

Big Soo
10170203

Water Right No. 4543-3

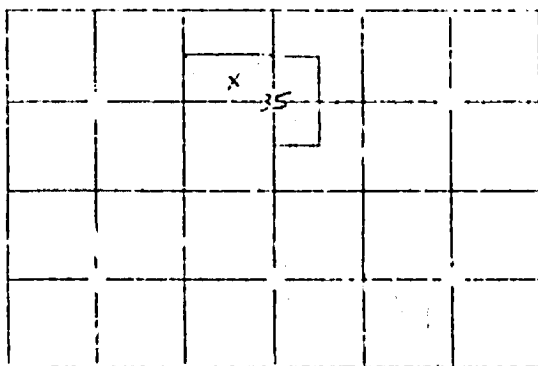
1. Considered SEPT. 25 1980
2. Name of Applicant LYLE WAGNER
3. Post Office Address 1019 RIDGECREST
VERMILLION, SD 57069
4. Amount of Water Claimed 4.57
5. Source of Water Supply 132' well
6. Water to be used for IRR
7. Acres to be irrigated 320 maximum
acre feet
8. Water to be diverted and used in UNION County
about 3N 2 miles WEST of ELK POINT
9. PROOF OF PUBLICATION Received (12/1) 9-15-80
Not Received _____
- APPLICATION Approved 9-26-80
Subject to WI 1Q-
Not Approved _____
Action deferred _____

Priority Date
7-25-80 Received JUL 25, 1980 Application Complete yes ☐ no ☐ FEE 325⁰⁰
Remarks _____

Date information and/or
fee or corrected Application received _____
Period of Annual use _____
WATER QUALITY Received yes 18/1 no ☐ APPROVED/CONDITIONAL (Circle one)
WI-1 Description same as application yes ☒ no ☐ Remarks _____

Disapproved _____

Returned _____



Diversion Point
SW⁴ NW⁴ 35-92N-50W

Lands to be irrigated
SW⁴; S¹/₂ NW⁴; SW⁴ NW⁴
and NW⁴ SE⁴ Section
35-T92N-R50W

WELL
LOG

Remarks _____

Driller Metmore Inc Licensee ☒ yes ☐ no

Depth 132' deep

MAP Map No. 3762-3 Map located in Water Right X Map file
Type of Map Aerial Prepared by Louis DeBret, Col Agent

+++++

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 Sept 25, 1980. Dolly Nielson
(Signed)

+++++

PROTESTS Letters/Petitions in File - yes no Remarks

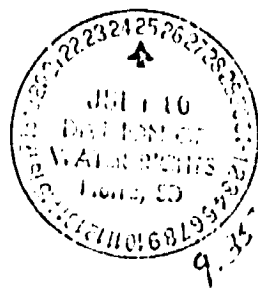
REMARKS Date
F.F. & C Final Decision, including F.F. & C of Law were adopted
OF LAW, Date
FINAL Final Decision mailed to parties and/or parties notified that Final Decision
DECISIONS was adopted
ETC.

Remarks

2006-2007 on Aug 5, 1980

Form 2 Application for Permit to Appropriately Water Original (Includes Approval and Permit)

Map No. 3763-3 Water Division No. 3 No. 4543-3 BIG SIOUX District 10170203
(Blanks to be filled by the Engineer for the W.R.C.)



APPLICATION FOR PERMIT

To Appropriately Water within the State of South Dakota

(NOTE: Draw a line through items not applicable)

- Name of Applicant Lyle Wagner - 1019 Ridgecrest Vermillion, S
Postoffice address RR 3 Box 57, Elk Point State South Dakota
If a corporation show date and place of incorporation _____
- Method of accomplishing work (contract, employment of others, or by direct labor) Contract
- Name of diversion work Wagner No. 3
- Amount of water claimed (cubic feet per second) 4.57
- Source of water supply Well
- Location of point of diversion SW 1/4 of Sec. 35 T92N R50W
From South West Corner of Section 35, THE well
is 80 Rods East AND 180 Rods North County Union
(SW 1/4 NW 1/4) April - October
- Annual period or periods during which water is to be used April - October
- Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
- For irrigation use, Total number of acres to be irrigated 320

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>SW 1/4 Sec 35 T92N R50W</u>	<u>160</u>		
<u>S 1/2 NW 1/4 Sec 35 T92N R50W</u>	<u>80</u>		
<u>SW 1/4 of NE 1/4 35 T92N R50W</u>	<u>40</u>		
<u>NW 1/4 SE 1/4 35 T92N R50W</u>	<u>40</u>		

Attach sheet if more space is needed

- Time required to complete construction of water supply system 2 years. Additional time required to complete application of water to the proposed beneficial use 3 years.
- Choice of newspaper for Notice of Intent to Appropriately Water publication Leader Courier
- Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source. Well and Pump

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

C. Works proposed to apply water to beneficial use. Sprinklers

Estimated Total Cost \$ 45,000.00

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 21st day of July 1980

Notary Public (or other qualified officer)
PATRICIA S. GARRETH

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 4543-3
LYLE WAGNER 1019 RIDGECREST, VERMILLION
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57069 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 July 25 19 80
 Date of return to applicant for correction, amendments or changes required July 28 19 80
 Date of receipt of corrected application August 5 19 80
 Approved September 26 19 80 Recorded in Book 21 Page 285

WATER RIGHT PERMIT NO. 4543-3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 4543-3 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 July 25 19 80
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before September 26 19 81
3. The whole of said work is to be completed on or before September 26 19 82
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is September 26 19 85
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 4.57 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 September 26 19 85; said water to be used during the following described annual period: April - October

Witness my hand this 1st day of October 19 80

WATER RESOURCES COMMISSION

By

John K. Hale
 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 24, Depth 110
- (2) Casing, Type Transite, Diameter 16, Thickness 1/2
(wood, concrete, steel, etc)
- (3) Perforated Screen.
Type Slotted Transite, Diameter 16, Length 40
- (4) Gravel Pack, Thickness 4, 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 See attached copy

Depth to top of water bearing material 78'

Depth to bottom of water bearing material 132'

Thickness of water bearing material 54'

Depth to water (ground surface to water level) 18'

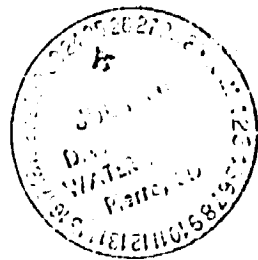
- (2) Distance to nearest existing household or livestock watering wells. 3000'
- On same owner's property 320 rds. On property owned by others 180 rds.

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]
Signature of Applicant

WETMORE DRILLING
P.O. BOX 577 · ELK POINT, SOUTH DAKOTA 57025 · (605) 356-3272



July 28, 1980

LOG OF TEST HOLE DRILLED FOR LYLE WAGNER JULY, 18, 1980

0 - 2'	Topsoil
2- 18'	Clay
18 - 78'	fine sand
78 - 132'	coarse sand & gravel
132 - 134'	Shale

Wetmore Drilling
By James Wetmore

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

STATE CONSERVATION COMMISSION

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

OWNERS NAME: Lyle WAGNER OWNERS ADDRESS: 1019 Ridgeman
Vermillion, SD

COUNTY LAND LOCATED IN: DAKOTA PHONE: 624/247057069

TENANT'S NAME AND ADDRESS: (If Other Than Owner) WAYNE Heckathorn
P.O. Box 580 Elk Point, SD
57025

In accordance with State Law SDCL 46-5-6.5, if a water permit is granted with a conditional Soil/Water Compatibility permit, a copy of such conditional soil/water compatibility permit must be filed with the County Register of Deeds. This action must be taken by the holder of a water permit within 6 months of receipt of such water permit.

LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres)

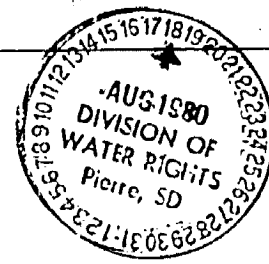
1. WELL LOCATION OR DIVERSION POINT: SW 1/4 Sec 35 Brule
2. SURFACE WATER SOURCE: Well CORRELATED BY PHOTO ON 8/13/80 92 N R-50W
3. LOCATION OF AREA TO BE IRRIGATED. NOTE: SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)

Legal Description	Acres	Legal Description	Acres
SW 1/4 Sec 35 Brule	160		
S 1/2 NW 1/4 Sec 35 Brule	80		
SW 1/4 of NE 1/4 Sec 35 Brule	40		
NW 1/4 of SE 1/4 Sec 35 Brule	40		

4. TYPE OF IRRIGATION: GRAVITY: TOWLINE: CENTER PIVOT: X GUN: OTHER: (Specify)
5. CROPS TO BE IRRIGATED: Beans - Alfalfa
6. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED:
LEGAL DESCRIPTION:
IN WHAT NAME:

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

7. WATER SAMPLE NUMBER: 22-143
8. SALINITY (EC X 10⁶):
9. SODIUM (SAR):
10. ADJUSTED (SAR):



I hereby certify that I personally obtained or that I personally observed the taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see instruction sheet) were followed, and that the sample was taken at 9:00 a.m./p.m. on 6-27-80, 1980, at the following location: SW 1/4 Sec 35 Brule by WAYNE Heckathorn (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

I understand that the Division of Conservation or agents thereof may obtain another water sample for the purpose of validating the water sample analysis taken at the time of application (SDCL 46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS
27th DAY OF June, 1980.

Wayne Heckathorn
(NOTARY PUBLIC)

Lyle Wagner
APPLICANT'S SIGNATURE

Keith A. Anderson
Director, Division of Conservation

IMPORTANT

Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application. In all cases a WATER PERMIT must be obtained from the Board of Water Management.

APPROVED
DISAPPROVED
X CONDITIONALLY APPROVED

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

Submitted by: **Lyle Wagner**
 Address: **1019 Ridgocrest**
Vermillion, SD 57069

Date Rec'd: **June 30, 1980**
 Sample No.: **80-463**
 Identification: **Well-**
Sec. 35, T 92N, R 50W

WATER ANALYSIS

Calcium (Ca)	122	ppm*	6.10	me/l**
Magnesium (Mg)	34	ppm	2.79	me/l
Sodium (Na)	47	ppm	2.04	me/l
Potassium (K)	7	ppm	0.18	me/l
Sulfate (SO ₄)	158	ppm	3.29	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	3	ppm	0.08	me/l
Bicarbonate (HCO ₃)	488	ppm	8.00	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)	400	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	1015	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.95	Adjusted SAR	2.55	
Sodium	18.35	% 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 11.11 me/l
 Total anions 11.37 me/l

RECEIVED

JUL 10 1980

South Dakota
 Division of Conservation

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. **80-463**

Amount Enclosed \$

Signed

No. 4543-3

Publish first publication, on or before September 11, 1980

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

August 21, 1980

Notice is hereby given that Lyle 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 Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 4.57 cubic feet of water per second of time from groundwater (one well) through the Wagner No. 3, the point(s) of diversion of which is (xxx) to be located in the SW 1/4 NW 1/4

of Section 35, Twp. 92N, Range 50W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SW 1/4, S 1/2 NW 1/4, SW 1/4 NE 1/4 and NW 1/4 SE 1/4 Section 35, T92N, R50W

This Application No. 4543-3 will be considered by the Water Management Board at Meeting Room #1, Kreip Building Church & Illinois, Pierre SD upon the 25th day of September, 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, DWR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

cc: Lyle Wagner
1019 Ridgecrest
Vermillion SD 57069

BETTY WESTJUNE
Water Rights Specialist

WHR-806A-7/79
GROUNDWATER

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

Town 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:

Thursday, August 29, 1980

Thursday, September, 4, 1980

Lester E. Emerson
(Signature)

(Title)

Sept 4, 1980
(Date Signed)



NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER

Pierre, South Dakota 57501

August 21, 1980

Notice is hereby given that
Lyle Wagner whose post office
address is Vermillion, South Da-
kota, has made an application in
accordance with the provisions
of SDCL 40-1-1 thru 40-1-9, 40-
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-
16, 46-6-14 and Board Rules
ARSD 52:01:01:01 thru 52:01:01-
13, for a permit to appropriate
for beneficial use 4.57 cubic feet
of water per second of time from
groundwater (one well) through
the Wagner No. 3, the point of
diversion of which is to be located
in the SW 1/4 NW 1/4 of Section
25, Twp. 92N, Range 50W. Said
water to be used for the purpose
of providing irrigation on por-
tions of the following described
land: SW 1/4; S 1/2 NW 1/4; SW 1/4-
NE 1/4 and NW 1/4 SE 1/4 Section
35, T92N, R50W.

This Application No. 4543-3
will be considered by the Water
Management Board at Meeting
Room #1, Kneip Building,
Church and Illinois, Pierre SD
upon the 25th day of September,
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-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 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, DWRN, Joe Foss Building,
Pierre SD, prior to the hearing
date for assistance to assure ac-
cess to the hearing.

Water Management Board
Betty Westlund
Water Rights Specialist
Pub. Aug. 29, Sept. 4.

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 7629

PIERRE, Aug. 4, 1990

RECEIVED OF Lyle Wagner, 921 E Madison St., 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. 4582-3 (examination, processing, recording and filing)	325.	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	325.	00

WATER RIGHTS COMMISSION,
By (John) Hatch
Chief Engineer, Executive Officer
JOHN HATCH / (bt)

NOTICE OF COMPLETION OF WORKS AND/OR
APPLICATION OF WATER TO BENEFICIAL USEPost Office Vermillion SDDate 12-8-80

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

Dear Sirs:

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

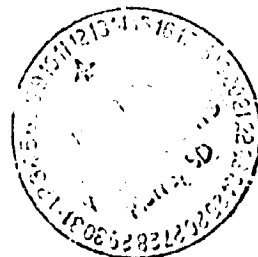
4543-3.

Water Right Permit No. 4543-3 states that the diversion system is to be constructed by Kyle Scott Wagner and that the water is put to beneficial use by WAYNE HECKATHORN

The diversion system was completed on OCT 30-1980. Applying the water to beneficial use was completed on NOV 1, 1980.

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

Kyle Wagner
(Signature)





January 27, 1992

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

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

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 1-26. 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 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
645 773-3352

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



605-773-3352

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

February 10, 1992

Wayne Heckathorn
Heckathorn Farms
PR #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,

Genny McMath
Natural Resources Analyst
Water Rights Division

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



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.

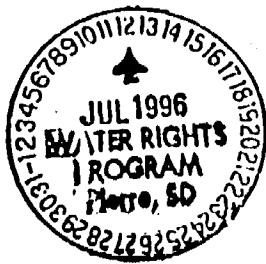
This proposed placement of the fertilizer will also place the fertilizer storage tank next to the pivots at 600 to 1300 feet respectively which will eliminate any point source pollution possibility.

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. J. J. J.



9 July, 1996

Ron:

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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 eliminated any point source pollution possibility.

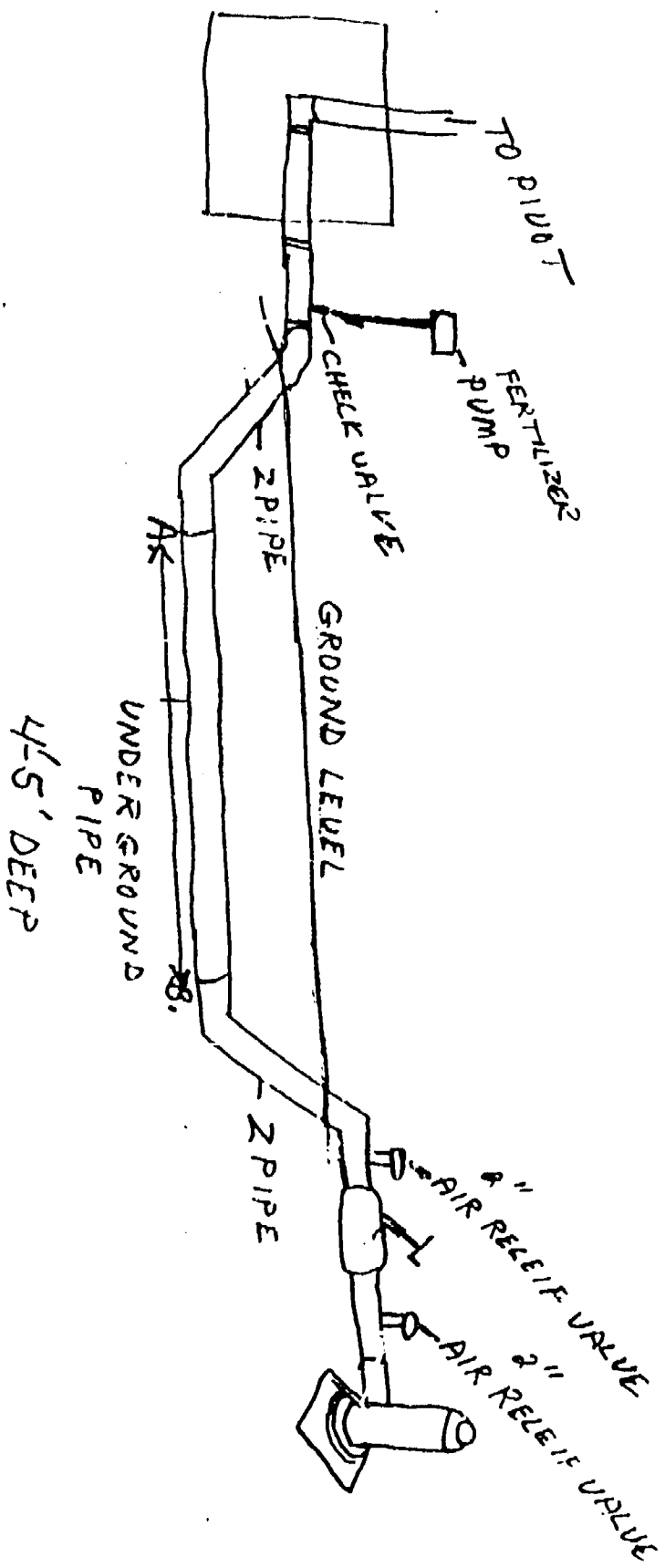
I would still be using the required check valve at the pivot and the required fertilizer pump shut off so it will stop with the pivot.

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

Thank you for your consideration.

W. J. J. J.

FERTILIZER PUMP EQUIPPED IN PIVOT FIELD AND WILL STOP FERTILIZER
 PUMP IF PIVOT STOPS.



A TO B =
 400' → 4393-3
 1200' → 4543-3
 1300' → 2896-3



**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:

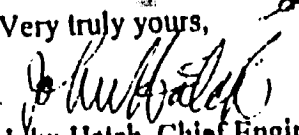
I am writing in response to your letter received on July 12, 1996 concerning use of chemigation under Permit Nos. 2896-3, 4393-3, and 4543-3. Thank you for your inquiry about the possibility of obtaining a variance.

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 chemicals from entering the water source. The intent of the chemigation rules is to prevent any

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

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.

Wayne

Permit No. 4543-3
Big Sioux - 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, July 16, 1996, made a thorough examination of the water use system constructed by Lyle Wagner of 1019 Ridgecrest, Vermillion, SD 57069 holder of Permit No. 4543-3, bearing the priority of July 25, 1988 authorizing the diversion of 4.57 cu. ft. of water per second from ground water for irrigation purposes, in Union County.

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

A. Works used to divert the water:

A 100 HP General Electric Motor with a 1300 GPM Fairbanks - Morse pump.

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

1200 feet of 8" buried PVC pipe.

C. Works used to apply water to beneficial use:

An 11 tower Lyndsay center pivot.

The system is in the following condition good. The point of diversion is located 2970 feet N and 1320 feet E from the SW corner of Section 35; T092N R50W (on the line between the SW1/4 NW1/4 and SE1/4 NW1/4). The works are capable of diverting and conveying to the place of use 2.88 cu. ft. of water per second which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

T092N R50W	SECTION 35	SW1/4 NW1/4	30 ACRES
		SE1/4 NW1/4	40 ACRES
		NW1/4 SW1/4	40 ACRES
		NE1/4 SW1/4	40 ACRES
		SW1/4 SW1/4	29 ACRES
		SE1/4 SW1/4	40 ACRES
		SW1/4 NE1/4	30 ACRES
		NW1/4 SE1/4	40 ACRES

comprising a total of 289 acres of land and the license should be issued for 2.88 cfs.

Applicable permit qualifications have been complied with: Yes ☒ No

Exceptions to compliance are: None Date Report Completed: 1-23-96


 Barry A. McLaury

Natural Resources Scientist
 DENR, Water Rights Program

REPORT ON INSPECTION OF PERMIT NO. 4543-3

Other permit(s) associated with the project: See Water Permit for the SW1/4 SE1/4.

DATE OF INSPECTION: July 16, 1996

NAME OF INSPECTION CONTACT: Wayne Heckathorn, Operator.

NAME & ADDRESS OF PERMIT HOLDER: Lyle Wagner, 1019 Ridgecrest, Vermillion, SD 57069.

DIVERSION POINT LEGAL LOCATION: 2970 feet N and 1320 feet E from the SW corner of Section 35; T092N R50W (on the line between the SW1/4 NW1/4 and SE1/4 NW1/4).

WELL INFORMATION:

1) Well Drilling Firm: Wetmore Drilling

2) No. of Wells 1

3) Depth(s) _____ feet

4) Well log is available N

Casing:

1) Diameter _____ inches

2) Length _____ feet

3) Type _____

Motor:

1) Make General Electric

2) Model No. 2

3) Horsepower rating 100 HP

Screen:

1) Type _____

2) Length _____ feet

3) Static water level _____ feet

Pump:

1) Make Fairbanks-Morse

2) Model No. 2

3) Capacity 1300 GPM

DISTRIBUTION LINES OR CANALS:

1) Type PVC 2) Size 8 inches 3) Length 1200 feet

SYSTEM TYPE:

Center pivot:

1) Make Lyndsay

2) Overall length 1960 feet

3) Number of towers 11

4) End gun Y

5) High or low pressure High

6) Capacity 1300 GPM

CHEMIGATION EQUIPMENT:

- 1) Does chemigate Y
- 2) Main line check valve Y
- 3) Inspection port/air relief Y
- 4) Low pressure drain Y
- 5) Discharge is 20' from source Y
- 6) Interlock type Electrical
- 7) Injection pump type Piston
- 8) Injection check valve Y
- 9) Injection line check valve or positive displacement pump Y
- 10) All chemigation equipment appears to be installed in the proper position and complies with chemigation laws and rules Y

PERMIT QUALIFICATIONS AND REGULATIONS:

- 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

COMMENTS:

See letter to well driller in the file. No well log is available - only a test hole log.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 1997

4543 -3

Wetmore Drilling Company
ATTN: Mike Wetmore
Box 880
Elk Point, SD 57025

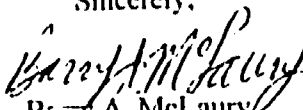
Dear Mr. Wetmore:

After a review of Water Rights Program files, I could not locate well completion reports for several water permit holders in Turner and Union counties. The following is a list of well owners along with legal descriptions of their wells which were drilled by Wetmore Drilling Company:

Donald Abraham	NE1/4 Section 32; T093N R50W	Union County
Lyle Wagner	NW1/4 Section 35; T092N R50W	Union County
Don Lantis	SW1/4 Section 03; T098N R48W	Union County
Paul Peterson	SW1/4 Section 02; T098N R53W	Turner County
James Bondeson	NE1/4 Section 22; T098N R53W	Turner County

I would appreciate a copy of each well completion report if it is available to you. Please return the reports in the postage free envelope provided at your earliest convenience. If you have any questions, feel free to contact me at 605-773-3352.

Sincerely,


Gary A. McLaury
Water Rights Program

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 24, 1997

4543-3

Lyle Wagner
1019 Ridgcrest
Vermillion, SD 57069

Dear Mr. Wagner:

The investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 4543-3, has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the investigation and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

Please remit fee to:
Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

Sincerely

Cheryl F. Frost
Secretary
Water Rights Program
(605) 773-3352

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.

RECEIPT

Division of Water Rights

415242

South Dakota Department of Environment and Natural Resources

Pierre, _____ February 6, 19 97

RECEIVED OF Lyle or June Wagner, 1619 Kidgecrest, Vermillion, SD 57069

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. <u>4543-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By *J. H. Hatch* 
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 7 1997

4543-3

Lyle Wagner
1019 Ridgecrest
Vermillion, SD 57069

Dear Mr. Wagner:

Enclosed is Water License No. 4543-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 415242 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 4543-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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. If you have any questions, please contact our office.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Program
(605) 773-3352

ks
enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 4543-3

(1) Lyle Wagner, 1019 Ridgecrest, Vermillion SD 57069 made Application No. 4543-3, July 25, 1980 for a water permit to divert 4.57 cubic feet of water per second from groundwater (one well), Union County, South Dakota for irrigation purposes. Permit No. 4543-3, with a priority date of July 25, 1980 was approved September 26, 1980 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before September 26, 1982 and for the application to beneficial use of said water on or before September 26, 1985.

(2) It is certified that the applicant 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 2.88 cubic feet of water per second for beneficial use. The location of the diversion point is 2,970 feet north and 1,320 feet east from the southwest corner of Section 35-T92N-R50W (on the line between the SW 1/4 NW 1/4 and SE 1/4 NW 1/4).

(3) The applicant 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 35-T92N-R50W			
SW 1/4 NW 1/4	30 acres	NW 1/4 SW 1/4	40 acres
SE 1/4 NW 1/4	40 acres	NE 1/4 SW 1/4	40 acres
		SW 1/4 SW 1/4	29 acres
SW 1/4 NE 1/4	30 acres	SE 1/4 SW 1/4	40 acres
NW 1/4 SE 1/4	40 acres		
Total 289 acres			

(4) Pursuant to South Dakota Water Law 46-5-30.1 Lyle Wagner, 1019 Ridgecrest, Vermillion SD 57069 the holder and/or owner of Water Permit No. 4543-3 is issued a license to appropriate water, the right to use 2.88 cubic feet of water per second from groundwater (one well) with a priority date of July 25, 1980 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 Permit No. 4543-3 and subject to South Dakota State Law.


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

APR 7 1997

date





January 14, 2004

4543-3

**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.



4543-3

**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.

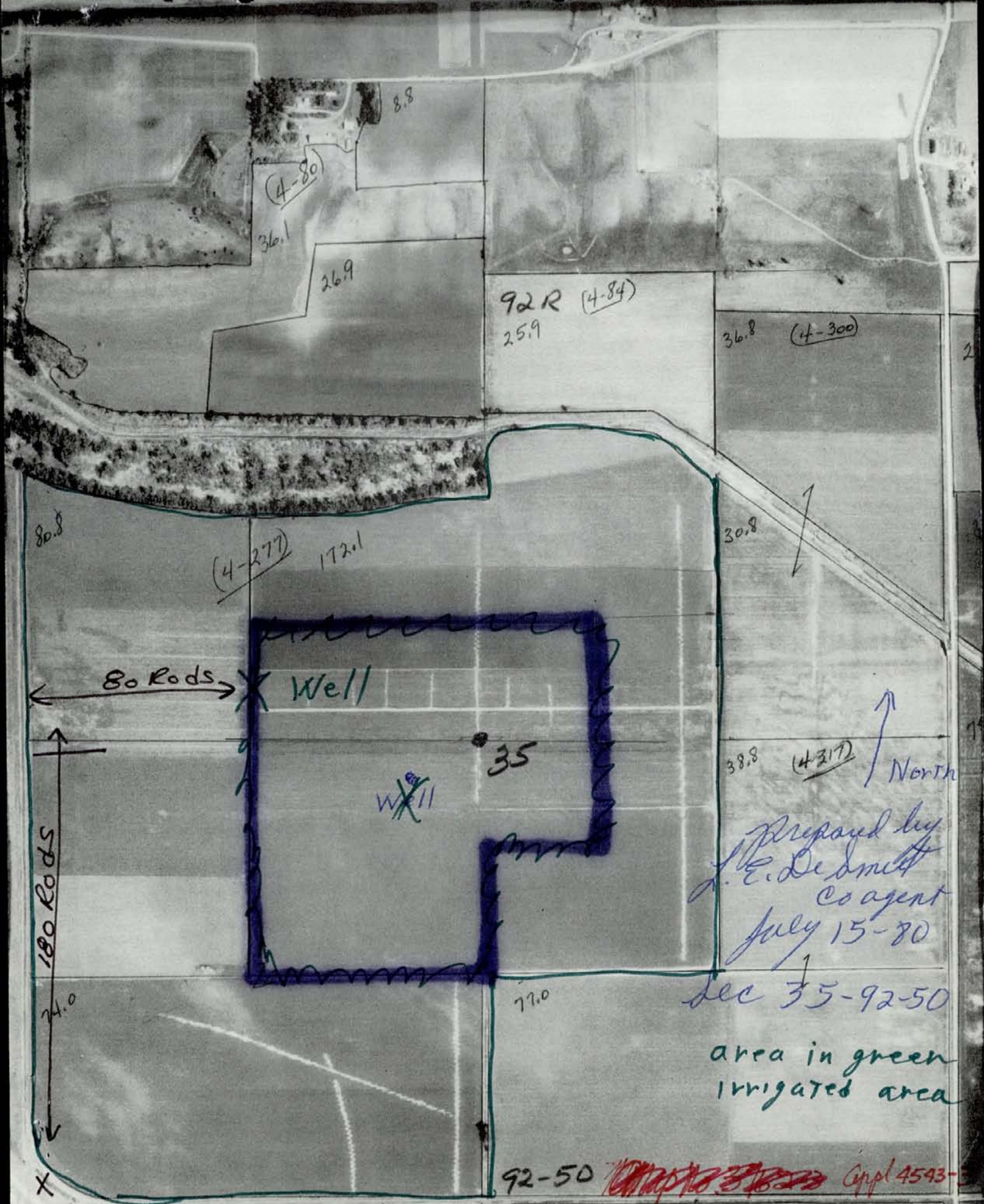
If you have any questions, please contact me.

Sincerely,

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

c: Lyle Wagner, 1019 Ridgecrest, Vermillion SD 57069

NOT TO SCALE



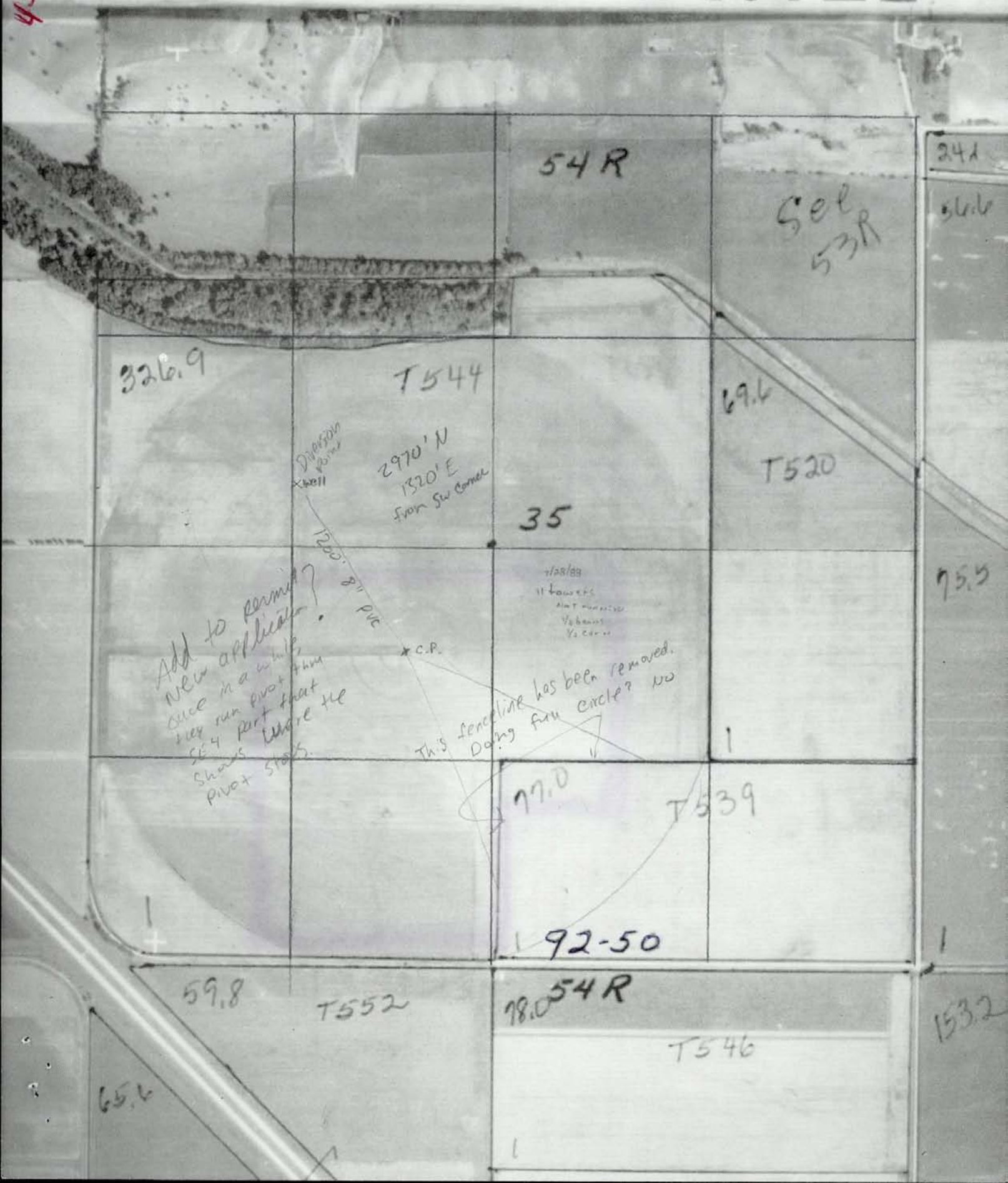
NOT TO SCALE

4843



4543-3

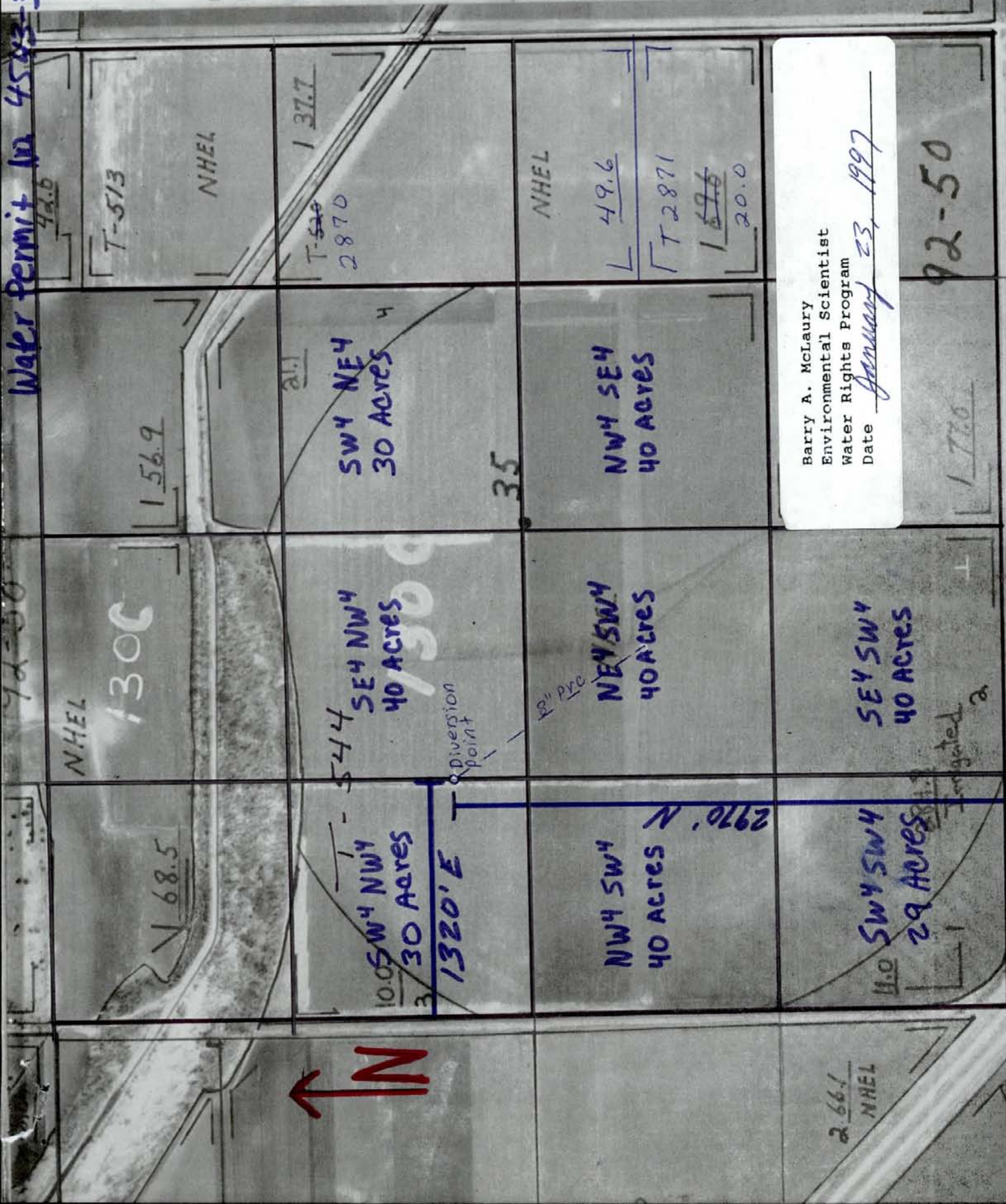
NOT TO SCALE



Water Permit No 4543-3

NOT TO SCALE

4543-3



Barry A. McLaury
Environmental Scientist
Water Rights Program
Date January 23, 1997

92-50

1720

SE 1/4 SW 1/4
40 ACRES

SW 1/4 SW 1/4
29 ACRES

NW 1/4 SE 1/4
40 ACRES

NE 1/4 SW 1/4
40 ACRES

NW 1/4 SW 1/4
40 ACRES

SW 1/4 NE 1/4
30 ACRES

SE 1/4 NW 1/4
40 ACRES

SW 1/4 NW 1/4
30 ACRES

1320'E

2970' N

35

137.7

156.9

130.0

168.5

T-513

T-520
2870

NHEL

49.6

T-2871

159.6

20.0

266.1

NHEL

Targeted

N

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