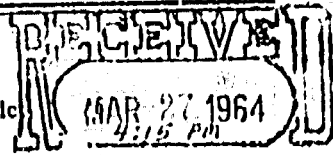


1091-3

1. Considered 5-6, 1961
2. Name of Applicant Walter Heien
3. Post Office Address Blunt
4. Amount of Water Claimed 2.0
5. Source of water supply ground water
6. Water to be used for irrigation
 Acres to be irrigated 100
7. Water to be diverted and used in Hughes County about
2E Miles _____ of Blunt
8. Proof of Publication Received ☒
 Not Received ☐
9. Application Approved ☐
 Subject to _____
 Not Approved ☐
 Action deferred ☐

10. Remarks:

No. 1091-3Water Division No. 3 Missouri River District
(Blanks to be filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COM.
PIERRE, SOUTH DAKOTA

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

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

1. Name of applicant Walter Heion
Postoffice address Box 268, Blunt, County Hughes, State S. Dak.

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

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

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

(a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

Contract & direct labor

- (b) Cash on hand, \$ 1000
- (c) Treasury stock, \$
- (d) Bonds to be issued, \$
- (e) Other resources, \$

2. Name of diversion work Walter Heion #1
3. Amount of water claimed Two cubic feet per second
4. Source of water supply Well
5. Location of point of diversion From the east corner Sec. 10, T. 112, R. 76 S 52° W
10 rods on bank Hughes County.
6. Annual period or periods during which water is to be used May 1 to Nov. 1
7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Sprinkler gravity(a) Number of acres to be irrigated 154 acres.(b) Legal subdivisions to be irrigated See map

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

(c) Statement as to domestic use (giving location, etc.) None

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

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

Map No 725-3

8. Estimated cost of work:

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

(b) Pumping plant, \$ 700.....

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

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

Rock, \$.....

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

Total, \$.....

9. Description of diversion works:

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

Pumping plant, pipeline & Ditching

II. Dimensions of works.

(a) Dam: Height.....feet; length at bottom.....feet; length at top.....feet; thickness at bottom.....feet; thickness at top.....feet; slope at front water face.....; slope at back face.....material used in construction.....

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

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

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

(d) Canal: Total length.....miles.

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

(Give dimensions where reductions in size are made.)

10. Time required for completion of work.....5.....years.

11. Time required for complete application of water to the proposed beneficial use.....5.....years.

12. Choice of newspaper for publication of notice of intention to appropriate.....Pierre Capital Journal.....

STATE OF SOUTH DAKOTA

County of.....BUTTE.....

ss.

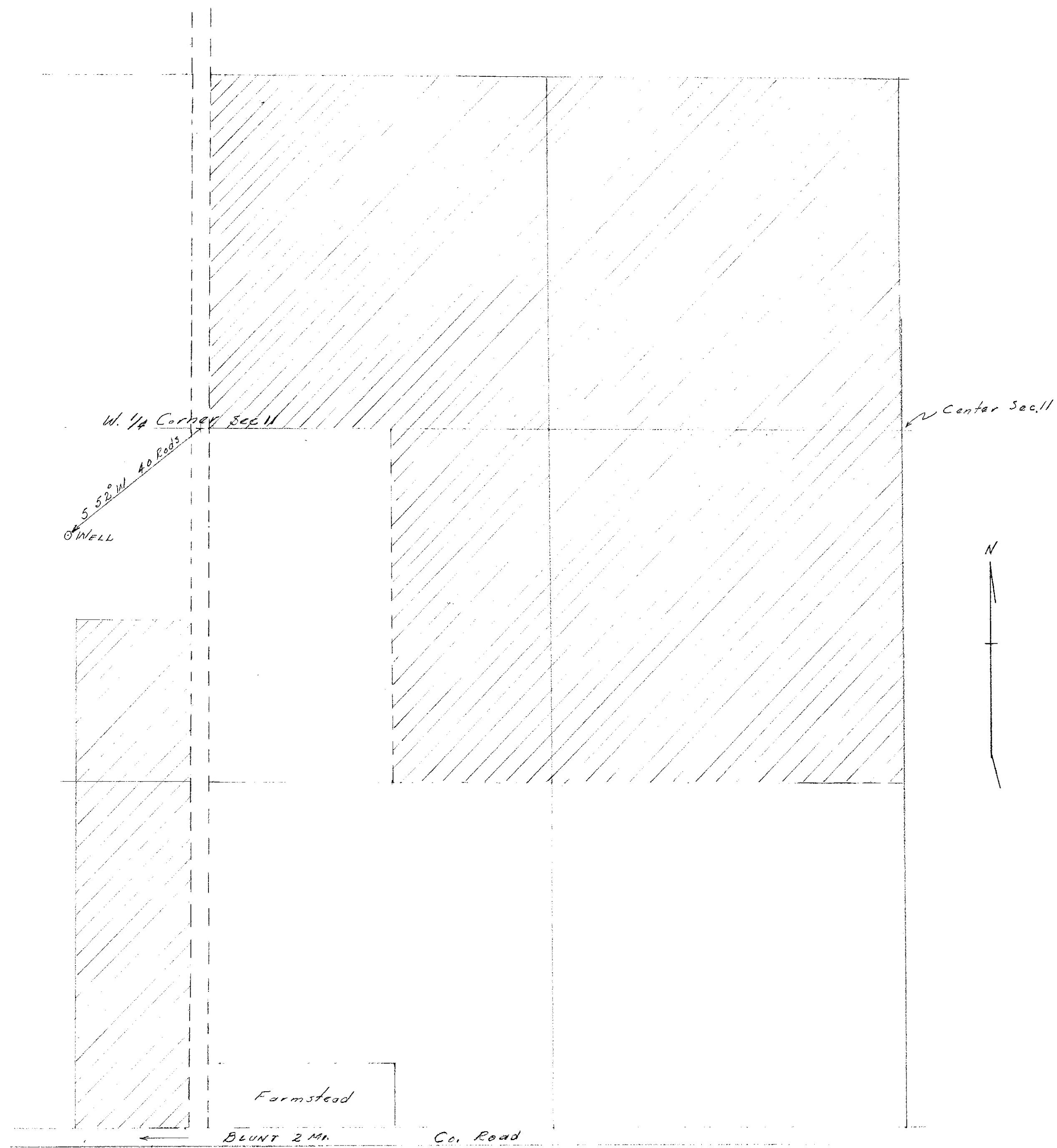
I, Walter E. Hagen, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed.....Walter E. Hagen.....

Subscribed and sworn to before me this.....day of.....19.....

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.



All lands described are owned by Walter Heien
LOCATION OF LAND TO BE IRRIGATED

LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
SW ¹ NW ⁴	11	112N	76W	40.0
SE ⁴ NW ⁴	11	112N	76W	40.0
NE ⁴ SW ⁴	11	112N	76W	40.0
NW ⁴ SW ⁴	11	112N	76W	18.0
SE ¹ SE ⁴	10	112N	76W	11.0
NE ⁴ SE ⁴	10	112N	76W	5.0
TOTAL				154.0

Land to be irrigated

SCALE 1"=300 FT.

WALTER HEIEN IRRIG. PROJECT #1
BLUNT, HUGHES CO. S. DAK

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Designed.....	Date.....	Approved by.....
Drawn.....		Title.....
Traced.....		
Checked.....	Sheet.....	Drawing No.....
	No.....	
	of.....	

Remarks by State Water Resources Commission:

The well granted under this Permit is located near domestic wells and other irrigation wells which may obtain water from the same aquifer. If the well covered by this Permit depletes the domestic supplies or interferes with prior water rights, restrictions, to the extent necessary, of the capacity of the well or periods of operation or other arrangements may be required to protect those water supplies.

STATE OF SOUTH DAKOTA

County of

Hughes

ss.

Pierre, South Dakota,

May 11, 1964

This is to certify that the foregoing application was received by the Commission at 4:15 o'clock

pm. upon the 27th day of March, 1964

State Water Resources Commission

By:

Durton Jones
Chief Engineer, Executive Officer

Number of permit

1091-3

Date of first receipt of application

March 27, 1964

Date of return to applicant for correction, amendment or changes required as follows:

Date of receipt of corrected application

Date from which applicant may claim right

March 27, 1964

Approved

May 6, 1964

Recorded in Book

8

Page

192

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

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

November 6, 1966

2nd. The whole of said work is to be completed on or before

May 6, 1969

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

May 6, 1969

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

irrigation

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 2.0 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually

and beneficially applied for irrigation on or before May 6, 1969; said water to be used during the following described annual period:

May 1 to November 1

Witness my hand this

11th

day of

May

1964

State Water Resources Commission

By:

Durton Jones
Chief Engineer, Executive Officer

Certificate of Construction Issued

OCTOBER 15, 1971

Water License issued

OCTOBER 15, 1971

GRIMSHAW DRILLING CO.

5001 West 38th St.
Sioux Falls, S. Dak.
Phone ED 1-5041

DRILLING LOG
AND STATEMENT

Chamberlain, S. Dak.
Phone 3JJ

Name Walt Hein Date 19 Feb 64

Address Blunt, S. D.

NO. FT.	L.A.	RATE	CASING	TOTAL
85	4"	1.25	—	\$63.25

BALANCE DUE →

\$63.25

DRILLING LOG #1

#2

0 ft. to 3 ft. top soil	0 ft. to 3 ft. top soil
3 ft. to 14 ft. clay	3 ft. to 16 ft. clay
14 ft. to 25 ft. ^{dirty} fine sand	16 ft. to 23 ft. ^{dirty} fine sand
25 ft. to 40 ft. ^{coarse} gravel	23 ft. to 37 ft. ^{coarse} gravel
40 ft. to 43 ft. ^{blue} clay	37 ft. to 42 ft. ^{blue} clay
ft. to ft.	ft. to ft.
ft. to ft.	ft. to ft.
ft. to ft.	ft. to ft.

Static Water Level 14 ft.

Chuck Riley
Driller

No 2224

Form 2A — Wells (Supplement to Form 2)

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 36" Depth 10'

Type of casing Steel
(wood, concrete, steel, etc.)

Size of casing 18" Thickness of casing 10 gage

Length of casing 10' If collection gallery, length, size and depth of
gallery 15'

(b) Screens

Type of perforated screen Perforated casing

Size of perforated screen 18" 15'
(diameter) (length)

Thickness of gravel pack length of gravel pack

(c) Water Bearing Materials

Distance to water 12' Character of water bearing materials

Thickness of water bearing material

(d) Pump and Motor

Type of pump Turbine
(centrifugal, propeller, mixed flow, etc.)

Name of pump Western Land Roller size 6"

Kind of motor Electric
(gasoline, electric, diesel, etc.)

Horsepower 25 Horse Name of Motor Unknown

(e) Complete well

Capacity 900 gal. est at drawdown of 13' Estimated cost \$700

(f) Owner of land upon which well is located Walter E. Hoien
Name
Plant, S. Dak.

Address

(g) Distance to nearest existing wells

On same owner's property 50 yards rods. On property owned by others Dale Highswanger
rods

Form 15.

Permit No. 1091-3

Water Diversion No. 3 MISSOURI RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Walter Heien

_____ the holder _____ of
Permit No. 1091-3, issued upon Application No. 1091-3, bearing date of priority of March 27, 1964
_____ authorizing the diversion of 2.0 cu. ft. per second of the waters of _____
ground water County of Hughes, State of South Dakota at _____
a point South 52° West, 40 rods from the E₁ Corner, Section 10, T112N, R76W
_____, for irrigation

_____ purposes, has _____ complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 2.0 cu. ft. per second of water.

Date October 15, 1971

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1091-3

(1) WHEREAS, On the 27th day of March A. D. 19 64
Walter Heien

made Water Right Application No. 1091-3 for a permit to use 2.0 cubic feet per second of the waters
of ground water
County of Hughes, State of South Dakota, for irrigation
purposes; and

(2) WHEREAS, On the 11th day of May A. D. 19 64
Permit No. 1091-3, with a date of priority of March 27, 1964
was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water
supply system therein described on or before the 6th day of May A. D. 19 69 and for the
application to beneficial use of said water on or before the 6th day of May A. D. 19 69

and:
(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to completion of the construw of the water supply system and is entitled to divert 2.0 cubic feet
per second of water for beneficial use and.

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to the application of water to beneficial use of the following extent.

for irrigating the following land: All in T112N, R76W

Section 10	SE $\frac{1}{4}$ SE $\frac{1}{4}$	11 acres
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	5 acres
Section 11	SW $\frac{1}{4}$ NW $\frac{1}{4}$	40 acres
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	40 acres
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	40 acres
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	18 acres
Total		154 Acres

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to, _____ / Walter Heien

_____ of Blunt, S.D.

the holder _____ and owner _____ of said permit No. 1091-3 a water right, dating from March 27, 1964

_____ to use of 2.0 cubic feet per second of the waters

of ground water

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

purposes hereinbelow mentioned, to be diverted at a point South 52° West, 40 rods from the E½ Corner,

Section 10, T112N, R76W

and conduct to and upon portions of Sections 10 and 11, T112N, R76W, more fully described

on the face of this license

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 1091-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota

this 15th day of October A. D.

Nineteen Hundred and Seventy-one

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J.W. GRIME'S

on or before
(First Publication April 1, 1964)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., April 1, 1964

Notice is hereby given that Walter Heien whose postoffice address is Blunt S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.0 cubic feet of water per second of time from the ground water through the Walter Heien #1, the point of diversion of which is to be located on the NE 1/4 of the SE 1/4 of Section 10 in the NE 1/4 of the SE 1/4 of Section 10 of Twp. 112N Range 76W. Said water to be used for the purpose of providing irrigation on the following land:

E 1/2 SE 1/4, Section 10; N 1/2 SW 1/4 and S 1/2 NW 1/4, Section 11, T112N, R76W

~~and for~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 6th day of May, 1964, at 2:00 P.M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

cc: **R.B. Hippie-Publisher**
Capital Journal
Pierre, South Dakota

State Water Resources Commission

By:

~~State Water Resources Commission~~
BURTON F. JONES
Water Right Specialist

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
 County HUGHES } ss.

J. H. HIPPLE being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the -----

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

CITY of PIERRE County of

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

4-3, 4-10, 4-17, 4-24- 1964

in each and every issue of the full number thereof, the first publication being made on the 3 day of April 1964 and the last publication on the 24 day of April 1964, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was Business Mgr. the printer and publisher of the said newspaper.

John H. Hippale

Subscribed and sworn to before me this 24 day of April A. D. 1964

Notarial Commission of
 by Sarah Gordon
 Expires March 25, 1966

Sarah Gordon
 Notary Public HUGHES County, S. D.

No. 10607
 1st daily, Apr. 3-10-17-24 No. 1091-3
 APPROPRIATION OF WATER
 Office of State Water Resources
 Commission, Pierre, S. Dak., April
 1, 1964.

Notice is hereby given that, Walter Helen whose postoffice address is Hunt, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.6 cubic feet of water per second of time from ground water through the Walter Helen No. 1, the point of diversion of which is to be located in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 10 Twp. 112N Range 76W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

12 $\frac{1}{2}$ SE $\frac{1}{4}$, Section 10; N $\frac{1}{2}$ SW $\frac{1}{4}$ and S $\frac{1}{2}$ NW $\frac{1}{4}$, Section 11, T112N, R76W.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 6th day of May, 1964, at 2:00 P.M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources
 Commission

By: BURTON F. JONES
 Water Right Specialist

RECEIVED
 APR 27 1964

STATE WATER RESOURCES COMM.
 PIERRE, SOUTH DAKOTA

Permit No. 1091-3
 Water Division 3 MISSOURI RIVER Water District

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

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by WALTER HEIEN of BLUNT holder of Permit No. 1091-3 bearing date of priority of MARCH 27, 1964 authorizing the diversion of 2.0 cu. ft. per second of the waters of GROUND WATER for IRRIGATION purposes, in HUGHES County.

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

The Water Use System consists of,

A. Works used to divert the water:

44' DEEP WELL W/ 16" CASING
WESTERN LAND ROLLER 8" PUMP, POWERED BY
40 H.P. G.E. ELECTRIC MOTOR

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

1/2 MILE OF 6" MAINLINE
1000' OF 5" MAINLINE

C. Works used to apply water to beneficial use.

2. 1/4 MILE 4" TOWNLINES WITH RAINBIRD #30
SPRINKLERS W/ 11/64 NOZZLES
1000' OF 6" GATED PIPE

The system is in the following condition: GOOD

The point of diversion is located S 52° W, 40 RODS FROM THE
E 1/4 CORNER, SECTION 10, T112N, R76W

The works are capable of diverting and conveying to the place of use 2.0

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: ALL IN T112N, R76W

<u>SECTION 10</u>		<u>SECTION 11</u>	
<u>SE²SE²</u>	<u>11 ACRES</u>	<u>SW²NW²</u>	<u>40 ACRES</u>
<u>NE²SE²</u>	<u>5 "</u>	<u>SE²NW²</u>	<u>40 "</u>
		<u>NE²SW²</u>	<u>40 "</u>
		<u>NW²SW²</u>	<u>18 "</u>

comprising a total of 154 acres of land.

Date OCTOBER 13, 1971

[Signature]
 (Signature)

WATER RIGHT SPECIALIST
 WATER RESOURCES COMMISSION



Department of Water & Natural Resources

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

March 23, 1987

WALTER HEIEN
BOX 145
BLUNT, SD 57522

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 1091-3. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 2:00 pm, May 6, 1987 in Room 216, 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. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 1091-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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

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

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

SOUTH DAKOTA
Department of
Water & Natural Resources

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

April 15, 1987

1091-3

Walt Heien
Blunt, SD 57552

Dear Mr. Heien:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaire. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit No. 1091-3 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

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

If you have any questions, please contact us.

Very truly yours,



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

South Dakota
Department of
Water & Natural Resources

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

January 29, 1988

WALTER HEZEN
BOX 145
BLUNT, SD 57522

NOTICE

Re: Violation of Requirement To Submit 1987 Irrigation
Questionnaire

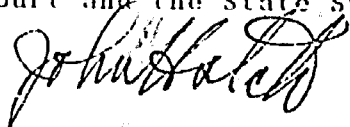
Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 1091-3. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:00 am, March 2, 1988 in Room 216, 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. Following the hearing(s), the Water Management Board can:

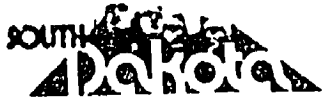
1. Amend Permit No(s). 1091-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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



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

NOTE: If the questionnaire(s) is received in this office before the March 2 hearing date, your name will be deleted from the agenda for the hearing.



Department of Water & Natural Resources

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

February 4, 1988

1091-3

Walter Heien
Box 145
Blunt, SD 57522

Dear Mr. Heien:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 1091-3 and the hearing date before the Water Management Board.

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

Very truly yours,

A handwritten signature in cursive script, appearing to read "John Hatch".

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



GREAT FACES. GREAT PLACES

DEPARTMENT OF WATER & NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

February 1, 1991

WALTER HEIEN
BOX 145
BLUNT SD 57522

NOTICE

RE: Violation of Requirement to Submit 1990 Irrigation Questionnaire

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 1091-3. The request for the Questionnaire was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 Irrigation Questionnaire be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:15 am, February 27, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, Pierre SD.

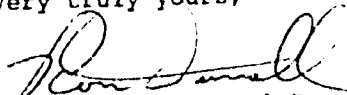
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s) 1091-3 to require the Irrigation Water Use Questionnaire to be submitted each year,
2. Postpone any action;
3. Take no action.

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

If the questionnaire(s) is received in this office before the February 27th hearing date, your name will be deleted from the agenda for the hearing.

Very truly yours,


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

PS Form 981 (Rev. 1-78) DOMESTIC RETURN RECEIVED



DEPARTMENT OF WATER & NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

February 5, 1991

1091-3

Walter Heien
Box 145
Blunt, SD 57522

Dear Mr. Heien

I am writing to acknowledge receipt of your 1990 irrigation questionnaire for Water Right No. 1091-3. You may disregard the February 1, 1991, Notice of failure to submit the 1990 irrigation questionnaire. With receipt of the questionnaire, your name has been deleted from the February Water Management Board meeting agenda.

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

Sincerely,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division



WALTER HEIEN
BOX 145
BLUNT SD 57522

1091-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE

RE: Violation of Requirement to Submit 1991 Irrigation Questionnaire

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit No(s) 1091-3. The request for the Questionnaire was dated October 18, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1991 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:15 am, March 4, 1992, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1091-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office before the March 4th hearing date, your name will be deleted from the Board agenda.

Very truly yours,

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

South Dakota

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

GREAT FACES. GREAT PLACES.

January 29, 1992

1091-3

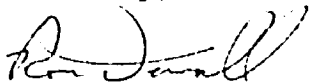
Walter Heien
Box 145
Blunt, SD 57522

Dear Mr. Heien:

I am writing to acknowledge receipt of your 1991 irrigation questionnaire for Water Right No. 1091-3. You may disregard the January 28, 1992, Notice of failure to submit the 1991 irrigation questionnaire. The questionnaire was completed in the office based upon our January 29, 1992 telephone conversation. Your name was deleted from the agenda for the Water Management Board Meeting.

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

Sincerely,



Ron Duvall, Natural Resources Engineer IV
Water Rights Division

SENDER:

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

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:

WALTER HEIEN
BOX 145
BLUNT, SD 57522

4a. Article Number

P906 557 719

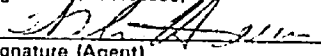
4b. Service Type

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

7. Date of Delivery

1-29-92

5. Signature (Addressee)



6. Signature (Agent)

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

1091-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 16, 1994

WALTER HEIEN
PO BOX 145
BLUNT SD 57522-0145

NOTICE

RE: Violation of Requirement to Submit 1993 Irrigation Questionnaire

Our records indicate that the 1993 Irrigation Questionnaire has not been submitted for Permit No(s) 1091-3. The request for the Questionnaire was dated October 18, 1993. The Water Management Board has directed that owners of water permits who have not submitted the 1993 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 8:45 am, April 6, 1994, at the Golden Hills Resort, 900 Miners Ave, Lead, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1091-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before April 1, 1994, your name will be deleted from the Board agenda.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Ron Duvall", is written over a horizontal line.

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

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & 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.

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:

1091-3
WALTER HEIEN
PO BOX 145
BLUNT SD 57522-0145

4a. Article Number

P 837 692561

4b. Service Type

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

7. Date of Delivery

2-17-94

5. Signature (Addressee)

x *Walter Heien*

6. Signature (Agent)

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

P.O. Box 145

Thank you for using Return Receipt Service.



1091-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 17, 1994

1091-3

Walter Heien
PO Box 145
Blunt, SD 57522-0145

Dear Mr. Heien:

Your 1993 irrigation questionnaire has been completed for you and is now on file in our office. The questionnaire was completed based upon our February 17th telephone conversation. You may disregard the February 16, 1994, Notice of Violation of the Requirement to Submit the 1993 Irrigation Questionnaire.

The questionnaire was completed prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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



1091-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 3, 2004

1091-3

Walter Heien
PO Box 145
Blunt SD 57522

Dear Mr. Heien:

I am writing in regard to Water Right No. 1091-3 held in your name. The water right authorizes diversion of ground water (Highmore-Blunt Aquifer) to irrigate portions of the SE ¼ Section 10 and W ½ Section 11, T112N, R76W.

A review of our records shows the land has not been irrigated for at least 13 years. Under South Dakota Water Law, water must be placed to beneficial use at least once every three years in order to maintain the water right. This three-year period may be waived if legal excuse exists for not irrigating. Enclosed are excerpts of our water laws and Water Management Board rules dealing with these issues.

There is sufficient question concerning the status of the water right to bring this before the Water Management Board for a ruling on the legal status of the water right. If the board finds the right to be valid, the water right holder will be protected from future challenges concerning these years of nonuse.

There are two options. First, you may seek a declaratory ruling from the Board and have them make a determination on the legal status of the water right. Secondly, if you do not intend to maintain the water right, the water right will be scheduled for cancellation consideration. In addition, DENR may proceed with pursuing cancellation if it is apparent the water right has been abandoned and/or forfeited. Cancellation of the water right does not prevent you from reapplying for a permit should you decide to irrigate in the future.

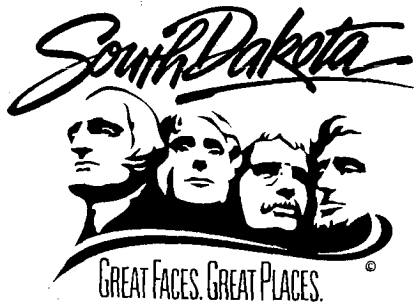
Please review the enclosed excerpts and get in touch with us. Thank you in advance for your help.

Sincerely,

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

enclosure

1091-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 4, 2008

Walter Heien
PO Box 145
Blunt SD 57522

Dear Mr. Heien:

The submittal of the 2008 irrigation questionnaire for Water Right No. 1091-3 included a comment regarding why water has not been used. I am writing to inform you when a water right can be subject to forfeiture for nonuse of water. Enclosed is a copy of the water right.

Water Right No. 1091-3 dates back to 1964 appropriating a maximum diversion rate of 900 gallons per minute from one well for the irrigation of 154 acres in the E ½ SE ¼ Section 10 and the S ½ NW ¼, N ½ SW ¼ Section 11; all in T112N, R76W. Water Rights records indicate that the last time irrigation took place on this property was 1989.

Water Rights law states "when any person entitled to the use of appropriated water fails to use beneficially all or any part of such water for the purpose for which it was appropriated, for a period of three years, such unused water shall revert to the public and shall be regarded as unappropriated public water".

Based on the irrigation history it appears that irrigation has not taken place for 18 years. The irrigation questionnaire states that you have planted a grape vineyard and orchard and you want water available for this and a red cedar grove on the farm.

Mr. Heien, I recall having a phone conversation with you about the nonuse of water a few years back. At that time, I explained the need to use water and the possibility the water right may be subject to cancellation based on the years of nonuse. South Dakota water rights law simply does not provide that a water right can be held into perpetuity with the thought the water may be needed some day.

Finally, the comment on the irrigation questionnaire regarding wanting to have the option of watering other land on our farm raises a concern. The water right is specific to the land that may be irrigated. In addition, the water right can be forfeited for just that portion of the irrigation system that is no longer in place.

Please feel free to contact me if you have questions about the status of the water rights. I am more than willing to explain water rights law regarding this issue.

Sincerely,



Eric Gronlund

Water Rights Program, DENR

605 773-3352

enclosure

1091-3



I TOOK THIS PICTURE FROM THE COCKPIT OF MY
AIRPLAN THIS YEAR. THE GRAVED PIPE RUNS ALONG THE TOP OF THE HILL
THE FULL LENGTH OF THE EAST SIDE OF THE TREES.



1091-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 26, 2018

NOTICE

TO: WALTER HEIEN, PO BOX 145, BLUNT, SD 57522 0145

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 has not been submitted for Permit No(s) 1091-3 as required by administrative rule 74:02:01:14.02. 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 be given notice of hearing to determine if any Board action is to be taken concerning this issue.

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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1091-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 7, 2018** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 21, 2018

1091-3

Walter Heien
PO Box 145
Blunt SD 57522-0145

Dear Mr. Heien

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

You may disregard the January 26, 2018, "Notice" concerning reporting requirements for Water Right No. 1091-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

1091-3

File No. 1091-3

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Walter Heien; PO BOX 145, Blunt SD 57522

DATE: July 19, 2023

TELEPHONE: 605.962.6450

RE: cancellation?

COMMENTS:

Walter had been in contact with Genny McMath in years past. Records indicate that no irrigation has taken place since 1989. On July 19, 2023 I called Walter and spoke to his wife (Walter is hard of hearing). She indicated that although no irrigation had taken place in the last 30+ years they thought last year had sufficient moisture and intended to pick up irrigation for the 2023-2024 season. I told her I would make a record that we'd spoken and that if no irrigation was reported in the next year their water right would be subject to cancellation.



Amanda Dewell
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 19, 2024

NOTICE

TO: WALTER HEIEN, PO BOX 145, BLUNT, SD 57522 0145

FROM: Ron Duvall, Engineer III
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaire(s)

Our records indicate your 2023 Irrigation Questionnaire has not been submitted for Permit No(s) 1091-3 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **Wednesday, March 6, 2024 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1091-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 6, 2024** 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 Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: PVMWMQ**

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 AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

February 9, 2024

1091-3

Walter Heine
PO BOX 145
Blunt SD 57522

Dear Mr. Heine:

I am writing to acknowledge the receipt of your 2023 irrigation questionnaire(s).

You may disregard the January 19, 2024, "Notice" concerning the reporting requirements for Water Permit No(s). 1091-3. The information was received prior to the March 6, 2024, Water Management Board meeting and this permit number has been removed from the agenda.

If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 14, 2025

NOTICE

TO: WALTER HEIEN, PO BOX 145, BLUNT, SD 57522 0145

FROM: Ron Duvall, Engineer III
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaire(s)

Our records indicate your 2024 Irrigation Questionnaire has not been submitted for Permit No(s) 1091-3 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held on **Wednesday, March 5, 2025, 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1091-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 5, 2025**, 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 Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: IFGSAD**

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 AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

March 6, 2025

NOTICE OF AMENDMENT OF WATER RIGHT

TO: Walter Heine, PO Box 145, Blunt SD 57522

FROM: Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Amendment to Water Right No. 1091-3

On March 5, 2025, the Water Management Board amended Water Right No. 1091-3 to add the follow qualification:

“This Water Right is subject to the Irrigation Water Use Questionnaire being submitted each year.”

This action was taken by the Board for failure to return the 2024 irrigation questionnaire. The addition of this qualification means that failure to submit the required irrigation questionnaire in the future could result in suspension or cancellation of the Water Right.

Please contact Amanda Dewell (605) 773-3352 with any questions.

1091-3.

7021 1970 0000 9489 7547

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For delivery information, visit our website at www.usps.com ®.	
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Certified Mail Fee	\$
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☐ Certified Mail Restricted Delivery	\$
☐ Adult Signature Required	\$
☐ Adult Signature Restricted Delivery	\$
Postage	\$
Total Pos	\$
Sent To	
Street and	
City, State	
WALTER HEINE PO BOX 145 BLUNT SD 57522	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

Postmark
Here

CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that I have personally mailed a true and correct NOTICE OF AMENDMENT OF WATER RIGHT, NOTICE OF ENTRY OF ORDER (ONE & THREE YEAR SUSPENSION OF WATER RIGHTS) dated March 6, 2025, via certified mail to the following parties.

Walter Heine
PO Box 145
Blunt SD 57522

Larry Ryken
244 Gavins Point Rd
Yankton SD 57078

Albert Hattum
21862 West Bend Rd
Harrold SD 57536

James & Joan McElhany
45840 SD Hwy 22
Castlewood SD 57223

Layna Saathoff
46044 199th St
Bruce SD 57220

Makens Oak Tree LLP
c/o Michael Makens
PO Box 274
Clark SD 57552

John or Byran Uecker
PO Box 573
Wagner SD 57380

Selby Community Golf Course
201 S Railway St
Selby SD 57472

Lane Tekrony
47840 180th St
Clear Lake SD 57226

Charlotte Nichols
c/o Philip Nichols
7497 Rolling Meadow Dr
West Chester OH 45069

Saddle Butte Angus
c/o Larry May
20545 May Rd
Interior SD 57750

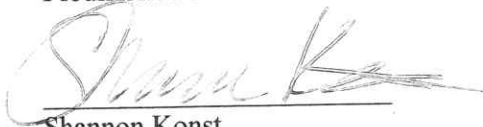
Robert Novotny
10035 County Rd 19
Lidgerwood ND 58503

Stop Drop Lock Inc
c/o Karl Schenk
44352 308th St
Mission Hills SD 57046

Todd Block
PO Box 114
Roslyn SD 57261

Ryan Edwards
25331 Yellow Eagle Rd
White River SD 57579

Robert Phelps Jr
16220 Spring Valley Rd
Piedmont SD 57769


Shannon Konst
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 6th day of March, 2025.


Rachel Rodriguez Notary Public
My Commission expires May 16, 2029



1091-3

ALERT: SEVERE WEATHER IN THE SOUTHEAST AND CENTRAL U.S AND WINTER STORMS IN ...

USPS Tracking®

FAQs >

Tracking Number:

Remove X

70211970000094897547

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

Your item was picked up at a postal facility at 9:49 am on March 21, 2025 in BLUNT, SD 57522.

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USPS Tracking Plus®

Delivered

Delivered, Individual Picked Up at Postal Facility

BLUNT, SD 57522

March 21, 2025, 9:49 am

See All Tracking History

[What Do USPS Tracking Statuses Mean?](https://faq.usps.com/s/article/Where-is-my-package) (<https://faq.usps.com/s/article/Where-is-my-package>)

Text & Email Updates



USPS Tracking Plus®



Product Information



See Less ^

Track Another Package



Feedback



1091-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 20, 2026

NOTICE

TO: WALTER HEIEN, PO BOX 145, BLUNT, SD 57522 0145

FROM: Ron Duvall, Engineer III
for Adam Mathiowetz, PE, Acting Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2025 Irrigation Questionnaire(s)

Our records indicate your 2025 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1091-3. The request for the Questionnaire was dated October 8, 2025. The Water Management Board has directed owners of water permits who have not submitted the 2025 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) 1091-3 qualification:

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

The hearing will be held on **Wednesday, March 4, 2026 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) 1091-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 4, 2026** 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 Shannon Konst at (605) 773-3352 or email at shannon.konst@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: SWUFWN**

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 AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

1091-3

March 6, 2026

NOTICE OF ENTRY OF ORDER FOR ONE YEAR SUSPENSION OF WATER RIGHT

TO: Wilma Heien (Walter Heien), PO Box 145, Blunt SD 57522

FROM: Adam Mathiowetz, PE, Acting Chief Engineer
DANR - Water Rights Program

SUBJECT: One Year Suspension of Water Right No. 1091-3

On March 4, 2026, the South Dakota Water Management Board ordered:

- Effective April 3, 2026, Water Right No. 1091-3 be suspended for the 2026 irrigation season.

This action was taken by the Board for failure to return the 2025 irrigation questionnaire. If the 2025 irrigation questionnaire is received prior to April 3, 2026, the suspension will not take effect.

A one-year suspension of Water Right No. 1091-3 means water may not be pumped during the 2026 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2026 unless the 2025 irrigation questionnaire is submitted prior to April 3, 2026.

After April 3, 2026, you may petition the Board to rescind the suspension. You will need to submit, to the Water Rights Program, the 2025 irrigation questionnaire and a letter including your reason for not completing the 2025 irrigation questionnaire within the allotted time and requesting time on the agenda for the next Water Management Board meeting. The next Water Management Board meeting is scheduled for May 6, 2026, in Pierre SD.

Decisions made by the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Please contact Amanda Dewell, Water Rights Permitting Administrator (605) 773-3352 with any questions.

NOTE: Water Rights staff will conduct unscheduled compliance checks of suspended water rights to ensure irrigation is not taking place.

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Wilma Heien (Walter Heien)
PO Box 145
Blunt, SD 57522

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that I have personally mailed a true and correct NOTICE OF ONE- AND THREE-YEAR SUSPENSION OF WATER RIGHT dated March 6, 2026, via certified mail to the following parties.

Chance & Michelle Wientjes
PO Box 96
Mobridge, SD 57601

Vernon & Marlys Walkling
29832 267th Ave
Crookston, NE 69212

Vasgaard Properties
28746 462nd Ave
Centerville, SD 57014

Doug & Darla Van Gerpen
40930 305th St
Avon, SD 57315

John & Bryan Uecker
PO Box 573
Wagner, SD 57380

Twisted Land & Cattle Co.
C/O Brad Peterson
19030 391st Ave
Hitchcock, SD 57348

Tilton Ranch Inc.
C/O Janet Burback
2199 Skinner Rd
Belgrade, MT 59714

Dale Sprague
16221 Twilight Rd
Mud Butte, SD 57758

Greg & Evette Rihanek
814 E State St
Plankinton, SD 57368

Wayne Reiersen
30048 Reiersen Pl
Pollock, SD 57648

Charlotte or Phillip Nichols
7497 Rolling Meadow Dr
West Chester, OH 45069

Wilma Heien (Walter Heien)
PO Box 145
Blunt, SD 57522

David & Jerry Wieber
PO Box 238
Lidgerwood, ND 58053

Vintage Square Estates
PO Box 594
Ft Pierre, SD 57532

Valley View Farms Inc.
17716 458th Ave
Watertown, SD 57201

Kash & Trish Van Dyke
48549 219th St
Elkton, SD 57026

Oscar Inc.
C/O Floyd Peterson
209 27th St NW
Huron, SD 57350

Dan & David Trudeau
33927 478th Ave
Jefferson, SD 57038

Terrill Farms Inc.
C/O Tony Terrill
42099 176th St
Clark, SD 57225

Swan Creek Land Co. Inc
PO Box 435
Akaska, SD 57420

Six Mile Creek Golf Course
20307 483rd Ave
White, SD 57276

Robert Phelps Jr
16220 Spring Valley Rd
Piedmont, SD 57769

GW Evridge
20151 Saddle Ct
Whitewood, SD 57793

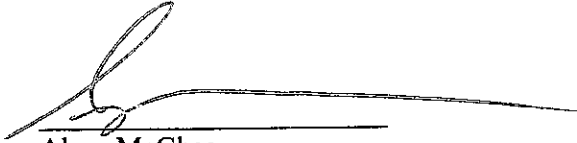
Mark & Melvin Morlock
33820 112th St
Eureka, SD 57437

Laverne Neuharth
33567 109th St
Eureka, SD 57437

Central Valley Golf Club
700 E Hwy 38
Hartford, SD 57033

Dale & Mary Helen Bisson
PO Box 844
Ft Pierre, SD 57532

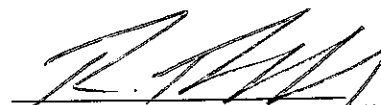
Ryan Edwards
25331 Yellow Eagle Rd
White River, SD 57579



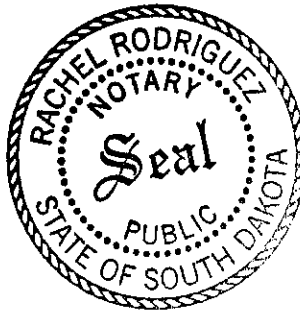
Alyce McGhee
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 6 day of March, 2021.



Rachel Rodriguez Notary Public
My Commission expires May 16, 2029



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- 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.

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Wilma Heien 3-11-26

☐ Agent☒ Addressee

B. Received by (Printed Name)

Wilma Heien

C. Date of Delivery

3/11/26

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

Wilma Heien (Walter Heien)

PO Box 145

Blunt, SD 57522



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