

16803-3

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 1680-3



Date: 3-19-97

I/We request that Water Right No. 1680-3

formerly owned by: Thomas J White

be transferred to: (name & address) Heine Farms 55964 897th Road
Fordyce Nebr 68 Telephone No. 402-357-3392

Title to the following described land(s)/property has been transferred as described above: 793 N. - R54 W

S.W. 1/4 (16.4 acres) Sec 17 & NE 1/4 N.W. 1/4 (5.0 acres) Section 20

I/We understand that the validity of Water Right No. 1680-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)

County of YANKTON)

I/We Heine Farms Ben Heine being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Ben Heine
(Signed)

Subscribed and sworn to before me this 19th day of March, 19 97.

Shelby L. Hansen
(Notary Public)
My Comm. expires 3-15-98

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:
1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

Division of Water Rights

415291

South Dakota Department of Environment and Natural Resources

Pierre, _____ March 27, 1927

RECEIVED OF Heine Farms, 55969 897th Ed., Fordyce, NE 68736

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. _____		
Fee for Filing Transfer Form <u>Water Right No. 1680-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)		
Total	2	50

By John Hatch
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 12 1997

Thomas J White
c/o Paul Young
45142 Union School
Gayville SD 57031

Heine Farms
c/o Ron Heine
55969 897 Road
Fordyce NE 68736

Dear Sirs:

Enclosed are your reissued Water Licenses. Water License No. 1680-3 was divided and reissued to reflect separate ownership.

On March 24, 1997, a portion of Water Right No. 1680-3 was transferred from Thomas J White to Heine Farms. Water Right License No. 1680-3 was divided and reissued to reflect separate ownership as follows:

No. 1680A-3, Thomas J White - authorizing diversion of 2.93 cfs from one well located in the SE 1/4 SE 1/4 Section 17 to irrigate 205.3 acres located in E 1/2 SW 1/4, SE 1/4 Section 17 and N 1/2 NE 1/4 Section 20; T93N-R54W.

No. 1680B-3, Heine Farms - authorizing diversion of 1.74 cfs from one well located in the SW 1/4 SW 1/4 Section 17 to irrigate 121.4 acres located in the SW 1/4 Section 17 and NE 1/4 NW 1/4 Section 20; T93N-R54W.

As long as you use the water beneficially, as stated in Water License No. 1680A-3 and 1680B-3, SD Water Laws provide that you have a continuing right to the use of the water.

If you have any questions concerning your reissued License, please contact us.

Very truly yours,

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

ks

enclosures

STATE OF SOUTH DAKOTA
REISSUED WATER LICENSE NO. 1680B-3
DIVISION OF NO. 1680-3 INTO NOS. 1680A-3 AND 1680B-3

(1) Thomas J White, Gayville SD was issued Water License No. 1680-3, September 19, 1969 for a water right to appropriate 4.67 cubic feet of water per second (cfs) from ground water (two wells), Yankton County, South Dakota for irrigation purposes. Water License No. 1680-3, with a priority date of May 20, 1969 was issued to the applicant for diversion of water with construction of the described water supply system completed.

On March 24, 1997, a portion of Water Right No. 1680-3 was transferred from Thomas J White to Heine Farms. Water Right License No. 1680-3 is being divided and reissued to reflect separate ownership as follows:

No. 1680A-3, Thomas J White - authorizing diversion of 2.93 cfs from one well located in the SE 1/4 SE 1/4 Section 17 to irrigate 205.3 acres located in the E 1/2 SW 1/4, SE 1/4 Section 17 and N 1/2 NE 1/4 Section 20; T93N-R54W.

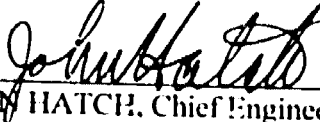
No. 1680B-3, Heine Farms - authorizing diversion of 1.74 cfs from one well located in the SW 1/4 SW 1/4 Section 17 to irrigate 121.4 acres located in SW 1/4 Section 17 and NE 1/4 NW 1/4 Section 20; T93N-R54W.

(2) It is certified that the permit holder is entitled to divert 1.74 cubic feet of water per second for beneficial use. The location of the diversion point is 1,110 feet north and 1,110 feet east of the southwest corner of Section 17- T93N-R54W (SW 1/4 SW 1/4)

(3) The permit holder 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 17-T93N-R54W	SW 1/4	116.4 acres
Section 20-T93N-R54W	NE 1/4 NW 1/4	5.0 acres
	Total	121.4 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Heine Farms, 55969 897th Road, Fordyce NE 68736 the holder and/or owner of Water Right No. 1680B-3 is issued a license to appropriate water, the right to use 1.74 cubic feet of water per second from groundwater (one well) with a priority date of May 20, 1969 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 Water Permit No. 1680-3 and subject to South Dakota State Law.


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

JUN 12 1997

date





January 26, 2007

NOTICE

1680B-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

TO: GARY HEINE, PO BOX 477, YANKTON, SD 57078
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. The request for the Questionnaires 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 if Permit No(s) 1680B-3, 2116-3 & 3722-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1879-3, 3964-3, 4621-3, 5449-3, 5816-3, 6114-3 & 6254-3 qualification:

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

The hearing will be held at 10:30 am, March 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 No(s) 1879-3, 3964-3, 4621-3, 5449-3, 5816-3, 6114-3 & 6254-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1680B-3, 2116-3 & 3722-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 1, 2007, 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/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.

1680B-3

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Label/Receipt Number: 2303 2160 0000 0799 7191
Status: **Delivered**

Your item was delivered at 10:05 AM on January 29, 2007 in YANKTON, SD 57078. The item was signed for by A HEINE.

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SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0799 7191

GARY HEINE
PO BOX 477
YANKTON SD 57078

Waiver of Signature ☐ YES ☐ NO

Postmark
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U.S. Form 3800, May 2002 (See Reverse)



**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 2, 2007

Gary Heine
Heine Farms
PO Box 477
Yankton SD 57078

RE: Water Right/Permit Nos. 1680B-3, 1879-3, 2116-3, 3722-3, 3964-3, 4621-3, 5449-3,
5816-3, 6114-3 & 6254-3

Dear Mr. Heine:

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/Permit Nos. 1680B-3, 1879-3, 2116-3, 3722-3, 3964-3, 4621-3, 5449-3, 5816-3, 6114-3 & 6254-3.

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

If you have any questions, please contact me.

Sincerely,

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



**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: GARY HEINE, PO BOX 477, YANKTON, SD 57078

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

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaires

Our records indicate that the 2007 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1680B-3, 2116-3 & 3722-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1879-3, 3964-3, 4621-3, 5449-3, 5816-3, 6114-3 & 6254-3 qualification:

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

The hearing will be held at **10:00 am, March 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) 1879-3, 3964-3, 4621-3, 5449-3, 5816-3, 6114-3 & 6254-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1680B-3, 2116-3 & 3722-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the 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 24, 2008

Gary or Ron Heine
Heine Farms
PO Box 477
Yankton SD 57078

RE: Water Permit or Right Nos. 1680B-3, 1879-3, 2116-3, 3722-3, 3964-3, 4621-3, 5449-3,
5816-3, 6114-3 & 6254-3

Dear Sirs:

I am writing to acknowledge receipt of your 2007 irrigation questionnaires. You may disregard the January 18, 2008, "Notice" concerning reporting requirements for Water Permit or Right Nos. 1680B-3, 1879-3, 2116-3, 3722-3, 3964-3, 4621-3, 5449-3, 5816-3, 6114-3 & 6254-3.

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

If you have any questions, please contact me.

Sincerely,

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



1680B-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 24, 2012

NOTICE

TO: GARY HEINE, 617 APPLEWOOD DR, YANKTON, SD 57078

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

SUBJECT: Reporting Requirement for 2011 Irrigation Questionnaires

Our records indicate that the 2011 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 14, 2011. The Water Management Board has directed that owners of water permits who have not submitted the 2011 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1680B-3, 2116-3 & 3722-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1879-3, 3964-3, 4621-3, 5449-3, 5816-3, 6114-3 & 6254-3 qualification:

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

The hearing will be held at **10:00 am, March 7, 2012** 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) 1879-3, 3964-3, 4621-3, 5449-3, 5816-3, 6114-3 & 6254-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1680B-3, 2116-3 & 3722-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 2, 2012**, 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.denr.sd.gov

February 6, 2012

Ron Heine
617 Applewood Dr
Yankton SD 57078

RE: Water Right Nos. 1680B-3, 1879-3, 2116-3, 3722-3, 3964-3, 4621-3, 5449-3, 5816-3,
6114-3 & 6254-3

Dear Mr. Heine:

I am writing to acknowledge receipt of your 2011 irrigation questionnaires.

You may disregard the January 24, 2012, "Notice" concerning reporting requirements for the above listed water rights. 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



1680B-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 15, 2016

NOTICE

TO: GARY HEINE, 617 APPLEWOOD DR, YANKTON, SD 57078

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

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaires

Our records indicate your 2015 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1680A-3, 1680B-3, 2116-3 & 3722-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1879-3, 3964-3, 4621-3, 5449-3, 5816-3, 6114-3, 6254-3 & 7340-3 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) 1879-3, 3964-3, 4621-3, 5449-3, 5816-3, 6114-3, 6254-3 & 7340-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1680A-3, 1680B-3, 2116-3 & 3722-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the 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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 26, 2016

Gary or Ron Heine
Heine Farms
617 Applewood Dr
Yankton SD 57078

RE: Water Permit or Right Nos. 1680A-3, 1680B-3, 1879-3, 2116-3, 3722-3, 3964-3, 4621-3,
5449-3, 5816-3, 6114-3, 6254-3 & 7340-3

Dear Sirs:

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

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for the above listed water permits or water rights. 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