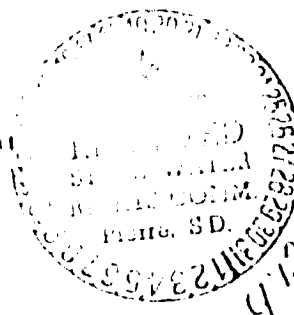


Water Right Number 3336-7

1. Considered 1-21-71, 19 71
2. Name of Applicant BOARD OF DIRECTORS
3. Post Office Address ST. HELENA, ALA
4. Amount of water claimed 574
5. Source of water supply 2-10-11 DEEP WELLS
6. Water to be used for IRRIGATION
res to be irrigated 2800
7. Water to be diverted and used in 1 MI County
about 1.5 Miles 1 of JEFFERSON
8. Proof of Publication Received 1-17-71
Not received _____
9. Application Approved _____
Subject to _____
Not approved _____
Action deferred _____

10. Remarks:

No. 3336-3Map No. 2622-3 Water Division No. 3 Big Sioux River District _____
(Blanks to be filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE—Draw a line through items not applicable)

1. Name of Applicant Emery Heine
Postoffice address ST. Helena, State NEBR
If a corporation—show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) CONTRACT
3. Name of diversion work Heine #1
4. Amount of water claimed (cubic feet per second) 5.9 CU FT/SEC
5. Source of water supply 2 Wells
6. Location of point of diversion (1) SE 1/4 of the SW 1/4 Sect 31
(2) NW 1/4 of the SE 1/4 Sect 31
County UNION
7. Annual period or periods during which water is to be used MAY Through OCT
8. Use to be made of water. (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation
9. For irrigation use, Total number of acres to be irrigated Appx 480

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.	Land Description	No. Acres Irr.
(1) Lot 1, Sec 31, T2N, R2E, S1E	40	Lot 2, Sec 31, T2N, R2E, S1E	
Lot 2, Sec 31, T2N, R2E, S1E		Lot 3, Sec 31, T2N, R2E, S1E	
Lot 3, Sec 31, T2N, R2E, S1E		Lot 4, Sec 31, T2N, R2E, S1E	
Lot 4, Sec 31, T2N, R2E, S1E		Lot 5, Sec 31, T2N, R2E, S1E	
Lot 5, Sec 31, T2N, R2E, S1E		Lot 6, Sec 31, T2N, R2E, S1E	
Lot 6, Sec 31, T2N, R2E, S1E		Lot 7, Sec 31, T2N, R2E, S1E	
Lot 7, Sec 31, T2N, R2E, S1E		Lot 8, Sec 31, T2N, R2E, S1E	

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 3 years. Additional time required to complete application of water to the proposed beneficial use 5 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Leader Courier (Elk Point)
12. Principal Features of the Proposed Water Supply System.

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

Two Wells

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

Underground Pipe

C. Works proposed to apply water to beneficial use.

Sprinkler SystemEstimated Total Cost \$ 22,000.00Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
(See instructions concerning preparation.)

STATE OF SOUTH DAKOTA)

County of Union) ss.I, Emery Heine, the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction

Subscribed and sworn to before me this

Signed Emery Heine dated 11 Nov 1976

Notary Public (or other qualified officer)

5-4-54

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 3336-3
EMERY HEINE ST. HELENA
 (Applicant) (Post Office Address)
NEBRASKA 68774 With the following modifications:
 (State)

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

Date of first receipt of application NOVEMBER 19, 19 76
 Date of return to applicant for correction, amendments or changes required ---, 19 ---
 Date of receipt of corrected application DECEMBER 15, 19 76
 Approved JANUARY 26, 19 77, Recorded in Book 17 Page 107
 WATER RIGHT PERMIT NO. 3336.3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 3336.3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is NOVEMBER 19, 19 76
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JULY 26, 19 78
3. The whole of said work is to be completed on or before JANUARY 26, 19 80
4. The limit of time for proof of beneficial use of water appropriated in accordance herewith is JANUARY 26, 19 82
5. The water appropriated shall be used for the purpose of IRRIGATION

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

7. The amount of the appropriation herein granted shall not exceed 5.9 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before JANUARY 26, 19 82; said water to be used during the following described annual period: MAY THEN OCTOBER

Witness my hand this 8TH day of APRIL, 19 77

WATER RIGHTS COMMISSION

By:

John H. Hallett
 Chief Engineer, Executive Officer

Certificate of Construction Issued SEPTEMBER 26, 19 79

Water License Issued SEPTEMBER 26, 19 79

Form 2A - Wells, Dugouts or Water Storage Dams (Supplement to form 2)

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter 30 inches, Depth 104 feet
- (2) Casing, Type Concrete Diameter 16" T.D. Thickness 3/4 inch
(wood, concrete, steel, etc)
- (3) Perforated Screen.
Type slotted, Diameter 16" T.D., Length 13 feet
- (4) Gravel Pack, Thickness 6 inches, Length of gravel pack 500 was the same length

E. Dugout Information or Estimates

- (1) Surface dimensions _____, Depth _____

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

- (1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials Test well log will be sent later.

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Thickness of water bearing material _____

Depth to water (ground surface to water level) _____

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

On same owner's property 80 ft. On property owned by others 40 rds.

G. Water Storage Dams.

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

Emery Heine
Signature of Applicant

Permit No. 3336-3

Water Diversion No. 3 Big Sioux River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Emery Heine

_____ the holder _____ of
Permit No. 3336-3, issued upon Application No. 3336-3, bearing date of priority of November 19,
1976 authorizing the diversion of 5.9 cu. ft. per second of the waters of _____
_____ County of Union, State of South Dakota at points
#1 - 1N SE $\frac{1}{4}$ SW $\frac{1}{4}$ and #2 - 1N NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 31, T80N - R48W *
_____, 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 _____ 4 cu. ft. per second of water

Date September 26, 1979

* NOTE: For convenience of location of land description, the SCS in Union
County continues through with the SD Survey, even though the actual legal
description may be under the Nebraska Survey. The apparent discrepancy
between the diversion points and the irrigated lands results from this
practice.

John Hatch
JOHN HATCH, Chief Engineer
Water Rights, WND

WATER LICENSE NO. 3336-3

(1) WHEREAS, On the 19th day of November A. D. 19 76

Emery Heino

made Water Right Application No. 3336-3 for a permit to use 5.9 cubic feet per second of the waters of groundwater (two wells)

County of Union, State of South Dakota, for _____ purposes; and

(2) WHEREAS, On the 26th day of January A. D. 19 77

Permit No. 3336-3, with a date of priority of November 19, 1976

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 26th day of January A. D. 19 80 and for the application to beneficial use of said water on or before the 26th day of January A. D. 19 82

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 construction of the water supply system and is entitled to divert 4.0 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 Lot 1 and accretion land in Lot 1, Section 24-T30N-R7W
(Nebraska Survey) - 280 acres; portions of Lot 1 and Lot A plus
accretion land - and W $\frac{1}{2}$ NW $\frac{1}{2}$, Section 5 - T82N - R48W - *135 acres =
total 415 acres**

* NOTE - for convenience of location of land description, the SCS in Union County continues through with the SD Survey, even though the actual legal description may be under the Nebraska Survey. The apparent discrepancy between the diversion points and the irrigated lands result from this practice.

(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 Emery Heine

of St. Helena, Nebraska

the holder _____ and owner _____ of said permit No. 3336-3 a water right, dating from November 19, 1976

to use of 4.0 cubic feet per second of the water-

of groundwater (two wells)

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

purposes hereinafter mentioned, to be diverted at points #. 1-1N SE $\frac{1}{4}$ SW $\frac{1}{4}$ and #2 - 1N NE $\frac{1}{4}$ SE $\frac{1}{4}$,

Section 31 - T90N - R48W *

and conduct to and upon lands in Lot 1 and accretion land to Lot 1, Section 24 -

T30N - R7W (Nebraska Survey); portions of Lot 1 and Lot A, plus accretion

land and W $\frac{1}{2}$ NW $\frac{1}{4}$, Section 5 - T89N - R48W

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 3336-3 and subject to the laws of the State of South Dakota.

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

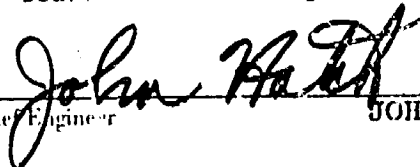
this 26th day of September A. D.

Nineteen Hundred and Seventy-nine

Board of Water Management

By:

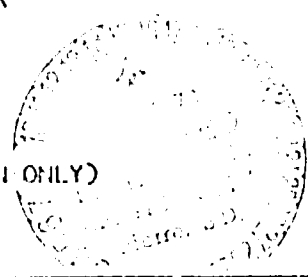
Chief Engineer



JOHN HATCH

STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-6-3 AS AMENDED
(THIS FORM REQUIRED FOR PROPOSED GROUND WATER IRRIGATION ONLY)

Sample 1



NAME Ernest H. Hines
ADDRESS Ph. Hines, Neb.
COUNTY Franklin Union

LEGAL DESCRIPTION

1. WELL LOCATION NE $\frac{1}{4}$ - SW $\frac{1}{4}$ Sec 31 - 90 - 48
2. LOCATION OF AREA TO BE IRRIGATED SW $\frac{1}{4}$ of NE $\frac{1}{4}$ and NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ Sec 31 - 90 - 48

TYPE OF IRRIGATION

3. GRAVITY _____ TOWLINE _____ CENTER PIVOT X GUN _____
4. CROPS TO BE IRRIGATED Corn bean Soybeans
alfalfa

WATER QUALITY

5. SAMPLE NUMBER 76-1865
6. SALINITY (EC X 10⁶) 1159 (high)
7. SODIUM (SAR) 1.34 (low)
8. RESIDUAL SODIUM CARBONATE (meq/l.) 0

I do hereby certify that a chemical analysis of the ground water representative of that used to irrigate shall be acquired from South Dakota State University and: the soils information has been acquired from _____ Conservation District, County Extension office or Soil Conservation Service.
and:
that the legal description for the location of the well and land to be irrigated is true and correct.

Ernest H. Hines
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS
11th DAY OF November 19 76.

Ray L. Hinton
(TITLE OR SEAL) Notary Public

Albert J. Hinton
APPROVED/DISAPPROVED

(SOILS INFORMATION ON REVERSE SIDE)

REPORT OF ANALYSIS
 Water Quality Laboratory
 Water Resources Research Institute
 South Dakota State University
 Brookings, South Dakota 57006

Submitted by: Leroy Heine
 Address: St. Helena, Nebraska
68774

Date Rec'd: November 18, 1976
 Sample No. 76-1865
 Identification #1 Well
SW 1/4, Sec. 31, T 90N, R 48W

WATER ANALYSIS

Calcium (Ca)	136	ppm*	6.80	me/l**
Magnesium (Mg)	46	ppm	3.77	me/l
Sodium (Na)	71	ppm	3.09	me/l
Potassium (K)	10	ppm	0.26	me/l
Sulfate (SO ₄)	156	ppm	3.24	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	2	ppm	0.06	me/l
Bicarbonate (HCO ₃)	644	ppm	10.56	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		g p.g.***
Hardness (EDTA as CaCO ₃)		ppm		
Alkalinity (Methyl Orange)	528	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	1159	microhm-cm per cm at 25° C.		
Sodium Adsorption Ratio	1.34			
Sodium	22.19	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.63			

Others:
 *ppm=parts per million
 **me/l=millequivalents per liter

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

COMMENTS: Total cations 13.92 me/l
 Total anions 13.86 me/l

By: Shirley Litten

Service Performed	Amount Due
Irrigation analysis	\$8.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 76-1865

Amount Enclosed \$

Signed



December 8, 1976

Mr. Emery Heine
St. Helena, NB 68774

Dear Mr. Heine:

Your water sample (Lab. No. 76-1865, 1866) has been analyzed and the results are reported on the accompanying sheet, which is your copy to keep.

I am also enclosing a copy of AES pamphlet #13 for your use. The quality of your water for irrigation use is plotted approximately by means of the red cross in the chart on the outside back cover.

Your water, as indicated by this analysis, is satisfactory for use on the soils you indicate will be irrigated. If a salt problem or a water table problem should develop, contact extension personnel for assistance.

The WI-1, soils information, and a copy of the water analysis are being forwarded to the State Conservation Commission for their action.

Sincerely yours,

L. O. Fine

L. O. Fine
Water Quality Lab

LOF:ckb

Enclosures

cc: State Conservation Commission

NAME John H. Smith
ADDRESS 1234 Main St.
COUNTY Albany

1. WELL LOCATION N E 1/4, SE 1/4, SEC 31-90-48

2. LOCATION OF AREA TO BE IRRIGATED SE 1/4, SEC 31-90-48

3. GRAVITY _____ TOWLINE _____ CENTER PIVOT ✓ GUN _____

4. CROPS TO BE IRRIGATED corn alfalfa - sorghum
alfalfa.

5. SAMPLE NUMBER 76-1866

6. SALINITY (EC $\times 10^6$) 109.5 (mod-hi)

7. SODIUM (SAR) 1.14 (low)

8. RESIDUAL SODIUM CARBONATE (meq/l.) 0

and:

[Signature]
APPLICANT'S SIGNATURE

Ray E. Nelson
(TITLE OR SEAL) *Ray E. Nelson*
8-4-84 (5015 INF)

APPROVED/REVISED

(COILS INFORMATION ON REVERSE SIDE)

REPORT OF ANALYSIS
Water Quality Laboratory
Water Resources Research Institute
South Dakota State University
Brookings, South Dakota 57006

Submitted by: Emery Heine
 Address: St. Helena, Nebraska
68774

Date Rec'd November 13, 1976
 Sample No. 76-1366
 Identification #2 Well-
SE 1/4, Sec. 31, T. 90N, R. 48W

WATER ANALYSIS

Calcium (Ca)	150	ppm*	7.50	me/l**
Magnesium (Mg)	46	ppm	3.77	me/l
Sodium (Na)	62	ppm	2.70	me/l
Potassium (K)	9	ppm	0.23	me/l
Sulfate (SO ₄)	158	ppm	3.28	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	6	ppm	0.15	me/l
Bicarbonate (HCO ₃)	661	ppm	10.84	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	542	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	1095	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	1.14			
Sodium	19.01	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.36			

Others:

*ppm=parts per million

**me/l=millequivalents per liter

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

COMMENTS: Total cations 14.20 me/l
 Total anions 14.27 me/l

By: Shirley Kitten

Service Performed	Amount Due
Irrigation analysis	\$8.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 76-1366

Amount Enclosed

Signed

Form 6. - Notice Intent to Appropriate Water

No. 3336-3

Publish first publication, on or before

January 13, 1977

NOTICE OF INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

December 17, 1976

Notice is hereby given that Emery Heine
whose post office address is St. Helena, Nebraska, has made an
application in accordance with the provisions of the water laws of South Dakota for
a permit to appropriate for beneficial use 5.1 cubic feet of water per
second of time from the ground water through the
Heine # 1, the point of diversion of which is to
be located in the

SE 1/4 SW 1/4 AND NW 1/4 SE 1/4

of Section 31, Twp. 80N, Range 18W. Said water to be used
for the purpose of providing irrigation on the following described land:

Lot A plus accretion land, Section 24-T30N-R7W (Nebraska Survey)

Lot 1 and Lot A plus accretion land and W 1/4 NW 1/4, Section 5-T30N-R7W

This application No. 3336-3 will be considered by the Water Rights
Commission at our office at Pierre, South Dakota
upon the 25th day of January, 1977 at 10:00 A.M. All
interested persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES, Water Rights Specialist

BFJ/bw
cc:

Emery Heine, St. Helena, Nebraska 68774

No. 336-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Union) ss.

I, Lester E. Emerson hereby
certify that the annexed printed copy of Notice of intent to Appropriate
Water was taken from the Leader-Courier

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 Edw. Point
County of Union and St. of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

January 6 - 1977

January 13 - 1977

Lester E. Emerson
(Signature)

Publisher
(Title)

January 13, 1977
(Date Signed)

NOTICE OF INTENT TO
APPROPRIATE WATER
Pierre, South Dakota 57501
December 17, 1976

Notice is hereby given that
Emery Helne whose post office
address is St. Helena, Nebraska,
has made an application in accor-
dance with the provisions of the
water laws of South Dakota for
a permit to appropriate for bene-
ficial use 5.9 cubic feet of water
per second of time from ground
water through the Helne #1, the
point of diversion of which is to
be located in the SE 1/4 SW 1/4 and
NW 1/4 SE 1/4 of Section 31, Twp. 38 N,
Range 48 W. Said water to be
used for the purpose of providing
irrigation on the following descri-
bed land:

Lot A plus accretion land, Sec-
tion 24-T30N-R7W (Nebraska
Survey) Lot 1 and Lot A plus
accretion land and W 1/4 NW 1/4
Section 5-T89N-R48W.

This application No. 3336-3 will
be considered by the Water Rights
Commission at our office at Pierre,
South Dakota upon the 26th day of
January, 1977 at 10:00 A. M. All
interested persons may appear
and be heard.

WATER RIGHTS COMMISSION
By: Burton F. Jones
Water Rights Specialist
Publish: January 6, 13.



Permit No. 3336-3Water Division 3 BIG SIOUX RIVER Water DistrictREPORT 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 EMERY
HEINE of ST. HELENA, NEBRASKA holder
of Permit No. 3336-3, bearing date of priority of NOVEMBER 19, 1976
authorizing the diversion of 5.9 cu. ft. per second of the waters of GROUNDWATER
for IRRIGATION purposes, in UNION 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;

WELL #1 - 104' DEEP WITH 16" DIA TRANSITE WITH LAYNE BOWLER
8" PUMP - #81455K 5 STAGE 12 1/2 BOWLS, POWERED BY #3208
CATERPILLAR DIESEL MOTOR - 130 HP. (1300 GPM)
WELL #2 - 105' DEEP WITH 16" DIA TRANSITE WITH WESTERN LAND
ROLLER 8" PUMP, POWERED BY INTERNATIONAL #406 DIESEL MOTOR,
130 HP. (900 GPM)

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

#1 - WELL AT CENTER OF PIVOT
#2. 80 RDS. OF 10" BURIED TRANSITE MAINLINE TO PIVOT

C. Works used to apply water to beneficial use.

#1 ELECTROGATOR - 2012' CENTER PIVOT SYSTEM - ELECTRIC DRIVE
WITH END GUN.

#2 ZIMMATIC ELECTRIC DRIVE ALUMIGATOR CENTER PIVOT WITH
END GUN

The system is in the following condition: GOOD

The point of diversion is located #1 IN THE SE 1/4 SW 1/4 SECTION 31, T 24 N, R 48 W; #2
IN THE NE 1/4 SE 1/4 SECTION 31, T 24 N, R 48 W *

The works are capable of diverting and conveying to the place of use 4cu. ft. per second of water which is to be used for IRRIGATION

Water has been put to beneficial use to the maximum extent as follows:

LOT 1 AND ACCRETION LAND TO LOT 1, SEC 24, T 24 N, R 48 W (NEBR SURVEY)
280 ACRES

PORTIONS OF LOT 1 AND LOT A PLUS ACCRETION LAND, AND W 1/2 NW 1/4
SECTION 5, T 24 N, R 48 W

comprising a total of 4.15 5.9 acres of land.

NOTE * FOR CONVENIENCE OF LOCATION OF LAND DESCRIPTION, THE SECS IN UNION
COUNTY CONTINUE THROUGH WITH THE S.D. SURVEY, EVEN THOUGH THE
ACTUAL LEGAL DESCRIPTION MAY BE UNDER THE NEBRASKA SURVEY. THE
APPARENT DISCREPANCY BETWEEN THE DIVERSION POINTS AND THE
IRRIGATED LANDS RESULTS FROM THIS PRACTICE

Date JULY 25, 1979
Barton Jones
(Signature)

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7038

September 12, 1979

PIERRE, _____, 1979

RECEIVED OF Emory Helne, St. Helena, NE 68774

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

Fee for Application for Permit to Appropriate Water No. _____ (examination, processing, recording and filing) _____

Fee for inspecting Construction, and issuing Cert. of Construction No. 3336-3 -----50.00

Fee for inspecting Beneficial Use, and issuing Water License No. 3336-3 -----

Fee for issuing Location Certificate-Dry Draw, No. -----

Fee for filling -----

Fee for certified copy of -----

Fee for Print copy of map -----

Fee for Certifying -----

Fee for -----
(any other work as provided by law)

TOTAL

50.00

WATER RIGHTS COMMISSION

By

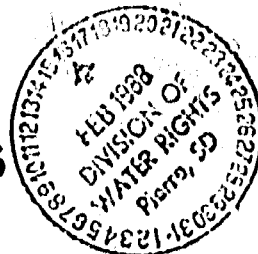
John Hatch
Chief Engineer, Executive Officer

JOHN HATCH

97

SOUTH DAKOTA Department of Water & Natural Resources

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



January 29, 1988

EMERY HEINE
ST HELENA, NE 68774

*Dear Sir please be advised
This land has been sold in 1987 to
Lafayette Brown Jefferson & Co.
of Pierre, SD.
Emery Heine*

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). 3336-3. 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). 3336-3 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
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.

SOUTH DAKOTA
Department of
Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501
Division of Water Rights
605 773-3352

No. 3336-3

March 31, 1988

Russ Lafleur
RR 2, Box 26
Jefferson, South Dakota 57038

Dear Mr. Lafleur:

Please find enclosed a copy of a Notice of Transfer of Water Permit form. This form must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50.

Upon receipt of the enclosed form and the \$2.50 filing fee the permit will be transferred to the proper name. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

Please advise if you have any questions.

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.

DWHR-820A-8/83

NO. 3336-3

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 4-13-88

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

415 Acres - Lot 1 and accretion land in Lot 1, Section 24, T30N, R7W (Nebraska
survey); Lot 1 and Lot A plus accretion land, W1/4, Section 5, T89N, R42W.

formerly owned by Emery Heine, St. Helena, NE 68774

has been transferred to LaFleur Farms, R.R. 1 Jefferson, S.D. 57033
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 3336-3 as provided for in SDCL 46-5-32 and 46-5-33.

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

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

STATE OF SOUTH DAKOTA)
) ss.
County of Union)

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

LaFleur Farms
Don LaFleur
(Signer)

Subscribed and sworn to before me this 12th Day of April, 19 88

James J. Hanna
(Notary Public)

RECEIPT

Division of Water Rights
South Dakota Department of Water and Natural Resources

Pierre, April 15, 1989

611030

RECEIVED OF LaFleur Farms, RR, Jefferson SD 57038

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	2	50
Fee for Filing Transfer Form <u>119. 3336-3</u>		
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	2 50

By John Hatch
Chief Engineer JOHN HATCH (ks)

SOUTH Dakota Department of
Water & Natural Resources
Joe Foss Building Water Rights Division
Pierre, South Dakota 57501 Phone (605) 773-3352

April 20, 1988

LaFleur Farms
RR
Jefferson, South Dakota 57038

Dear Sir:

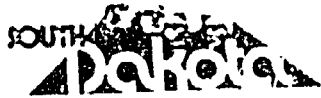
Enclosed is receipt No. 411200 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 3336-3.

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

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.



Department of Water & Natural Resources

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

February 9, 1990

LAFLEUR FARMS
RR
JEFFERSON, SD 57038

NOTICE

RE: Violation of Requirement to Submit 1989 Irrigation Questionnaire

Our records indicate that the 1989 Irrigation Questionnaire has not been submitted for Permit No(s). 3336-3. The request for the Questionnaire was dated October 13, 1989. The Water Management Board had directed that owners of water permits who have not submitted 1989 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 8:30 am, March 7, 1990 at the Howard Johnson's, Jefferson-Roosevelt Room, I-90 at LaCrosse, Rapid City SD.

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

1. Amend Permit No(s). 3336-3 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 March 7th hearing date, your name will be deleted from the agenda for the hearing.

Very truly yours,

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



Department of Water & Natural Resources

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

February 16, 1990

3336-3

Doug LaFluer - LaFluer Farms
RR 2, Box 26
Jefferson SD 57038

Dear Mr. LaFluer:

I am writing to acknowledge receipt of your 1989 irrigation questionnaire for Water Permit No. 3336-3. You may disregard the February 9, 1990 Notice of failure to submit the 1989 irrigation questionnaire. Your questionnaire was received prior to the March Water Management Board meeting and your name was deleted from the agenda pertaining to the hearing.

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

Sincerely,

Ron Duvall/ks

RON DUVAL
Natural Resources Engineer
Water Rights Division



GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 18, 1991

3336-3

Dan Lafleur
Lafleur Farms
RR
Jefferson, SD 57038

Dear Mr. Lafleur:

Enclosed is the 1991 irrigation questionnaire for Water Right No. 3336-3 listed under Lafleur Farms. The form was mis-sent to Lynn Mollet.

Water Permit No. 3336-3 authorizes irrigation of 415 acres in Section 24, T30N, R7W (Nebraska Survey) and Section 5, T89N, R48W. Please complete the form and return it to our office by December 20th.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosure



3336-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 20, 1999

Doug LaFleur, LaFleur Farms
RR 1, Box 155
Jefferson, SD 57038

Dear Mr. LaFleur:

Please find enclosed a map representing Water Right Nos. 6031-3 and 3336-3. Review the map and let me know if it is correct. Any changes can be made on the map and mailed to me or we can try to do it over the phone. You can contact me at (605) 773-3352. Thank you in advance.

Sincerely,

Lynn Beck
Natural Resources Engineer III

Water Rights Division - DENR

Conversation or File Documentation

Name of Person: LaFleur Farms, Doug LaFleur File No. Water Right No. 3336-3
Address: RR 1, Box 155, Jefferson, SD 57038 County: Union
Date: December 22, 1999 Telephone: (605) 966-5852
RE: Lands irrigated.

Comments:

The lands irrigated under Water Right No. 3336-3 have been reduced and the location of the diversion point needs to be corrected. The license is for 4.0 cfs to irrigate 415 acres of land. The license owner currently uses 2.22 cfs (1,000 gpm) for 197 acres.

The lands irrigated under Water Right No. 3336-3 are as follows:

Section 31, T90N, R48W:

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 6 ac.

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 2 ac.

Section 24, T30N, R7E (Nebraska survey)

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 20 ac.

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 20 ac.

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 40 ac.

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 27 ac.

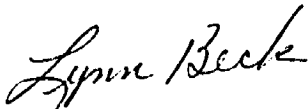
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 30 ac.

SE $\frac{1}{4}$ NW $\frac{1}{4}$ 40 ac.

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 10 ac.

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 2 ac.

and the diversion point is located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 24, T30N, R7E (Nebraska survey).



Lynn Beck

Natural Resources Engineer

Approval of Location Change and/or Additional Diversion Point(s)

NAME: LaFleur Farms, Doug LaFleur

ADDRESS: RR 1, Box 155, Jefferson, SD 57038

DATE: December 22, 1999

COUNTY: Union

TELEPHONE: (605) 966-5852

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- Developed water source same as permitted source and no additional water appropriated

There are two diversion points listed on Water Right No. 3336-3, one in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and the other in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ all in Section 31, T90N, R48W. One well is used and it is located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 24, T30N, R7E (Nebraska survey).

- If irrigation, no new land is irrigated

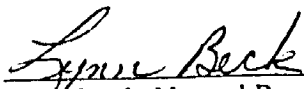
Irrigates lands covered under Water Right No. 3336-3.

- Review of Existing Diversions

There are two diversion points under Water Right No. 4527-3 held by Rufab Co. and one diversion point under Water Right No. 6031-3 held by LaFleur Farms all within one mile of this diversion.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the diversion point(s) be licensed as developed.



Lynn Beck, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.



John Hatch, Chief Engineer
Water Rights Program

12-28-99

STATE OF SOUTH DAKOTA

REISSUED WATER LICENSE NO. 3336-3

(1) Emery Heine was issued Water License No. 3336-3, September 26, 1979 for a water right to divert 4.0 cubic feet of water per second from groundwater (two wells), Union County, South Dakota for irrigation purposes. Water License No. 3336-3, with a priority date of November 19, 1976 was issued for the diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

On April 15, 1988, Water Permit No. 3336-3 was transferred to LaFleur Farms. Water License No. 3336-3 is being reissued to reduce the amount of water claimed and the number acres irrigated to the actual amounts now applied to beneficial use, based on an October 10, 1999 investigation of the system.

The investigation also found the well under Water License No. 3336-3 was not in the location authorized by the license. Pursuant to SDCL 46-5-13.1, the Chief Engineer makes a finding that the change in location of diversion point does not increase the potential for interference with existing water rights.

(2) It is certified that the permit holders have 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 2.22 cubic feet of water per second for beneficial use. The location of the diversion point is 1,970 feet east and 920 feet south of the northwest corner of Section 24-T30N-R7E (NE 1/4 NW 1/4) (Nebraska Survey).

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

Section 24-T30N-R7E (Nebraska Survey)	NW 1/4 NE 1/4	20 acres
	SW 1/4 NE 1/4	20 acres
	NE 1/4 NW 1/4	40 acres
	NW 1/4 NW 1/4	27 acres
	SW 1/4 NW 1/4	30 acres
	SE 1/4 NW 1/4	40 acres
	NE 1/4 SW 1/4	10 acres
	NW 1/4 SW 1/4	2 acres
Section 31-T90N-R48W (South Dakota Survey)	SE 1/4 SW 1/4	6 acres
	SW 1/4 SE 1/4	2 acres
Total 197 acres		

(4) Pursuant to South Dakota Water Law 46-5-30.1 LaFleur Farms, 33022 482nd Ave, Jefferson SD 57038 the holders and/or owners of Water Right No. 3336-3 are reissued a license to appropriate water, the right to use 2.22 cubic feet of water per second from groundwater (one well) with a priority date of November 19, 1976 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 Right No. 3336-3 and subject to South Dakota State Law.

Garland Erbele
 GARLAND ERBELE, Chief Engineer
 Water Rights Program
 Department of Environment and Natural Resources

OCT 10 2000

date





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3191
www.state.sd.us/denr

OCT 1 0 2000

Russell LaFleur
LaFleur Farms
33022 48th Ave
Jefferson, SD 57038

Dear Mr. LaFleur:

Enclosed are Water License Nos. 2342-3, 2343-3, 3907-3 and 6031-3. They are the final water right documents completing your process of obtaining Water Rights. Included is Reissued Water License No. 3336-3.

The investigation of our water use systems found three of them capable of diverting over the statutory limit for the acres irrigated. The water licenses were issued for the statutory limit of 1.00 cfs for every 70 acres irrigated.

Water Right No.	Capacity of system	Licensed (statutory limit)
2342-3	1000 gpm (2.22 cfs)	644 gpm (1.43 cfs)
2343-3	1000 gpm (2.22 cfs)	644 gpm (1.43 cfs)
3907-3	576 gpm (1.28 cfs)	468 gpm (1.04 cfs)

*gpm = gallons per minute

**cfs = cubic feet of water per second

For your information SDCL 46-6-27 requires that if the owner of an existing well(s), such as the wells authorized by Water Right Nos. 2342-3, 2343-3, 3336-3, 3907-3 and 6031-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

Also enclosed are Receipt Nos. 416513, 416514, 416515 and 416516 in the amounts of \$50.00 each which you paid for the investigation and issuance of the Water Licenses. As long as you use the water beneficially, as stated in the Licenses, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

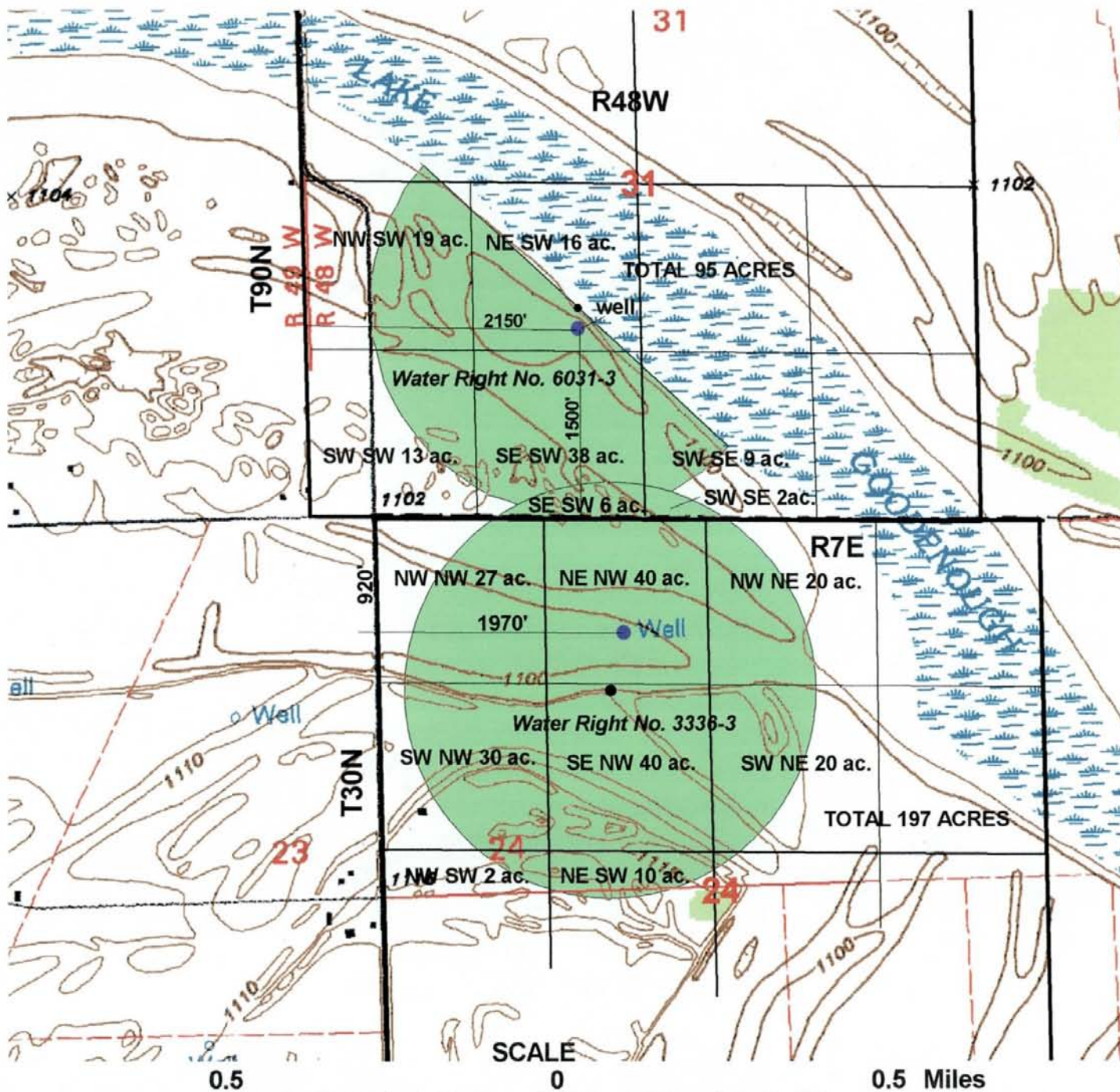
Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures



WATER RIGHT NOS. 6031-3 AND 3336-3



Lynn Beck

Lynn Beck
Natural Resources Engineer
DENR, Water Rights Program
December 17, 1999



South Dakota Department of
Environment and Natural Resources



Protecting South Dakota's Tomorrow ... Today

LAKE

LAKE

31

2011

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prepared by
L. E. DeBmit
Co Opt
11/17/76

App. # 3336-3

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