

Water Right Number 3722-3

1. Considered 3-23, 19 77
2. Name of Applicant HEINE FARMS
3. Post Office Address FORDYCE, NB
4. Amount of Water claimed 3.0
5. Source of Water supply 90' WELL
6. Water to be used for IRRIGATION  
Acres to be irrigated 240
7. Water to be diverted and used in YANKTON County  
about 7E miles of YANKTON
8. Proof of Publication Received ~~1st~~ 3-23-77  
Not Received \_\_\_\_\_
9. Application Approved \_\_\_\_\_  
Subject to \_\_\_\_\_  
Not Approved \_\_\_\_\_  
Action Deferred \_\_\_\_\_

10. Remarks:

No. 3722-3  
 Map No. 2996-3 Water Division No. 3 JAMES 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 GARY J. HEINE FOR HEINE FARMS  
 Postoffice address RR 1 Box 17 Fordyce, State NEB 68736  
 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 Farms No. 2  
 4. Amount of water claimed (cubic feet per second) 3  
 5. Source of water supply W.R.L.  
 6. Location of point of diversion SW 1/4 of NE 1/4 17 93-54

7. Annual period or periods during which water is to be used March 1 - Nov 31 County YANKTON  
 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 240

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. |
|----------------------------------|----------------|------------------|----------------|
| <u>NE 1/4 17 93-54</u>           | <u>160</u>     |                  |                |
| <u>NE 1/4 of NW 1/4 17 93-54</u> | <u>40</u>      |                  |                |
| <u>SE 1/4 of SW 1/4 17 93-54</u> | <u>40</u>      |                  |                |
|                                  |                |                  |                |

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use \_\_\_\_\_ years.  
 11. Choice of newspaper for Notice of Intent to Appropriate Water publication Bismarck and Bismarck Yankton  
 12. Principal Features of the Proposed Water Supply System.

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

well

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

pipe

C. Works proposed to apply water to beneficial use.

Sprinkler type system - PivotEstimated Total Cost \$ 50,000

Attachments: 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 Yankton )  
Gary J. 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

Signed Gary J. HeineSubscribed and sworn to before me this 25 day of February, 1977

Notary Public (or other qualified officer)

# WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 3722-3

HEINE FARMS  
(Applicant)

R.R. #1 Box 67 TORPYCE  
(Post Office Address)

NEBRASKA 68736  
(State)

With the following modifications:

The irrigation wells 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 MARCH 4, 19 77  
Date of return to applicant for correction, amendments or changes required —, 19 —  
Date of receipt of corrected application MARCH 7, 19 77  
Approved MARCH 23, 19 77, Recorded in Book 18 Page 68

## WATER RIGHT PERMIT NO. 3722-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 3722-3 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 MARCH 4, 19 77
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPTEMBER 23, 19 79
3. The whole of said work is to be completed on or before MARCH 23, 19 82
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 23, 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 3.0 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 MARCH 23, 19 82; said water to be used during the following described annual period: MARCH 1 - NOVEMBER 31

Witness my hand this 21<sup>st</sup> day of APRIL, 19 77

WATER RIGHTS COMMISSION

By:

John K. [Signature]  
Chief Engineer, Executive Officer

Certificate of Construction Issued —, 19 —

Water License Issued —, 19 —

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 24", Depth 90'
- (2) Casing, Type Steel Diameter 16" Thickness 219 wall  
(wood, concrete, steel, etc)
- (3) Perforated Screen.  
Type Steel, Diameter 16", Length 20'
- (4) Gravel Pack, Thickness 6", Length of gravel pack 75'

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 \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Depth to top of water bearing material 60'

Depth to bottom of water bearing material 90'

Thickness of water bearing material 20'

Depth to water (ground surface to water level) 15'

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

On same owner's property 80 rds. On property owned by others 150 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.

Henry J. Kline  
Signature of Applicant

Albert L. Hoff

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

Submitted by: Heine Farms  
 Address: Mission Hill, SD 57046

Date Rec'd: February 10, 1977  
 Sample No.: 77-227  
 Identification: Well-90

**WATER ANALYSIS**

|                                       |       |                             |      |           |
|---------------------------------------|-------|-----------------------------|------|-----------|
| Calcium (Ca)                          | 134   | ppm*                        | 6.70 | me/l**    |
| Magnesium (Mg)                        | 38    | ppm                         | 3.12 | me/l      |
| Sodium (Na)                           | 49    | ppm                         | 2.13 | me/l      |
| Potassium (K)                         | 15    | ppm                         | 0.39 | me/l      |
| Sulfate (SO <sub>4</sub> )            | 255   | ppm                         | 5.30 | me/l      |
| Nitrate (as N)                        |       | ppm                         |      | me/l      |
| Chloride (Cl)                         | 8     | ppm                         | 0.24 | me/l      |
| Bicarbonate (HCO <sub>3</sub> )       | 493   | ppm                         | 8.08 | me/l      |
| Carbonate (CO <sub>3</sub> )          |       | ppm                         |      | me/l      |
| Iron (Fe)                             |       | ppm                         |      | me/l      |
| Fluoride (F)                          |       | ppm                         |      | g.p.g.*** |
| Hardness (EDTA as CaCO <sub>3</sub> ) |       | ppm                         |      |           |
| Alkalinity (Methyl Orange)            | 404   | ppm (as CaCO <sub>3</sub> ) |      |           |
| Alkalinity (Phenolphthalein)          | 0     | ppm (as CaCO <sub>3</sub> ) |      |           |
| Electrical Conductivity               | 1064  | micromhos per cm at 25° C.  |      |           |
| Sodium Adsorption Ratio               | 0.96  | % of cations                |      |           |
| Sodium                                | 17.26 | me/l                        |      |           |
| Residual sodium carbonate             | 0.00  | me/l                        |      |           |
| pH                                    | 7.60  |                             |      |           |

Others:

\*ppm=parts per million

\*\*me/l=millequivalents per liter

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

COMMENTS: Total cations 12.54 me/l  
 Total anions 13.62 me/l

By: Shirley Litten

| Service Performed   | Amount Due |
|---------------------|------------|
| Irrigation analysis | \$15.00    |

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 77-227

Amount Enclosed \$

Signed



February 28, 1977

Heine Farms  
c/o Gary J. Heine  
R.R. #1, Box 67  
Fordyce, NE 68736

Dear Mr. Heine:

Your water sample (Lab. No. 77-227) 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

D. Pahl, Extension Service

P.S. Your soil area 36 is a soil with restricted drainage and water intake. You should be fully aware of this before investing. It may mean you will have to raise only wet-tolerant grasses, or grass and alfalfa--no corn.

You earlier received the original copy of the report of analysis.

m 6 - Notice of Intent to appropriate Water

No. 3722-3

Publish first publication, on or before March 14, 1977

**NOTICE  
INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501

March 7, 1977

Notice is hereby given that Heine Farms  
whose post office address is Fordyce, Nebr., ~~South Dakota~~ has made an application in accordance  
with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use  
5.0 cubic feet of water per second of time from the ground water through the  
Heine Farms #2, the point of diversion of which is to be located in the \_\_\_\_\_

SW $\frac{1}{4}$  NE $\frac{1}{4}$   
of Section 17, Twp. 93N, Range 54W. Said water to be used for the purpose  
of providing irrigation on the following described land:

NE $\frac{1}{4}$ , NE $\frac{1}{4}$  NW $\frac{1}{4}$ , SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 17, T93N, R54W

This application No. 3722-3 will be considered by the Water Rights Commission at their office at  
Pierre upon the 23rd day of March, 1977, at 10:00 A. M. All interested  
persons may appear and be heard.

**WATER RIGHTS COMMISSION**

By:

**JAMES WINTERTON**  
Water Rights Specialist

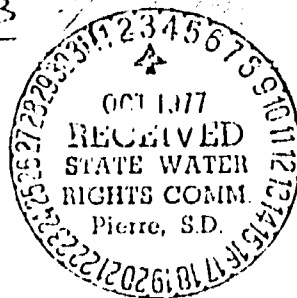
BFD/bw  
cc:

Heine Farms, R.F. 1, Box 67, Fordyce, Nebr. 68736



Form 10.

No. 3722-3



NOTICE OF COMPLETION OF WORKS AND/OR  
APPLICATION OF WATER TO BENEFICIAL USE

Post Office Rodgers, Neb.  
Date 10-1-77

TO: Water Rights Commission  
Joe Foss Building  
Pierre, South Dakota 57501

Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to the maximum extent it is going to be used, not exceeding the amounts as specified in Water Right Permit No. 3722-3

Water Right Permit No. 3722-3 states that the diversion system is to be constructed by Sept 23, 19 79 and that the water is to be put to beneficial use by March 23, 19 82.

The diversion system was completed on June, 19 77.  
Applying the water to beneficial use was completed on Aug 20, 19 77.

You may schedule an inspection so that the Certificate of Construction and/or the Water License may be issued, thus completing my acquisition of a water right.

Mary J. Heine  
(Signature) Heine Farms



# Department of Water & Natural Resources

Joa Foss Building  
523 East Capitol  
Pierre, South Dakota 57501-3101

March 23, 1987

HEINE FARMS, Gary Heine  
RR #1 BOX 67  
FORDYCE, NE 68736

## NOTICE

Re: Violation of Water Permit(s). 4621-3 and 1986 Irrigation  
Questionnaire Requirements.

Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 4621-3. 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 permit violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 4621-3 qualification:

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

The hearing will also be to determine if Permit No(s). 3722-3 should be amended with the qualification to require the Questionnaire to be submitted each year.

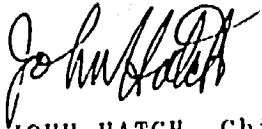
The hearing(s) will be at 2:00 pm, May 6, 1987, in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

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

Following the hearings(s), the Water Management Board can:

1. Suspend Permit No(s). 4621-3 until either the 1986 Questionnaire is submitted or for the period of up to one year;
2. Amend Permit No(s). 3722-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action;
4. 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) are received in this office before the hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.

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

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

April 13, 1987

2116-3  
2597-3  
3722-3  
4621-3

Gary Heine  
Heine Farms  
RR #1 Box 67  
Fordyce, NE 68736

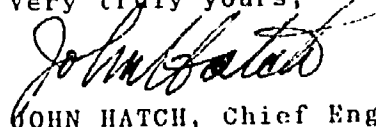
Dear Mr. Heine:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaires. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit Nos. 2116-3, 2597-3, 3722-3 and 4621-3 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



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3181

GARY HEINE  
RR 1, BOX 68  
FORDYCE, NE 68736

NOTICE

Re: Failure to Report Chemical Use under Water Permit No(s) 3722-3

The first notice to file chemigation report(s) for Permit No(s) 2116-3 & 3722-3 was dated October 18, 1991. Our records indicate that we have not received the 1991 chemigation report for Permits No(s) 3722-3. The Water Management Board has directed that owners of water permits who have not submitted the 1991 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing held by the Board is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application.

The hearings will be held at 9:15 am, on March 4, 1992, at the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol, Pierre SD, and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation or up to three years for the second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s). 3722-3 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.

Very truly yours,

RON DUVAL, Natural Resources Engineer  
for JOHN HATCH, Chief Engineer  
Water Rights Division  
605 773-3352

NOTE: If the chemigation report(s) is(are) received by this office prior to the March 4, 1992 hearing, you will no longer be in violation and your name will be deleted from the Board agenda.

*South Dakota*

GREAT FACES. GREAT PLACES.

6732-5  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3181

January 31, 1992

GARY HEINE  
RR 1 BOX 68  
FORDYCE NE 68736

Dear Mr. HEINE:

I am writing to acknowledge receipt of your 1991 chemigation report for Water Right No. 3722-3.. You may disregard the January 27, 1992 Notice of Failure to Report Chemical Use for 1991. With receipt of the chemigation report, your name has been deleted from the March 4, 1992 Water Management Board meeting agenda.

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

Sincerely,

*Don Frye*

DON FRYE, Natural Resources Analyst  
Water Rights Division



3722-3

January 29, 1993

NOTICE

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

TO: GARY HEINE- HEINE FARMS  
RR #1 BOX 68  
FORDYCE NE 68736

FROM: Ron Duvall, Natural Resources Engineer IV  
for JOHN HATCH, Chief Engineer  
Water Rights Division

RE: Violation of Water Permit No(s) 2116-3, 2597-3 & 3722-3, 4621-3 and 1992 Irrigation  
Questionnaire Requirements

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 2116-3, 2597-3 & 3722-3, 4621-3. The request for the Questionnaires was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will be to determine if Permit No(s) 2116-3, 2597-3 & 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) 4621-3 qualification:

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

The hearing will be held at 9:30 am, March 3, 1993, at 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. 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) 4621-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2116-3, 2597-3 & 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. Prior to February 22, 1993, contact the Water Rights Division, 523 E Capitol, Pierre SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the questionnaires are received in this office before the March 3rd hearing date, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.



January 29, 1993

3722-3

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

NOTICE

TO: GARY HEINE  
RR 1, BOX 68  
FORDYCE, NE 68734

FROM: Ron Duvall, Natural Resources Engineer IV  
for JOHN HATCH, Chief Engineer  
Water Rights Division

RE: Failure to Report Chemical Use under Water Permit No(s) 2116-3 & 3722-3

The first notice to file chemigation report(s) for Permit No(s) 2116-3 & 3722-3 was dated October 16, 1992. Our records indicate that we have not received the 1992 chemigation report for Permits No(s) 2116-3 & 3722-3. The Water Management Board has directed that owners of water permits who have not submitted the 1992 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing held by the Board is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application.

The hearing will be held at 9:30 A.M. on March 3, 1993, at the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation or up to three years for the second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s). 2116-3 & 3722-3 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. Prior to February 22, 1993, contact the Water Rights Division, 523 E. Capitol, Pierre, SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the chemigation report(s) is(are) received by this office prior to the March 3, 1993 hearing, you will no longer be in violation and your name will be deleted from the Board agenda.



3722-3

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3181

February 11, 1993

No. 2116-3  
3722-3

Gary Heine  
RR 1 Box 68  
Fordyce, NE 68736

Dear Sir:

I am writing to acknowledge receipt of your phone call concerning the 1992 chemigation questionnaire. You may disregard the January 29, 1993 notice of "Failure To Submit Chemigation Questionnaire." I have filled out the questionnaire with the information you provided in the mail and your name is deleted from the Water Management Board agenda.

If you have any questions, please contact me at 605-773-3352.

Sincerely,

Barry A. McLaury  
Natural Resources Analyst  
Water Rights Division



3722-3

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

March 16, 1993

Ron Heine  
RR #1 Box 68  
Fordyce, NE 68736

RE: Water Permit Nos. 1879-3, 2116-3, 2597-3, 3722-3, 3964-3,  
4491-3, 4492-3, 4621-3, and 5449-3

Dear Mr. Heine:

I am writing to acknowledge receipt of your 1992 irrigation questionnaires for the above listed permits. You may disregard the January 29, 1993 Notices of Violation of Water Permits and Violation of Irrigation Questionnaire Requirements.

The questionnaires were received prior to the Water Management Board meeting and your name was deleted from the agenda. If you have any questions, please contact me.

Sincerely,

*Genny McMath*  
Genny McMath  
Natural Resources Analyst  
Water Rights Division  
(605) 773-3352

**Permit No. 3722-3**  
**Missouri River - Water District**

**Report of Examination of Works and/or Application of Water to Beneficial Use**

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

I have this day, September 16, 1998, made a thorough examination of the water use system constructed by Ron Heine of RR 1 Box 47, Mission Hill SD 57946 holder of Permit No. 3722-3, bearing the priority of March 4, 1977 authorizing the diversion of 3.00 cu. ft. per second of the waters of ground water for irrigation purposes, in Yankton County.

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

A. Works used to divert the water:

Pump: Verti-line

Motor: General Electric, 60 hp

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

- 1) Type PVC      2) Size 8 inches      3) Length 75 feet

C. Works used to apply water to beneficial use:

Center Pivot:

- |                               |                                  |
|-------------------------------|----------------------------------|
| 1) Make <u>Lockwood</u>       | 3) End gun <u>Y</u>              |
| 2) Number of towers <u>11</u> | 4) Medium pressure <u>40 psi</u> |
|                               | 5) Capacity <u>900</u> GPM       |

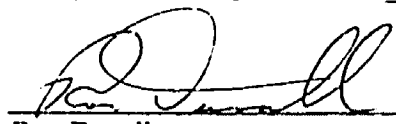
The system is in the following condition good. The point of diversion is located Well: 1,500 feet S and 1,800 feet W from the NE corner section 17-T93N-R54W (SW¼NE¼). The works are capable of diverting and conveying to the place of use 2.00 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows: All in T93N-R54W

|               |       |                |      |               |           |
|---------------|-------|----------------|------|---------------|-----------|
| NE¼NE¼ sec 17 | 33 ac | *NE¼SE¼ sec 17 | 7 ac | NE¼NW¼ sec 17 | 22 ac     |
| NW¼NE¼ sec 17 | 40    | *NW¼SE¼ sec 17 | 16   | *SW¼SE¼ sec 8 | 7         |
| SW¼NE¼ sec 17 | 40    | *NE¼SW¼ sec 17 | 2    | *SE¼SE¼ sec 8 | 1         |
| SE¼NE¼ sec 17 | 38    | *SE¼NW¼ sec 17 | 24   | Total Acres   | 230 acres |

comprising a total of 230 acres of land and the license should be issued for 2.00 cfs.

Applicable permit qualifications have been complied with: Yes X No

Exceptions to compliance are: none Date report completed: November 13, 1998

  
 Ron Duvall

Natural Resources Engineer  
 DENR, Water Rights Program

\* See file documentation dated Nov 13, 1998  
 to correct acreage legal description.

# FIELD INVESTIGATION REPORT FOR PERMIT NO. 3722-3

|                                                                                          |                                                                                             |
|------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|
| DATE OF INVESTIGATION                                                                    | September 16, 1998                                                                          |
| NAME & ADDRESS OF INVESTIGATION CONTACT/<br>RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE | Ron Heine                                                                                   |
| NAME & ADDRESS OF PERMIT HOLDER                                                          | Ron Heine<br>RR 1, Box 47<br>Mission Hill SD 57046                                          |
| DIVERSION POINT LEGAL LOCATION                                                           | Well: 1,500 feet S and 1,800 feet W<br>from the NE corner section 17-T93N-<br>R54W (SW¼NE¼) |

Other permit(s) associated with the project: none

## WELL INFORMATION:

- 1) Well Drilling Firm: Wetmore
- 2) No. of Wells 1
- 3) Depth(s) 90 feet
- 4) Well log is available N
- 5) Comment: called Wetmore for log -- none located

## Pump:

- 1) Make Verti-line

## Motor:

- 1) Make General Electric
- 2) Horsepower rating 60 hp

## DISTRIBUTION LINES OR CANALS:

- 1) Type PVC
- 2) Size 8 inches
- 3) Length 75 feet

## SYSTEM TYPE:

### Center pivot:

- 1) Make Lockwood
- 2) Overall length 1705 feet
- 3) Number of towers 11
- 4) End gun Y
- 5) Low pressure 40 psi
- 6) Capacity 900 GPM

## CHEMIGATION EQUIPMENT:

- 1) Does chemigate Y
- 2) Mainline has necessary equipment and system uses an electrical interlock. The chemigation pump equipment was not on the site.

## PERMIT QUALIFICATIONS:

- 1) Special qualifications to permit being abided by Y
- 2) All structures, wells and lands on map Y
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y

**Licensing of Acreage Outside of Permitted Area**

NAME: Ron Heine

ADDRESS: RR 1, Box 47, Mission Hill SD 57046

DATE: November 13, 1998 COUNTY: Yankton

**AUTHORITY**

Pursuant to SDCL 46-5-30.5, acreage developed for irrigation outside of the area described on the permit may be licensed provided the following conditions are met:

**NO INCREASE IN PERMITTED ACREAGE OR WATER APPROPRIATED:**

The acreage developed for irrigation is 230 acres as compared to 240 acres authorized by the permit. Licensing of the permit will result in a reduction in the amount of water appropriated.

**UNPERMITTED ACREAGE:**

- **Contiguous to Permitted Acreage**

The following acres located in T93N-R54W are all contiguous to permitted acreage in the NE $\frac{1}{4}$  section 17

|                                          |      |                                         |          |
|------------------------------------------|------|-----------------------------------------|----------|
| NE $\frac{1}{4}$ SE $\frac{1}{4}$ sec 17 | 7 ac | SW $\frac{1}{4}$ SE $\frac{1}{4}$ sec 8 | 7        |
| NW $\frac{1}{4}$ SE $\frac{1}{4}$ sec 17 | 16   | SE $\frac{1}{4}$ SE $\frac{1}{4}$ sec 8 | 1        |
| NE $\frac{1}{4}$ SW $\frac{1}{4}$ sec 17 | 2    | Total Acres                             | 57 acres |
| SE $\frac{1}{4}$ NW $\frac{1}{4}$ sec 17 | 24   |                                         |          |

- **Owned by Same Property Owner**

All of the property is owned by Heine Farms pursuant to information supplied by Ron Heine during a November 16, 1998 phone conversation.

- **Developed Prior to Expiration of Construction Period**

According to a file "Notice of Completion of Works" water was placed to beneficial use in August of 1977 and the period to complete construction of works did not expire until 1982.

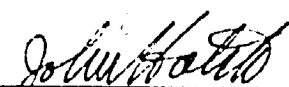
**RECOMMENDED ACTION**

Based on the above criteria, it is recommended that the 57 acre area be included in the water license.

  
 Ron Duvall, Natural Resources Engineer  
 Water Rights Program

The Chief Engineer makes a finding pursuant to SDCL 46-5-30.5 that:

This acreage change does not impair existing water rights and the overall project, as developed, is consistent with the original application. Licensing of the unpermitted acreage may occur without application or publication pursuant to SDCL 46-2A-4.

 3-17-99  
 John Hatch, Chief Engineer  
 Water Rights Program



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

[www.state.sd.us/denr](http://www.state.sd.us/denr)

November 18, 1998

Heine Farms c/o Ron Heine  
RR 1 Box 47  
Mission Hill SD 57046

Dear Mr. Heine:

I am writing concerning Water Permit No. 4491-3 for irrigation of 60 acres in portions of sections 14 and 23 in T93N-R56W just to the southwest of Yankton. Enclosed is a copy of the original permit and aerial photo outlining the permitted acres.

Based on the inspection I completed on September 16, 1998, the pivot that has been placed on the acreage covers approximately 92 acres. I have also enclosed a map that I prepared showing the approximate location and acreage under the pivot. Since the acreage developed for irrigation exceeds the total number of acres authorized for irrigation, it will be necessary to apply for a new permit for the additional 32 acres. The existing 60 permitted acres will retain the priority date specified on Permit No. 4491-3. I have enclosed a partially-completed application form for your use. Please complete the name and mailing address portion and then sign the form in the presence of a notary public. As I recall, you would also like to have all of the permits transferred into the name of Heine Farms. I have partially-completed transfer of ownership forms (three forms) for all of the permits that are not currently in the name of Heine Farms. These forms also need to be signed in the presence of a notary public.

Please return the forms with the following fees. An application fee of \$150.00 for the additional 32 acres, \$2.50 for each of the three transfer of ownership forms, and a \$50.00 inspection/licensing fee for each of the six permits (4491-3, 3964-3, 3722-3, 4621-3, 5816-3, and 5449-3) that I inspected. Therefore, the total fee that will be payable to the Water Rights Program is  $\$150.00 + \$7.50 + \$300.00 = \$457.50$ . If you have any questions, please call me at 605 773-3352.

Finally, I also have a question concerning the irrigation system located in the SW¼ section 15-T93N-R56W. According to the information I wrote down, the irrigation system is a "corner" pivot system. However, a recent aerial photo shows a "circle" on the quarter section. Please indicate if this center pivot is a corner system and, if so, is the entire 160 acre area irrigated by the corner system. Thank you!

Sincerely,

Ron Duvall  
Natural Resources Engineer  
Water Rights Program

enclosures

# RECEIPT

## Water Rights Program

NO 415943

South Dakota Department of Environment and Natural Resources

Pierre, \_\_\_\_\_ December 7, 19 98

RECEIVED OF Heine Farms, 55969 897 Rd., 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. 3722-3

50 00

Fee for Filing Transfer Form \_\_\_\_\_

Fee for Filing Extension Request \_\_\_\_\_

Fee for \_\_\_\_\_

(Any Other Work Provided by Law)

Total

50 00

By \_\_\_\_\_  
Chief Engineer

*John Hatch*



3722-3  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

APR 26 1999

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

Dear Mr. Heine:

Enclosed are Water License Nos. 3722-3, 3964-3, 4621-3, 5449-3, 5816-3 and Water Permit and License No. 6114-3. The water licenses are the final documents which completes the process of obtaining a water right. The water rights are now all listed in the name of Heine Farms. Also, enclosed are the receipts for payment of the water license and transfer of ownership fees.

Please note the following regarding Water Right No. 5449-3: The investigation found the irrigation system capable of diverting 1.89 cubic feet of water per second (cfs) which is equivalent to approximately 850 gallons per minute. The statutory limit for 91 acres is 1.30 cfs (equivalent to approximately 585 gpm). Diversion of water under this water license is limited to 1.30 cfs.

Also, applicable portions of No. 4491-3 are incorporated in Water License No. 6114-3.

As long as Heine Farms uses the water beneficially as stated in the water licenses, State Water Law provides that you have a continuing right to use the water.

Very truly yours,

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

ks

enclosures

# STATE OF SOUTH DAKOTA

## WATER LICENSE NO. 3722-3

(1) Heine Farms, 55969 897 Road, Fordyce NE 68736 made Application No. 3722-3, March 4, 1977 for a water permit to divert 3.0 cubic feet of water per second from groundwater (one well), Yankton County, South Dakota for irrigation purposes. Permit No. 3722-3, with a priority date of March 4, 1977 was approved March 23, 1977 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 23, 1982 and for the application to beneficial use of said water on or before March 23, 1982.

An investigation conducted for licensing purposes found acreage developed for irrigation outside of the area described on the permit. Pursuant to SDCL 46-5-30.5, the Chief Engineer makes a finding that existing water rights will not be impaired and the overall project, as developed, is consistent with the original application.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 2.0 cubic feet of water per second for beneficial use. The location of the diversion point is 1,500 feet south and 1,800 feet west from the northeast corner of Section 17-T93N-R54W (SW ¼ NE ¼).

(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:

| All in T93N-R54W |          |                  |          |                  |          |
|------------------|----------|------------------|----------|------------------|----------|
| Sec 17 NE ¼ NE ¼ | 33 acres | Sec 17 NE ¼ SE ¼ | 7 acres  | Sec 17 NE ¼ NW ¼ | 22 acres |
| NW ¼ NE ¼        | 40 acres | NW ¼ SE ¼        | 16 acres |                  |          |
| SW ¼ NE ¼        | 40 acres | NE ¼ SW ¼        | 2 acres  | Sec 8 SW ¼ SE ¼  | 7 acres  |
| SE ¼ NE ¼        | 38 acres | SE ¼ NW ¼        | 24 acres | Sec 8 SE ¼ SE ¼  | 1 acre   |
| Total 230 acres  |          |                  |          |                  |          |

(4) Pursuant to South Dakota Water Law 46-5-30.1 Heine Farms, 55969 897 Road, Fordyce NE 68736 the holder and/or owner of Water Right No. 3722-3 is issued a license to appropriate water, the right to use 2.0 cubic feet of water per second from groundwater (one well) with a priority date of March 4, 1977 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. 3722-3 and subject to South Dakota State Law.

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

APR 26 1999

date















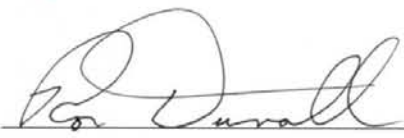












11/13/98

Date \_\_\_\_\_

Water Right No. 3722-3



MAP 2446-3 APP. N-3722-3

243

424

200

3-153

IRRIGATED AREA  
By Lane P. Miller  
County Extension agent  
Yonkers Co.

138.3

240 A

● WELL LOCATION

17

129.5

94.9

93.54

128.7

3-153



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 26, 2007

**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 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/efrms/secure/efrms/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.



3722-3

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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



3722-3

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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



3722-3  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
PMB 2020  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://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](mailto: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](http://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,

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



3722-3  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
PMB 2020  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://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](mailto: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

3722-3



DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES  
JOE FOSS BUILDING  
523 E. CAPITOL AVE  
PIERRE SD 57501-3182  
danr.sd.gov

APR 19 2022

3722-3  
7340-3

Ron Heine  
Heine Farms  
PO Box 477  
Yankton SD 57078-0477

Dear Mr. Heine:

Enclosed is Water License No. 7340-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation for No. 7340-3.

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

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

Sincerely,

Eric Gronlund, Chief Engineer  
Water Rights Program  
(605) 773-3352

enclosures

**NOTE:** Upon licensing, the applicable portions of Water Right No. 3722-3 were incorporated into Water License No. 7340-3.