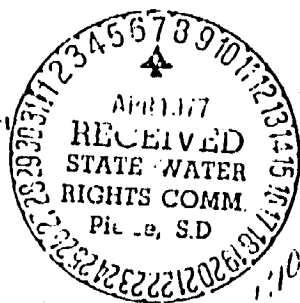


Water Right Number 3964-3

1. Considered 7.27, 19 77
2. Name of Applicant ALLEN J. HEINE
3. Post Office Address YANKTON
4. Amount of Water claimed 3.71
5. Source of Water supply 2-90' WELLS
6. Water to be used for IRRIGATION
- Acres to be irrigated 260
7. Water to be diverted and used in YANKTON County
- about 3 W miles of YANKTON
8. Proof of Publication Received 7.22-77
- Not Received _____
- Approved _____
- Subject to _____
- Not Approved _____
- Action Deferred _____
9. Application

10. Remarks:

No. 3964-3Map No. 3215-3 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 it (s) if not applicable)

1. Name of Applicant Allen J. Heine 130477, Fordyce NE 68736
Postoffice address Rt 1 Box 158 Yorkton, State S.D.

If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract3. Name of diversion work Allen J. Heine No. 2 and 34. Amount of water claimed (cubic feet per second) 3.715. Source of water supply Well No. 1 & No. 26. Location of point of diversion Well No. 1 NW 1/4 of SE 1/4 16-93-56Well No. 2 SE 1/4 of SW 1/4 15-93-56County Yorkton7. Annual period or periods during which water is to be used March 1 - Nov 308. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation9. For irrigation use, Total number of acres to be irrigated 260

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>SE 1/4 of NE 1/4 16-93-56</u>	<u>80</u>	<u>N 1/2 of SW 1/4 15-93-56</u>	<u>80</u>
<u>N 1/2 of SE 1/4; NE 1/4 of SW 1/4 16-93-56</u>	<u>80</u>	<u>N 1/2 of N 1/2 of SE 1/4 of SW 1/4 15-93-56</u>	<u>20</u>

No. 1 well

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 2 years.11. Choice of newspaper for Notice of Intent to Appropriate Water publication Press and Valentin - Yorkton

12. Principal Features of the Proposed Water Supply System.

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

2 wells

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

pipe

C. Works proposed to apply water to beneficial use.

Sprinklers type system (Center Pivot)Estimated Total Cost \$ 120,000Attachments: 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 YANKTONI, Allen 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 Allen J. HeineSubscribed and sworn to before me this 30 day of March 1977Dennis J. Mitchell
Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 3964-3
ALLEN J. HEINE R.R. #1, Box 608, YANKTON
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57078 Box 77, Foulds NE 68736
 (State) With the following modifications.

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 APRIL 7 19 77
 Date of return to applicant for correction, amendments or changes required APRIL 7 19 77
 Date of receipt of corrected application MAY 24 19 77
 Approved JULY 28 19 77 Recorded in Book 19 Page 12

WATER RIGHT PERMIT NO. 3964-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 3964-3 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 APRIL 7 19 77
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JANUARY 28 19 80
3. The whole of said work is to be completed on or before JULY 28 19 82
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JULY 28 19 84
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 3.71 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 JULY 28 19 84; said water to be used during the following described annual period: MARCH 1 - NOVEMBER 30

Witness my hand this 5TH day of AUGUST 19 77

WATER RIGHTS COMMISSION

By:

John H. Hark
 Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 _____

Water License Issued _____, 19 _____

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter 30", Depth 90'
- (2) Casing, Type Asbestos (wood, concrete, steel, etc) Diameter 18" Thickness 219 mils
- (3) Perforated Screen.
Type Asbestos, Diameter 18", Length 30'
- (4) Gravel Pack, Thickness 6", Length of gravel pack 80'

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 fine sand & coarse gravel

Depth to top of water bearing material 30'

Depth to bottom of water bearing material 60'

Thickness of water bearing material 60'

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 80 rds.

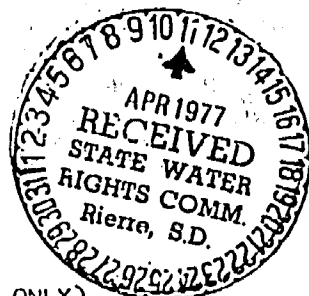
G. Water Storage Dams.

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.

Allen J. Hine
Signature of Applicant

CONSERVATION
COMMISSION
FORM W1 #1

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)



NAME ALLEN J HEINE, FOR HEINE FEEDLOT CO.
ADDRESS RR1 BOX 498 YANKTON, S.D. 57078
COUNTY YANKTON COUNTY

LEGAL DESCRIPTION

1. WELL LOCATION WELL NO. 1 - NW 1/4 of SE 1/4 16-93-56
WELL NO. 2 - SE 1/4 of SW 1/4 15-93-56
2. LOCATION OF AREA TO BE IRRIGATED WELL NO. 1 - BE 1/4 of NE 1/4 16-93-56 - 80 A
NE 1/4 of SE 1/4 of SW 1/4 16-93-56 - 80 A
WELL NO. 2 - N 1/2 of SW 1/4 - 15-93-56 - 80 A
N 1/2 of N 1/2 of S 1/2 of SW 1/4 - 15-93-56 - 20 A

TYPE OF IRRIGATION

3. GRAVITY _____ TOW LINE _____ CENTER PIVOT ☒ GUN _____
4. CROPS TO BE IRRIGATED CORN - ALFALFA - SOY BEANS

WATER QUALITY

5. SAMPLE NUMBER 77-226
6. SALINITY (EC X 10⁶) 1394 (high)
7. SODIUM (SAR) 0.57 (low)
8. RESIDUAL SODIUM CARBONATE (meq/l.) 12

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 YANKTON COUNTY 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.

Allen J. Heine
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS
4 DAY OF February 19 77.

(Title or Seal)

Albert J. [Signature]
APPROVED/INSAPPROVED

SOIL AND CAPABILITY MAP

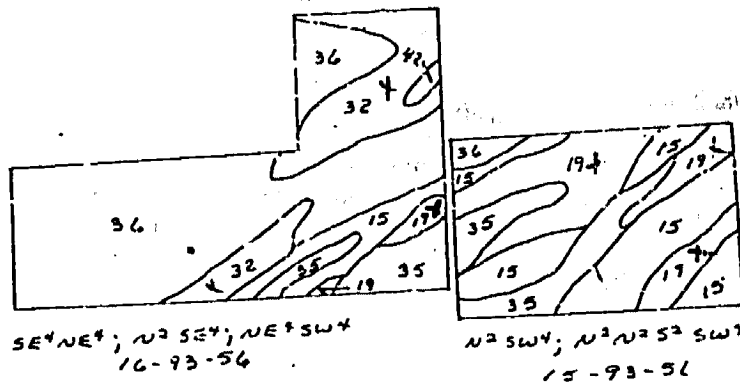
Yankton County Conservation District and
Soil Conservation Service Cooperating.

Owner Allen Heine Operator _____

County Yankton State South Dakota Photo No. VF-31L-141 & 143

Date Prepared March 15, 1977 Scale 3" = 1 mile Acreage 260

Prepared by the U.S. Department of Agriculture, Soil Conservation Service.



UNITED STATES DEPARTMENT OF AGRICULTURE
Soil Conservation Service

SOIL INTERPRETATIONS

SOIL MAPPING UNITS	LAND USE and SOIL GROUP	SOIL GROUP DESCRIPTIONS
	CROPLAND - Irrigation Capability Units:	
15	Haynie silt loam 0-2% slope Class II Irrigation Intake Family 1.0	This deep, nearly level, moderately well drained soil is on some of the higher portions near the present channel of the Missouri River. Permeability is moderate and available water capacity is high. Surface runoff is slow. Organic matter and fertility are low. Soil may be subject to wind erosion when soil cover is reduced.
17	Haynie silty clay overwash 0-2% slope Class IIw3 Irrigation Intake Family .1	This deep, nearly level, moderately well drained soil is on some of the lower portions near the present channel of the Missouri River. Areas of this soil are usually long, narrow, and curved in shape. The clayey surface layer causes permeability to be slow in the upper portion but permeability is moderate below this layer. Available water capacity is high. Surface runoff is slow. Organic matter and fertility are low.
19	Onawa silty clay 0-2% slope Class IIw3 Irrigation Intake Family 0.1	This mapping unit consists of nearly level, somewhat poorly drained soils on some of the lower positions near the present channel of the Missouri River. Areas of this soil are usually long, broad, and curved in shape. Permeability is slow in the surface and subsoil layers and moderate in the underlying material. Available water capacity is high. Organic matter and fertility are low. Major problems with this soil are related to soil blowing, poor tilth, and delayed farming operations due to surface wetness.
32	Forney soils, overwash 0-2% slope Class IIIw2 Irrigation Intake Family 0.1	This nearly level, poorly drained soil is on some of the lower portions near the present channel of the Missouri River. In some places, the underlying material is highly stratified with thin layers of contrasting textures and colors. Permeability is slow; available water capacity is moderate, surface runoff is slow. Organic matter and fertility are moderate. Major problems are related to poor tilth, delayed farming operations due to wetness, and soil blowing during dry windy periods when soil cover is inadequate.

UNITED STATES DEPARTMENT OF AGRICULTURE
Soil Conservation Service

SOIL INTERPRETATIONS

SOIL MAPPING UNITS	LAND USE and SOIL GROUP	SOIL GROUP DESCRIPTIONS
35	Waubonsie very fine sandy loam 0-2% slope Class IIe2 Irrigation Intake Family 1.5 until upper part is saturated then 0.1	This deep, moderately well drained, nearly level soil is on the Missouri River Bottom near the present channel. These soils are formed in loamy over clayey alluvium. This soil is low in fertility and in content of organic matter. Available water capacity is moderate and permeability is moderately rapid in the upper part and slow in the lower part. Surface runoff is slow. It is subject to seasonal wetness in some years from high water table.
36	Modale silty clay overwash 0-2% slope Class IIIw2 Irrigation Intake Family .5	This nearly level, somewhat poorly drained soil is on some of the lower portions from the mid-sections to the present channel on the Missouri River Bottom. This soil is typically characterized by a firm silty clay surface layer about 10 inches thick, a very fine sandy loam subsurface about 20 inches thick, and silty clay underlying material. This variation in texture causes the permeability to be slow in the surface layer, moderate in the subsurface, and slow in the underlying material. Available water capacity is moderate and surface runoff is slow. Organic matter and fertility are moderate.
42	Blake silty clay loam 0-2% slope Class II Irrigation Intake Family 0.5	This nearly level, somewhat poorly drained soil is on recent alluvium near the present channel of the Missouri River. Permeability is moderate and available water capacity is high. Runoff is slow. Organic matter and fertility are medium. It has slight to moderate hazard for soil blowing.

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

Submitted by: Allen Heine
Address: Heine Feedlot,
Rt. 1, Box 498
Yankton, SD 57078

Date Rec'd February 10, 1977
Sample No. 77-226
Identification Well-90^o

WATER ANALYSIS

Calcium (Ca)	235	ppm*	11.75	me/l**
Magnesium (Mg)	39	ppm	3.20	me/l
Sodium (Na)	36	ppm	1.57	me/l
Potassium (K)	18	ppm	0.47	me/l
Sulfate (SO ₄)	590	ppm	12.27	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	21	ppm	0.59	me/l
Bicarbonate (HCO ₃)	332	ppm	5.44	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)	272	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	1394	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.57			
Sodium	9.24	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.28			

Others:

*ppm=parts per million

**me/l=millequivalents per liter

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

COMMENTS: Total cations 16.99 me/l
Total anions 18.30 me/l

By: Shirley Mittan

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. 77-226

Amount Enclosed \$

Signed

MEIERHENRY, DEVANY & KRUEGER

ATTORNEYS AT LAW

P.O. Box 317

VERMILLION, SOUTH DAKOTA 57069

MARK V. MEIERHENRY
JOHN S. DEVANY
R. J. KRUEGER, JR.

TELEPHONE (605) 624-2231
(605) 624-3295

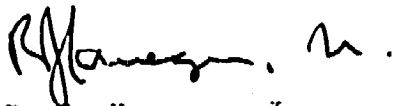
April 21, 1977

Water Rights Commission
Department of National Resource
Development
Joe Foss Building
Pierre, South Dakota 57501

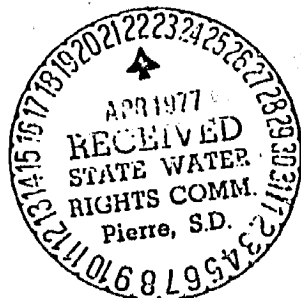
TO THE COMMISSION:

Please take notice that Allen J. Heine, through his attorneys, Meierhenry, DeVany and Krueger, hereby request a review by the Water Rights Commission of the decision of the Commission staff which refused to recognize the mailing of his application on March 30, 1977. Mr. Heine requests the Commission reverse the decisions of the staff in order that he may be eligible for the \$8.00 application fee rather than the \$350.00 fee.

Respectfully submitted,



R. J. Krueger, Jr.
MEIERHENRY, DEVANY & KRUEGER
Attorneys at Law



MEIERHENRY, DEVANY & KRUEGER

ATTORNEYS AT LAW

P.O. Box 317

VERMILLION, SOUTH DAKOTA 57069

MARK V. MEIERHENRY
JOHN S. DEVANY
R. J. KRUEGER, JR.

TELEPHONE (605) 624-2231
(605) 624-3295

RECEIVED

APR 22 1977

DEPT. OF NATURAL
RESOURCE DEVELOPMENT

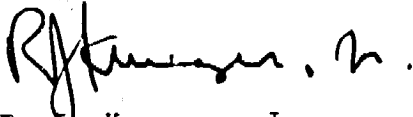
April 21, 1977

Mr. Vern Butler, Secretary
Department of National Resource Development
Joe Foss Building
Pierre, South Dakota 57501

Dear Mr. Butler:

Enclosed is a request for a review of the decision on Allen J. Heine's water permit application. At this point, we would prefer to submit affidavits and a summary of our position for review by the Water Rights Commission, rather than appear in person. I would expect to have these materials to you in about ten days. If you would prefer to set a date for this submission, please let me know.

Sincerely yours,



R. J. Krueger, Jr.
Attorney at Law

RJK/djd

cc: A. Heine

Enclosure

April 25, 1977

R.J. Krueger, Jr., Attorney
P.O. Box 317
Vermillion, South Dakota 57069

Dear Mr. Krueger:

This will acknowledge your request to me and notice to the Water Rights Commission for a review of the Water Rights Commission Staff's decision to require an application fee of \$350.00 rather than an \$8.00 fee. You may submit affidavits and a summary of your position which can be considered by the Water Rights Commission at their regular meeting May 25-26, 1977.

We advised you and Mr. Heine that the \$350.00 fee was required for the following reasons:

1. Since Senate Bill 175 contained an emergency clause, it became law when signed by the Governor April 1, 1977.
2. The Heine application was received in this office at 1:10 P.M. April 7, 1977.
3. The date and time the application is received and thus filed in the Water Rights Commission office establishes the priority in accordance with SDCL 46-5-7. The application is not an official application until filed at the Commission Office here in Pierre.

Senate Bill 175 did not make any changes in the Water Laws covered by Title 46, except to change the fees. Therefore, we have followed procedures established by statute and by the Commission on this matter. SB175 was discussed with the Commission during their meeting March 23-24, 1977. It was their understanding at that time that if SB175 was signed by the Governor, any application received on or after the effective date would be subject to the new fee schedule.

Please note that Mr. Heine's application can not be advertised for public hearing until the proper fee has been received. If the Commission is to review the fee required for this application at the May meeting, the earliest the application could be considered by the Commission, would be at the July 27-28, 1977 meeting.

Very truly yours,

VERN BUTLER, Secretary
Dept. Natural Resource Development

VB/JH/bw

Publish first publication, on or before July 14, 1977

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

June 9, 1977Notice is hereby given that Allen J. Haine whose

post office address is Yankton, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-8; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, ~~Future Use 46-5-30, Temporary Permit 46-5-30, 46-5-40~~; Ground Water 46-6-3, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13, ~~Future Use 52:01:01:21~~

~~thru 52:01:01:24~~, for a permit to appropriate for beneficial use 3.71 cubic feet of water per second of time from the ground water through

Allen J. Haine No. 2 and 3, the point of diversion of which is

to be located in the NW 1/4 SE 1/4 of Section 16 and Center of S 1/4 NW 1/4

of Section 15, Twp. 93N, Range 56W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

N 1/2 SW 1/4, N 1/2 S 1/2 SW 1/4, Section 15; NW 1/4 SE 1/4, NE 1/4 SW 1/4, SE 1/4 NE 1/4, Section 16; T92N, R56W

This Application No. 3964-3 will be considered by the Water Rights Commission at the Sturrolite Inn, Brookings, S.D. upon the 27th day of July, 1977, at 10 A. M. The Commission is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Commission decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Commission in writing prior to the hearing or orally at the hearing.

WATER RIGHTS COMMISSION

JAMES WINTERSTON
Water Rights Specialist

Allen J. Haine, R.R. #1, Box 498, Yankton, S.D. 57078

cc:

No. 3964-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Yankton) ss.

I, Harry L. Sneece hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Daily Press & Dakotan

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 Yankton of _____

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

July 14, 1977

July 21, 1977

Harry L. Sneece
(Signature)

Business Manager
(Title)

7-21-77
(Date Signed)

7-14421
NOTICE OF HEARING ON
APPLICATION TO
APPROPRIATE WATER

Pierre, South Dakota 57501
June 9, 1977

Notice is hereby given that Allen J. Heine whose post office address is Yankton, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-4; 46-2-1 thru 46-2-11; 46-2-13; 46-3-1 thru 46-3-4; 46-3-10 thru 46-3-22; 46-3-41; 46-3-49; Ground Water 4-6-3; 46-6-3; 46-6-1; 46-6-19; 46-6-14 and Commission Rules AFSD 52-01:01:01 thru 52-01:01:13 for a permit to appropriate for beneficial use; 3.71 cubic feet of water per second of time from ground water through Allen J. Heine No. 2 and 3, the point of diversion of which is to be located in the NW 1/4 SE 1/4 of Section 16 and Center of S 1/4 NW 1/4 of Section 15, Twp. 83N, Range 56W. Said water to be used for the purpose of providing irrigation on portions of the following described land: N 1/4 SW 1/4, N 1/4 S 1/4 SW 1/4, Section 15; N 1/4 SE 1/4, NE 1/4 SW 1/4, SE 1/4 NE 1/4, Section 16; T83N, R56W.

This application No. 3964-3 will be considered by the Water Rights Commission at the Sturdlite Inn, Brookings, S.D. upon the 27th day of July, 1977, at 10 A.M. The Commission is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Commission decision who desires to present evidence or cross-examine witnesses, according to SDCL 1-26 may notify the Commission in writing prior to the hearing or orally at the hearing.

WATER RIGHTS COMMISSION
JAMES WINTERFORD
Water Rights Section



1879-3
3964-3
4491-3
4492-3

May 23, 1986

Allen J. Heine
Box 77
Fordyce, Nebraska 68736

Dear Mr. Heine:

I am contacting you in follow-up to our telephone conversation of May 22, 1986. I have completed irrigation questionnaires for you with the data you gave over the phone.

Your water permit files now show that 1985 irrigation questionnaire data has been received and is on file with our office.

Sincerely,

Genny McMath
Natural Resources Analyst

GM:ms

South Dakota Department of
Water & Natural Resources

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

March 31, 1986

Allen J. Helne
Box 77
Fordyce, NE 68736

Notice

Re: Violation of Requirement to Submit 1985 Irrigation Questionnaire

Our records indicate that the 1985 Irrigation Questionnaire has not been submitted for Water Permit No(s). 1879-3, 4491-3, 3964-3, and 4492-3. The requirement for the Questionnaire was dated November 13, 1985. The Water Management Board has directed that owners of water permits who have not submitted 1985 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

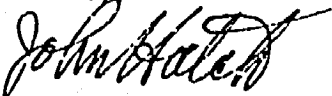
The hearings will be held at 2:00 p.m., May 14, 1986 in Room 216, Joe Foss Building, Pierre, South Dakota.

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 hearing(s), the Water Management Board can:

1. Amend Permit No(s). 1879-3, 4491-3, 3964-3, and 4492-3 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 adversarial 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.

Sincerely,



John Hatch, Chief Engineer
Water Rights Division
(605) 773-3352

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

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

May 20, 1986

NOTICE OF AMENDMENT TO WATER PERMIT(s)

To: Allen Heine
Box 77
Fordyce NE 68736

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352

John Hatch

SUBJECT: Amendment to Water Permit No(s). 1879-3, 4492-3, 3964-3
& 4491-3

Pursuant to the provisions of the notice dated March 31, 1986, and following the Hearing May 14, 1986, the Water Management Board has amended Water Permit No(s). 1879-3, 4492-3, 3964-3 & 4491-3 to add the following qualification:

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

The addition of this qualification to your Permit means that failure to submit the required irrigation questionnaire in the future could result in suspension of the water permit and no use of water for up to one year for the first violation. Please include the enclosed attachment with your permit.

South Dakota Department of
Water & Natural Resources

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

Attachment to Water Permit No. 3964-3

Pursuant to the provisions of the notice dated May 20, 1986, and following the Hearing May 14, 1986, the Water Management Board has amended Water Permit No. 3964-3 to add the following qualification: //

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

Equal Opportunity Employer



Department of Water & Natural Resources

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

January 29, 1988

ALLEN J HEINE
BOX 77
FORDYCE, NE 68736

NOTICE

Re: Violation of Water Permit No(s). 4491-3, 4492-3, 3964-3

Our records indicate that the 1987 Irrigation Questionnaire has not been received for Permit No(s). 4491-3, 4492-3, 3964-3. 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 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). 4491-3, 4492-3, 3964-3 qualification:

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

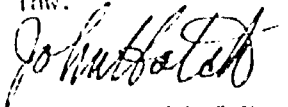
The hearing(s) will be at 9:00 am, March 2, 1988, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

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 hearing(s) the Water Management Board can:

1. Suspend Permit No(s). 4491-3, 4492-3, 3964-3 until either the 1987 Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

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


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

NOTE: If the questionnaire(s) is received in this office before the March 2 hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.



Department of Water & Natural Resources

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

February 25, 1988

1879-3
3964-3
4491-3
4492-3

Allen J Heine
Box 77
Fordyce, NE 68736

Dear Mr. Heine:

Enclosed are partially completed "Notice of Transfer" forms for use in filing ownership changes on Water Right No. 1879-3 and Water Permit Nos. 3964-3, 4491-3 and 4492-3. The forms need to be signed in the presence of a notary public by the new owner. The completed forms should be returned to our office with a required filing fee of \$2.50 each (total of \$10.00). The water right and water permits will then be transferred to the new owner.

South Dakota Water Law 46-54-30.3 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.

If you have any questions, please contact us.

Sincerely,

GENNY MCMATH
Natural Resources Analyst
605 773-3352

encl



Department of Water & Natural Resources

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

February 29, 1988

1879-3
3964-3
4491-3
4492-3

Allen, J Heine
Box 77
Fordyce NE 68736

Dear Mr. Heine:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 1879-3, 3964-3, 4491-3, 4492-3 and the hearing date before the Water Management Board.

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

Very truly yours,

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

NO. 3964-3

NOTICE OF TRANSFER OF WATER PERMIT



TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 4/18/83

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

260 acres - N $\frac{1}{2}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 15; N $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 16, T95N, R56W

formerly owned by Allen J Heine, Box 77, Fordyce, NE 68736

has been transferred to Gary Heine, Steven Heine, Gene Heine and Ronald B. Heine, Route 1, Box 68, Fordyce, NE, 68736

(please include complete mailing address)

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 3964-3 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)

County of Haskell) ss.

I, Allen J Heine being first duly sworn on my oath despose 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.

Allen J Heine
(Signed)

Subscribed and sworn to before me this 17th Day of April, 1983.

Burda J. Hlavac
(Notary Public)
My Commission Expires: 09/26/94

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411223

Pierre, _____ April 1988

RECEIVED OF Goetz, Hirsch & Klinisch, PO Box 702, Yankton SD 57051 For Gary, Steven & Gene
the following amount in fees for services rendered as provided for by law: Ronald Heine, Rt 1 Box 68 Fordyce
NE 63735

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. _____

Fee for Filing Transfer Form 3964-3

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

Chief Engineer

JOHN HATCH

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

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

WATER RIGHTS DIVISION
(605) 773-3352

April 29, 1988

Goetz, Hirsch & Klimisch
PO Box 708
Yankton, South Dakota 57078

RE: Transfer of Water Permit Nos. 3964-3, 1879-3, 4491-3 & 4492-3.

Dear Sir:

Enclosed are receipt Nos. 411220, 411221, 411222 and 411223 in the amount of \$2.50 each which you paid for transfer of Water Right Nos. 4492-3, 4491-3, 1879-3 and 3964-3.

Our records now show Gary, Steven, Gene and Ronald B. Heine as owner of these Water Rights.

Sincerely,

Maxine Stirling
Secretary

ms
Enc.

3944-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 29, 1993

NOTICE

TO: GARY/STEVEN/GENE/RONALD HEINE
RR 1 BOX 68
FORDICE NE 68736

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

RE: Violation of Water Permit No(s) 1879-3, 3964-3, 4491-3 & 4492-3

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 1879-3, 3964-3, 4491-3 & 4492-3. The request for the Questionnaire 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 determine the action to be taken for violation of Water Permit No(s) 1879-3, 3964-3, 4491-3 & 4492-3 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, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. 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, 4491-3 & 4492-3 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 questionnaire(s) is(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

3964-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE:

TO: RON HEINE
RR 1 BOX 68
FORDYCE, NE 68736

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) 1879-3; 4621-3;
2597-3; 3964-3; 5449-3; & 4491-3

The first notice to file chemigation report(s) for Permit No(s) 1879-3; 4621-3; 2597-3; 3964-3; 5449-3; & 4491-3 was dated October 16, 1992. Our records indicate that we have not received the 1992 chemigation report for Permits No(s) 1879-3; 4621-3; 2597-3; 3964-3; 5449-3; & 4491-3. 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 applicator, 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). 1879-3; 4621-3; 2597-3; 3964-3; 5449-3; & 4491-3 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.



3964-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 11, 1993

No. 3964-3
4491-3

Ron Heine
RR 1 Box 62
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

3964-3



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,

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

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

Permit No. 3964-3
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 operated by Heine Farms of Box 77, Fordyce NE 68736 holder of Permit No. 3964-3, bearing the priority of April 7, 1977 authorizing the diversion of 3.71 cu. ft. per second of the waters of ground water for irrigation purpose, in Yankton County.

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

A. Works used to divert the water:

Pump:

Make Fairbanks Morse

Motor:

- 1) Make General Electric
- 2) Horsepower rating 50 hp

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

Well @ pivot center

C. Works used to apply water to beneficial use:

Center Pivot

- 1) Make Valley Corner System
- 2) Number of towers 9

- 3) End gun Y
- 4) Med pressure 50 psi
- 5) Capacity 950 GPM

The system is in the following condition good. The point of diversion is located Center of SW¼ section 15-T93N-R56W. The works are capable of diverting and conveying to the place of use 2.11 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 section 15-T93N-R56W:**

NE¼SW¼ 40 ac
 NW¼SW¼ 39 ac

SW¼SW¼ 39 ac
 SE¼SW¼ 40 ac

comprising a total of 158 acres of land and the license should be issued for 2.11 cfs.

Applicable permit qualifications have been complied with: Yes X No

Exceptions to compliance are: none Date report completed: November 30, 1998



Ron Duvall
 Natural Resources Engineer
 DENR, Water Rights Program

*Acreage in the S½ S½ SW¼ sec 15 was not included on the water permit but is contiguous to the permitted acreage -- see file documentation for details.

FIELD INVESTIGATION REPORT FOR PERMIT NO. 3964-3

DATE OF INVESTIGATION	September 16, 1998
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Ron Heine (th's permit is being transferred to Heine Farms)
NAME & ADDRESS OF PERMIT HOLDER	Allen J Heine Box 77 Fordyce NE 68736
DIVERSION POINT LEGAL LOCATION	Center of SW¼ section 15-T93N-R56W

Other permit(s) associated with the project: none

WELL INFORMATION:

- 1) Well Drilling Firm: Wetmore Drilling
- 2) No. of Wells 1
- 3) Depth(s) 52 feet
- 4) Well log is available Y
- 5) Comment: Legal should be SW¼ sec 15

Screen:

- 1) Type PVC
- 2) Static water level 6 feet

Pump:

- 1) Make Fairbanks Morse

Motor:

- 1) Make General Electric
- 2) Horsepower rating 50 hp

Casing:

- 1) Diameter 16 inches
- 2) Type Plastic

DISTRIBUTION LINES OR CANALS: Well @ center of pivot

SYSTEM TYPE:

Center pivot:

- 1) Make Valley Corner System
- 2) Number of towers 9
- 3) End gun Y
- 4) Med pressure 50 psi
- 5) Capacity 950 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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

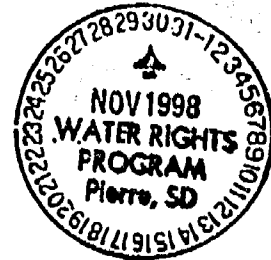
Finally, I also have a question concerning the irrigation system located in the SW¼ section 15-T93N-R56W. According to the information I wrote down, the irrigation system is a "corner" pivot system. However, a recent aerial photo shows a "circle" on the quarter section. Please indicate if this center 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

NOTICE OF TRANSFER OF OWNERSHIP



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

No. 3964-3

Date: Nov 25 - 1998

I/We request that Water Permit No. 3964-3

formerly owned by: Allen J Heine

be transferred to: (name & address) Heine Farms 55969 891 Road
Fordyce Nebr. 68736 Telephone 402-357-3392

Title to the following described land(s)/property has been transferred as described above:

SW 1/4 Section 15-T53N-R98W

I/We understand that the validity of Water Permit No. 3964-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

STATE OF SOUTH DAKOTA)

County of Yankton)

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

Allen J. Heine
(Signed)

Subscribed and sworn to before me this 25th day of November, 1998.

My Commission Expires:
6-26-2004

Charles A. Oster
(Notary Public)

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

Licensing of Acreage Outside of Permitted Area

NAME: Heine Farms

ADDRESS: Box 77, Fordyce NE 68736

DATE: November 30, 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 158 acres as compared to 260 acres authorized by the permit. Licensing of the permit will not result in an increase in the amount of water appropriated.

UNPERMITTED ACREAGE:

- **Contiguous to Permitted Acreage**

The unpermitted acreage in the S $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$ section 15-T93N-R56W adjoins permitted acreage in the N $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$ section 15-T 3N-R56W.

- **Owned by Same Property Owner**

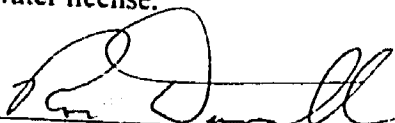
All of the property is owned by Heine Farms.

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

According to the irrigation questionnaires the project was completed prior to expiration of the completion date on the permit which is July 28, 1982.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the acreage in the S $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$ section 15 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.

 12-11-98
John Hatch, Chief Engineer
Water Rights Program

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N2 415941

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. 3964-3

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

Total

50 00

50 00

(Any Other Work Provided by Law)

By _____
Chief Engineer

John Hatch (Signature)

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

No 415942

Pierre,

December 7, 1998

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. _____

Fee for Filing Transfer Form Water Permit No. 3964-3

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

By

Chief Engineer

John Hatch (Signature)

3964-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
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. 3964-3

(1) Allen Heine, Box 77, Fordyce NE 68736 made Application No. 3964-3, April 7, 1977 for a water permit to divert 3.71 cubic feet of water per second from groundwater (one well), Yankton County, South Dakota for irrigation purposes. Permit No. 3964-3, with a priority date of April 7, 1977 was approved July 28, 1977 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 28, 1982 and for the application to beneficial use of said water on or before July 28, 1984.

On December 7, 1998, Water Permit No. 3964-3 was transferred to Heine Farms.

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 2.11 cubic feet of water per second for beneficial use. The location of the diversion point is the center of SW ¼ Section 15-T93N-R56W.

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

Section 15-T93N-R56W	NE ¼ SW ¼	40 acres
	NW ¼ SW ¼	39 acres
	SW ¼ SW ¼	39 acres
	SE ¼ SW ¼	40 acres
Total		158 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Heine Farms, 55969 897 Rd, Fordyce NE 68736 the holder and/or owner of Water Right No. 3964-3 is issued a license to appropriate water, the right to use 2.11 cubic feet of water per second from groundwater (one well) with a priority date of April 7, 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. 3964-3 and subject to South Dakota State Law.

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

APR 26 1999

date





3964-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 3, 2000

Ron Heine
Heine Farms
55969 897 Road
Fordyce NE 68736-3035

Dear Mr. Heine:

I am writing in response to receipt of your well completion reports on December 30, 1999. As we discussed, the new well is a replacement well for Water Right No. 3964-3 which authorizes irrigation of the SW $\frac{1}{4}$ section 15-T93N-R56W from a well located in the center of the SW $\frac{1}{4}$.

In order to determine whether approval of this well replacement can be handled without your filing an application, I need the following information:

1. Please provide the distance of the replacement well from the old well located in the center of the SW $\frac{1}{4}$ section 15. I can not tell for certain from the property ownership plat map you sent where the new well is located. According to the location on the well completion report, the replacement well appears to be about one half mile from the old well. Please send us an aerial photo showing both the old and new well locations.
2. Please provide us the distance to your nearest neighbor's domestic well from your replacement well.
3. Water Right No. 3964-3 allows diversion of 950 gallons per minute to irrigate 158 acres. Do you intend to continue using 950 gpm? Any increase in diversion rate will require applying for a new permit.

After receipt of this information, we will advise you whether the replacement well has been approved or whether you need to apply for a permit. Also, you indicated that the old well may be used for other water uses in the future. If this is the case, the old well needs to be capped until it is placed into service or plugged if it is to be abandoned.

Sincerely,

Ron Duvall
Natural Resources Engineer
Water Rights Program

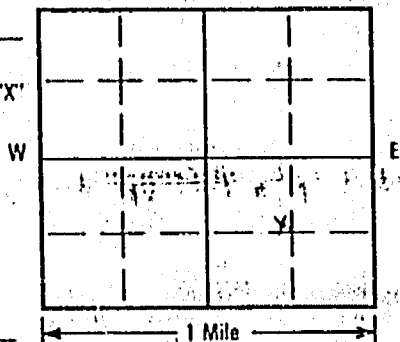
SOUTH DAKOTA WATER WELL COMPLETION REPORT

3964-3

07-92

Location 11.0 $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 15 Twp 93 Rg 56.00
County _____ North

Please mark well location with an "X"



Well Completion Date

AUGUST 99

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.) 7500 ft. from FEED LOT (identify source).

PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

REV ROTARY

CASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>5.00</u> LB/FT	<u>4.0</u> IN	<u>0</u> FT	<u>26</u> FT	<u>26</u> IN
<u>1.0</u> LB/FT	<u>2.0</u> IN	<u>26</u> FT	<u>40</u> FT	<u>2.0</u> IN
<u>1.0</u> LB/FT	<u>1.0</u> IN	<u>40</u> FT	<u>40</u> FT	<u>1.0</u> IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>PORTLAND</u>	<u>210</u>	<u>15</u> lb./gal	<u>68</u> ft	<u>0</u> ft

Describe grouting procedure TRACITE

SCREEN: ☒ Perforated pipe ☐ Manufactured

Diameter 16" IN Length 40 FEET

Material PVC SLOTTED

Slot Size 0.01 Set From _____ Feet to _____ Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How:

CHLORINATED

Laboratory sent to for water quality analysis _____

☐ NO, Why Not? _____

Well Owner: HEINE FARMS ROM HEINE

Business Name: HEINE FARMS CO.

Address: Rt 1 HUBER RD 17 MISSION HILL

SOUTH DAKOTA 57046

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>TOP + FINE SAND</u>	<u>0</u>	<u>20</u>
<u>SAND + CLAY MIX</u>	<u>20</u>	<u>40</u>
<u>MED SAND + GRAVEL</u>	<u>40</u>	<u>50</u>
<u>MED SAND + GRAVEL W/CLAY</u>	<u>50</u>	<u>70</u>
<u>MED SAND + GRAVEL TO</u>	<u>70</u>	<u>110</u>
<u>COURSE</u>		

STATIC WATER LEVEL 18 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped

Describe: TEST TURBINE

☐ Bailed

☐ Other

Pumping Level Below Land Surface

45 ft. After 2 Hrs. pumped 900 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate 750 GPM

REMARKS

This well was drilled under license # 444

And this report is true and accurate.

Drilling firm CHRISTENSEN WELL CO.

Signature of License Representative:

William J. Christensen

Signature of Well Owner or Equitable Property Holder:

Dr.

Approval of Additional Diversion Point(s)

NAME: Ron Heine, Heine Farms

ADDRESS: 55969 897 Road, Fordyce NE 68736-3035

DATE: April 13, 2000 TELEPHONE: (402) 357-3392 -- office, (605 661)-5971-- cell

RE: Additional well

COMMENTS:

On January 3, 2000, Ron Heine was requested via letter to submit additional information concerning a new well drilled near the center of the SE $\frac{1}{4}$ section 15-T93N-R56W. A well completion report for the additional well was received on December 30, 1999. According to Mr. Heine, the purpose of the new well is to supplement the existing well located near the center of the SW $\frac{1}{4}$ section 15 for irrigating the SW $\frac{1}{4}$ of section 15-T93N-R56W. The capacity of the existing well has gradually declined and the additional well is to allow diversions to continue at the permitted diversion rate. On April 13, 2000, Mr. Heine submitted the aerial photo as requested in the January 3, 2000 correspondence. The aerial photo shows the location of the new well and also shows the location of an old well site that was no longer in service at the time of the licensing inspection for No. 3964-3. Mr. Heine is seeking approval to use the new well to supply the existing irrigated acreage authorized under Water Right No. 3964-3.

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be approved 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

The existing well and the new well are both located in the Missouri Elk Point aquifer. Mr. Heine indicated during an April 13, 2000, phone conversation that he does not intend to increase the 2.11 cfs diversion rate authorized by Water Right No. 3964-3.

- If irrigation, no new land is irrigated

The same acreage authorized by Water Right No. 3964-3 will continue to be irrigated with no other lands added.

- **Review of Existing Diversions**

The new diversion point is located approximately one half mile from the existing well used to supply No. 3964-3 and about the same distance to the nearest other permitted well under a water right held by Henry Kaiser, No. 437-3. A housing area is located approximately one quarter mile from the new well site. Domestic use wells may be located within this housing development. However, a review of well completion reports did not show any other wells located within near the housing development.

According to a January 13, 1999, report completed for Application No. 6114-3 by Jim Goodman, staff engineer, the Missouri Elk Point aquifer underlies approximately 45,000 acres and has an estimated 675,000 acre feet of recoverable water in storage in Yankton county. The aquifer is under water table conditions in this area and withdrawals from the additional diversion point should not adversely effect existing diversions from the aquifer. The combined diversion rate and volume of water diverted from the existing well and the new well may not be increased beyond that amount allowed under Water Right No. 3964-3.

RECOMMENDED ACTION

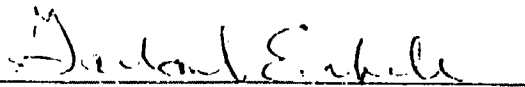
Based on the above criteria, it is recommended that the additional diversion point be approved without needing to file an application as allowed by SDCL 46-5-13.1. Following completion of an inspection, the additional well can be included on the water license for No. 3964-3 for irrigation of 158 acres with a total diversion rate of 2.11 cfs.



Ron Duvall, 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.



Garland Erbele, Chief Engineer
Water Rights Program

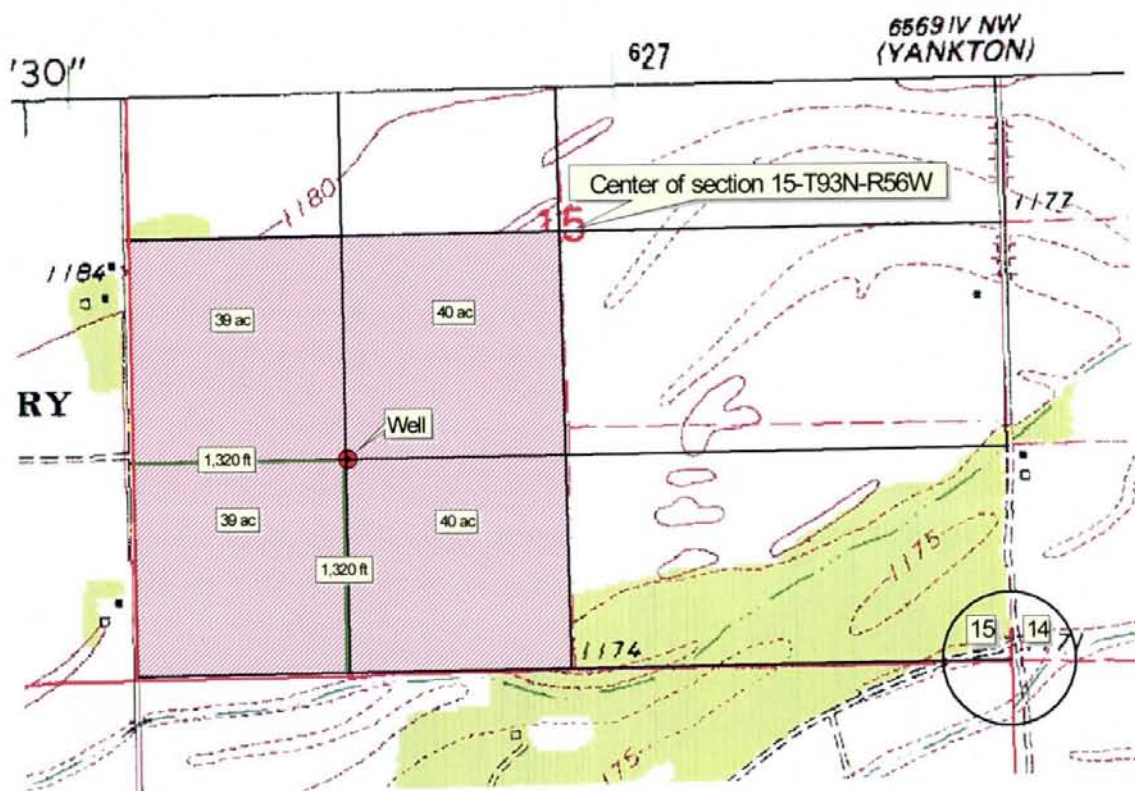
NOT TO SCALE

3964-3

1993

NOT TO SCALE





Don Carroll

Ron Duvall, Nat Res Engineer

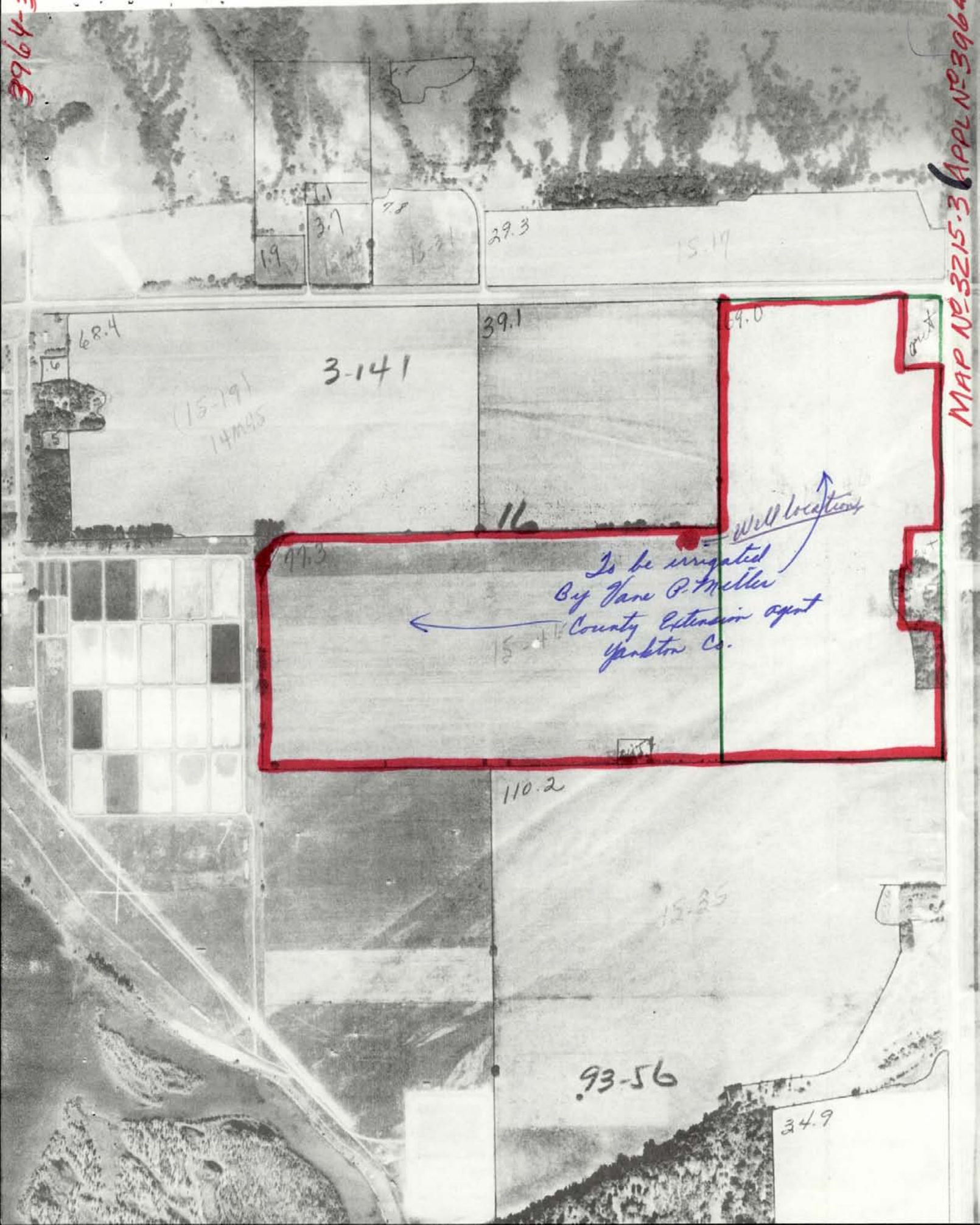
11/23/98

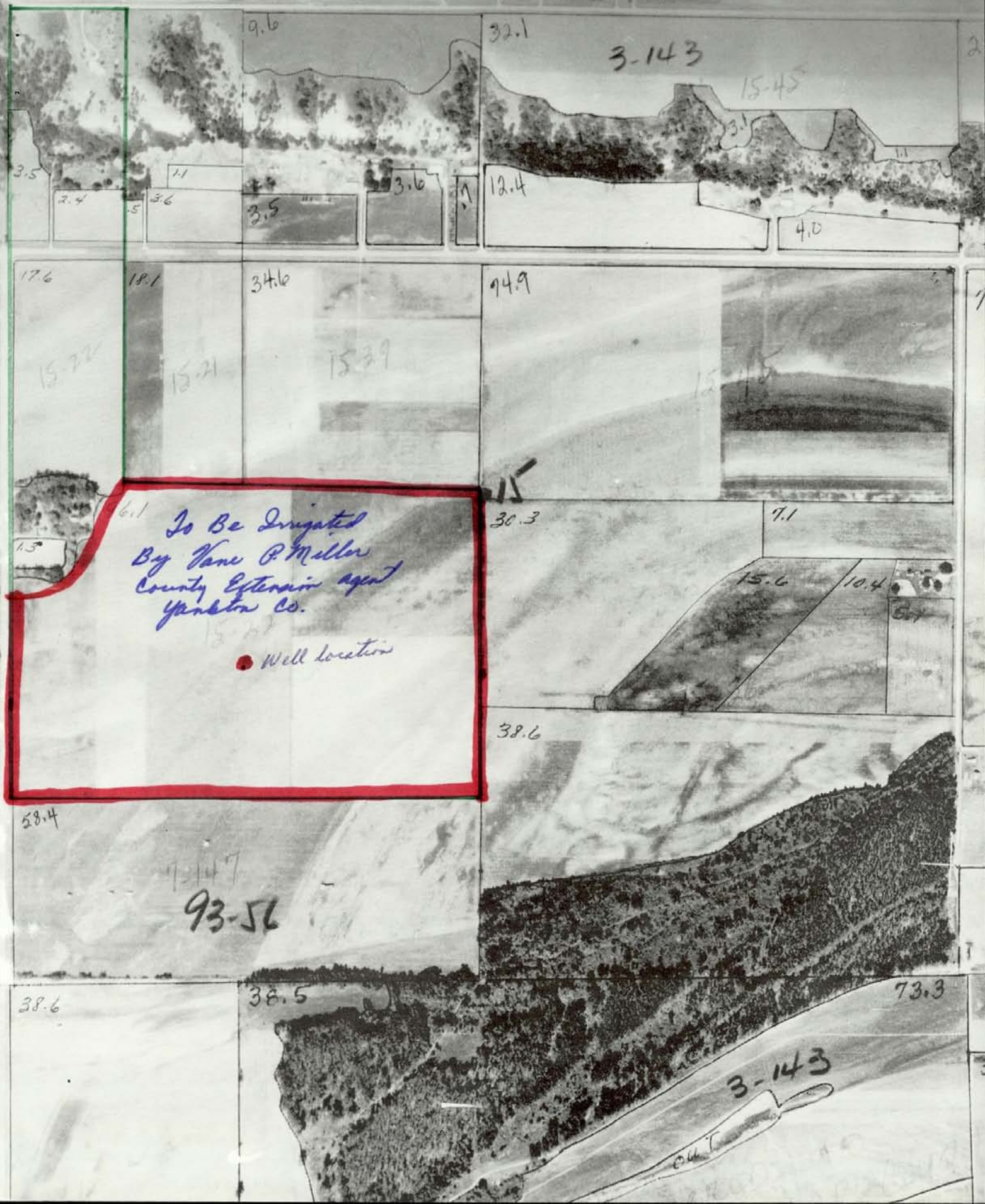
Date _____

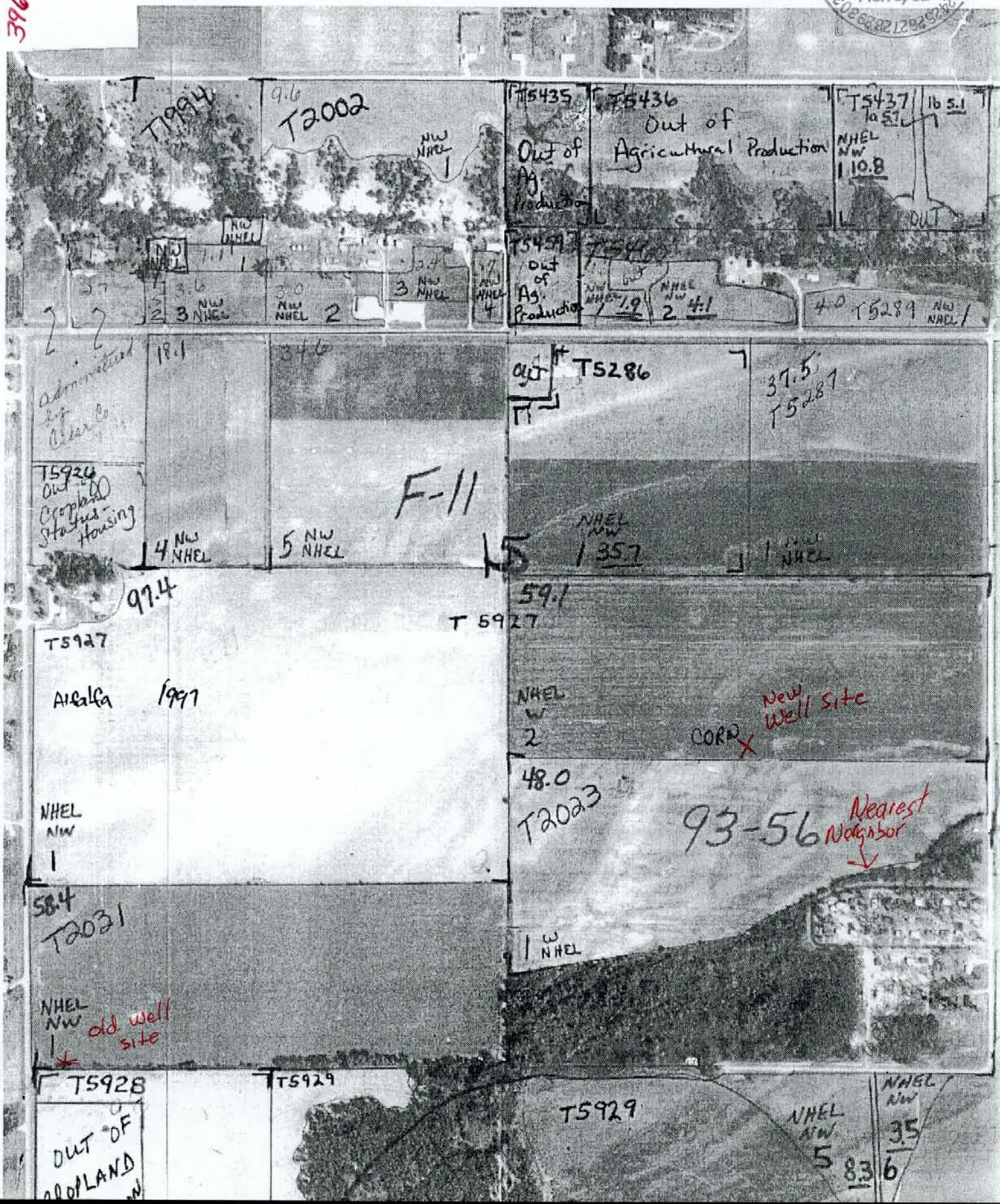
Water Right No. 3964-3

3964-3

MAP NO 3215-3 APPL NO 3964-3









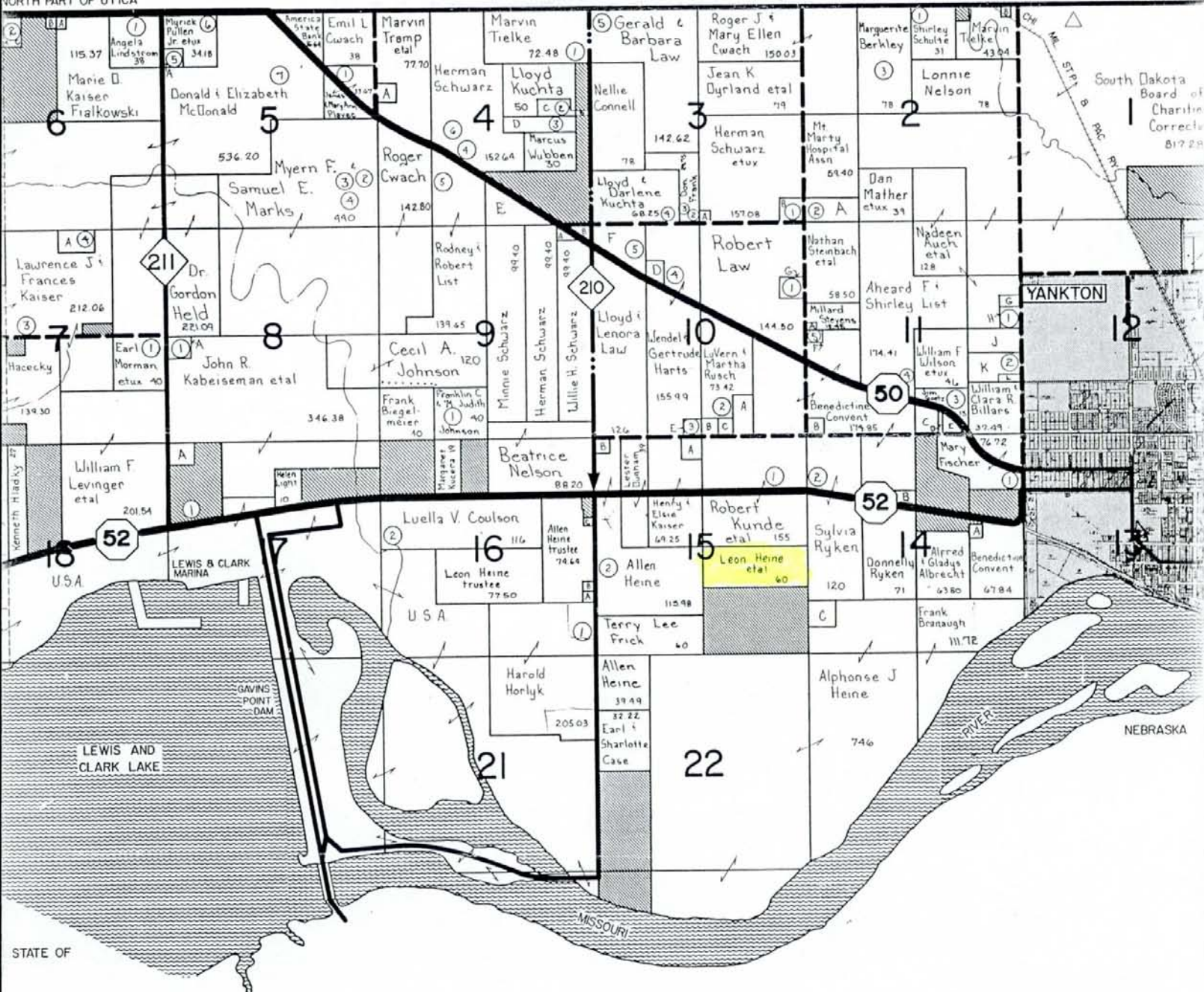
TOWNSHIP: 93 N.

RANGE: 56 W.

CODE : UT

TOWNSHIP

NORTH PART OF UTICA





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 26, 2007

NOTICE

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

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

SUBJECT: Reporting Requirement for 2006 Irrigation Questionnaires

Our records indicate that the 2006 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 20, 2006. The Water Management Board has directed that owners of water permits who have not submitted the 2006 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1680B-3, 2116-3 & 3722-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1879-3, 3964-3, 4621-3, 5449-3, 5816-3, 6114-3 & 6254-3 qualification:

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

The hearing will be held at 10:30 am, March 7, 2007 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

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

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

If the questionnaire(s) is(are) received in this office on/or before **March 1, 2007**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V5-IQ.pdf>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 2, 2007

Gary Heine
Heine Farms
PO Box 477
Yankton SD 57078

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

Dear Mr. Heine:

I am writing to acknowledge receipt of your "2006" irrigation questionnaires. You may disregard the January 26, 2007, "Notice" concerning reporting requirements for Water Right/Permit Nos. 1680B-3, 1879-3, 2116-3, 3722-3, 3964-3, 4621-3, 5449-3, 5816-3, 6114-3 & 6254-3.

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

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 18, 2008

NOTICE

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

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

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaires

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

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

The hearing will be held at **10:00 am, March 11, 2008** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

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

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

If the questionnaire(s) is(are) received in this office on/or before **March 3, 2008**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V6-IQ.pdf>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 24, 2008

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

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

Dear Sirs:

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

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

If you have any questions, please contact me.

Sincerely,

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



3964-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2012

NOTICE

TO: GARY HEINE, 617 APPLEWOOD DR, YANKTON, SD 57078
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program
SUBJECT: Reporting Requirement for 2011 Irrigation Questionnaires

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

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

The hearing will be held at **10:00 am, March 7, 2012** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

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

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

If the questionnaire(s) is (are) received in this office on/or before **March 2, 2012**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link:
<http://denr.sd.gov/iq.aspx>

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

3964-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 6, 2012

Ron Heine
617 Applewood Dr
Yankton SD 57078

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

Dear Mr. Heine:

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

You may disregard the January 24, 2012, "Notice" concerning reporting requirements for the above listed water rights. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



3964-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 15, 2016

NOTICE

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

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

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaires

Our records indicate your 2015 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1680A-3, 1680B-3, 2116-3 & 3722-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1879-3, 3964-3, 4621-3, 5449-3, 5816-3, 6114-3, 6254-3 & 7340-3 qualification:

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

The hearing will be held at **Thursday, March 3, 2016 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1879-3, 3964-3, 4621-3, 5449-3, 5816-3, 6114-3, 6254-3 & 7340-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1680A-3, 1680B-3, 2116-3 & 3722-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 3, 2016** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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

39643



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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

October 28, 2025

3964-3

Heine Farms
c/o Ron Heine
617 Applewood Dr
Yankton SD 57078

Dear Mr. Heine:

I write you today regarding property owned and operated by Heine Farms, located in the S $\frac{1}{2}$ Section 15 and N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 22; all in T93N-R56W.

In reviewing permits and water rights held by Heine Farms, I've found Water Right No. 3964-3, which authorized the irrigation of 158 acres located in the SW $\frac{1}{4}$ Section 15 but am unable to identify any authorization for the additional acres developed in the SE $\frac{1}{4}$ Section 15 and N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 22; all in T93N-R56W.

Based on aerial imagery, it appears that additional permitting is needed for the development of approximately 80 acres in the SE $\frac{1}{4}$ Section 15 and approximately 5 acres in the N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 22; all in T93N-R56W. (copy of aerial image enclosed)

For your convenience, I have included an application for you to review and complete, with the goal of bringing the system into compliance. Please complete, sign, and return the application to our office in the postage paid envelope, with a check (payable to SD Water Rights) for the applicable fees.

If you have any questions, please don't hesitate to reach out via email or telephone.

Sincerely,

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

enclosures

NOTE: There may be a portion of land in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 22 that has been developed on property owned by West Yankton Inc. If that is the case, written permission for irrigation of that property will have to be provided with the application.

