076-2
2167-2

Dale Heese
30379 315th Ave
Millboro SD 57580-6123

Dear Mr. Heese:

I am writing to acknowledge receipt of your 2020 irrigation questionnaires.

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for Water Right Nos. 1076-2 & 2167-2. 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
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us