

Water Right Number 4393-3

1. Considered MARCH 28, 19 79
2. Name of Applicant LYLE A. WAGNER
3. Post Office Address VERMILLION, SD 9-92-50
4. Amount of water claimed 1.71
5. Source of water supply 220' WELL
6. Water to be used for IRRIGATION
Acres to be irrigated 120
7. Water to be diverted and used in UNION County
about 8N, 3 Miles WEST of ELK POINT
8. Proof of Publication
Received 3-23-79
Not received _____
9. Application
Approved 3-29-79
Subject to WI
Not approved _____
Action deferred _____
10. Remarks:

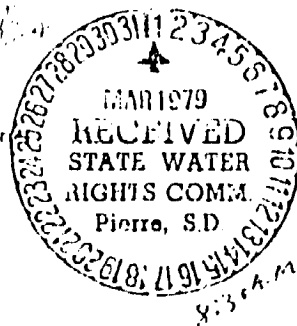
3796-3
2896-3
4393-3 ✓
3153-3
2868-3

NOTE:

All correspondence on this permit should be directed to:

Wayne Heckathorn, owner
Heckathorn Farms Incorporated
Box 580
Elk Point, SD 57025

Phone: 356-3170 - home
356-2981 - farm

Map No. 3582-3 Water Division No. 3 BIG SIOUX RIVER District _____
 (Blanks to be filled by the Engineer for the W. R. C.)


APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE: Draw a line through items not applicable)

 1. Name of Applicant Lyle A. Wagner
 Postoffice address 219 E. Madison Vermillion State South Dakota 57069

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 Wagner #34. Amount of water claimed (cubic feet per second) 1.715. Source of water supply Well6. Location of point of diversion Center of the SE 1/4 - 9 - 92 - 50County Union7. Annual period or periods during which water is to be used April - October8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation9. For irrigation use, Total number of acres to be irrigated 120

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.
SE 1/4 9 - 92 - 50	120		

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 4 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Elk Point Leader Courier

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.

Pump

C. Works proposed to apply water to beneficial use.

Center Pivot SystemEstimated Total Cost \$ 50880.00
 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 Clay
 I, Lyle Wagner, the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction
Subscribed and sworn to before me this 27th day of February, 1979
 PATRICIA S. GORSETH
 Notary Public, Clay County, So. Dak.
 My Commission Expires Dec 29, 1980

 Signed Lyle Wagner
Patricia S. Gorseeth
 Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 4393-3
LYLE A. WAGNER (Applicant) 921-E. MADISON - VERMILION (Post Office Address)
SOUTH DAKOTA 57069 (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 MARCH 1 19 79
 Date of return to applicant for correction, amendments or changes required _____ 19 ____
 Date of receipt of corrected application _____ 19 ____
 Approved MARCH 29 19 79 Recorded in Book 20 Page 3073

WATER RIGHT PERMIT NO. 4393-3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 4393-3 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 1 19 79
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPTEMBER 29 19 81
3. The whole of said work is to be completed on or before MARCH 29 19 80
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 29 19 88
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 1.71 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 MARCH 29 19 88; said water to be used during the following described annual period: APRIL - OCTOBER

Witness my hand this 12th day of APRIL 19 79

WATER RESOURCES COMMISSION

By: John Hatch
 Chief Engineer, Executive Officer

Certificate of Construction Issued September 26 19 79

Water License Issued September 26 19 79

TEST WELL LOG

C - 4 Top Soil

4-- 82 Clay

82 - 126 fine sand

126 - 148 Coarse sand

148 - 220 Coarse sand and gravel mixture

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

D. Well Information or Estimates

(1) Drill Hole, Diameter 30, Depth 220'
(2) Casing, Type Plastic (wood, concrete, steel, etc) Diameter 16 Thickness 1/2"
(3) Perforated Screen.
Type Sowed Slotted, Diameter 16, Length 30
(4) Gravel Pack, Thickness 14", Length of gravel pack 40'

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 Coarse sand and gravel mixture

Depth to top of water bearing material 118'

Depth to bottom of water bearing material 220'

Thickness of water bearing material 72'

Depth to water (ground surface to water level) 88'

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

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

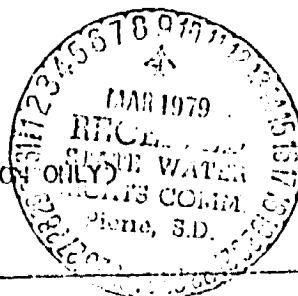
G. Water Storage Dams.

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.

Spencer Wayne
Signature of Applicant

Water Rights Copy

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 Lyle A Wagner 621 2470
ADDRESS 921 E. Madison - Vermillion, SD 57219
COUNTY DeWitt

LEGAL DESCRIPTION

1. WELL LOCATION SE 1/4 9-92-50
2. LOCATION OF AREA TO BE IRRIGATED SE 1/4 9-92-50

TYPE OF IRRIGATION

3. GRAVITY _____ TOW/LINE _____ CENTER PIVOT X GUN _____
4. CROPS TO BE IRRIGATED Corn Beans Alfalfa Etc.

WATER QUALITY

5. SAMPLE NUMBER 79-045
6. SALINITY (EC x 10⁶) 2190 (high-v. high)
7. SODIUM (SAR) 1.51 adj SAR = 3.91
8. RESIDUAL SODIUM CARBONATE (meq/l.) 0

I do hereby certify that a chemical analysis of the ground water representative of that used to irrigate shall be acquired from South Dakota State University and: the soils information has been acquired from Wagner 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.

Lyle Wagner
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS
13 DAY OF February 19 79.

Patricia S. Dorsch
(TITLE OR SEAL)

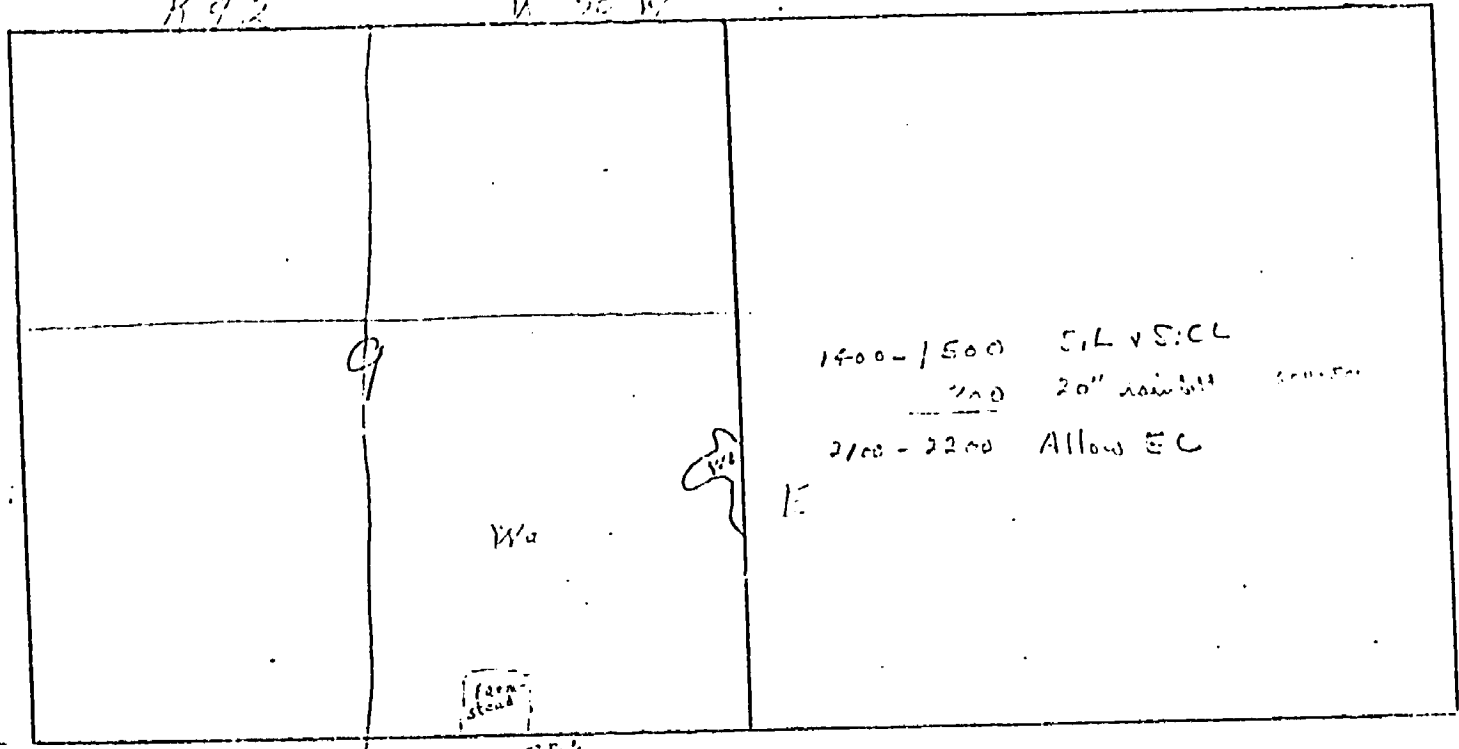
NOTARY PUBLIC
My Comm. Expires 1981
IN WITNESS WHEREOF, I have hereunto set my hand and the seal of my office at Ver, South Dakota, this 13 day of February, 1979.
(COPIES INFORMATION ON REVERSE SIDE)

Al Shifflett by 1/2
COUNTY APPROVED/RECEIVED

N

R 9.2

W 30 W MAP



S

SE 1/4

NARRATIVE

Wa - Wakonda - Worthing - Chancellor Complex. This complex is about 45% Wakonda silt loam 30% Worthing silty clay loam, 20% Chancellor silty clay loam and 5% other soils. Slopes are 0 to 3 percent.

Other irrigation systems in this area are working out satisfactory with no known problems at this time.

L. E. DeWitt

Wo - Worthing silty clay loam

Wakonda .5
Worthing .4
Chancellor .1

4 feet. 10 to 15 ft. in 2 to 3' interval do with high liquid water
depress, down pipe, even out
flood is included in down out system, low conditions
do

REPORT OF ANALYSIS
 Water Quality Laboratory
 Water Resources Research Institute
 South Dakota State University
 Brookings, South Dakota 57007

Submitted by: _____
 Address: _____
 _____, _____ 57069

Date Rec'd: _____
 Sample No. _____
 Identification _____
 _____, _____, _____

WATER ANALYSIS

Calcium (Ca)	184	ppm*	19.70	mc/l**
Magnesium (Mg)	38	ppm	3.15	mc/l
Sodium (Na)	116	ppm	1.09	mc/l
Potassium (K)	18	ppm	0.47	mc/l
Sulfate (SO ₄)	668	ppm	10.09	mc/l
Nitrate (as N)		ppm		mc/l
Chloride (Cl)	71	ppm	2.00	mc/l
Bicarbonate (HCO ₃)	166	ppm	4.33	mc/l
Carbonate (CO ₃)		ppm		mc/l
Iron (Fe)		ppm		mc/l
Fluoride (F)		ppm		g.p.g.***
Hardness (EDTA as CaCO ₃)	218	ppm (as CaCO ₃)		
Alkalinity (Methyl Orange)	0	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	21.90	micromhos per cm at 25° C.		
Electrical Conductivity	1.51	Adjusted SAR	1.91	
Sodium Adsorption Ratio	10.12	% of cations		
Sodium	0.00	mc/l		
Residual sodium carbonate	7.08			
pH				

Others:

*ppm=parts per million

**mc/l=millequivalents per liter

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

COMMENTS:

Total cations
 Total anions

27.87 mc/l
 24.41 mc/l

By: _____

Service Performed

Amount Due

Total cation analysis

12.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 72-045

Amount Enclosed

Signed

Permit No. 4393-3

Water Diversion No. 3 Big Sioux River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Lyle A. Wagner

_____ the holder _____ of
Permit No. 4393-3, issued upon Application No. 4393-3, bearing date of priority of
March 1, 1979 authorizing the diversion of 1.71 cu. ft. per second of the waters of
ground water (one well) County of Union, State of South Dakota at a
point 450' South of the center of the SE $\frac{1}{4}$, Section 9, T92N, R50W

_____, for Irrigation

_____, has S complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 1.87 cu. ft. per second of water.

Date September 26, 1979

John Hatch
JOHN HATCH, Chief Engineer
Water Rights, WND

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 4393-3

(1) WHEREAS, On the 1st day of March A. D. 19 79
Lyle A. Wagner
 made Water Right Application No. 4393-3 for a permit to use 1.71 cubic feet per second of the waters
 of groundwater (one well)
 County of Union State of South Dakota, for Irrigation

(2) WHEREAS, On the 29th day of March A. D. 19 79
 Permit No. 4393-3 with a date of priority of March 1, 1979
 was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water
 supply system therein described on or before the 29th day of March A. D. 19 84 and for the
 application to beneficial use of said water on or before the 29th day of March A. D. 19 88

and;

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
 relating to completion of the construction of the water supply system and is entitled to divert 1.71 cubic feet
 per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
 relating to the application of water to beneficial use of the following extent,
to irrigate a 120 acre irregular circle in SE $\frac{1}{4}$, Section 9, T92N, R50W

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to Lyle A. Wagner

_____ of Vermillion, SD
the holder _____ and owner _____ of said permit No. 4393-3 a water right, dating from March 1, 1979
_____ to use of 1.71 _____ cubic feet per second of the waters
of ground water (one well)

in the County of Union _____ and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at a point 450' South of the center of the SE $\frac{1}{4}$, Section 9,
T92N, R50W

and conduct to and upon a 120 acre Irregular circle in the SE $\frac{1}{4}$, Section 9, T92N, R50W

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 4393-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 26th day of September _____ A. D.
Nineteen Hundred and seventy-nine

Board of Water Management

By:

John Hatch
Chief Engineer

JOHN HATCH

RECEIPT

WATER RIGHTS COMMISSION

No 4 6840

State of South Dakota

PIERRE, March 7, 1979

RECEIVED OF Lyle Wagner, 921 Vermillion SD 57069
Madison

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

Fee for Application for Permit to Appropriate Water No. 1393-3 (examination, processing, recording and filing) -----	225 00
Fee for inspecting Construction, and issuing Cert. of Construction No -----	
Fee for inspecting Beneficial Use, and issuing Water License No -----	
Fee for issuing Location Certificate-Dry Draw, No. -----	
Fee for filling -----	
Fee for certified copy of -----	
Fee for Print copy of map -----	
Fee for Certifying -----	
Fee for ----- (any other work as provided by law)	
TOTAL	225 00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH L.jw

No. 4393-3

Publish first publication, on or before March 15, 1979

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

March 9, 1979

Notice is hereby given that Lyle A. Wagner whose post office address is Vermillion, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 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; 46-6-3, 46-6-3.1, 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, for a permit to appropriate for beneficial use 1.71 cubic feet of water per second of time from groundwater (one well) through the Wagner #3, the point(s) of diversion of which is(are) to be located in the Center of SE4

of Section 9, Twp. 92 N, Range 50 W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SE4, Section 9-T92N-R50W

This Application No. 4393-3 will be considered by the Water Rights Commission at the Community Room in the City Hall,
222 East Dakota; Pierre, SD upon the 28 day of March 1979

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.

This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Commission may be appealed to the Courts as provided by law.

WATER RIGHTS COMMISSION

BETTY WESTLUND

Water Rights Specialist

cc: **Lyle A. Wagner**
921 E. Madison
Vermillion, SD 57069

No. 4393-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Union) ss.

I, Lester E. Emerson hereby
certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the The Leader-Courier

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

City of Elk Point

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

March 15, 1979 through

March 22, 1979

Lester E. Emerson
(Signature)

Publisher
(Title)

March 22, 1979
(Date Signed)

NOTICE OF HEARING ON
APPLICATION TO

APPROPRIATE WATER
Pierre, South Dakota 57501
March 9, 1979

Notice is hereby given that
Lyle A. Wagner whose post
office address is Vermillion,
South Dakota, has made an
application in accordance with
the provisions of SDCL 46-1-1
thru 46-1-9, 46-1-14; 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; 46-6-3, 46-6-3.1, 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, for
a permit to appropriate for
beneficial use 1.71 cubic feet of
water per second of time from
groundwater (one well) through
the Wagner # 3, the point of
diversion of which is to be
located in the Center of SE $\frac{1}{4}$ of
Section 9, Twp. 92N, Range 50
W. Said water to be used for the
purpose of providing irrigation
on portions of the following
described land:

SE $\frac{1}{4}$, Section 9-T92N-R50W

This Application No. 4393-3
will be considered by the Water
Rights Commission at the Com-
munity Room in the City Hall,
222 East Dakota; Pierre, SD
upon the 23 day of March 1979
at 10 A. M. The Commission is
authorized to make a determin-
ation 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.

This hearing is an adversary
proceeding. Any person 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 at the hearing. Decis-
ions of the Commission may be
appealed to the Courts as provi-
ded by law.

Water Rights Commission

Betty Westlund

Water Rights Specialist

Pub. Mar. 15, 22 - 22-



Permit No. 4393-3Water Division 3 Big Sioux River Water District

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

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

I have this day made a thorough examination of the water use system constructed by LYLE A.
WAGNER of VERMILLION holder
of Permit No. 4393-3, bearing date of priority of MARCH 1, 1979
authorizing the diversion of 1.71 cu. ft. per second of the waters of GROUNDWATER
for IRRIGATION purposes, in UNION County.

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

The Water Use System consists of,

A. Works used to divert the water:

220' DEEP WELL WITH 16" DIA PLASTIC CASING
FAIRBANKS MORSE 8" PUMP HEAD 1100-6 STAGE - 12 KB BOWLS
POWERED BY 75 HP GE ELECTRIC MOTOR

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

450' OF 8" BURIED PLASTIC TO CENTER OF PLOT

C. Works used to apply water to beneficial use.

LINDSEY ZIMMATIC - ELECTRIC DRIVE CENTER PLOT
SPRINKLER SYSTEM WITH END GUN

The system is in the following condition: GOOD (NLN)

The point of diversion is located 450' S OF THE CENTER OF THE SE⁴
SECTION 9, T92N, R50W

The works are capable of diverting and conveying to the place of use 1.71
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:

FOR IRRIGATING A 120 ACRE IRREGULAR CIRCLE IN
THE SE⁴ SECTION 9, T92N, R50W

comprising a total of 120 acres of land. = 1.71

Date AUGUST 8, 1979
[Signature]
(Signature)

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 7037

PIERRE, September 12, 1979

RECEIVED OF Lyle Wagner, 921 Madison, Vermillion, SD 57069

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

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for Inspecting Construction, and issuing Cert. of Construction No. 4393-3	-----	50.00
Fee for Inspecting Beneficial Use, and issuing Water License No. 4393-3		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL		50.00

WATER RIGHTS COMMISSION

By (John Hatch)
Chief Engineer, Executive Officer
XXXXXXXXXX JOHN HATCH 9Y



14733

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

W HECKATHORN FARMS-RENTER
RR 2 BOX 108
ELK POINT SD 57025

NOTICE

RE: Violation of Water Permit Nos 2896-3, 3796-3 & (4393-3), 4543-3 and 1991 Irrigation Questionnaire Requirements

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit Nos 2896-3, 3796-3 & 4393-3, 4543-3. The request for the Questionnaires was dated October 18, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1991 Irrigation Questionnaire be given notice of 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) 2896-3, 3796-3 & 4393-3 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) 4543-3 qualification:

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

The hearing will be held at 9:15 am, March 4, 1992, 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 1-25. 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) 4543-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2896-3, 3796-3 & 4393-3 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 questionnaires are received in this office before the March 4th hearing date, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

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

CC: Lyle Wagner, 1019 Ridgeview, Vermillion, SD 57069



4/10/92

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

February 10, 1992

Wayne Heckathorn
Heckathorn Farms
RR #2 Box 108
Elk Point, SD 57025

RE: Irrigation questionnaires for Water Permit Nos. 1256-3,
2535-3, 2896-3, 3796-3, 4393-3, 4524-3, and 4543-3

Dear Mr. Heckathorn:

I am writing to acknowledge receipt of your 1991 irrigation questionnaires for the above listed water permits. You may disregard the January 27, 1992, Notice of failure to submit the 1991 irrigation questionnaire. 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 at (605) 773-3352.

Sincerely,

Genny McMath
Natural Resources Analyst
Water Rights Division

cc: Lyle Wagner, 1019 Ridgeview, Vermillion, SD 57069

4393-3



9 July, 1996

Ron:

I have three systems with underground pipe for which I am requesting variance on the equipment required.

Their permit numbers are 1. 2896-3; 2. 4393-3; 3. 4543-3

1. 2896-3 has approximately 1300' of 8" underground pipe from the well to the pivot.

2. 4393-3 has approximately 600' of 8" underground pipe from the well to the pivot.

3. 4543-3 has approximately 1200' of 8" underground pipe from the well to the pivot.

I have enclosed a sketch of the systems which are nearly identical except for the length of the underground pipe.

I do not believe it is possible for any fertilizer to enter the well given the four to five foot drop underground of the Z pipe. The length of the pipe and volume of water contained in the pipe will prevent any possibility of any fertilizer backfeeding into the well. The two 2" air relief valves at the well prevent not only any negative pressure on the underground pipe which could collapse it, but it also prevents any water in the pipe from being pulled up by the suction of the negative pressure. This effectively prevents the possibility of any fertilizer which may be in solution at the pivot end of the underground pipe from entering the well.

This proposed placement of the fertilizer will also place the fertilizer storage tank next to the pivots at 600 to 1300 feet respectively which will eliminate any point source pollution possibility.

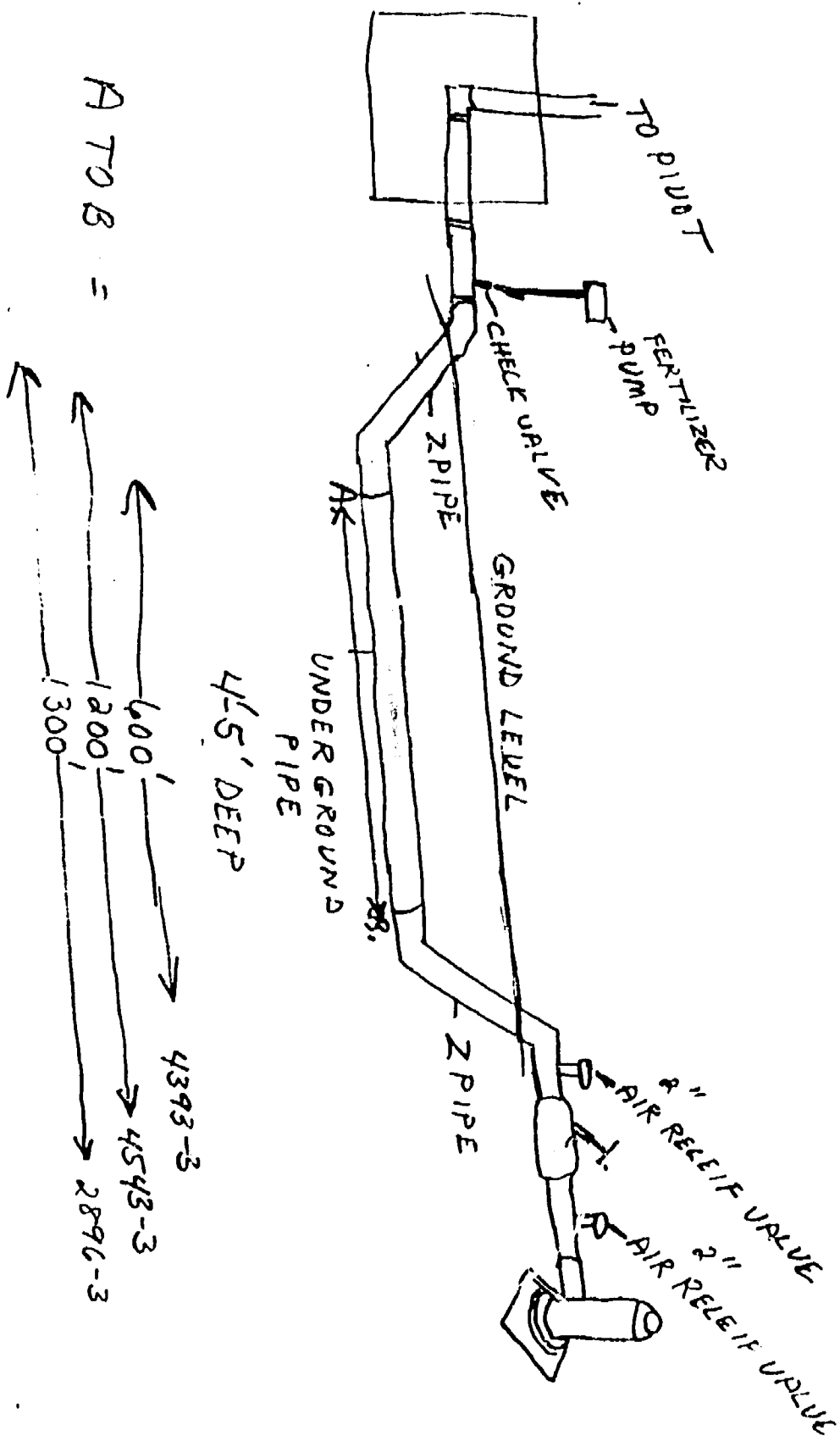
I would still be using the required check valve at the pivot and the required fertilizer pump shut off so it will stop with the pivot.

If this is OK it will save us both work and expense.

Thank you for your consideration.

W. Depue

INLET FROM ... (BAG SKETCH)
 APPROXIMATELY THE SAME. (BAG SKETCH)
 FERTILIZER PUMP COULD BE ... AND WILL STOP FERTILIZER
 PUMP IF PIVOT STOPS.





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 22, 1996

Wayne Heckathorn
RR 2, Box 108
Elk Point SD 57025

Dear Mr. Heckathorn:

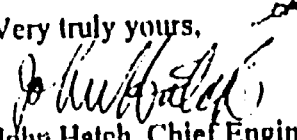
I am writing in response to your letter received on July 12, 1996 concerning use of chemigation under Permit Nos. 2896-3, 4393-3, and 4543-3. Thank you for your inquiry about the possibility of obtaining a variance.

After reviewing your sketch and description of the irrigation systems, I have determined that the variance can not be granted. According to Chemigation rule 74:02:09:16, a variance may only be granted when the substitute equipment provides protection equivalent to equipment required by the chemigation rules. I do not believe equivalent protection is provided even though parts of your setup are excellent such as placement of the fertilizer storage tanks, fertilizer line check valve, and use of an electrical interlock between pumps.

I believe water containing fertilizer may flow back down the wells when the pivots stop running since the water/fertilizer in the pivots is higher in elevation than the wellheads. The air relief valves serve to equalize pressure in the water line by allowing air to enter the pipeline to replace the space vacated by the water which is flowing back down the well. Depending on the length of the pivot, approximately 1,200 plus feet of water/fertilizer mixture in the pivot must reach the same elevation as the wellhead in order for water to stop flowing. I understand that the water in the pipeline from the well to the pivot will serve to further dilute the fertilizer, but the potential still exists for some fertilizer to enter the ground water source. The intent of the chemigation rules is to prevent any chemicals from entering the water source.

Again, thank you for your attention to this important matter. If you have any further questions, please contact Ron Duvall at (605) 773-3352.

Very truly yours,


John Hatch, Chief Engineer
Water Rights Program



4393-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 14, 2004

NOTICE

TO: WAYNE HECKATHORN, 31792 473RD AVE, ELK POINT, SD 57025
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaires

Our records indicate that the 2003 Irrigation Questionnaires have not been submitted for Permit Nos. 4543-3, 6000-3 & 6222-3, 1256-3, 2535-3, 2896-3, 4393-3 & 4534-3. The request for the Questionnaires was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 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) 1256-3, 2535-3, 2896-3, 4393-3 & 4534-3 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) 4543-3, 6000-3 & 6222-3 qualification:

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

The hearing will be held at 8:30 am, March 3, 2004 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) 4543-3, 6000-3 & 6222-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1256-3, 2535-3, 2896-3, 4393-3 & 4534-3 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 questionnaires are received in this office on/or before February 27, 2004, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

cc: LYLE WAGNER, 1019 RIDGECREST, VERMILLION, SD 57069

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.



4393-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 21, 2004

Wayne Heckathorn
31792 473rd Ave
Elk Point SD 57025

Dear Mr. Heckathorn:

I am writing to acknowledge receipt of your 2003 irrigation questionnaires. You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Permit or Right Nos. 1256-3, 2535-3, 2896-3, 4393-3, 4534-3 4543-3, 6000-3 & 6222-3.

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

c: Lyle Wagner, 1019 Ridgecrest, Vermillion SD 57069

NOT TO SCALE

13.5

(4-137)
148.3

90L

92.5

(4-85)

F

39.6

(4-2)

40.0

115.6

(4-49)

↑
North

approved by
L. E. Deemet
Union Co Ext agent
Feb 8-79

92-50

150.7

(4-138)

90L

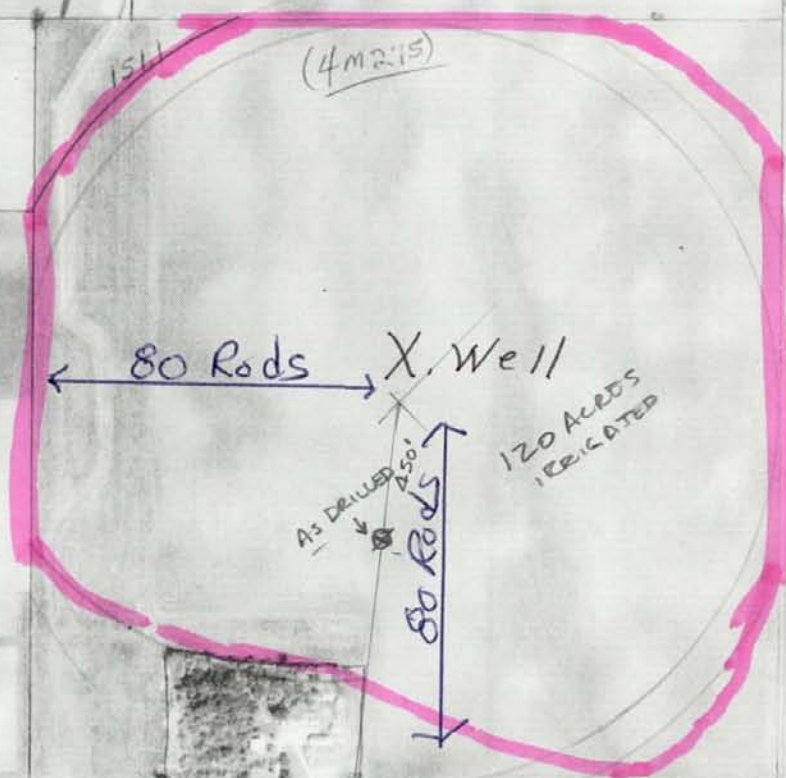
(4m268)

55.0

3.2

20.4

(4m275)



McMath, Genny

Subject: FW: [EXT] Change of Address

The message below goes with 1256-3, 2535-3, 2896-3, 4393-3, 4534-3, 4543-3, 6000-3 & 6222-3

From: Risa Hanson <risa@heckseeds.com>
Sent: Wednesday, December 7, 2022 10:43 AM
To: McMath, Genny <Genny.McMath@state.sd.us>
Subject: [EXT] Change of Address

Hi Genny,
We would like to change the address for Wayne Heckathorn so that he can receive the irrigation questionnaires at the office rather than at his home.

His home address is 31792 473rd Ave., Elk Point, SD 57025

The office address is 47663 SD Hwy 50, Elk Point, SD 57025

If you can help us with that, we'd surely appreciate it.

--

Risa Hanson
Bookkeeper
Heckseeds