

Considered: _____

WATER PERMIT NO. 4875A-3

Phone: 582-3980

Name of Applicant: Leo Heggen

Post Office Address: RR 2, Box 2445, Brandon SD 57005

Amount of Water Claimed: 2.10 cfs (no add'l) Total Acres: 156 ac (no add'l)

Source of Water Supply: Split Rock Creek

Water to be used for: irrigation County: Mimnehaha

About 2 miles North of Brandon

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

F.F. & C/.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY Date Received: 3-11-92 Fee: \$50 Remarks change the

location of diversion point

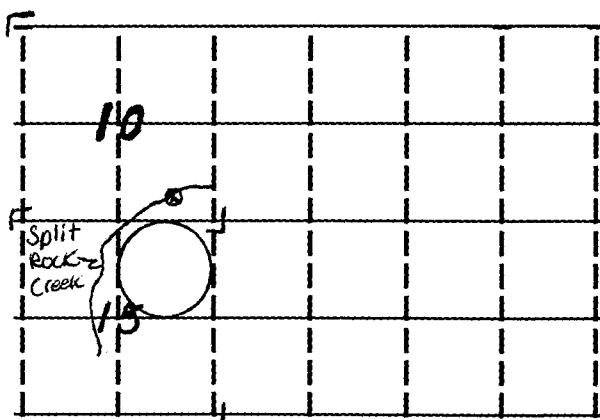
Corrected Application Received _____ Period of Annual Use April 1 - Oct 31

WATER QUALITY APPROVAL RECEIVED 4-6-92 APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES X NO _____ REMARKS _____

Diversion Point: SE 1/4 SE 1/4 Sec 10-T102N-R48W

Land to be Irrigated: NE 1/4 Sec 15-T102N-R48W



Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: _____ REMARKS _____

Type of Map: aerial PREPARED BY: Greg Johnston Reviewed and the Number

Assigned on 4-6-92 By Karen Schlaak

SOUTH DAKOTA
WATER PERMIT No. 4875A-3 FOR IRRIGATION

Date of first receipt of application March 11, 1992.

Date Soil/Water Compatibility Permit received April 6, 1992.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 4875A-3 to Leo Heggen, RR 2, Box 2445, Brandon SD 57005 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 4875A-3 specifies the correct location of the diversion point. Water Permit No. 4875-3 appropriates 2.10 cubic feet of water per second from Split Rock Creek located in the NE 1/4 NW 1/4 Section 15 to irrigate 156 acres located in the NE 1/4 Section 15; all in T102N-R48W. An inspection of Permit No. 4875-3 found the location of the point of diversion located in the SE 1/4 SE 1/4 Section 10-T102N-R48W. This permit does not increase the diversion rate or the number of acres being irrigated.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 - October 31.
3. The date from which applicant may claim right is March 1, 1982.
4. The date of approval of Permit No. 4875A-3 is July 8, 1992.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By:

Chief Engineer, Water Rights Division
Department of Environment and Natural Resources

NOV 17 1992

date

(See instructions)

No. 4875A-3 Hydrologic Unit 10170203
Basin Big Sioux
Newspaper Argus Leader, P.O. Box 5034, SF



Application For Soil/Water Compatibility Permit and Permit To Appropriate Water

- Application: ☐ New ☐ Vested Right ☒ Amend Permit No. 4875-3
☐ Change Acreage ☒ Change diversion point(s) ☐ Add diversion point(s)
☐ Add Acreage ☐ Increase diversion rate ☐ Other _____
1. Name of Applicant Leo Heggen Phone No. 582-3980
 Post Office Address RR 2, Box 2445, Brandon, SD 57005 State _____ Zip Code _____
 (Street, RR or Box) (City)
2. Amount of water claimed (c.f.s) 2.10 (no add'l) Total acres irrigated 156 (no add'l)
 3. Source of Water supply Split Rock Creek
 4. Location of point of diversion 1307' West and 380' North of the SE corner of Section 10-1102N-R48W (Originally applied for in the NE1/4 NW1/4 Section 15-102N-48W)
(SE 1/4 SE 1/4) County Minnehaha
 5. Counties where water will be used Minnehaha
 6. Annual period during which water is to be used April thru October 31
 7. 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.
NW1/4 NE1/4 15-102-48	39
NE1/4 NE1/4 "	38
SW1/4 NE1/4 "	39
SE1/4 NE1/4 "	40

Land Description	No. Acres Irr.

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: X Gun: _____ Other: _____ (Specify) _____
 9. Crops to be Irrigated: _____
 10. Give a description of proposed project. (Attach sheet if more space is needed)
 Applying for a change in diversion point...Actual diversion point is over 660' from diversion point applied for on Permit No. 4875-3.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps, soils information and any other technical information.

STATE OF SOUTH DAKOTA)
County of MINNEHAHA)^{ss}

I, LEO HEGGEN, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is truly representative of the water to be used, and that the matters stated in this application are true and correct.

Signed Leo W. Heggen

Subscribed and sworn to before me this 7th day of March 1992

Kevin Paulson
KEVIN PAULSON
NOTARY PUBLIC
SOUTH DAKOTA
6-25-98



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 4, 1992

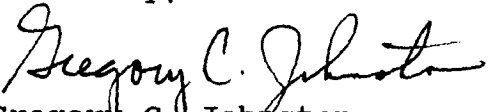
Leo Heggen
RR 2, Box 98
Brandon, SD 57005

Dear Mr. Heggen:

I am writing in regards to the diversion point out of Split Rock Creek for the center pivot system in Section 15-102N-48W covered under Water Permit No. 4875-3. The original permit states the diversion point was to be placed in the NE1/4 of the NW1/4 of Section 15-102N-48W. After inspecting the site and speaking to you on the phone, I've located the diversion point in the SE1/4 SE1/4 of Section 10-102N-48W. The distance from the actual diversion point to the diversion originally applied for is greater than 660 feet, and in accordance with SDCL Nos. 46-5-13.1 and 46-5-31, you must apply for a change in point of diversion. Enclosed is an application form and instruction sheet. Please complete the form and submit the \$50 application fee as soon as possible.

If you have any further questions, please feel free to contact me at your convenience.

Sincerely,


Gregory C. Johnston
Natural Resources Engineer
Water Rights Division
(605) 773-3352

encl

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT



Office Use Only

4691

WR#

OWNERS NAME: HEGGEN, LEO

OWNERS ADDRESS: RR 2 BOX 2445

BRANDON, SD 57005-9631

COUNTY LAND LOCATED IN: MINNEAPOLIS PHONE: 582-3930

(SPLIT ROCK CREEK)

LEGAL DESCRIPTION:

☐ Well

☒ Surface

1. LOCATION 1307' W and 330' N of the SE Corner of 10-T102N-R48W (SE 1/4 SE 1/4)

Depth: _____

Legal Description	Acres	Legal Description	Acres
<u>NW 1/4 NE 1/4 15-T102N-R48W</u>	<u>39</u>		
<u>NE 1/4 NE 1/4 15-T102N-R48W</u>	<u>38</u>		
<u>SW 1/4 NE 1/4 15-T102N-R48W</u>	<u>39</u>		
<u>SE 1/4 NE 1/4 15-T102N-R48W</u>	<u>40</u>		

2. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: XXX GUN: _____ (Specify) _____

3. CROPS TO BE IRRIGATED: _____

WATER QUALITY:

4. WATER SAMPLE NUMBER: 82-0755

7. ADJUSTED (SAR): 0.27

5. SALINITY (EC X 10⁶): 210

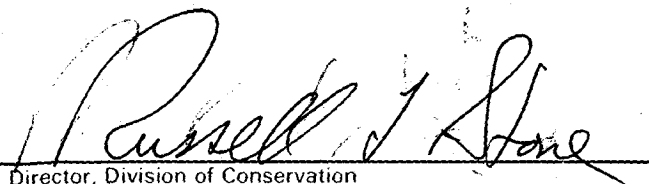
8. PERCENT SODIUM: 8.12

6. SODIUM (SAR): 0.12

Requirements:

Only those soils outlined in red can be irrigated.

MNC2 Moody Nora & BVC2 Buse Vienna - If problems with runoff occur, these soils should be kept in permanent vegetation; such as, grass or a grass alfalfa mixture. These soils are indicated by red hatch marks.


Director, Division of Conservation

MARCH 24, 1992

Date

XXX APPROVED

DISAPPROVED

WAIVER

XXX REQUIREMENTS

Soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, _____ March 11, 1992

RECEIVED OF Leo D. Heggen, RR 2, Box 2445, Brandon, SD 57005

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

Fee for Application for Permit No. <u>4875A-3</u> to Appropriate Water, to construct works and to put water to beneficial use _____	50	00
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 _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By

John Hatch (CF)
Chief Engineer

Report on Application No. 4875A-3

Leo Heggen

May 26, 1992

Water Permit No. 4875-3 appropriates 2.10 cubic feet of water per second from Split Rock Creek located in the NE1/4 NW1/4 Section 15 to irrigate 156 acres located in the NE1/4 Section 15; all in T102N-R48W. An inspection of Permit No. 4875-3 found the location of the point of diversion in the SE1/4 SE1/4 Section 10-T102N-R48W. This application does not increase the diversion rate or the number of acres being irrigated.

Split Rock Creek -

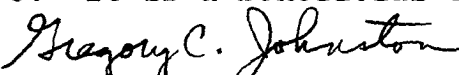
Split Rock Creek flows in a southerly direction into South Dakota from Rock County, Minnesota. At Corson, South Dakota (approximately 1 mile south of the application site) Split Rock Creek has a drainage area of 464 square miles (Lindgren and Niehus, 1992). The average discharge at Corson, South Dakota from 1965 to 1988 is 103 cfs (Lindgren and Niehus, 1992).

Existing Water Rights -

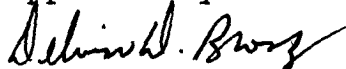
Movement of the point of diversion to the SE1/4 SE1/4 of Section 10-T102N-R48W does not affect nearby water rights on Split Rock Creek. The applicant has been irrigating from this diversion point since 1983 and there have been no complaints of interference from domestic users or prior water rights downstream from the diversion point. Water Permit No. 4875A-3 is required to by-pass water during low flows as needed for downstream domestic use and prior water rights on Split Rock Creek.

Conclusions -

1. Water is available from Split Rock Creek.
2. Existing Water Rights will not be impaired.
3. It is a beneficial use of water.


Gregory C. Johnston
Natural Resources Engineer

Approved by:


Delvin D. Brosz
Natural Resources Engineer IV

BIBLIOGRAPHY

Lindgren, R.J., Niehus, C.A., 1992, Water Resources of Minnehaha County, South Dakota. U.S. Geological Survey Investigations Report 91-4101.

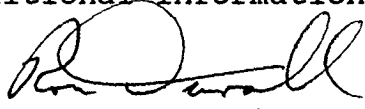
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 4875A-3, Leo Heggen

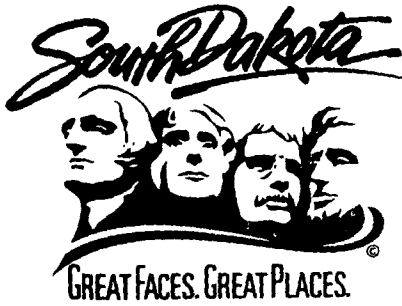
Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 4875A-3, Leo Heggen, RR 2 Box 2445, Brandon, SD 57005.

The Chief Engineer is recommending APPROVAL of Application No. 4875A-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) it is in the public interest with the following qualifications:

1. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.


for JOHN HATCH, Chief Engineer
June 2, 1992



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.

June 5, 1992

Leo Heggen
RR 2 Box 2445
Brandon, SD 57005

Dear Mr. Heggen:

Water Permit Application No. 4875A-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Garretson Weekly printed at Garretson, SD (Ph # 594-6315). For your information a copy of the notice and letter to the newspaper are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 5, 1992

Garretson Weekly
Box 310
Garretson, SD 57030

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 4875A-3 to be published twice. Please publish the first notice on June 11, 1992, with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Leo Heggen, RR 2 Box 2445, Brandon, SD 57005 (Ph # 582-3980).

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Appropriate Water by Application No. _____ which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper - Publish first Notice on June 11, 1992, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 4875A-3 to Appropriate Water
and to Amend Water Permit No. 4875-3

Notice is given that Leo Heggen, RR 2 Box 2445, Brandon, SD 57005 has filed an application for a water permit to specify the correct location of the diversion point. Water Permit No. 4875-3 appropriates 2.10 cubic feet of water per second from the Split Rock Creek located in the NE 1/4 NW 1/4 Section 15 to irrigate 156 acres located in the NE 1/4 Section 15; all in T102N-R48W. An inspection of Permit No. 4875-3 found the location of the point of diversion located in the SE 1/4 SE 1/4 Section 10-T102N-R48W. This application does not increase the diversion rate or the number of acres being irrigated.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 4875A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 29, 1992. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 4875A-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for July 8, 1992, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the July 8, 1992, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The July 8, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by June 29, 1992.

If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.



AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA,]
COUNTY OF MINNEHAHA] ss.

..... *Margie Martens*, being duly sworn, says: That the Garretson Weekly is, and during all the times hereinafter mentioned was, a weekly legal newspaper as defined by S.D.C.L. Chapter 17-2, as amended, published at Garretson, Minnehaha County, South Dakota, by Margie A. Martens that affiant is and during all of said times, the owner and publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper upon.

Thursday, the *11* day of *June*, 19 *92*

Thursday, the *18* day of *June*, 19 *92*

Thursday, the day of, 19

Thursday, the day of, 19

Thursday, the day of, 19

Thursday, the day of, 19

Thursday, the day of, 19

and that \$ *59.09* was charged for publishing the same.

..... *Margie Martens*
Subscribed and sworn to before me *June 22, 1992*

Corrie L. Leukardt

Notary Public, South Dakota

(SEAL)

Notary Commission Expires 3-31-93

NOTICE OF HEARING Leo Heggen NOTICE OF HEARING on Application No. 4875A-3 to Appropriate Water and to Amend Water Permit No. 4875-3

Notice is given that Leo Heggen, RR 2 Box 2445, Brandon, SD 57005 has filed an application for a water permit to specify the correct location of the diversion point. Water Permit No. 4875-3 appropriates 2.10 cubic feet of water per second from the Split Rock Creek located in the NE 1/4 NW 1/4 Section 15 to irrigate 156 acres located in the NE 1/4 Section 15; all in T102N-R48W. An inspection of Permit No. 4875-3 found the location of the point of diversion located in the SE 1/4 SE 1/4 Section 10-T102N-R48W. This application does not increase the diversion rate or the number of acres being irrigated.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 4875A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605-773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 29, 1992. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 4875A-3, and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for July 8, 1992, at 9:00 a.m. in Room 413, Joe Foss Building, 523 E. Capitol, Pierre, SD. If this application is opposed or the recommendation is contested, the July 8, 1992, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of time and place of the rescheduled hearing before the Board will be given by First Class Mail to the appli-

cant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The July 8, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by June 29, 1992.

If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the rights to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 26-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

Published June 11, 18, 1992



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 17 1992

Leo Heggen
RR 2 Box 2445
Brandon, SD 57005

Dear Mr. Heggen:

Enclosed is Water Permit No. 4875A-3 authorizing your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

The final inspection has been completed on this Permit, and we are ready to issue the Water License. Statutes require we charge \$50 for the inspection and issuance of the final papers. Upon receipt of this amount the Water License will be sent to you.

Very truly yours,

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

enclosures

RECEIPT

413543

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ December 16, 19 92

RECEIVED OF Mrs Leo D Heggen, RR 2 Box 2445, Brandon, SD 57005-9631

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>4875A-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

Chief Engineer

John Hatch

Permit No. 4875-3Big Sioux River Water District**Report Of Examination Of Works And/Or Application of Water To Beneficial Use**

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

I have this day made a thorough examination of the water use system constructed by Leo Heggen of RR2 Box 98, Brandon, SD 57005 holder of Permit No. 4875-3, bearing the priority of March 1, 1982 authorizing the diversion of 2.10 cu. ft. per second and/or the storage of acre-feet of the waters of Split Rock Creek for irrigation purposes, in Minnehaha County.

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

A. Works used to divert the water:

Five stage Berkeley pump, Model No. 937 PRH, 4", 800 GPM @ 40 PSI; General Electric Motor, Model No. 5K326JL156A, 60 HP

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

1750' of 8" Aluminum pipe

C. Works used to apply water to beneficial use:

Valley Zinnatic 7-Tower center pivot system, 1300' long with high pressure End Gun and low pressure Rain Bird sprinklers, 750 GPM @35-40 PSI

The system is in the following condition Excellent. The point of diversion is located 1307' W and 380' N of the SE corner of Section 10-102N-48W, Minnehaha County, SD. The works are capable of diverting and conveying to the place of use 1.67 cu. ft. per second of water and/or storing acre-feet of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

All in Section 15-102N-48W:

NW1/4 NE1/4 = 32 acres

SW1/4 NE1/4 = 32 acres

NE1/4 NE1/4 = 32 acres

SE1/4 NE1/4 = 32 acres

comprising a total of 128 acres of land and the license should be issued for 1.67 cfs and/or acre-feet of storage.

Applicable permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are: None Date 1/23/92


Gregory C. Johnston
Natural Resources Engineer
DENR, Water Rights Division

LICENSE FOR PERMIT NUMBER 4875-3

1. Legal location of diversion point: 1307' West and 380' North of the SE corner of Section 10-102N-48W, Minnehaha County, SD

Dams and Structures N/A

2. Well Information: Well Drilling Firm N/A

Completion Report? Yes No No. of Wells Depth(s) feet

Casing a) diameter inches Screen a) type

b) length feet b) length feet

c) type Static Water Level feet

Pump a) make Berkeley Motor a) make General Electric

b) model 937 PRH b) model no. 5K326JL156A

c) size 4" c) horsepower rating 60

d) capacity 800 GPM d) serial no. Unknown

e) turbine pump - no. of stages 5

f) operating PSI 40

3. Distribution lines or canals

a) size 8" inches

b) type Aluminum

c) length 1750 feet

5. System Type a) gun

b) center pivot:

1) make

1) make Valley Zinnatic

2) nozzle size

2) number of towers 7

3) capacity (GPM)

3) distance between towers

4) hose size inches

4) overall length 1300 feet

5) hose length feet

5) end gun (Y/N) Y

e) gated pipe:

6) high or low pressure High

1) length feet

7) make and size of nozzles:

2) diameter inches

Rain Bird (lo pressure)

3) spacing of gates inches

8) capacity (GPM) 750

NOTE: For Permits with additional wells or changes in well locations,
record the following for each well: pumping capacity, date
constructed, well driller and if a well log is available.

Indicate any other permit(s) which are associated with project

Yes No Check Items

X 1. Soil and water permit lands agree with lands being irrigated
and lands listed on permit?

X 2. Special qualifications to permit being abided by?

X 3. All structures, wells and lands on map?

X 4. Irrigation Questionnaires checked to determine if permit
owner started irrigation by end of construction period?

X 5. Is chemigation used?

N/A 6. If yes, does equipment comply with chemigation rules?

REMARKS:

② T 226

① T 302

①

T 303

①

143

319

No. 4875-3

LEO HEGGEN

Drawn by:

Gregory C. Johnston

DENR
Pierre, SD

Gregory C. Johnston

3/3/92

Natural Resources Engineer,

Water Rights Division

1307'
DIVERSION
Pt.

N

1"=760'

5.1

②

T 252

①

102-48

312

380

Dropped

①

164

All in Section 15-102-48:

NW 1/4 NE 1/4 = 32 acres

SW 1/4 NE 1/4 = 32 acres

NE 1/4 NE 1/4 = 32 acres

SE 1/4 NE 1/4 = 32 acres

Total = 128 acres

NW 1/4 NE 1/4 = 32 acres

NE 1/4 NE 1/4 = 32 acres

SW 1/4 NE 1/4 = 32 acres

SE 1/4 NE 1/4 = 32 acres

140.2

8" PVC

Pivot

48.1

CAP

20.9

120.5

16.2

① T 239

①

T 239

4875A-3

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 4875A-3

(1) Leo Heggen, of RR 2 Box 2445, Brandon, SD 57005 made Application No. 4875A-3, March 11, 1992 for a water permit to change the location of the diversion point authorized by Water Permit No. 4875-3 with no additional cubic feet of water per second from Split Rock Creek, Minnehaha County, South Dakota for irrigation purposes. Permit No. 4875A-3, with a priority date of March 1, 1982 (established under permit 4875-3) was approved July 8, 1992 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

Water Permit No. 4875A-3 specified the correct location of the diversion point authorized by Water Permit No. 4875-3. Permit No. 4875A-3 did not authorize an increase in the diversion rate or number of acres irrigated. The applicable portions of Water Permit No. 4875-3 have been incorporated into this Water License No. 4875A-3.

(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 1.67 cubic feet of water per second for beneficial use. The location of the diversion point is 1307 feet W and 380 feet N of the SE corner of Section 10 T102N-R48W (SE1/4 SE1/4).

(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:

T102N-R48W	Section 15	NW1/4 NE1/4	32 acres
		NE1/4 NE1/4	32 acres
		SW1/4 NE1/4	32 acres
		SE1/4 NE1/4	32 acres
		Total	128 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Leo Heggen of RR 2 Box 98, Brandon, SD 57005 the holder and/or owner of Incorporated Water Permit No. 4875A-3 is issued a license to appropriate water, the right to use 1.67 cubic feet of water per second from Split Rock Creek with a priority date of March 1, 1982 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 Incorporated Water Permit No. 4875A-3 and subject to South Dakota State Law.


OCT 15 1993
JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and Natural Resources



OCT 15 1993

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

4875A-3

Leo Heggen
RR 2, Box 98
Brandon, SD 57005

Dear Mr. Heggen:

Enclosed is Water License No. 4875A-3 and Receipt No. 413543 for \$50.00 which was assessed for an inspection and issuance of the license. Water License No. 4875A-3 is the final document which completes the process of obtaining a water right.

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

Very truly yours,

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

rd
enclosures

NOTE: The applicable portions of Water Permit No. 4875-3 have been incorporated into this Water License No. 4875A-3.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 14, 1994

4875A-3

Leo Heggen
48251 258th St.
Brandon, SD 57005-6803

Dear Mr. Heggen:

This letter is in response to receipt of the enclosed check for \$50.00 which you sent to us with your 1994 irrigation questionnaire.

Your check is being returned because the annual water rights fee is only a proposal. The fee information was provided to you to make you aware that the fees are being considered as an option to partially fund the Water Rights Division. Before any annual fee could be assessed, legislation must be passed.

I apologize for any confusion caused by our letter. Please contact me if you have any questions (605) 773-3352.

Sincerely,

Ron Duvall
Natural Resources Engineer
Water Rights Division

enclosure



4875A-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 19, 2001

NOTICE

TO: LEO HEGGEN, 48251 258th STREET, BRANDON, SD 57005 6803
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2000 Irrigation Questionnaire(s)

Our records indicate that the 2000 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4875A-3. The request for the Questionnaire was dated October 20, 2000. The Water Management Board has directed that owners of water permits who have not submitted the 2000 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 4875A-3 qualification:

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

The hearing will be held at 10:00 am, March 7, 2001 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 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) 4875A-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 2, 2001, 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 at (605) 773-3352.

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.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

LEO HEGGEN
48251 258th STREET
BRANDON SD 57005 6803

2. Ar

PS F

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

1-24-01

C. Signature

X

Leo Heggen

☐ Agent

☐ Addressee

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

02595-00-M-0952



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 30, 2001

4875A-3

Leo Heggen
48251 258th St
Brandon, SD 57005-6803

Dear Mr. Heggen:

I am writing to acknowledge receipt of your 2000 irrigation questionnaire. You may disregard the January 19, 2001, "Notice" concerning reporting requirements for Water Right No. 4875A-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,

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

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



4875A-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2009

NOTICE

TO: LEO HEGGEN, 48251 258th ST, BRANDON, SD 57005 6803

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

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaire(s)

Our records indicate that the 2008 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4875A-3. The request for the Questionnaire was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 4875A-3 qualification:

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

The hearing will be held at **10:00 am, March 11, 2009** 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) 4875A-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 6, 2009**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:
<https://www.state.sd.us/efrms/secure/efrms/E0455V7-IQ.pdf>

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

4875A-3

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Track & Confirm

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Label/Receipt Number: 2303 2160 0000 0802 6791
Status: **Delivered**

Your item was delivered at 3:22 PM on January 27, 2009 in BRANDON, SD 57005. The item was signed for by L HEGGEN.

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FOIA

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 6791

LEO HEGGEN
48251 258th ST
BRANDON SD 57005 6803

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:
Keep this receipt. For Inquiries:
Access internet web site at
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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 3, 2009

4875A-3

Leo Heggen
48251 258th St
Brandon SD 57005 6803

Dear Mr. Heggen:

I am writing to acknowledge receipt of the information for your 2008 irrigation questionnaire. I completed a form for you based on our January 28th telephone conversation. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Right No. 4875A-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,

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

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

April 23, 2026

Dear Split Rock Creek Water Right Holder:

I am writing to the water right holders and operators who use water from Split Rock Creek regarding below normal streamflow for this time of year.

South Dakota law gives the highest priority to domestic use, including livestock watering. There is generally adequate water available to meet both domestic use and other needs. However, once water availability reaches critically low levels, water use may begin to interfere with domestic use and senior water rights. If water levels become critically low, the Department may be forced to issue shutoff orders to protect domestic use, including livestock watering, and those water rights that are most senior.

This not a shutoff order. We are only speculating that shutoff orders may become necessary, if severe drought conditions persist. This letter is intended to give you advanced notice shutoff orders may be necessary this year. If shutoff orders are issued, you will receive another letter from the Department. In the meantime, water right holders can help by closely monitoring water usage to minimize use when possible and avoid any waste of water.

If you are interested, the US Geological Survey has an Internet site showing current flows at stream gauging stations across the state, including a station on Split Rock Creek near Corson, SD. To view the latest real-time stream flow, go to:

<https://waterdata.usgs.gov/state/south-dakota/>

Thank you for your cooperation. If you have any questions, please contact either Whitney Kilts, Adam Mathiowetz, or Amanda Dewell, with the Water Rights Program, at (605) 773-3352.

Sincerely,

Adam Mathiowetz, Acting Chief Engineer
Water Rights Program