

JULY 24 1980

2. Name of Applicant WAYNE HECKATHORN
3. Post Office Address ELK POINT, SD.
4. Amount of Water Claimed .6
5. Source of Water Supply 200' WELL.
6. Water to be used for IRR.
7. Acres to be irrigated 40 maximum acre feet
8. Water to be diverted and used in UNION County about 5 miles NORTH of ELK POINT
9. PROOF OF PUBLICATION Received August 5, 1980
- Not Received _____

APPLICATION

Approved

11-10-80

Subject to

WI-7Q

Not Approved _____

Action deferred _____

Priority

Date

Received 3-10-80 Application Complete (yes) no FEE 150⁰⁰3-10-80Remarks AFTER INSPECTING FOUND ~~THE~~ NE⁴ SE⁴ 26-92-50HAD NOT BEEN PUT ON ORIG APPL. #3155-3, WQAPPROVAL HAD BEEN RECEIVED AT THAT TIME.Date information and/or UPON APPROVAL WILL BE WRITTEN UP & 3/24/81or corrected Application received 3155-3 & 4534-3 WILL BE COMBINEDPeriod of Annual use APRIL THRU OCTOBER.WATER
QUALITYReceived (yes) 10/4/76 no APPROVED/CONDITIONAL (Circle one)WI-1 Description same as application (yes) no Remarks _____

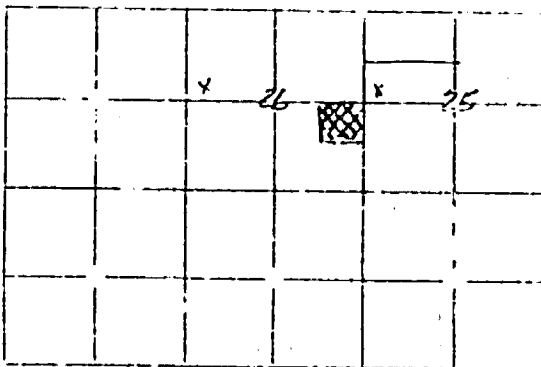
Disapproved _____

Returned _____

Diversion Point _____

S¹/₂ NW⁴ 25-92N-50W

lands to be irrigated _____

NE⁴ SE⁴ 26-92-50WELL
LOG

Remarks _____

Has been inspectedDriller Unknown Eng. not required at time 3155-3 was Licensed yes no approved forDepth 200'the well

MAP Map No. 3753-3 Map located in Water Right X Map file _____

Type of Map Area & Drainage Prepared by Co. Ext. Agent & Bert Jones

+++++

REVIEWED This Application was reviewed within 30 days of date received, accepted as complete. Number assigned and written up for advertisement before the Board on July 24, 1980. Detty Westlund
(Signed)

+++++

PROTESTS Letters/Petitions in File - yes _____ no _____ Remarks _____

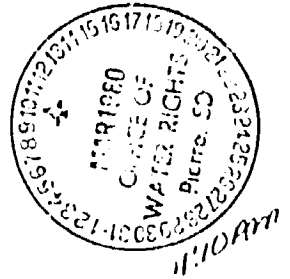
REMARKS Date
F.F. & C Final Decision, including F.F. & C of Law were adopted _____
OF LAW, Date
FINAL Final Decision mailed to parties and/or parties notified that Final Decision
DECISIONS was adopted _____
ETC.

Remarks _____

Map No. 3753-3 Water Division No. 3 BIG SIOUX District
(Blanks to be filled by the Engineer for the W. R. C.)

10170203

APPLICATION FOR PERMIT



To Appropriate Water within the State of South Dakota

(NOTE: Draw a line through items not applicable)

1. Name of Applicant Wayne Heckathorn
Postoffice address Box 580, Elk Point State South Dakota 57025
If a corporation show date and place of incorporation No
2. Method of accomplishing work (contract, employment of others, or by direct labor) contract
3. Name of diversion work Heckathorn No. 4
4. Amount of water claimed (cubic feet per second) .6
5. Source of water supply Well
6. Location of point of diversion 100 feet N. of SW Corner of Sec. 25 and 92 R 50 W -
this well is presently under permit No. # 3155-3
- County Union
7. Annual period or periods during which water is to be used April thru October
8. Use to be made of water. (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation
9. For irrigation use. Total number of acres to be irrigated 40

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.
NE $\frac{1}{4}$ - SE $\frac{1}{4}$ Sec. 26	40		
and 92 - R 50			

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 1 years. Additional time required to complete application of water to the proposed beneficial use 1 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Leader Courier, Elk Point, SD
12. Principal Features of the Proposed Water Supply System.

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

B. Works proposed to transport water to place of use

C. Works proposed to apply water to beneficial use.

Center Pivot

Estimated Total Cost \$ 15000.00

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 Union

I, Wayne Heckathorn, 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 Wayne HeckathornSubscribed and sworn to before me this 6th day of March 1980

Jeanette Smith
Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 4534-3
WAYNE HECKATHORN Box 580 - ELK POINT
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57025 with the following modifications
 (State)

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

This permit is approved subject to the irrigation water use questionnaire being submitted each year.

Date of first receipt of application MARCH 10 19 80
 Date of return to applicant for correction, amendments or changes required _____ 19 ____
 Date of receipt of corrected application _____ 19 ____
 Approved NOVEMBER 19 19 80 Recorded in Book 22 Page 43

WATER RIGHT PERMIT NO. 4534-3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 4534-3 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 10 19 80
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MAY 19 19 81
3. The whole of said work is to be completed on or before NOVEMBER 19 19 81
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is NOVEMBER 19 19 82
5. The water appropriated shall be used for the purpose of IRRIGATION
6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.
7. The amount of the appropriation herein granted shall not exceed .6 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 NOVEMBER 19 19 82; said water to be used during the following described annual period APRIL THRU OCTOBER

Witness my hand this 19th day of MARCH 19 81

WATER RESOURCES COMMISSION

By:

John Hatch
 Chief Engineer, Executive Officer

Certificate of Construction Issued MARCH 19 19 81

Water License Issued MARCH 19 19 81

This permit will be irrigated from the well presently under permit No. # 3155-3.

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

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

D. Well Information or Estimates

(1) Drill Hole, Diameter _____, Depth _____

(2) Casing, Type _____, Diameter _____, Thickness _____
(wood, concrete, steel, etc)

(3) Perforated Screen.

Type _____, Diameter _____, Length _____

(4) Gravel Pack, Thickness _____, Length of gravel pack _____

E. Dugout Information or Estimates

(1) Surface dimensions _____, Depth _____

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

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

Character of Water bearing materials _____

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Thickness of water bearing material _____

Depth to water (ground surface to water level) _____

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

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

Signature of Applicant

101
101



117

(40)

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

FOR COMMISSION USE ONLY

IRRIGATION SYSTEM _____

WATER QUALITY _____

SOILS CAPABILITY _____

APPROVED 2/1/77

DISAPPROVED _____

Approval does not imply that this project can be carried out successfully in all circumstances. Individual management will, to a large degree, determine the relative success of this venture.

NAME Wayne Hebbertson

ADDRESS PO 580 Elk Point S Dak. 57035

COUNTY Union

LEGAL DESCRIPTION

1. WELL LOCATION S2 NW 1/4 Sec. 25, T92N R50W

2. AREA TO BE IRRIGATED S2 NW 1/4 Sec. 25, T92N R50W + NE 1/4 Sec. 26, T92N R50W

TYPE OF IRRIGATION

3. GRAVITY _____ SPRINKLER (INDICATE TYPE) Center Pivot

4. CROPS TO BE IRRIGATED Corn + Soybeans

LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE 2.5%

6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION _____

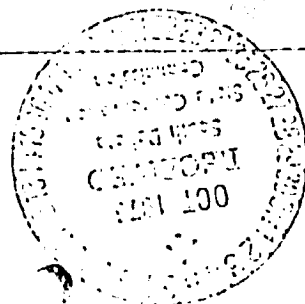
WATER QUALITY (TO BE COMPLETED BY COMMISSION)

7. SAMPLE NUMBER 76-1323

8. SALINITY $EC^0 =$ 1041 (high)

9. SODIUM $SAR =$ 1.10 (low)

$RS^0 =$ 2.5%



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

Submitted by: Wayne H. Chatham
 Address: P.O. Box 50
Elk Point, SD 57025

Date Rec'd: September 13, 1976
 Sample No.: 76-1385
 Identification: Well -
N 1/2, Sec. 25, T 92N, R 50W

WATER ANALYSIS

Calcium (Ca)	86	ppm*	4.30	me/l**
Magnesium (Mg)	39	ppm	3.20	me/l
Sodium (Na)	49	ppm	2.13	me/l
Potassium (K)	12	ppm	0.31	me/l
Sulfate (SO ₄)	198	ppm	4.11	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)		ppm	0.14	me/l
Bicarbonate (HCO ₃)	493	ppm	8.03	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	404	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	1041	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	1.10			
Sodium	21.42	% of cations		
Residual sodium carbonate	0.58	me/l		
pH	7.44			

*ppm=parts per million

**me/l=millequivalents per liter

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

COMMENTS: Total cations 9.04 me/l
 Total anions 12.33 me/l

By: Shirley Litten

Service Performed

Amount Due

Drinking water analysis

3.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 76-1385

Amount Enclosed

Signed

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 4534-3

(1) WHEREAS, On the 10th day of March A. D. 19 80
Hockstorn Bros

made Water Right Application No. 4534-3 for a permit to use 1.74* cubic feet per second of the waters of groundwater (one well)
 County of Union, State of South Dakota, for Irrigation
purposes; and

(2) WHEREAS, On the 19th day of November A. D. 19 80
 Permit No. 4534-3, with a date of priority of October 26, 1976 & March 10, 1980 *
 was issued to said applicant s for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 19th day of November A. D. 19 81 and for the application to beneficial use of said water on or before the 19th day of November A. D. 19 82

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 1.11 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 lands all in T92N, R50W

Section 25.

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 35

SE $\frac{1}{4}$ NW $\frac{1}{4}$ 35

Section 26

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 35

TOTAL 105 acres

* The applicable portions of Permit No. 3155-3 have been incorporated into this Water License No. 4534-3

(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 Heckathorn Farms

_____ of Elk Point, SD

the holder 6 and owner 6 of said permit No. 4534-3, a water right, dating from October 29, 1976 and March 10, 1980 to use of 11.1 cubic feet per second of the waters of groundwater (open 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 100' north & 60' east of the W1/4 Corner, Section 25, T92N, R50W

and conducted to and upon portions of lands in Section 25 and 26, T92N, R50W more fully described on the face of this license

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 4534-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 19th day of May, A. D.
Nineteen Hundred and Eighty-one

WATER MANAGEMENT BOARD

By: John Hatch
Chief Engineer, Executive Officer
JOHN HATCH

Permit No. 4534-3

Water Diversion No. 3 Big Sioux River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Hockathorn Farms

_____ the holder _____ of
Permit No. 4534-3, issued upon Application No. 4534-3, bearing date of priority of * October 29,
1976 & Mar 10, 1980 authorizing the diversion of 1.74 cu. ft. per second of the waters of _____
groundwater (one well) County of Union, State of South Dakota at _____
a point 100' north and 60' east of the NE Corner, Section 25, T92N, R50W
_____, for Irrigation

_____ purposes, has _____ complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 1.11 cu. ft. per second of water.

Date March 10, 1981


JOHN HATCH, Chief Engineer
Water Rights Division

* Applicable portions of Permit No. 3155-3 have been incorporated into
this Water License No. 4534-3

No. 4534-3

Publish first publication, on or before July 10, 1980

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

July 3, 1980

Notice is hereby given that Wayne Heckathorn whose post office address is Elk Point, 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 Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use .6 cubic feet of water per second of time from groundwater (1 well-existing) through the Heckathorn No. 4, the point~~(s)~~ of diversion of which is~~(s)~~ to be located in the S4 NW4

of Section 25, Twp. 92N, Range 50W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NE 1/4 SE 1/4 Section 26, T92N, R50W

This Application No. 4534-3 will be considered by the Water Management Board at Meeting Room #1, Kneip Building Church & Illinois, Pierre SD upon the 24th day of July, 1980

at 10 A.M. The Board 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 Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board 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 Board may be appealed to the Courts as provided by law.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWMR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

cc: Wayne Heckathorn
Box 560
Elk Point SD 57625

PETTY WESTLUND
Water Rights Specialist

WNR-806A-7/79
GROUNDWATER

No. 4534-5

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Huron) ss.

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

Water was taken from the Levee Currier

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

July 10, 1980

July 17, 1980

Lester E. Emerson
(Signature)

Publisher
(Title)

July 17, 1980
(Date Signed)

NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER

Pierre, South Dakota 57501
July 3, 1980

Notice is hereby given that
Wayne Heckathorn whose post
office address is Elk Point,
South Dakota, has made an ap-
plication 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 46-5-9;
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 Board Rules
ARSD 52:01:01 thru 52:01:01-
13, for a permit to appropriate
for beneficial use .6 cubic feet of
water per second of time from
groundwater (1 well-existing)
through the Heckathorn No. 4,
the point of diversion of which is
to be located in the S $\frac{1}{2}$ NW $\frac{1}{4}$ of
Section 25, Twp. 92N, Range
50W. Said water to be used for
the purpose of providing irrigation
on portions of the following
described land: NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec-
tion 26, T92N, R50W.

This Application No. 4534-3
will be considered by the Water
Management Board at Meeting
Room #1, Kneip Building,
Church and Illinois, Pierre, S.
D., upon the 24th day of July,
1980 at 10 A.M. The Board is
authorized to make a determina-
tion on this application at the
hearing. All interested persons
may appear and be heard. Any
person who may be affected by a
Board decision who desires to
present evidence or cross-ex-
amine witnesses according to
SDCL 1-26 may notify the Board
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 exer-
cised at the hearing. Decisions
of the Board may be appealed to
the Courts as provided by law.

Any handicapped person wish-
ing to attend this hearing can
contact the Water Rights Divi-
sion, DWR, Joe Foss Building,
Pierre, S. D., prior to the hear-
ing date for assistance to assure
access to the hearing.

Water Management Board

Betty Westlund

Water Rights Specialist

Pub. July 30, 1980 4-17

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 7921

PIERRE, January 15, 1921

RECEIVED OF Beckathorn Farms Incorporated, Box 580, Elk Point, SD 57025
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. 4534-3		
Fee for inspecting Beneficial Use, and Issuing Water License No. 4534-3	50	00
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 *J. H. Hatch*
Chief Engineer, Executive Officer
JOHN HATCH (gy)

RECEIPT

WATER RIGHTS COMMISSION

No 4 7410

State of South Dakota

March 21

80

PIERRE,

19

Wayne Heckathorn, Box 560, Elk Point SD 57025

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

Fee for Application for Permit to Appropriate Water No. 4534-3 (examination, processing, recording and filing)	150	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	150	00

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer
JOHN HATCH JW

Permit No. 4534-3Water Division 2 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 HECKE THORN
FARMS of ELK POINT holder: OCTOBER 29 1976
of Permit No. 4534-3, bearing date of priority of MARCH 10 1980
authorizing the diversion of 1.11 cu. ft. per second of the waters of GROUND WATER
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:

200' DEEP WELL WITH 16" DIA PLASTIC CASING
FAIRBANKS MORSE 8" PUMP - #N302811894X - 55 GPM 12" PIPES
POWERED BY 40HP US ELECTRIC MOTOR

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

3390' OF 6" BURIED PLASTIC LINES TO PIVOT PADS

C. Works used to apply water to beneficial use.

LINDSEY - 4 TOWER PIVOT SYSTEM WITH #100 END GUN

The system is in the following condition: GOOD

The point of diversion is located 100' N & 60' E OF THE W 1/4 CORNER,
SECTION 25, T42N, R50W

The works are capable of diverting and conveying to the place of use 1.11cu. ft. per second of water which is to be used for IRRIGATIONWater has been put to beneficial use to the maximum extent as follows: ALL IN T42N, R50W

<u>SECTION 25 SW⁴ NW⁴</u>	<u>35 ACRES</u>
<u>SE⁴ NW⁴</u>	<u>35 "</u>
<u>SECTION 26 NE⁴ SE⁴</u>	<u>35 "</u>

comprising a total of 105 acres of land.

(3) 10-29-76
10-29-76
11-11-76

Date 7 DECEMBER 1, 1980

[Signature]
(Signature)

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

June 22, 1981

Wayne Heckathorn
Box 580
Elk Point SD 57025

Dear Mr. Heckathorn:

Enclosed herewith are, Water License No. 4534-3 and Certificate of Construction.

Water License No. 4534-3 is the final water right document completing your process of obtaining a water right.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:
kw

enclosures

* Applicable portions of Permit No. 3155-3 have been incorporated into this Water License No. 4534-3

WNR-817-7/79
Transmittal of Water License



4534-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

WAYNE HECKATH AND
RR 2 BOX 108
ELK POINT SD 57025

NOTICE

RE: Violation of Requirement to Submit 1991 Irrigation Questionnaire

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit No(s) 1256-3, 2535-3 & 4534-3. The request for the Questionnaire was dated October 13, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1991 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:15 am, March 4, 1992, 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1256-3, 2535-3 & 4534-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
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.

If the questionnaire(s) is(are) received in this office before the March 4th hearing date, your name will be deleted from the Board agenda.

Very truly yours,

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



01-10-92
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, 4534-3, 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.

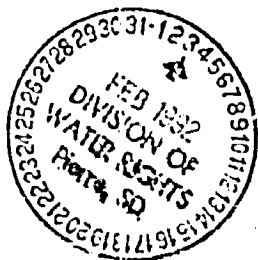
If you have any questions, please contact me at (605) 773-3352.

Sincerely,

A handwritten signature in cursive script, appearing to read "Genny McMath".

Genny McMath
Natural Resources Analyst
Water Rights Division

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



4534-3

January 29, 1992

Genny

Sorry the forms are so late. I regret to say it's not even the first time. I should know you have time schedules to keep. I will make a sincere effort to be on time next year.

You will notice I stapled two forms together. I remarked the permit numbers rather than erase one whole form. I hope this was ok.

I thought I would make my fertilizer, and pesticide comment on this page rather than on all sheets.

All fertilizer was ground applied either by myself or by Union County Fertilizer using either dry or liquid floater; or by tractor pulled applicators.

All insecticides used were applied by M.J. Aviation, of Letcher SD.

All herbicides were ground applied by Union County Fertilizer or myself using either

1. liquid floater; broadcast dual and bladex PPI
2. disc or field cultivator; dual and bladex PPI
pursuit+ PPI
prowl and scepter PPI
3. planter band; lasso pre-emerge
command and scepter pre-emerge
4. boom sprayer butril atrazine postemergence
5. hooded bander laddock postemergence
pinnacle postemergence

Thank you for your help and reassurance in our phone conversation this morning.

Wayne Hebertson



January 14, 2004

4534-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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.



4534-3

**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.

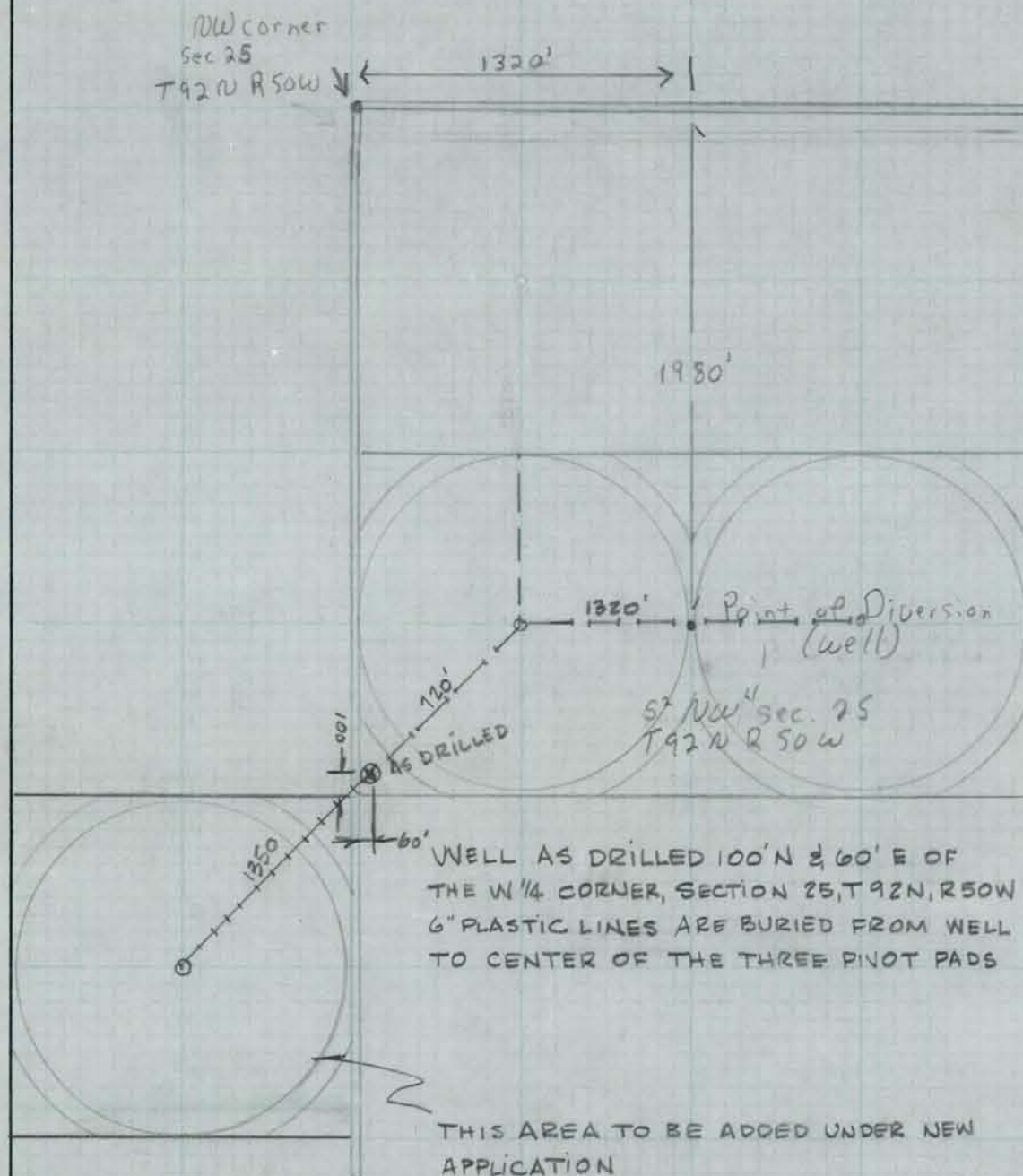
The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

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



8 inches = 1 mile

Heckathorn Farms (Wayne)
Elk Point South Dakota
Heckathorn Irrigation Project
80 Acres To be Irrigated

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Designed <u>Dave Davis</u>	Date <u>7/6/76</u>	Approved by <u>J.M. Baling</u>
Drawn <u>Dave Davis</u>	Date <u>7/6/76</u>	Title <u>Heckathorn R.C.</u>
Traced		Sheet
Checked		Drawing No.

~~Map 2496-3~~ Appl. 4539-3

4-46

NOT TO SCALE

92-50

(4-83)

148.0

(4-131)

91R

Prepared by L. E. De Smet
Union Co. Est agent
2/27/80



81.2

(4-84)

(4-80)

58.5

26

112M road wall

39.6

(4-46)

CORN

18.0

(4-300)

6.9

52.3

8.8

92-50

26.9

25.9

32.8

4534-3

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

NOTICE OF TRANSFER OF OWNERSHIP

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

PAID
MAY 02 2023
CK# 59005
Rec'd# 58123
4534-3

No. 4534-3

Date: 4-28-2023

I/We request that Water Permit No.

4534-3

formerly owned by: Wayne Heckathorn

be transferred to: (name & address) Chad Heckathorn

47663 SD Hwy 50

Elk Point, SD 57025

Telephone No. 605.675.0111

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

I/We understand that the validity of Water Right/Permit No. 4534-3 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 Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Chad Heckathorn, the new owner, certify that the above information is true and correct.


(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. 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.

RECEIVED
MAY 02 2023
OFFICE OF
WATER

Land Ownership

Modifying Existing Well Permit 4534-3

Christy Heckathorn Trust

47663 SD Hwy 50
Elk Point, SD 57025
605.675.0111
chad@heckseeds.com
100% Owner of:
SW1/4 NE1/4 26-92-50
NW1/4 SE1/4 26-92-50

Chad Heckathorn Trust

47663 SD Hwy 50
Elk Point, SD 57025
605.675.0111
chad@heckseeds.com
75% Owner of: NE1/4 SE1/4 26-92-50
16.6% Owner of: Land in 26-92-50

Stacy Guillaume

2961 S. Downing St
Englewood, CA 80113
303.783.8994
stacy.guillaume@denvergov.org
75% Owner of: NE1/4 SE1/4 26-92-50

Wayne Heckathorn

31792 473rd Ave.
Elk Point, SD 57025
605.675.1853
Quad4farms@gmail.com
50% Owner of: Land in 26-92-50

Shellie Eisma

607 W. Maple St
Edgerton, MN 56128
507227.6581
shellie@iw.net
16.6% Owner of: Land in 26-92-50

Bill Heckathorn

6744 Glass Ridge Dr.
Lincoln, NE 68526
402.598.2113
bill@flyperformance.com
16.6% Owner of: Land in 26-92-50

Heckathorn Well Application Map

Modifying Existing Well Permit 4534-3

Legend:

- Blue** – 25.5 Acres -New area to be watered in SW1/4 NE1/4 26-92-50
- Red** – 24.5 Acres – New area to be watered in NW1/4 SE1/4 26-92-50
- Orange** – 25 Acres – Modified area to be watered in NE1/4 SE1/4 26-92-50
- Yellow Outline** – 35 Acres - Existing Permit for 4534-3 (being modified to Orange acres)
- Yellow Area to East** – 72 Acres - Existing Permit for 4534-3 (no change)



4534-3

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Agriculture and Natural Resources

Date May 2, 2023RECEIVED OF Chad/Christy Heckathorn 47663 SD Hwy 50 Elk Point SD 57025

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form <u>4534-3</u>	<u>\$50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law) TOTAL	<u>\$50.00</u>

By Eric Gronlund
Chief Engineer
vm



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

May 2, 2023

4534-3

Chad Heckathorn
47663 SD Hwy 50
Elk Point SD 57025

Dear Mr. Heckathorn:

Thank you for sending in the transfer form and filing fee for changing ownership on Water Right No. 4534-3.

The ownership change has been completed. Water Right No. 4534-3 formerly held by Wayne Heckathorn is now listed in your name.

Enclosed for your records is a receipt for the filing fee you paid. If you have any questions, please let me know.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosure



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 19, 2024

NOTICE

TO: CHAD HECKATHORN, 47663 SD HWY 50, ELK POINT, SD 57025

FROM: Ron Duvall, Engineer III
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaires

Our records indicate your 2023 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 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) 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) 8757-3 qualification:

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

The hearing will be held at **Wednesday, March 6, 2024 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) 8757-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 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 before the **March 6, 2024** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: JTNJQU**

SCOTT WAGNER, 31633 472ND AVE, ELK POINT SD 57025

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.



4534-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 26, 2024

4534-3 & 8757-3

Chad Heckathorn
47663 SD HWY 50
Elk Point SD 57025

Dear Mr. Heckathorn:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you submitted to let us know that you are completed with your water use system.

The system is now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you.

I am also writing to acknowledge the receipt of your 2023 irrigation questionnaire(s).

You may disregard the January 19, 2024, "Notice" concerning the reporting requirements for Water Permit No(s). 4534-3 & 8757-3. The information was received prior to the March 6, 2024, Water Management Board meeting and these permit numbers have been removed from the agenda.

If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Water Rights Program
(605) 773-3352
email: Amanda.Dewell@state.sd.us