

Considered: _____

WATER PERMIT NO. 2167-2

Phone: 557-3403

Name of Applicant: Dale Heese

Post Office Address: Star Route Box 36, Millboro SD 57554

Amount of Water Claimed: 1.94 Total Acres: 136

Source of Water Supply: groundwater (4 add'l wells)

Water to be used for: irrigation County: Tripp

About 6 miles southeast of Millboro

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

F.F. & C/.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY Date Received: 8-3-90 Fee: \$250.00 Remarks _____

Corrected Application Received _____ Period of Annual Use April 1 - Oct 31

WATER QUALITY APPROVAL RECEIVED _____ APPROVED/CONDITIONAL (Circle one)

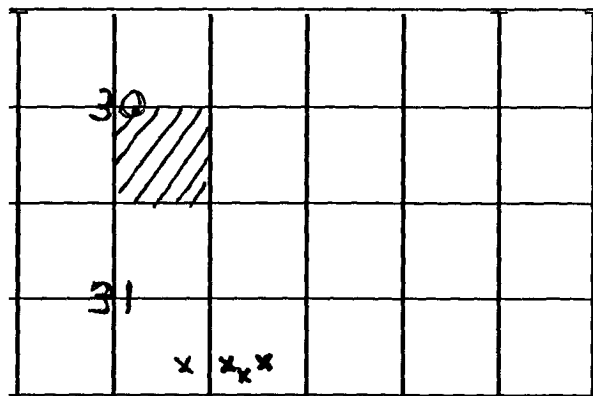
WI-1 Description same as Application YES _____ NO _____ REMARKS _____

Diversion Point: Well #1, #2 & #3 Lot 4 SW 1/4

Sec 32; Well #4 Lot 3 SE 1/4 Sec 31; all in

T95N-R76W

Land to be Irrigated: SE 1/4 Sec 30-T95N-R76W



Well Log: Driller: Chase Well Drilling Licensed YES X NO _____

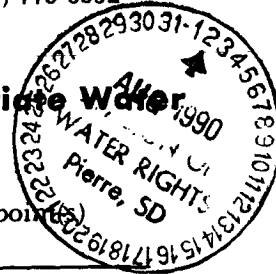
Depth of Well: all approx. 80-100' REMARKS _____

Type of Map: aerial PREPARED BY: Tim Schaal Reviewed and the

Number Assigned on 3-13-91 By Karen Schlaak

(See instructions)

No. 2167-2 Hydrologic Unit 10150006
Basin Nebraska Trib
Newspaper Winner Advocate, Box 71, 57580



Application For Soil/Water Compatibility Permit and Permit To Appropriate Water

Type of Application: ☒ New ☐ Vested Right ☐ Amend Permit No. _____
☐ Change Acreage ☐ Change diversion point(s) ☒ Add diversion point(s)
☐ Add Acreage ☐ Increase diversion rate ☐ Other _____

1. Name of Applicant Dale Heese Phone No. 557-3403

Post Office Address Star Route Box 36, Millboro, SD 57554 State _____ Zip Code _____
(Street, RR or Box) (City)

2. Amount of water claimed (c.f.s.) 1.94 Total acres irrigated 136 no add'l

3. Source of Water supply Groundwater-- 4 wells

4. Location of point of diversion: Well #1- 230 ft. East & 500 ft. North; Well #2- 600 ft. East & 215 ft. North; Well #3- 1075 ft. East & 800 ft. North; Well #4- 530 ft. West & 550 ft. North from the SW corner Sec. 32-T95N-R76W County Tripp

5. Counties where water will be used Tripp

6. Annual period during which water is to be used April 1 thru October 31

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

Land Description	No. Acres Irr.
SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 30-T95N-R76W	34
SW $\frac{1}{4}$ SE $\frac{1}{4}$ " "	34
NW $\frac{1}{4}$ SE $\frac{1}{4}$ " "	34
NE $\frac{1}{4}$ SE $\frac{1}{4}$ " "	34

Land Description	No. Acres Irr.

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: X Gun: _____ (Specify) _____
 9. Crops to be Irrigated: Corn & Alfalfa

10. Give a description of proposed project. (Attach sheet if more space is needed)

Using the 4 wells authorized under Water Right No. 1076-2 to supplement the 2 wells under Water Permit No. 1236-2

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps, soils information and any other technical information.

STATE OF SOUTH DAKOTA)
County of TRIPP)^{ss}

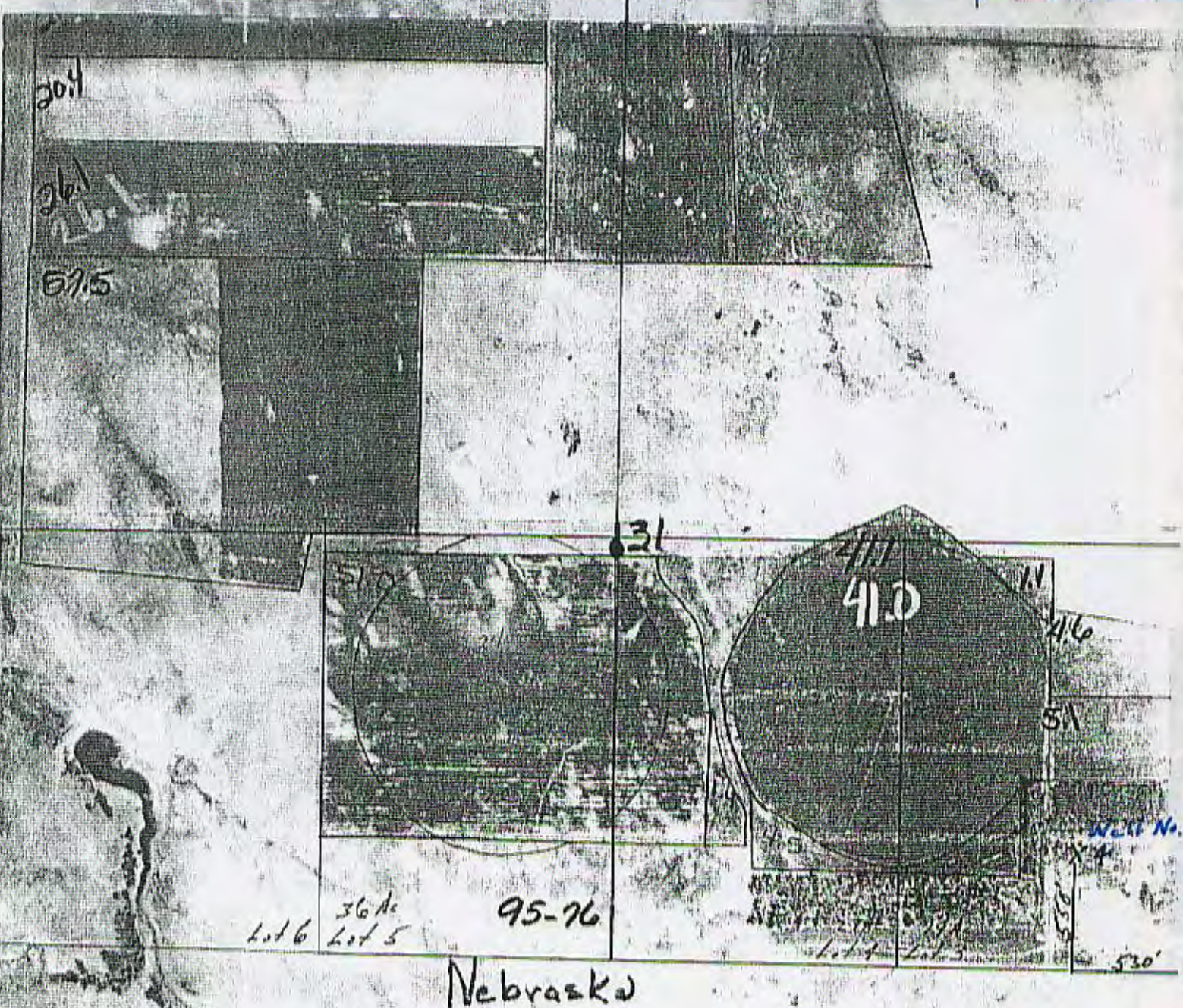
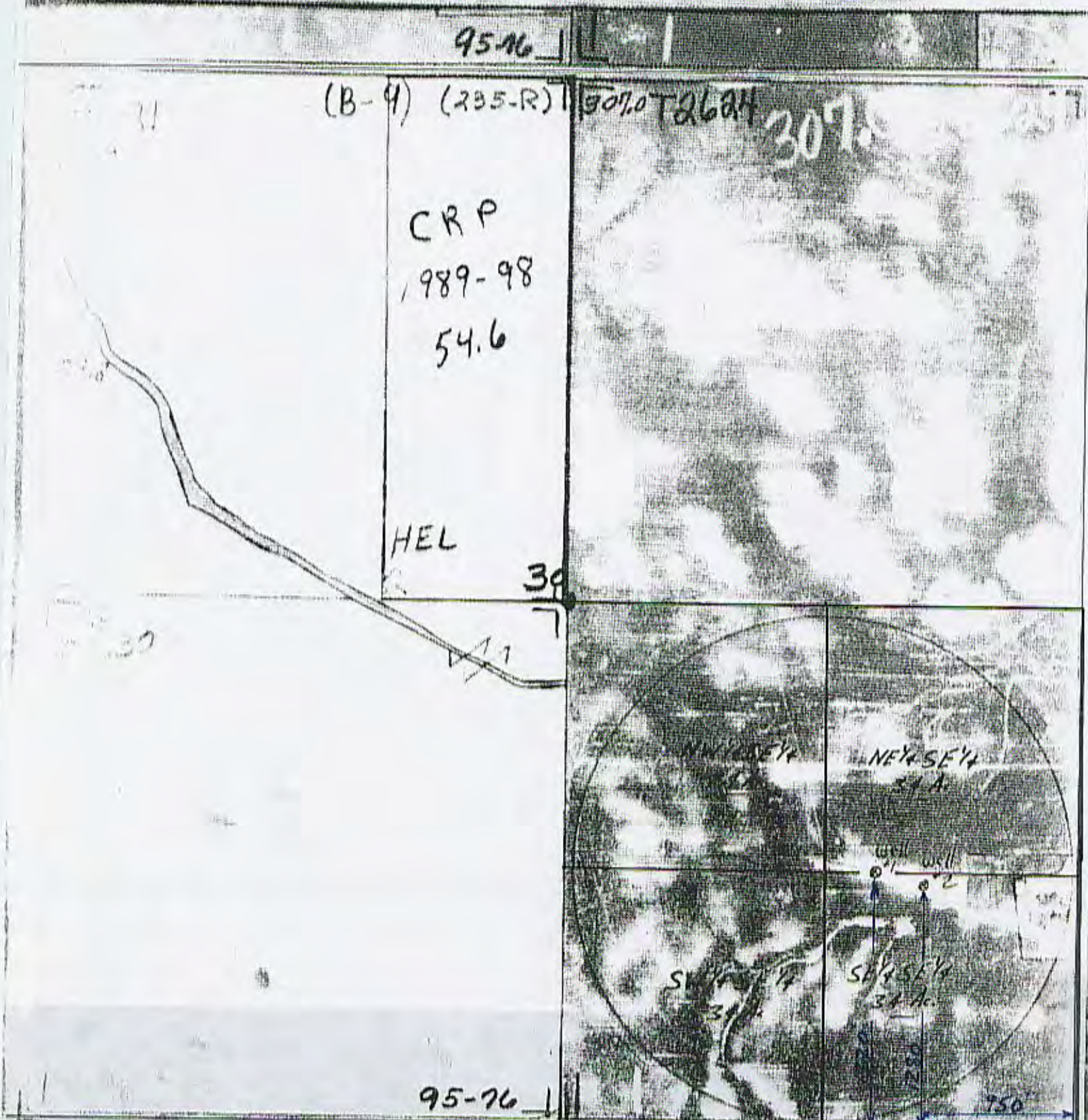
I, DALE HEESE the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is truly representative of the water to be used, and that the matters stated in this application are true and correct.

Signed Dale Heese

Subscribed and sworn to before me this 30 day of July 1990

Walter L. Smith
Notary Public

NOT TO SCALE



NOT TO SCALE



Nebraska
Water Permit Nos 2167-2 & 1236-2
Dale Heese
Timothy R. Schaal
February 26, 1998

**SOUTH DAKOTA
WATER PERMIT No. 2167-2 FOR IRRIGATION**

Date of first receipt of application August 2, 1990.

Date Soil/Water Compatibility Permit received March 19, 1991.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2167-2 to Dale Heese, Star Route, Box 36, Millboro SD 57554 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 2167-2 allows the use of 4 wells authorized by Water Right No. 1076-2 to irrigate the SE 1/4 Section 30-T95N-R76W which is authorized by Water Permit No. 1236-2. Water Right No. 1076-2 appropriates 1.63 cubic feet of water per second (cfs) from 4 wells, 80-100 feet deep located in Lot 3 of Section 31 and Lot 4 Section 32 to irrigate 114 acres located in Lots 3, 4, 5 of Section 31 and Lot 4 Section 32; all in T95N-R76W. Water Permit No. 1236-2 appropriates 1.96 cfs from 2 wells 220 and 240 feet deep to irrigate 136 acres in the SE 1/4 Section 30-T95N-R76W. This permit authorizes the use of the 4 wells authorized by Water Right No. 1076-2 to supplement the irrigation of the 136 acres authorized by Water Permit No. 1236-2. No increase in the diversion rate or acres irrigated is authorized by this permit. Combinations of diversions from the 6 wells may not exceed 1.96 cfs for the irrigation of lands in the SE 1/4 of Section 30-T95N-R76W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 - October 31.
3. The date from which applicant may claim right is March 19, 1991.
4. The date of approval of Permit No. 2167-2 is May 22, 1991.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

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

(continued)

2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.
3. Combinations of diversions authorized by Water Permit No. 1236-2 and this permit may not exceed 1 cfs for each 70 acres irrigated.

WATER MANAGEMENT BOARD

By: John Hatch
Chief Engineer, Water Rights Division
Department of Environment and Natural Resources

SEP 18 1991
date

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction (SEE ATTACHED WELL LOG)

Well Information Proposed

- a) Drill Hole Diameter 24" Depth 100' 80'
- b) Casing Type Metul Diameter 16" Thickness 1/4"
- c) Screen Type perforated Steel Diameter 16" Thickness 1/4"
- d) Gravel Pack Thickness Don't Know Length of Gravel Pack Don't Know
- e) Depth to Top of Water Bearing Material 6' 13'
- f) Depth to Water (ground surface to water level) 8' 12'
- g) Distance to nearest existing domestic well:
- On applicants property 50 yds On property owned by others 1/2 mile

2. Dugout Information Estimates

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam please give their name and address

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____
If Pipe, diameter _____

f) Secondary Spillway Capacity _____
Spillway width _____

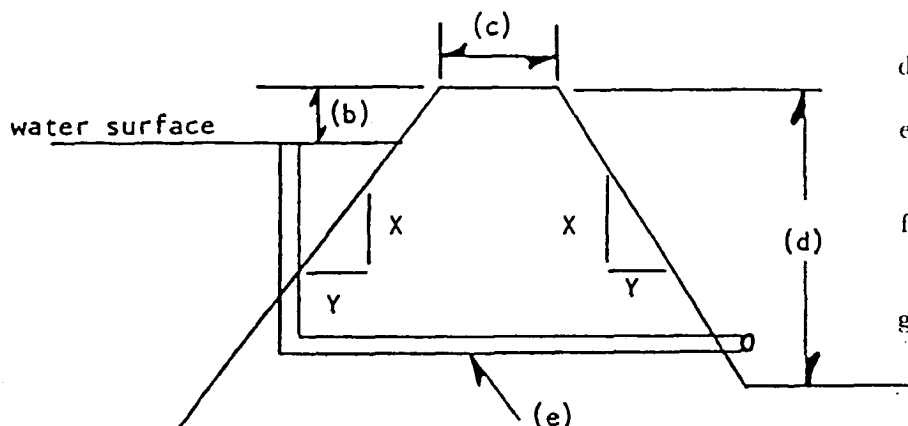
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Dale Kees
Signature of Applicant

Supplemental Information

2

(type or print in ink)

1. Well Information - Proposed construction

1. Well Information - Proposed

- a) Drill Hole Diameter 24" Depth 100-80
- b) Casing Type Metal Diameter 16" Thickness 1/4
- c) Screen Type perforated steel Diameter 16" Thickness 1/4
- d) Gravel Pack Thickness Don't know Length of Gravel Pack Don't know
- e) Depth to Top of Water Bearing Material 13'
- f) Depth to Water (ground surface to water level) 8'
- g) Distance to nearest existing domestic well:
On applicants property Soyd's On property owned by others 1/2 mile

2. Dugout Information Estimates

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam please give their name and address

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____
If Pipe, diameter _____

f) Secondary Spillway Capacity _____
Spillway width _____

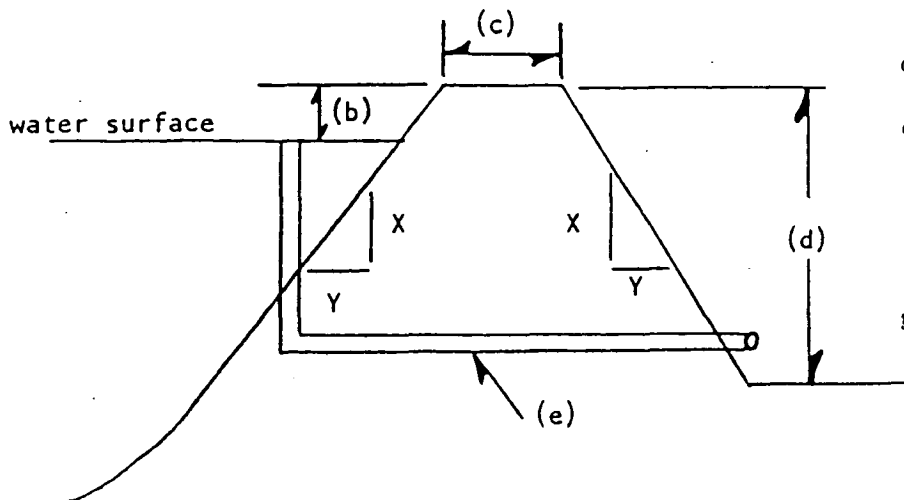
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 24" Depth 100 - FO
- b) Casing Type Metal Diameter ~~24~~ 16" Thickness 1/4
- c) Screen Type perforated metal Diameter ~~24~~ 16" Thickness 1/4
- d) Gravel Pack Thickness Don't know Length of Gravel Pack Don't know
- e) Depth to Top of Water Bearing Material 13 - 16'
- f) Depth to Water (ground surface to water level) 8'
- g) Distance to nearest existing domestic well:
On applicants property 50 yds On property owned by others 1/2 mile

2. Dugout Information Estimates

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam please give their name and address

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____
If Pipe, diameter _____

f) Secondary Spillway Capacity _____
Spillway width _____

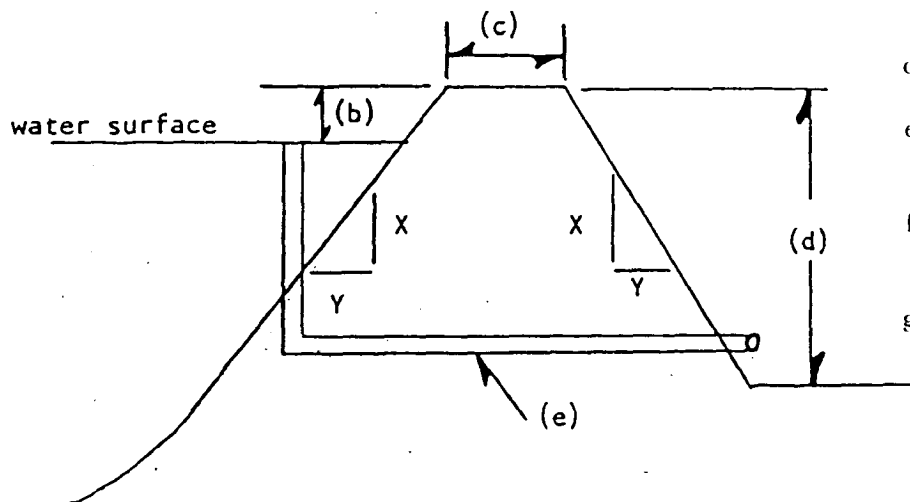
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant

4

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

1. Well Information - Proposed

- a) Drill Hole Diameter 24" Depth 60-80'
- b) Casing Type Steel Diameter 16" Thickness 1/4"
- c) Screen Type perforated metal Diameter 16" Thickness 1/4"
- d) Gravel Pack Thickness None known Length of Gravel Pack None known
- e) Depth to Top of Water Bearing Material 8'-12'
- f) Depth to Water (ground surface to water level) 13'-16'
- g) Distance to nearest existing domestic well:
- On applicants property 50 yds On property owned by others 1/2 miles

2. Dugout Information Estimates

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam please give their name and address

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____
 If Pipe, diameter _____

f) Secondary Spillway Capacity _____
 Spillway width _____

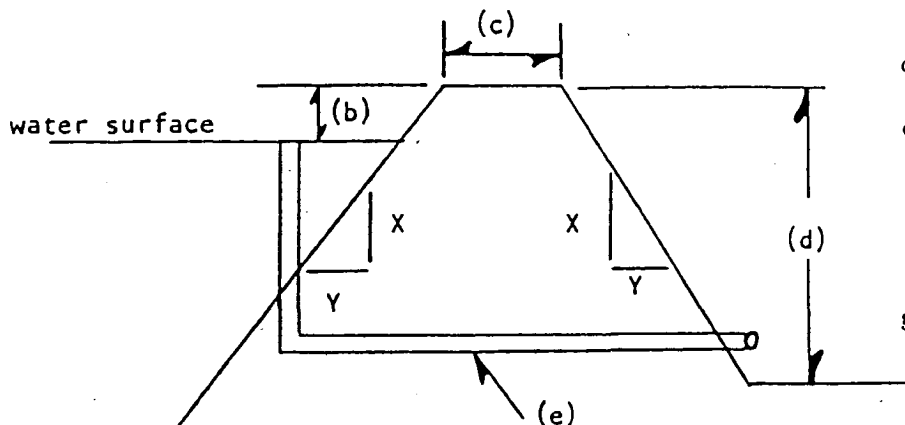
g) X & Y Slope
 Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Rick Kline
 Signature of Applicant

2167-2

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4568

WR#

OWNERS NAME: DALE HEESE OWNERS ADDRESS: RR BOX 36
MILLBORO, SD 57554

COUNTY LAND LOCATED IN: TRIPP PHONE: 557-3403

LEGAL DESCRIPTION:

(4) ☒ Wells☐ Surface

1. LOCATION Well #1, #2, & #3 - SW $\frac{1}{4}$ 32-95-76
Depth Well #4 - SE $\frac{1}{4}$ 31-95-76

Legal Description	Acres	Legal Description	Acres
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 30-T95N-R76W	34		
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 30-T95N-R76W	34		
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 30-T95N-R76W	34		
NE $\frac{1}{4}$ SE $\frac{1}{4}$ 30-T95N-R76W	34		

2. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: XXX GUN: _____ OTHER: _____
(Specify)

3. CROPS TO BE IRRIGATED: CORN & ALFALFA

WATER QUALITY:	
4. WATER SAMPLE NUMBER: <u>#91-0040</u>	7. ADJUSTED (SAR): <u>0.46</u>
5. SALINITY (EC X 10 ⁶): <u>370</u>	8. PERCENT SODIUM: <u>0.31</u>
6. SODIUM (SAR): <u>0.24</u>	

Requirements:

The maximum allowable limits of salt and sodium buildup in the profile at the root zone (upper 12 inches of the soil profile) at the beginning of the growing season apply. They become applicable upon the issuing of a soil/water compatibility permit by the Division, or the Commission.

XXX APPROVED

DISAPPROVED

WAIVER

XXX REQUIREMENTS

Director, Division of Conservation

MARCH 5, 1991

Date

Soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412334

Pierre, _____ August 3, 19 90

RECEIVED OF Gary Ross, Box 40 Springview, SD 57778

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

Fee for Application for Permit No. <u>2167-2</u> to Appropriate Water, to construct works and to put water to beneficial use _____	225	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
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	250 00

By John Hatch
Chief Engineer

App. No. 2167-2

NOT TO SCALE

+

20.4

57.5

31

41.0

4.6

5.1

Lot 6 36 Ac
Lot 5

95-76

Lot 4 Lot 3

530'

Nebraska

Timothy H. Schaal
Natural Resources Engineer III
August 10, 1990

NOT TO SCALE

40.4

(235.4)

26.0

+

Lot 4
32.4

Lot 3

32

5.6

32.0

10.0

95-76

600'

Nebraska

NOT TO SCALE

95-16

104.0
T1321
79.4

(B-9) (235-R) 100%

307.5-12-29

CRP
1989-98
54.6

HEL

34

23.8

157.4
T1330

95-76

NE 1/4 SE 1/4



54

Chase Well Drilling, Inc.

AINSWORTH, NEBRASKA 68210

PHONE 387-1880X 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



Department of Water & Natural Resources

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

July 23, 1990

Dale Heese
Star Route, Box 36
Millboro, SD 57554

Dear Mr. Heese:

Enclosed is a copy of our November 15, 1989 letter concerning an application for the additional well for the system covered by Water Permit No. 1402-2 formerly owned by Charles Kappleman and two completed application forms. The application forms need to be signed and notarized and return to us along with a filing fee of \$50.00.

Also enclosed are two completed application forms to add the 4 wells authorized under Water Right No. 1076-2 to supplement the 2 wells under Water Permit No. 1236-2 formerly owned by Kenneth Sorber. We have a copy of a well log from Chase Well Drilling, Inc. for 3 of these wells. Please try to find a well log for the 4th well. Form 2A-#1, Well Information should be completed for each of the 4 wells. These forms need to be signed and notarized and returned to us with the filling fee of \$250.00.

Also enclosed is a completed Notice of Transfer of Ownership form that needs to be filed for Water Permit No. 1236-2. This form needs to be signed and notarized and returned to us with the filing fee of \$2.50.

The next Water Management Board meeting is October 3 & 4, 1990. These applications should be returned to us as soon as possible if you want them heard at this time.

If you have any questions, please let us know.

Sincerely,

A handwritten signature in black ink that reads "Timothy G. Schaal". The signature is written in a cursive, flowing style.

Timothy G. Schaal, P.E.
Natural Resources Engineer
605 773-3352



Department of Water & Natural Resources

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

July 31, 1990

Gary Ross
H & R Cattle
P.O. Box 40
Springview, NE 68778

Dear Mr. Ross:

Enclosed for your information is a copy of our South Dakota Water Laws. Chapter 46-8 deals with Eminent Domain, Section 46-8-1 deals with conveyance of water for beneficial use. As I stated over the phone, I think this procedure would require a lawsuit. Section 46-8-16 deals with crossing a public right-of-way, which would take an agreement form the entity in charge of the right-of-way.

Also enclosed is a copy of a Pump Site Agreement that the Water Management Board required for an application with the diversion point located on property other than the applicants. You won't need either one of these procedures if your proposed diversion point is located on your own property.

The application out of Cottonwood Creek will need a Soil/Water Compatibility Permit. I also checked with the Department of Agriculture and the application to add the 4 wells authorized under Water Rights No. 1076-2 to supplement the center pivot in Section 30 (Sorber's) will also need a Soil/Water Compatibility Permit. The application for Water Right No. 1076-2 was originally filed in 1971 and the requirement for Soil/Water approval for groundwater applications did not become effective until July 1972. Therefore, a water sample was never received for these wells.

Enclosed are labels to attach to the water samples and an instruction sheet for the Soil/Water Compatibility Permits. The Department of Agriculture also requires soils information which should accompany the applications.

If you have any questions, please let me know.

Sincerely,

A handwritten signature in cursive script that reads "Timothy G. Schaal".

Timothy G. Schaal, P.E.
Water Resources Engineer
605 773-3352



DEPARTMENT OF WATER & NATURAL RESOURCES

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

January 22, 1991

Dale Heese
Star Route, Box 36
Millboro, SD 57554

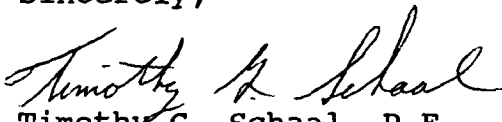
Dear Mr. Heese:

Enclosed is an instruction sheet and some mailing labels for the Water Quality analysis for the 4 wells at your place (authorized under Water Right No. 1076-2) used to supplement the Sorber pivot. These wells never received a Soil/Water Compatibility Permit since the application for Water Right No 1076-2 was filed before the requirement for Soil/Water approval for groundwater permits became effective.

The water samples should be sent to Brookings as soon as possible so the processing of your application can continue.

If you have any questions, please let me know.

Sincerely,


Timothy G. Schaal, P.E.
Natural Resources Engineer

enclosures

REPORT ON
WATER PERMIT APPLICATION NO. 2167-2
DALE HEESE
MARCH 27, 1991

Water Permit Application No. 2167-2 was filed to amend Water Right No. 1076-2 and Water Permit No. 1236-2. Water Permit Application No. 2167-2 will allow the use of the 4 wells authorized by Water Right No. 1076-2 to supplement the 2 wells authorized by Water Permit No. 1236-2 to irrigate the SE 1/4 of Section 30-T95N-R76W, in Tripp County. No increase in the diversion rate or acres irrigated will be authorized by this application. Combinations of diversion from the 6 wells may not exceed 1.96 for the irrigation of lands in the SE 1/4 of Section 30-T95N-R76W.

Discussion:

Water Right No. 1076-2 authorizes the diversion of 1.63 cfs from 4 wells 80 to 100 feet deep to irrigate 114 acres in lot 4 of Section 32 and Lot 3, Lot 4 and Lot 5 of Section 31-T95N-R76W. These 4 wells are completed into the Ogallala Formation.

The Water Rights Division has two observation wells in the Ogallala Formation in this area. Observation well TR-78N is located only a few hundred feet away from the 4 wells authorized by Water Rights No. 1076-2 and TR-78F is located approximately 2 miles away. These observation wells show only minor seasonal fluctuations and the water levels appear to return to pre-season elevations.

Water Permit No. 1236-2 authorizes the diversion of 1.93 cfs from 2 wells 220 and 240 feet deep to irrigate 136 acres in the SE 1/4 of Section 30-T95N-R76W. These 2 wells are completed into the Arikaree Formation.

The applicant also has another Water Right in this area. Water Right No. 1402A-2 authorizes the diversion of 1.86 cfs from 2 wells, 181 feet deep and 154 feet deep, to irrigate 130 acres in the SE 1/4 of Section 25-T95N-R77W. These 2 well are also in the Arikaree Formation and are located approximately 1 mile from Water Permit No. 1236-2.

The Water Rights Division has an observation well, TR-78M, located 1/2 mile from the wells authorized by Water Right No. 1402A-2. Observation well TR-78M is 185 deep and is completed into the Arikaree Formation. This observation well shows water level fluctuations of 10 to 30 feet during the irrigation season; however, the water level returns to pre-season elevations.

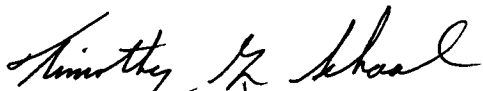
The applicant has already constructed a pipe line from the 4 wells authorized by Water Right No. 1076-2 to the center pivot authorized by Water Permit No. 1236-2. The 2 wells into the Arikaree Formation do not produce enough water for the center pivot. The applicant has tried to develop another well into the Arikaree Formation to provide adequate water, but has been unsuccessful.

In the past, there has been some concern that the use of the 4 wells in the shallower Ogallala Formation will have an adverse effect on the spring fed creek which originates adjacent to these wells. The additional diversion from the 4 wells should have no adverse effect on the spring flow of this creek, mainly due to the elevation differences between the wells and the springs. The wells are at an approximate elevation of 2330 msl, 80 to 100 feet deep with water levels at 10 feet. The creek confluences with the Keya Paha River 3 miles downstream at approximately elevation 2100 msl with the springs originating at various locations along the creek.

The Ogallala Formation in Tripp County cover 203,400 acres and has 230,400 acre-feet of recoverable water. (Allen, 1984) There are 11 Water Rights/Permits from the Ogallala Formation in Tripp County, with 3877.4 acre-feet of water appropriated and 1422 acre-feet of water reported used in 1989. (Water Rights Division, 1989)

Conclusion:

1. Water Permit No. 2167-2 should be approved since there is reasonable probability that unappropriated water is available from the Ogallala Formation.
2. Approval of Water Permit Application No. 2167-2 should have no adverse effects on existing Water Rights/Permits or downstream domestic use.
3. Water Permit No. 2167-2 does not increase the diversion rate or acres irrigated by either Water Right No. 1076-2 or Water Permit No. 1236-2. Combinations of diversion from the 6 wells may not exceed 1.96 cfs for the irrigation of land in the SE 1/4 of Section 30-T95N-R76W.



Timothy G. Schaal, P.E.
Natural Resources Engineer III

Reviewed by:



Gale N. Selken, P.E.
Natural Resources Engineer IV

References:

Allen, Johnette C. and others, Analysis of Groundwater and Streamflow Data Western Dakotas Region of South Dakota, 1984, Department of Water and Natural Resources, Vermillion, SD

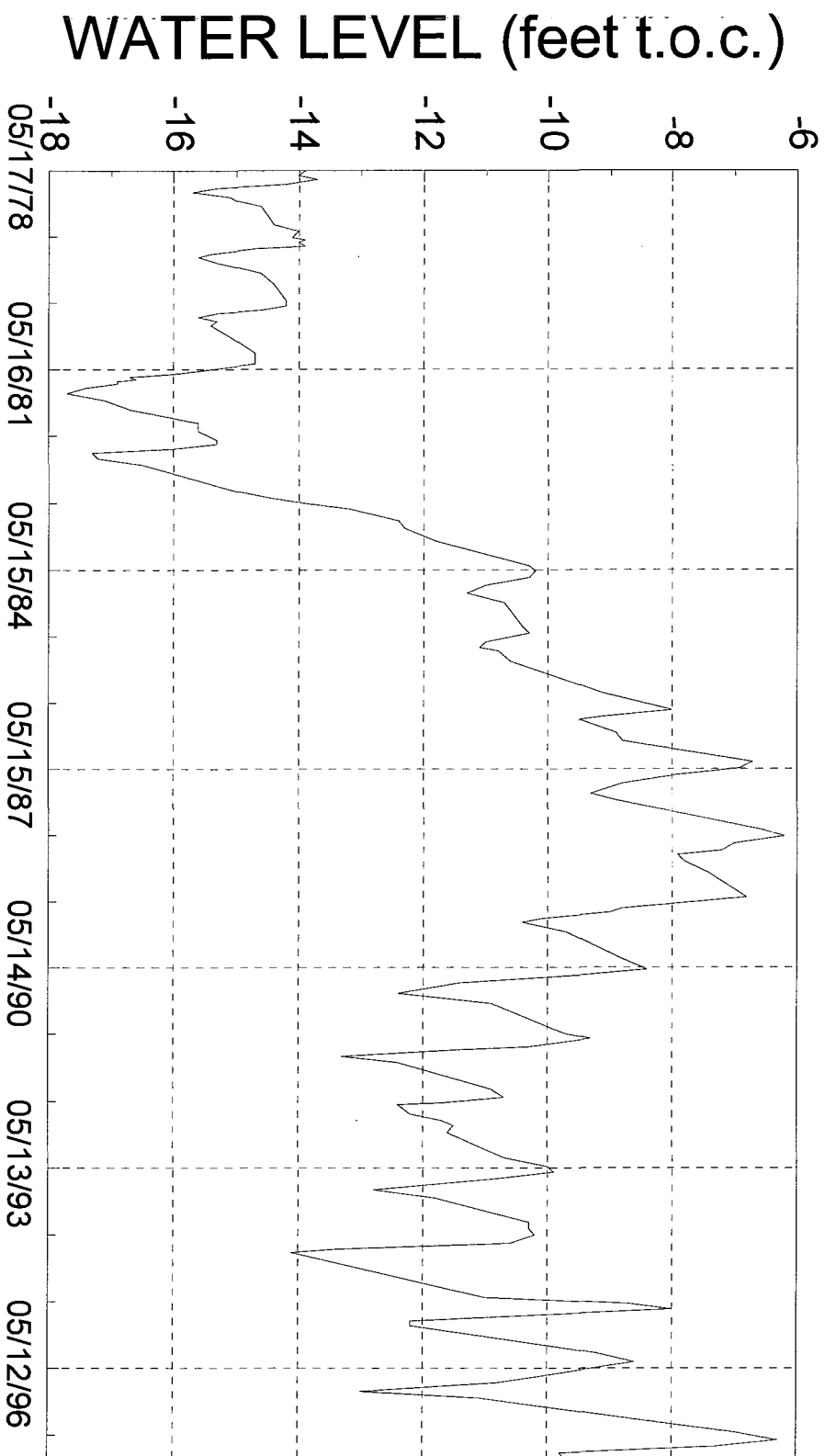
Water Rights Division, 1989, Irrigation Summary Report, DWNr, Joe Foss Building, Pierre, SD

Water Rights Division, 1991, Observation Well Files, DWNR, Joe Foss
Building, Pierre, SD

Water Rights Division, 1991, Water Right/Permit Files, DWNR, Joe Foss
Building, Pierre, SD

WATER RIGHTS OBSERVATION WELL

TR-78N



RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2167-2, Dale Heese

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 2167-2, Dale Heese, Star Route, Box 36, Millboro, SD 57554.

The Chief Engineer is recommending APPROVAL of Application No. 2167-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use, and 4) in the public interest with the following qualifications:

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.
3. Combinations of diversions authorized by Water Permit No. 1236-2 and this Permit may not exceed 1 cfs for each 70 acres irrigated.

See report on application for additional information.



JOHN HATCH, Chief Engineer
April 5, 1991



DEPARTMENT OF WATER & NATURAL RESOURCES

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

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.

April 16, 1991

Dale Heese
Star Route - Box 36
Millboro, SD 57554

Dear Mr. Heese:

Water Permit Application No. 2167-2 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Winner Advocate printed at Winner SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



DEPARTMENT OF WATER & NATURAL RESOURCES

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

April 16, 1991

Winner Advocate
Box 71
Winner, SD 57580

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 2167-2 to be published twice. Please publish the first notice on April 24, 1991, with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Dale Heese, Star Route, Box 36, Millboro, SD 57554.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to
Appropriate Water by Application No. _____ which was first published in our issue
of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper - Publish first Notice on April 24, 1991, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 2167-2 to Amend Water
Water Right No. 1076-2 and Water Permit No. 1236-2

Notice is given that Dale Heese, Star Route, Box 36, Millboro SD 57554 has filed an application for a water permit to allow the use of 4 wells authorized by Water Right No. 1076-2 to irrigate the SE 1/4 Section 30, T95N, R76W which is authorized by Water Permit No. 1236-2. Water Right No. 1076-2 appropriates 1.63 cubic feet of water per second (cfs) from 4 wells, 80 - 100 feet deep located in Lot 3 of Section 31 and Lot 4 Section 32 to irrigate 114 acres located in Lots 3, 4, 5 of Section 31 and Lot 4 Section 32; all in T95N, R76W. Water Permit No. 1236-2 appropriates 1.96 cfs from 2 wells 220 and 240 feet deep to irrigate 136 acres in the SE 1/4 Section 30, T95N, R76W. This application, if approved, will authorize the use of the 4 wells authorized by Water Right No. 1076-2 to supplement the irrigation of the 136 acres authorized by Water Permit No. 1236-2. No increase in the diversion rate or acres irrigated is authorized by this application. Combinations of diversions from the 6 wells may not exceed 1.96 cfs for the irrigation of lands in the SE 1/4 of Section 30, T95N, R76W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2167-2 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by May 13, 1991. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 2167-2 and 2) the chief engineer's recommendation, a special Board meeting is scheduled for May 22, 1991, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre, SD. If this application is opposed or the recommendation is contested, the May 22, 1991, hearing date may be rescheduled for another Board meeting. If the hearing is rescheduled, notice of the time and place will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The May 22, 1991, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by May 13, 1991.

If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

AFFIDAVIT OF PUBLICATION
STATE OF SOUTH DAKOTA, County of Tripp-ss.

ROYCE HABEGER

of said county being first duly sworn, on oath says that he is the publisher of the

WINNER ADVOCATE

a weekly newspaper printed and published at Winner, said county of Tripp, and has full and personal knowledge of all the facts herein stated that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies weekly and has been published within said County for fifty-two successive weeks prior to the publication of the notice herein mentioned, and was printed wholly or in part in an office maintained at said place of publication; that the

Notice of Hearing Appl # 2167-2
69 lines at 2 col rate
69 lines at 2 col rate x 80%

Dept of Water & Natural Resources

a printed copy of which, taken from the paper in which the same was published, is attached to this sheet, and is made a part of this affidavit, was published in said newspaper at least one in each week for 2 successive weeks, on the day of each week on which said newspaper was regularly published, to wit:

April 24, 1991
May 1, 1991

That the full amount of the fees for the publication of the annexed notice is \$ 163.92

x Royce Habeger

Subscribed and sworn to before me this 15th day of May, 1991

Wesley Kermer

County of Tripp, South Dakota

My Commission Expires November 15, 1998

Notice of Hearing on Application No. 2167-2 to Amend Water Right No. 1076-2 and Water Permit No. 1236-2

Notice is given that Dale Heese, Star Route, Box 36, Millboro, SD 57554 has filed an application for a water permit to allow the use of 4 wells authorized by Water Right No. 1076-2 to irrigate the SE 1/4 Section 30, T95N, R76W which is authorized by Water Permit No. 1236-2. Water Right No. 1076-2 appropriates 1.63 cubic feet of water per second (cfs) from 4 wells, 80-100 feet deep located in Lot 3 of Section 31 and Lot 4 Section 32; all in T95N, R76W. Water Permit No. 1236-2 appropriates 1.96 cfs from 2 wells 220 and 240 feet deep to irrigate 136 acres in the SE 1/4 Section 30, T95N, R76W. This application, if approved, will authorize the use of the 4 wells authorized by Water Right No. 1076-2 to supplement the irrigation of the 136 acres authorized by Water Permit No. 1236-2. No increase in the diversion rate or acres irrigated is authorized by this application. Combinations of diversions from the 6 wells may not exceed 1.96 cfs for the irrigation of lands in the SE 1/4 of Section 30, T95N, R76W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2167-2 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by May 13, 1991. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 2167-2 and 2) the chief engineer's recommendation, a special Board meeting is scheduled for May 22, 1991, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre, SD. If this application is opposed or the recommendation is contested, the May 22, 1991 hearing date may be rescheduled for another Board meeting. If the hearing is rescheduled, notice of the time and place will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The May 22, 1991, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by May 13, 1991.

If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. (17-18 1066)



South Dakota



GREAT FACES. GREAT PLACES.

SEP 18 1991

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Dale Heese
St Rte Box 36
Millboro, SD 57554

Dear Mr. Heese:

Enclosed is Water Permit No. 2167-2 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

We will schedule an inspection so that the Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

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

enclosures



2167-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 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

Is your RETURN AI
d on the reverse side?

SENDER:

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

3. Article Addressed to:

DALE HEESE
HCR 88 BOX 36
MILLBORO SD 57580-7417

5. Signature (Addressee)

6. Signature (Agent)

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

1. ☒ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

4a. Article Number

P 837 692 595

4b. Service Type

☐ Registered

☐ Insured

☒ Certified

☐ COD

☐ Express Mail

☐ Return Receipt for Merchandise

7. Date of Delivery

2-28-94

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

Thank you for using Return Receipt Service.



2167-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

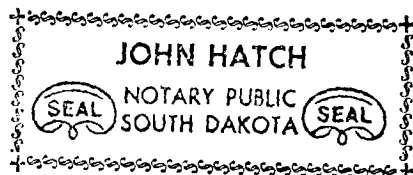
4524-3 & 4524-3A: Leon Lengkeek, 1605 Buffalo TR, Brookings, SD 57006.
 4443-3: Lonnie H. Nelson, RR 2, Box 156, Yankton, SD 57078.
 5010-3: Loren & Joyce Forrest, RR 1, Box 213, Laverne, MN 56156.
 156-3, 157-3, 164-3 & 1878-3: Marene Flyger, Box 362, Hurley, SD 57036.
 2242-3: Mark Quam, RR 2, Box 456, Elk Point, SD 57025.
 1523-2 & 1525-2: May & Sons, Inc., HC 53, Box 21, Interior, SD 57750.
 3550-3: Melvin A. Schmidt, Rt 2, Box 127, Parker, SD 57053.
 1714-2 & 2063-2, 400-2 & 401-2: Melvin E. Brassfield, Box 24, Caputa, SD 57725.
 5353-3: Michael A. Koslowski, RR 1, Box 44, Waubay, SD 57273.
 4910A-3: Michael L. Kreber, RR 1, Box 89, Tabor, SD 57063.
 2120-2: Mick Zink, HC 88, Box 51, Wewela, SD 57578.
 5205-3: Oahe Shores Golf Association, Dennis Moser, P.O. Box 174, Pollock, SD 57648.
 1684-3 & 2742-3: Paul Daly, P.O. Box 379, Ft. Thompson, SD 57339-0379.
 5736-3: Robert Streeter, 2645 Country VW, Monroe, WI 53566.
 235-3: Russell Doolittle, RR 1, Box 53, Wolsey, SD 57384.
 1264-3A: Steffen Brothers, Inc., HCR 37, Box 132, Pierre, SD 57501-9514.
 424-1: Steve Smeenck, Rt 1, Box 134, Newell, SD 57760.
 399-2: Thomas & Robin Jagow, HC 56, Box 39, Buffalo Gap, SD 57722.
 5225-3: Town of Pollock, Lila Renner, F.O., P.O. Box 57, Pollock, SD 57648-0057.
 925-1: Warren N. 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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 16, 1994

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 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



2167-2

**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:

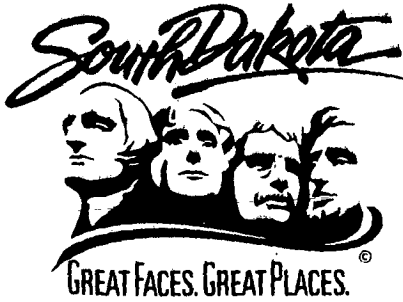
1. Suspend or cancel Permit No(s) 1076-2, 1236-2 & 2167-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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



**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



2167-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 4, 1997

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: 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 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 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.



**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



**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.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

DALE HEESE
P.O. BOX 36
MILLBORO SD 57580 7417

4a. Article Number

119 141 231

4b. Service Type

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

7. Date of Delivery

1-10-98

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X *Dale Heese*

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

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.



**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 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

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.

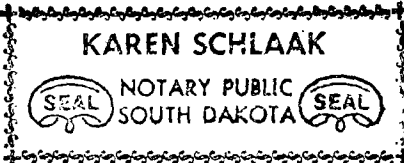
Water Right No. 1076-2 and Water Permit Nos. 1236-2 and 2167-2 are suspended for failure to submit the 1997 irrigation questionnaires and chemical reporting forms, and the Notice was sent to the following:

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


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

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


Notary Public


KAREN SCHLAACK, Notary Public
My Commission Expires



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 9, 1998

2167-2

Dale Heese
HCR 88; Box 36
Millboro, SD 57580

Dear Mr. Heese:

The investigation of your water use system was conducted on November 7, 1997, by Timothy G. Schaal, staff engineer. The investigation included the extent of application of water to beneficial use, as developed under Water Permit No. 2167-2. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the investigation and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

**Please remit fee to:
Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181**

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Program
(605) 773-3352

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

19 415685

Pierre, March 13, 19 98

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

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct
and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water, for Future
Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water
License No. 2167-2

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

50 00

By _____
Chief Engineer

John Hatch



**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

Permit No. 2167-2 & 1236-2
Keyapaha River - Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, November 7, 1997, made a thorough examination of the water use system constructed by Dale Heese of HCR 88 Box 36, Millboro, SD 57580 holder of Permit No. 2167-2 & 1236-2, bearing the priority of March 19, 1991 & January 22, 1975 authorizing the diversion of 1.96 cu. ft. per second of the waters of groundwater 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:

Veri/Line 12 inch turbine pump, Model No. 6260 with Isuzu 6 cyl. Diesel motor, Model No. 6B61TPX, Capacity 450 gpm and 4 pumps and motors associated with Permit No. 1076-2

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

Approximately 1 mile of buried 6 inch PVC pipe from Well No. 1 of Permit No. 1076-2

C. Works used to apply water to beneficial use:

Reinke Electrogator 8 tower Center Pivot

The system is in the following condition Good. The point of diversion is located 2 wells associated with Permit #1236-2—Well #1, 1320 feet north & 1050 feet west and Well #2, 1280 feet north & 950 feet west of the SE corner of Sec. 30-T95N-R76W (SE ¼ SE ¼); and 4 wells associated with Permit #1076-2—Well #1, 500 feet north & 230 feet east, Well #2, 215 feet north & 600 feet east, Well #3, 800 feet north & 1075 feet east (Lot 4 Sec. 32) and Well #4, 550 feet north & 530 feet west (Lot 3 Sec. 31) from the SW corner of Sec. 32-T95N-R76W. The works are capable of diverting and conveying to the place of use 2.00 (900 gpm) cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

SE ¼ SE ¼ Sec. 30-T95N-R76W—34 Acres

SW ¼ SE ¼ " " --34

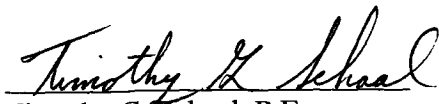
NW ¼ SE ¼ " " --34

NE ¼ SE ¼ " " --34

comprising a total of 136 acres of land and the license should be issued for 1.94 cfs..

Applicable permit qualifications have been complied with: Yes X

Exceptions to compliance are: none Date Report Completed: February 26, 1998



Timothy G. Schaal, P.E.
Natural Resources Engineer
DENR, Water Rights Program

REPORT ON INSPECTION OF PERMIT NO. 2167-2 & 1236-2

Other permit(s) associated with the project: No. 1076-2 (Licensed in September 1989)

DATE OF INSPECTION: November 7, 1997

NAME & ADDRESS OF INSPECTION CONTACT/ Dale Heese

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: owner

NAME & ADDRESS OF PERMIT HOLDER: Dale Heese, HCR 88, Box 36, Millboro, SD 57580

DIVERSION POINT LEGAL LOCATION: 2 wells associated with Permit #1236-2—Well #1, 1320 feet north & 1050 feet west and Well #2, 1280 feet north & 950 feet west of the SE corner of Sec. 30-T95N-R76W (SE ¼ SE ¼); and 4 wells associated with Permit #1076-2—Well #1, 500 feet north & 230 feet east, Well #2, 215 feet north & 600 feet east, Well #3, 800 feet north & 1075 feet east (Lot 4 Sec. 32) and Well #4, 550 feet north & 530 feet west (Lot 3 Sec. 31) from the SW corner of Sec. 32-T95N-R76W.

WELL INFORMATION:

- 1) Well Drilling Firm: Chase Well Drilling, Inc
- 2) No. of Wells 6 Total (2 under #1236-2 & 4 under #1076-2)
- 3) Depth(s) varies feet
- 4) Well log is available yes
- 5) Comment: See Attached Well Logs for depths and casing info.

Pump: No. 1076-2(See File)

No. 1236-2

1) Make 4 Worthington pumps

Verti/Line Turbine

2) Model

6260

3) Size XXX

12 inch

4) Capacity XXX GPM

450 gpm

Motor: No. 1076-2 (See File)

No. 1236-2

1) Make 1-- 6 cyl. Chrysler Diesel

Isuzu 6 cyl Diesel

1—3 Hp Beldon Elec. Motor

2—5 Hp Dayton Elec. Motors

2) Model No. XXX

6B61TPX

3) Horsepower rating XXX hp

100 Hp

DISTRIBUTION LINES OR CANALS:

- 1) Type Approximately 1 mile of buried 6 inch from Well No.1 (1076-2)

SYSTEM TYPE:

Center pivot:

- 1) Make Reinke Electrogator
- 2) Overall length 1320 feet
- 3) Number of towers 8 towers
- 4) Distance between towers XXX feet
- 5) End gun Yes
- 6) High or low pressure XXX
- 7) Capacity 900 GPM

CHEMIGATION EQUIPMENT:

- 1) Does chemigate yes
- 2) Main line check valve yes
- 3) Inspection port/air relief yes
- 4) Low pressure drain yes
- 5) Discharge is 20 ft. from source yes
- 6) Interlock type XXX
- 7) Injection pump type pos. dis. pump
- 8) Injection check valve yes
- 9) Injection line check valve or positive displacement pump pos. dis. pump
- 10) All chemigation equipment appears to be installed in the proper position and complies with chemigation laws and rules yes

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Soil and water permit lands agree with lands being irrigated and lands listed on permit N/A
- 2) Special qualifications to permit being abided by yes
- 3) All structures, wells and lands on map yes
- 4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period yes

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2167-2

(1) Dale Heese, HCR 88 Box 36, Millboro, SD 57580 made Application No. 2167-2, August 2, 1990 for a water permit to divert water from ground water (four existing wells), Tripp County, South Dakota for irrigation purposes. Permit No. 2167-2, with a priority date of March 19, 1991 was approved May 22, 1991 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

Water Permit No. 2167-2 was obtained to allow use of water from four wells authorized under Water Right No. 1076-2 to supplement the irrigation of 136 acres authorized by Water Permit No. 1236-2. No. 2167-2 did not authorize an increase in the diversion rate or acres irrigated under No. 1236-2.

The applicable portions of Water Permit No. 1236-2 are incorporated into this Water License No. 2167-2. A priority date of January 22, 1975 is retained for diversion of water from two wells in the SE $\frac{1}{4}$ Section 30, T95N, R76W. A priority date of March 19, 1991 is retained for diversion of water from four wells located in the SE $\frac{1}{4}$ Section 31 and SW $\frac{1}{4}$ Section 32, T95N, R76W.

(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 1.94 cubic feet of water per second for beneficial use. The location of the diversion points are:

Legal Description	Priority Date
1320'N & 1050'W of the SE corner Section 30, T95N, R76W (SE $\frac{1}{4}$ SE $\frac{1}{4}$)	January 22, 1975
1280'N & 950'W of the SE corner Section 30, T95N, R76W (SE $\frac{1}{4}$ SE $\frac{1}{4}$)	" " "
500'N & 230'E of the SW corner of Section 32, T95N, R76W (Lot 4 Section 32) *	March 19, 1991
215'N & 600'E of the SW corner of Section 32, T95N, R76W (Lot 4 Section 32) *	" " "
800'N & 1075'E of the SW corner of Section 32, T95N, R76W (Lot 4 Section 32) *	" " "
550'N & 530'W of the SW corner of Section 32, T95N, R76W (Lot 3 Section 31) *	" " "

***The four wells located in Section 31 & 32 are also used to irrigate land described in Water Right No. 1076-2**

(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:

Section 30, T95N, R76W:	SE $\frac{1}{4}$ SE $\frac{1}{4}$	34 acres
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	34 acres
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	34 acres
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	34 acres
	Total	136 acres

continued

Water License No. 2167-2

(4) Pursuant to South Dakota Water Law 46-5-30.1 Dale Heese, HCR 88 Box 36, Millboro, SD 57580 the holder and/or owner of Incorporated Water Permit No. 2167-2 is issued a license to appropriate water, the right to use 1.94 cubic feet of water per second from ground water (6 wells) with priority dates of January 22, 1975 and March 19, 1991 from the location specified in (2) of this license. The water 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 Incorporated Water Permit No. 2167-2 and subject to South Dakota State Law.



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

MAR 30 1998

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 30 1998

2167-2

Dale Heese
HCR 88 Box 36
Millboro, SD 57580

Dear Ms. Heese:

Enclosed is Water License No. 2167-2. This is the final water right document completing your process of obtaining a water right. Also enclosed is Receipt No. 415685 in the amount of \$50.00 which you paid for the investigation and issuance of the water license.

For your information, SDCL 46-5-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 2167-2, 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 flowing well that is being used or is not considered abandoned, must be valved and controlled, 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 the use of the water.

Just a reminder, the Water Management Board suspended your water rights for the 1998 irrigation season. Receipt of the enclosed water license does not override the Board's decision. If you would like the Board to reconsider the suspensions, you will need to write a letter to us requesting the matter be scheduled for hearing. The next Water Management Board meeting is May 6, 1998, in Pierre. If you have any questions concerning this procedure, please contact Genny McMath at (605) 773-3352.

Very truly yours,

A handwritten signature in black ink, appearing to read "John Hatch", written over a horizontal line.

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

gm

enclosures

NOTE: The applicable portions of Water Permit No. 1236-2 are incorporated into Water License No. 2167-2



**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

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.


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 5th day of May, 1998




Notary Public

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

Department of Environment & Natural Resources
Joe Foss 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

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.



**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, Box 33A, Cody, NE 69211.

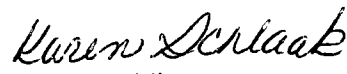
A copy of the above described Notices was sent Inter-office to:

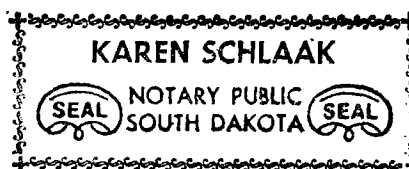
Diane Best, Assistant Attorney General, Capitol Building.


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

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


Karen Schlaak
Notary Public



KAREN SCHLAACK, Notary Public
My Commission Expires
April 1, 2001



2167-2

**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

FROM: Ron 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.



2167-2

**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.



**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



2167-2
**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, MILLBORO, 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.



**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



2167-2

**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



2167-2

**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 57580 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.

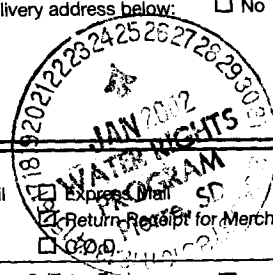
The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by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

2167-2

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>Keith S. Coon</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 ☐ Signature Required	
		4. Restricted Delivery? (Extra Fee) ☐ Yes	



7001 2510 0004 4797 4258

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952



2167-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 29, 2002

1076-2
2167-2

Dale Heese
30379 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



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.



2176-2

Track & Confirm

Delivery Status

You entered 2301 0370 0000 7540 5232

Your item was delivered at 8:35 am on January 18, 2003 in WINNER, SD 57580. The item was signed for by D HEESE.

[Request Delivery Record >](#)

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

POSTAL INSPECTORS
Preserving the Trust

[site map](#) [contact us](#) [government services](#)
Copyright © 1999-2002 USPS. All Rights Reserved. [Terms of Use](#) [Privacy Policy](#)

U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 0370 0000 7540 5232

DALE HEESE
30379 315th Ave
MILLBORO SD 57580 6123

Postmark
Here

POSTAL CUSTOMER:

Keep this receipt. For inquiries:
Access internet web site at
www.usps.com
or call 1-800-222-1811

CHECK ONE (POSTAL USE ONLY)

- ☐ Priority Mail
☐ Package Services

(See Reverse)

PS Form 153, February 2001



**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 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



2167-2
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.



2167-2

**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



2167-2

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.



**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 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



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 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.



**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 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



216-7-2
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, 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.



**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 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,

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



2167-2
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 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.



**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 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



2167-2
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.



2167-2
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:

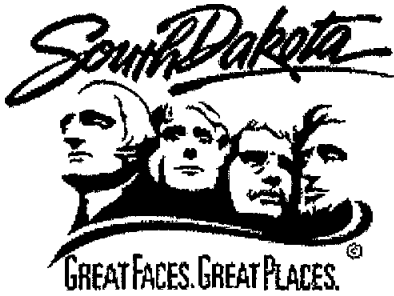
I am writing to acknowledge receipt of your 2015 irrigation questionnaires.

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



2167-2
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.

2167-2



**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



2167-2
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.

2167-2



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 cursive script that reads "Genny McMath".

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



2167-2
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:

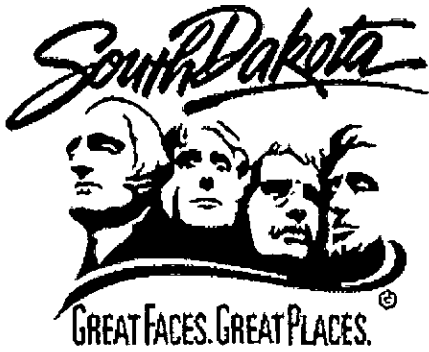
1. Suspend or cancel Permit No(s) 1076-2 & 2167-2 in accordance with applicable provisions of SDCL 46-1-12; **Based on previous violations of Nos. 1076-2 & 2167-2, the Board may consider a three-year suspension of the water rights;**
2. Postpone any action; or
3. Take no action.

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.

2167-2



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,

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

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



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/ig> 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,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us