

Considered: _____

WATER PERMIT NO. 5449-3

Phone: 665-9271

Name of Applicant: Heine Farms (Ron Heine)

Post Office Address: RR. 1 Box 47, Mission Hill, SD 57046

Amount of Water Claimed: 1.95 cfs Total Acres: 140

Source of Water Supply: groundwater

Water to be used for: irrigation County: Yankton

About 1/2 miles East of Mission Hill

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: ²⁰ 2/8/90 Fee: \$250.00 Remarks _____

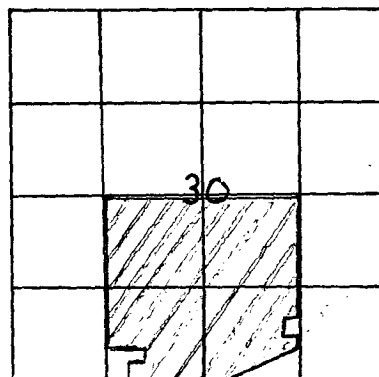
Corrected Application Received 4/9/90 Period of Annual Use May 1 -Sept 31

WATER QUALITY APPROVAL RECEIVED _____ APPROVED/CONDITIONAL (Circle one)

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

Diversion Point: NE1/4 SW1/4 Sect. 30 T94N-R54W

Land to be Irrigated: E1/2 SW1/4, W1/2 SE1/4
Section 30-T94N-R54W



Well Log: Driller: Christenson #444 Licensed YES X NO _____

Depth of Well: 125' REMARKS _____

Type of Map: ASCS Aerial PREPARED BY: Sheila Donovan Reviewed and the Number

Assigned on 5/17/90 By Eric Gronlund

(See instructions)

No. _____	Hydrologic Unit _____
Basin _____	
Newspaper _____	

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

- Type of Application: ☒ New ☐ Vested Right ☐ Amend Permit No. _____
- ☐ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point(s)
- ☐ Add Acreage ☐ Increase diversion rate ☐ Other _____
1. Name of Applicant RON HEINE for HEINE FARMS Phone No. 605-665-9271
- Post Office Address R.R. 1 Box 47 MISSION HILL State S.D. Zip Code 57046
(Street, RR or Box) (City)
2. Amount of water claimed (c.f.s) 1.95 Total acres irrigated 140
3. Source of Water supply Well
4. Location of point of diversion UOLIN - 30 94N - 54W
E 1/2 of SW 1/4 & W 1/2 of SE 1/4
- County YANKTON
5. Counties where water will be used YANKTON
6. Annual period during which water is to be used MAY - SEPT
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.
<u>E 1/2 of SW 1/4</u>	<u>70</u>
<u>W 1/2 of SE 1/4</u>	<u>70</u>

Land Description	No. Acres Irr.

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: ☒ Gun: _____ Other: _____ (Specify)
9. Crops to be Irrigated: CORN - BEANS
10. Give a description of proposed project. (Attach sheet if more-space is needed)

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 YANKTON)^{ss}

I, RON HEINE, 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 Ron Heine

Subscribed and sworn to before me this 16 day of February 1990

Angela Hicks
Notary Public

SOUTH DAKOTA
WATER PERMIT No. 5449-3 FOR IRRIGATION

Date of first receipt of application February 20, 1990.

Date Soil/Water Compatibility Permit received June 6, 1990.

Date of return to applicant for corrections, amendments or changes March 21, 1990.

Date of receipt of corrected application April 16, 1990.

The Water Management Board approved Water Permit Application No. 5449-3 on July 25, 1990 for Heine Farms, c/o Ron Heine, RR #1, Box 47, Mission Hill, SD 57046 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. 5449-3 appropriates 1.95 cubic feet of water per second from one well (Lower James Missouri Aquifer) 125 feet deep located in the NE1/4 SW1/4 Section 30 T94N-R54W to irrigate 140 acres. The irrigated land is to be located in the E1/2 SW1/4, W1/2 SE1/4 Section 30 T94N-R54W.
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: May 1 - September 30.
3. The date from which applicant may claim right is February 20, 1990.
4. One-fifth of the construction is to be completed on or before January 25, 1993.
5. All construction is to be completed on or before July 25, 1995.
6. Water is to be put to beneficial use on or before July 25, 1999.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well authorized by Permit No. 5449-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted with cement (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:29.
2. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

(continued)

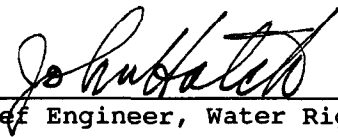
Water Permit No. 5449-3

Page 2

3. 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 Water and Natural Resources

SEP 17 1990

(date)

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 26" Depth 125'
- b) Casing Type Gal. 40 PVC Diameter 16" Thickness _____
- c) Screen Type Slotted 16" Diameter 16" Thickness _____
- d) Gravel Pack Thickness 10' Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 50'
- f) Depth to Water (ground surface to water level) 45'
- g) Distance to nearest existing domestic well: 3/4 mile
- On applicants property _____ On property owned by others _____

2. Dugout Information Estimates

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam please give their name and address

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____
 If Pipe, diameter _____

f) Secondary Spillway Capacity _____
 Spillway width _____

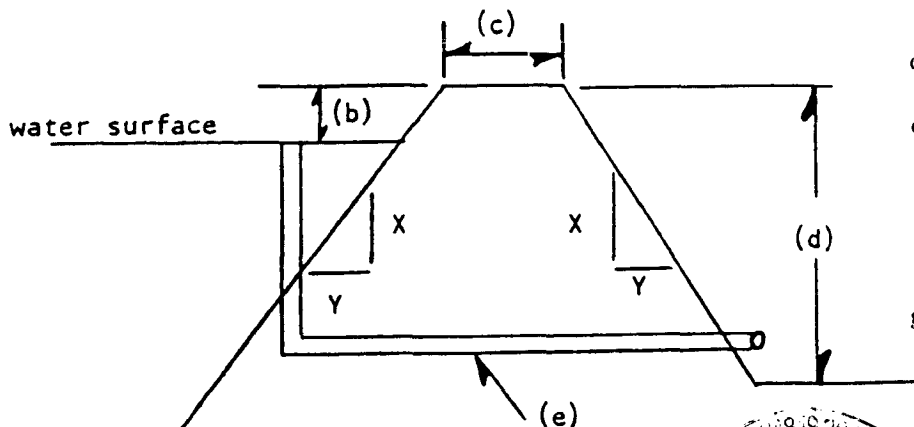
g) X & Y Slope
 Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Bon Heine
 Signature of Applicant

OWNER HEINE FARMS

ADDRESS

STATE

DATE _____

3

5

19 90

STONE

SHALE

GRAVE

SAND

CLAY

FT. | FT.

0	20
---	----

TOP SOIL

2

X

20	40
----	----

M	X	90
---	---	----

X

7

入

40 | 87

Q L V S

X

87/21

COURSE

✕

—A

K

STATIC WATER LEVEL

PUMPING WATER LEVEL

AQUIFER THICKNESS

SCREEN LENGTH

SLOT SIZE

FITTING - TOP

FITTING - BOTTOM

William F. Christensen

444

TOTAL DEPTH

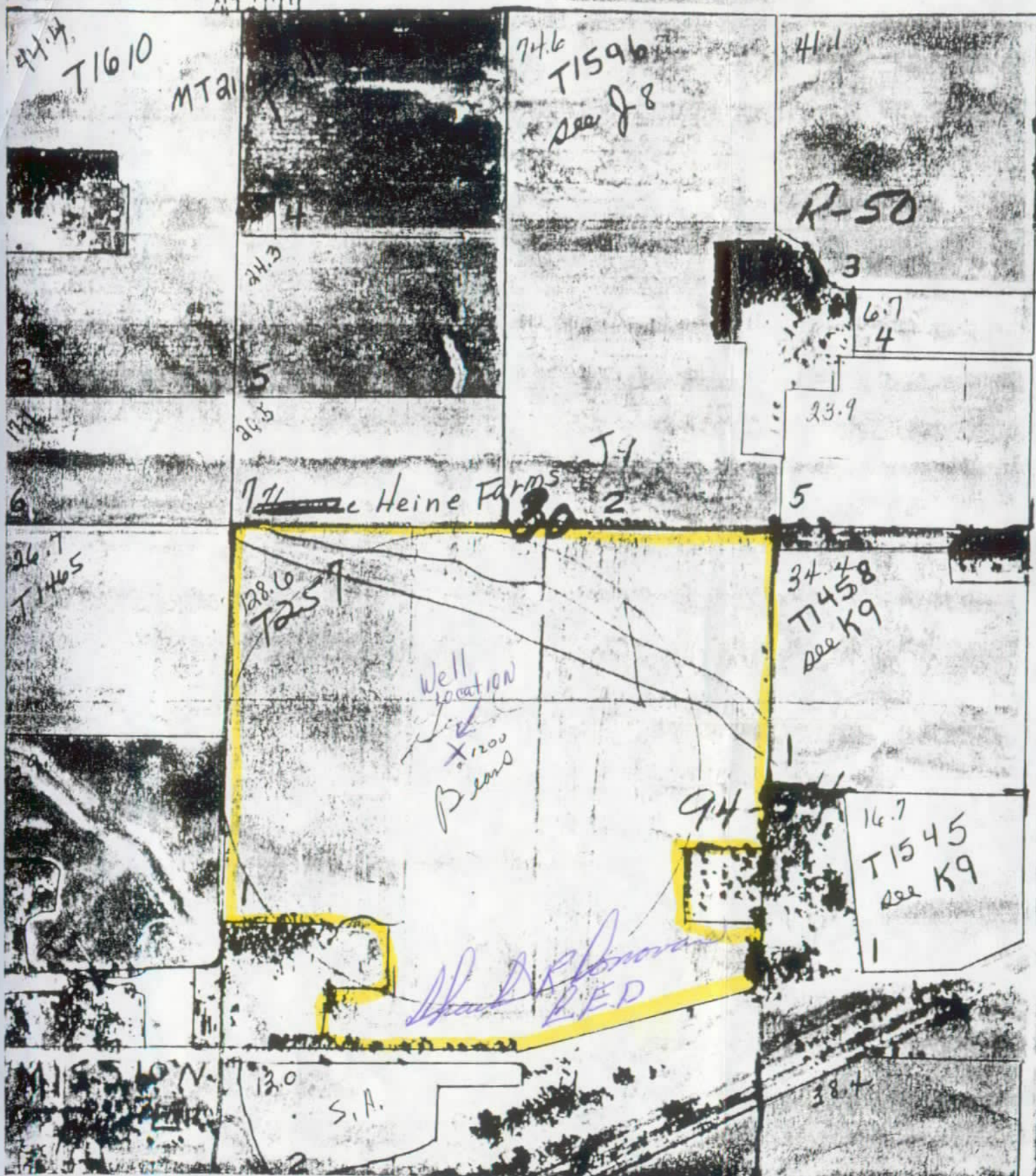
120



Appl. No. 5449-3



NOT TO SCALE



Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4504

WR#

OWNERS NAME: HEINE FARMS OWNERS ADDRESS: RR 1 BOX 47
Mission Hill, SD 57046

COUNTY LAND LOCATED IN: Yankton PHONE: 665-9271

LEGAL DESCRIPTION:

☒ Well

☐ Surface

1. LOCATION NW 1/4 NW 1/4 31-T94N-R54W

Depth _____

Legal Description	Acres	Legal Description	Acres
<u>E 1/2 SW 1/4 30-T94N-R54W</u>	<u>70</u>		
<u>W 1/2 SE 1/4 30-T94N-R54W</u>	<u>70</u>		

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

3. CROPS TO BE IRRIGATED: Corn - Beans

WATER QUALITY:

4. WATER SAMPLE NUMBER: 90-0054

7. ADJUSTED (SAR): 2.49

5. SALINITY (EC X 10⁶): 1200

8. PERCENT SODIUM: 15.16

6. SODIUM (SAR): 0.91

Requirements:

The area mapped as Roxbury silt loam contains a drainage way and is subject to wetness from flooding. This area shall remain in grass or alfalfa to address the potential wetness and erosion hazards.



XXX APPROVED

DISAPPROVED

WAIVER

XXX REQUIREMENTS

Director, Division of Conservation

June 4, 1990

Date

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

check & see if location should be sec 30 (5409.3)

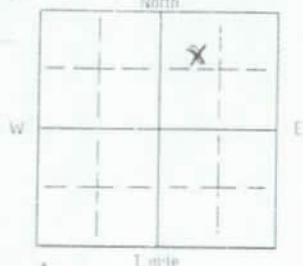
SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location NW NE Sec. 31 Twp 94-N Rg 54-W

County
YANKTON

Please mark well location with an "X"



Well Completion Date 7/90

PROPOSED USE

☐ Domestic ☐ Municipal ☐ Test Hairs
☒ Irrigation ☐ Industrial ☐ Stock

Method of Drilling

REVERSE ROTARY

CASING DATA

☐ Steel ☒ Plastic ☐ Other

If other describe:

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
50 LB/FT	16 IN	0 FT	100 FT	26 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUT

Was the well grouted? ☒ YES ☐ NO

To what depth? 0-20 FEET

What is grouting material? PORTLAND CEMENT

If cement, number of sacks: 12

Describe grouting procedure: TRENCH POUR

What was grout weight? 104 LB/GAL

SCREEN: ☒ Perforated pipe ☐ Manufactured
Diameter 16 IN Length 20 FEET
Material PVC SLOTTED
Slot Size Set From Feet To Feet
Slot Size Set From Feet To Feet
Slot Size Set From Feet To Feet
Other information

Was a packer or seal used? ☐ YES ☒ NO

If so, what material?

Describe packer(s) and location?

Was well disinfected upon completion? ☒ YES ☐ NO

Explain 3 LB HTH CHLORINE

Bacteriological analysis ☐ YES ☒ NO

Laboratory sent to

Well Owner

Name HEINE FARMS

Address FORDYCE NE.

Well Log

Formation	From	To
CLAY w/PEBBLES	0	20
MIXED GRAVEL SAND	20	40
BLUE CLAY	40	87
COURSE GRAVEL & ROCKS	87	120

STATIC WATER LEVEL

44 feet

If flowing, closed in pressure PSI

GPM flow through inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other, specify

Can well be completely shut in?

WELL TEST DATA

☒ Pumped

LINESHAFT TURBINE

☐ Bailed

Describe:

☐ Other

Pumping Level Below Land Surface

58 ft	Alter 1/2 Hrs	pumped 695 GPM
72 ft	Alter 3/4 Hrs	pumped 850 GPM
85 ft	Alter 1 Hrs	pumped 980 GPM

REMARKS



This well was drilled under license # 444

And this report is true and accurate.

Drilling firm CHRISTENSEN WELL CO.

Signature of License Representative:

William J. Christensen

Signature of Well Owner:

Date

12/19/90

STATE OF SOUTH DAKOTA

MICROFILM CERTIFICATE OF AUTHENTICITY

THIS IS TO CERTIFY THAT THE MICROFILM IMAGE APPEARING ON THIS SLIDE OF MICROFILM IS AN ACCURATE REPRODUCTION OF THE ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SECTION 1-27.4 OF THE SOUTH DAKOTA CODED LAWS. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF ADMINISTRATIVE RULES OF SOUTH DAKOTA 10-04.01 AND 10-04.02 FOR MICROFILM REPRODUCTIONS.

REDUCTION RATIO

ROLL NUMBER

DATE MICROFILMED

CAMERA OPERATOR SIGNATURE

25:1

4-8

4-7-93

William J. Christensen

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412094

Pierre, February 21, 1990

RECEIVED OF Ron Heine, RR #1 Box 47, Mission Hill, SD 57046

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

Fee for Application for Permit No. <u>5449-3</u> to Appropriate Water, to construct works and to put water to beneficial use	250	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	250	00

By

John Hotel / msa
Chief Engineer

March 21, 1990

Ron Heine
RR. 1 Box 47
Mission Hill, SD 57046

Dear Mr. Heine:

This letter is in response to your water permit application received on February 20, 1990. The following information still needs to be submitted in order to process your application.

- 1) The map must be signed by one of the following: SD Registered Land Surveyor, SD Registered Professional Engineer or by any other government employee who normally prepares maps as part of his assigned duties (SCS, ASCS, etc.). I have attached your map.
- 2) A well log or test hole log that is signed by a South Dakota Licensed Well Driller.

The water permit application can not be considered by the Water Management Board until the application is complete. Please submit the above mentioned items to my attention referencing your water permit application and your application will be processed.

If you have any questions, please contact me.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enc.

SOUTH Dakota Department of
Water & Natural Resources

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

April 11, 1990

Heine Farms
RR # 1 Box 47
Mission Hill, SD 57046

Dear Mr. Heine:

This letter is in response to your water permit application received on April 6, 1990 and subsequent correspondence. The following information needs to be submitted in order to process your application.

- 1) Please mark the location of the proposed well on the attached map.

The water permit application can not be considered by the Water Management Board until the application is complete and a soil/water permit is obtained from the Department of Agriculture. Please address the above listed item and your application will be processed.

If you have any questions, please contact me.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enc.

REPORT ON APPLICATION NO. 5449-2
FOR HEINE FARMS (RON HEINE)
May 30, 1990

This application proposes to appropriate 1.95 cfs from one well approximately 125 feet deep to be located in the NE 1/4 SW 1/4 of section 30, T94N R54W in Yankton County to irrigate 140 acres. The land to be irrigated is located in the E 1/2 SW 1/4, W 1/2 SE 1/4 of section 30, T94N R54W.

AQUIFER - LOWER JAMES MISSOURI (LJM)

The Lower James Missouri aquifer is a buried Pliestocene outwash (sand and gravel) under artesian conditions at this site. The LJM aquifer underlies 92,500 acres and contains an estimated 2.1 million acre feet of recoverable water in Yankton County (Hedges, 1982). The LJM aquifer is hydraulically connected to the Missouri Elk Point aquifer to the south and east and to the Lower James Missouri Scotland aquifer to the west and the LJM aquifer to the north in Hutchinson County. The saturated thickness of the LJM aquifer in this area approaches 100 feet (Bugliosi, 1986).

The Division of Water Rights monitors two observation wells (YA-78I and YA-79H) which are completed into the LJM aquifer and are within one mile of this proposed diversion. Water level records for these wells indicate a response to climatic conditions, that is, rising during wet years and gradually declining during dry years (Water Rights). The historical record indicates the aquifer is capable of sustaining additional withdrawals.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is an existing Water Permit No. 2338-3 (4251-3) which is approximately one mile northwest of this application which also obtains water from the LJM aquifer. Interference is not expected to be a problem. Even though the aquifer is under artesian conditions in this area, pumping does not significantly affect water levels in nearby observation wells. The response in these observation wells is much like what occurs in a water table situation and in fact the LJM aquifer is under water table conditions just south of this area.

CONCLUSIONS

1. Water is available from the LJM aquifer.
2. Interference is not expected to be a problem. Drawdowns caused by pumping are not significant as shown by the observation well record.
3. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Bugliosi, E.F., 1986, WATER RESOURCES OF YANKTON COUNTY, SOUTH DAKOTA, USGS WRI 84-4241, USGS, Huron, 57350.

Hedges, L.S., 1982, EVALUATION OF GROUNDWATER RESOURCES EASTERN SD AND UPPER BIG SIOUX RIVER, SD AND IOWA, for US Army Corps of Engineers, SD DWR, SDGS, Vermillion, SD, 57069.

Water Rights, 1990, RECORDS OF OBSERVATION WELLS FROM THE LJM AQUIFER IN YANKTON COUNTY, SD DWR, Div. of Water Rights, Pierre, SD, 57501.

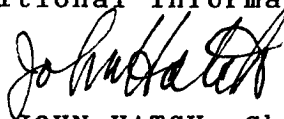
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5449-3, Heine Farms

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 5449-3, Heine Farms, RR 1, Box 47, Mission SD.

The Chief Engineer is recommending APPROVAL of Application No. 5449-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. The well authorized by Permit No. 5449-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted with cement (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:29.
2. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See the attached report for additional information.



JOHN HATCH, Chief Engineer
May 30, 1990



Department of Water & Natural Resources

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

June 19, 1990

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

Ron Heine
Heine Farms
RR #1 Box 47
Mission Hill, SD 57046-9719

Dear Mr. Heine:

Water Permit Application No. 5449-3 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 Daily Press & Dakotan printed at Yankton SD. For your information, a copy of the notice is enclosed. Copies of the report and the Chief Engineer's recommendation are also 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 Intent to Appropriate Water 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. We must receive Proof of Publication before the application can be considered by the Water Management Board.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



Department of Water & Natural Resources

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

June 19, 1990

Daily Press & Dakotan
Box 56
Yankton, SD 57078-0056

ATTN: Legal Publications:

Enclosed is a Notice of Hearing on Application No. 5449-3 to be published twice. Please publish the first notice on or before June 28, 1990 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 Heine Farms, RR #1 Box 47, Mission Hill, SD 57046-9719.

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. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

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 or before June 28, 1990 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5449-3 to Appropriate Water

Notice is given that Heine Farms, RR #1 Box 47, Mission Hill, SD 57046-9719 has filed an application for a water permit to appropriate 1.95 cubic feet of water per second from one well (Lower James Missouri Aquifer) 125 feet deep located in the NE1/4 SW1/4 Section 30-T94N-R54W to irrigate 140 acres. The irrigated land is to be located in the E1/2 SW1/4, W1/2 SE1/4 of Section 30-T94N-R54W.

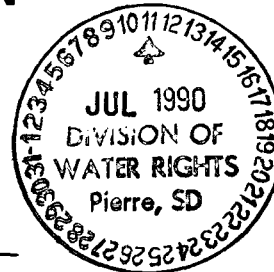
Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5449-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board in Room 216, Joe Foss Bldg., 523 E Capitol, Pierre SD on July 25, 1990 at 10:00 am. 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 interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by July 13, 1990. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". 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 legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. 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. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by July 13, 1990.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 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; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Yankton) ss.I, Robert C. Helsley
certify that the attached printed Notice was taken
from the Press & DakotanA newspaper which during the whole time of publication of
said notice herein after stated, has been and is printed and
published in the city of YanktonCounty of Yankton and State of South Dakota;
that the said notice was published in said newspaper on the
following two dates:June 26July 3Robert C. Helsley
(Signature)Pres/Editor

(Title)

7/5/90

(Date Signed)

Notice is given that Heine Farms, RR #1 Box 47, Mission Hill, SD 57046-9719 has filed an application for a water permit to appropriate 1.95 cubic feet of water per second from one well (Lower James Missouri Aquifer) 125 feet deep located in the NE1/4 SW1/4 Section 30 - T94N-R54W to irrigate 140 acres. The irrigated land is to be located in the E1/2 SW1/4, W1/2 SE1/4 of Section 30-T94N-R54W.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5449-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board in Room 216, Joe Foss Bld., 523 E Capitol, Pierre SD on July 25, 1990 at 10:00 am. 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 interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by July 13, 1990. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". 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 legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. 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. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by July 13, 1990.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 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; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

Cost of Printing: 2 days x 6 1/2" @ 3.05 = 39.65

DATE: 16 July 90

NAME OF PERSON WALLACE CADDIS TELEPHONE _____

ADDRESS RT 1, BOX 4, MISSION HILL, SD COUNTY YANKTON

Location or Land Description: SW 30, T94N R54W

Comment or Complaint: PROBLEM WITH DOMESTIC WELL, THOUGHT NEW

IRRIGATION WELL (PERMIT NO. 5449-3) WAS CAUSING HIM PROBLEMS -

SAID HE RAN OUT OF WATER WHEN IRRIGATOR WAS PUMPING.

HE HAD JUST BOUGHT PLACE 2 YEARS AGO, DON'T KNOW ANYTHING

ABOUT WELL - TOLD HIM TO FIND OUT I COULD HELP IF HE KNEW DRILLER'S NAME,

I GAVE HIM W/L INFO FOR YA-79N, YA-78E OVER PHONE - TOLD

HIM TO GET SOMEONE IN TO CHECK PUMP, W/L & WELL -

HE WOULD HAVE TO DO THAT - AT HIS OWN EXPENSE -
(When applicable, complete following)

Well location if different from above: _____

Date well drilled: ? Well Driller ?

Purpose of well: DOMESTIC
(domestic, irrigation, municipal, other)

Water Level: ? Flow, if flowing _____

Depth of well: 185 OR 85 Can well be controlled? ?

Pump setting: ? Casing size: _____

Type of pump: ? Screen type: _____

Can pump be lowered: _____ Casing material _____

When pump last pulled, pump replaced or anything done to well _____

Pump Capacity _____

Pumping dirty or riley water now and has well ever pumped sand or dirty or riley water in the past? _____

Other: I TOLD HIM I WOULD SEND DATA ON OBS. WELLS AND
THAT IRRIGATION WITHDRAWALS USUALLY DON'T AFFECT W/L'S IN
THIS AREA VERY MUCH. THE LOG FOR IRRIGATION WELL WOULD INDICATE
IT IS UNDER ARTESIAN CONDITIONS STILL OBS. WELLS DON'T FLUCTUATE.

NAME: JAG.



Department of Water & Natural Resources

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

July 23 1990

Wallace Caddis
RR #1 Box 4
Mission Hill SD 57046-9702

Dear Mr. Caddis:

Enclosed are the logs and water levels for observation wells YA-78I (located about 1 mile north) and YA-79H (located about 3/4 mile south of your location).

This aquifer is the Lower James-Missouri, and should be 100 feet thick in your area. Your well, the observation wells and the irrigation well are completed in this aquifer. Observation well water level records indicate that water levels do not fluctuate significantly .

If there are any questions or if I can be of any assistance please let me know.

Sincerely,

A handwritten signature in black ink that reads "James A. Goodman". The signature is written in a cursive style with a large, stylized "J" and "G".

JAMES A GOODMAN
Natural Resources Engineer
Division of Water Rights
773-3352

enclosure



Department of Water & Natural Resources

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

SEP 17 1990

Ron Heine
Heine Farms
RR #1 Box 47
Mission Hill SD 57046

Dear Mr. Heine:

Enclosed is Water Permit No. 5449-3 as approved by the Water Management Board authorizing you to construct your water diversion system and put the water to beneficial use, not exceeding the limits as specified in the Water Permit.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

A handwritten signature in black ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

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

enclosures

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period - i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.

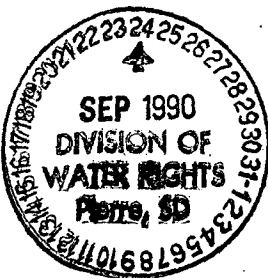
NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 9-21-90TO: Water Rights Division, DWNR
Joe Foss Building
Pierre SD 57501-3181FROM: HEINE FARMS R.R. 1 Box 47 MISSION HILL S.D.
name address city 57046

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 5449-3.

Water Permit No. 5449-3 states that the diversion system is to be constructed by 7-25-95, and that the water it put to beneficial use by 7-25-99.

The diversion system was completed on 7-20-90.
Applying the water to beneficial use was completed on 9-5-90.

You may schedule an inspection so that the Water License may be issued.



Ron Heine
signature



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 29, 1993

NOTICE

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

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

RE: Failure to Report Chemical Use under Water Permit No(s) 1879-3; 4621-3;
2597-3; 3964-3; 5449-3; & 4491-3

The first notice to file chemigation report(s) for Permit No(s) 1879-3; 4621-3; 2597-3; 3964-3; 5449-3; & 4491-3 was dated October 16, 1992. Our records indicate that we have not received the 1992 chemigation report for Permits No(s) 1879-3; 4621-3; 2597-3; 3964-3; 5449-3; & 4491-3. The Water Management Board has directed that owners of water permits who have not submitted the 1992 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing held by the Board is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application.

The hearing will be held at 9:30 A.M. on March 3, 1993, at the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation or up to three years for the second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s). 1879-3; 4621-3; 2597-3; 3964-3; 5449-3; & 4491-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law. Prior to February 22, 1993, contact the Water Rights Division, 523 E. Capitol, Pierre, SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the chemigation report(s) is(are) received by this office prior to the March 3, 1993 hearing, you will no longer be in violation and your name will be deleted from the Board agenda.



5449-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 29, 1993

NOTICE

TO: RON HEINE
RR 1 BOX 68
FORDYCE NE 68736

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

RE: Violation of Water Permit No(s) 5449-3

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 5449-3. The request for the Questionnaire was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 5449-3 qualification:

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

The hearing will be held at 9:30 am, March 3, 1993, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5449-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law. Prior to February 22, 1993, contact the Water Rights Division, 523 E Capitol, Pierre SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the questionnaire(s) is(are) received in this office before the March 3rd hearing date, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

**RON HEINE
RR 1 BOX 68
FORDYCE NE 68736**

4a. Article Number

P 906 560 203

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☐ Insured |
| ☒ Certified | ☐ COD |
| ☐ Express Mail | ☐ Return Receipt for Merchandise |

7. Date of Delivery

2-2-93

5. Signature (Addressee)

Ron Heine

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 12, 1993

No. 1879-3
2597-3
4621-3
5449-3

Ron Heine
RR 1 Box 68
Fordyce, NE 68736

Dear Sir:

I am writing to acknowledge receipt of your 1992 chemigation questionnaires. You may disregard the January 29, 1993 notice of "Failure To Submit Chemigation Questionnaire." I have filed the forms and your name is deleted from the Water Management Board agenda.

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

Sincerely,

Barry A. McLaury
Natural Resources Analyst
Water Rights Division



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 16, 1993

Ron Heine
RR #1 Box 68
Fordyce, NE 68736

RE: Water Permit Nos. 1879-3, 2116-3, 2597-3, 3722-3, 3964-3,
4491-3, 4492-3, 4621-3, and 5449-3

Dear Mr. Heine:

I am writing to acknowledge receipt of your 1992 irrigation questionnaires for the above listed permits. You may disregard the January 29, 1993 Notices of **Violation of Water Permits and Violation of Irrigation Questionnaire Requirements.**

The questionnaires were received prior to the Water Management Board meeting and your name was deleted from the agenda. If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 8, 1997

Martin Weeks
PO Box 435
Vermillion SD 57069

Dear Mr. Weeks:

As requested, enclosed are copies of the following:

- Water License No. 4251-3 for irrigation of the NE 1/4 Section 25-T94N-R55W.
- Water Permit No. 5449-3 for irrigation of the E 1/2 SW 1/4, W 1/2 SE 1/4 Section 30-T94N-R54W.
- Irrigation questionnaires for the past six years for each of the permits. We have not received the irrigation questionnaires for this past summer.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 9, 1997

Martin Weeks
PO Box 435
Vermillion SD 57069

Dear Mr. Weeks:

Here is the additional information you requested.

- Water Permit Nos. 2338-3, 4251-3, 5449-3 and the soil/water compatibility approvals.

Again, if you have any questions, please contact me.

Sincerely,

Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352

enclosures

Permit No. 5449-3
Missouri River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

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

I have this day, September 16, 1998, made a thorough examination of the water use system constructed by Heine Farms of RR 1 Box 47 Mission Hill SD 57046 holder of Permit No. 5449-3, bearing the priority of February 20, 1990 authorizing the diversion of 1.95 cu. ft. per second of the waters of ground water (Lower James Missouri Aquifer) for irrigation purposes, in Yankton County.

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

A. Works used to divert the water:

Motor:

- 1) Make John Deere diesel
- 2) Size 6 cyl. (no plate)

Pump:

- 1) Make Wel Line

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

Well at pivot center

C. Works used to apply water to beneficial use:

Center Pivot

- | | |
|------------------------------|--------------------------------|
| 1) Make <u>Zimmatic</u> | 4) High pressure <u>50 psi</u> |
| 2) Number of towers <u>6</u> | 5) Capacity <u>850</u> GPM |
| 3) End gun <u>Y</u> | |

The system is in the following condition good. The point of diversion is located Well: 2,400 feet E and 1,500 feet N from the SW corner of section 30-T94N-R54W (NE $\frac{1}{4}$ SW $\frac{1}{4}$). The works are capable of diverting and conveying to the place of use 1.89 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows: All in section 30-T94N-R54W

<u>NE$\frac{1}{4}$SW$\frac{1}{4}$</u>	<u>32 acres</u>	<u>NW$\frac{1}{4}$SE$\frac{1}{4}$</u>	<u>22 acres</u>
<u>SE$\frac{1}{4}$SW$\frac{1}{4}$</u>	<u>23 acres</u>	<u>SW$\frac{1}{4}$SE$\frac{1}{4}$</u>	<u>14 acres</u>

Total acreage: 91 acres

comprising a total of 91 acres of land and the license should be issued for 1.30 cfs.

Applicable permit qualifications have been complied with: Yes X No

Exceptions to compliance are: none Date report completed: November 10, 1998



Ron Duvall
 Natural Resources Engineer
 DENR, Water Rights Program

FIELD INVESTIGATION REPORT FOR PERMIT NO. 5449-3

DATE OF INVESTIGATION	September 16, 1998
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Ron Heine
NAME & ADDRESS OF PERMIT HOLDER	Heine Farms RR 1 Box 47 Mission Hill SD 57046
DIVERSION POINT LEGAL LOCATION	Well: 2,400 feet E and 1,500 feet N from the SW corner of section 30-T94N- R54W (NE¼SW¼)

Other permit(s) associated with the project: none

WELL INFORMATION:

- 1) Well Drilling Firm: Christensen Well Co.
- 2) No. of Wells 1
- 3) Depth(s) 120 feet
- 4) Well log is available Y
- 5) Comment: section # on log should be 30

Screen:

- 1) Type PVC
- 2) Length 20 feet
- 3) Static water level 44 feet

Pump:

- 1) Make Wel Line

Motor:

- 1) Make John Deere diesel
- 2) Size 6 cyl. (no plate)

Casing:

- 1) Diameter 16 inches
- 2) Length 100 feet
- 3) Type Plastic

DISTRIBUTION LINES OR CANALS:

Well at center of pivot.

SYSTEM TYPE:

Center pivot:

- 1) Make Zimmatic
- 2) Number of towers 6
- 3) End gun Y
- 4) High pressure 50 psi
- 5) Capacity 850 GPM

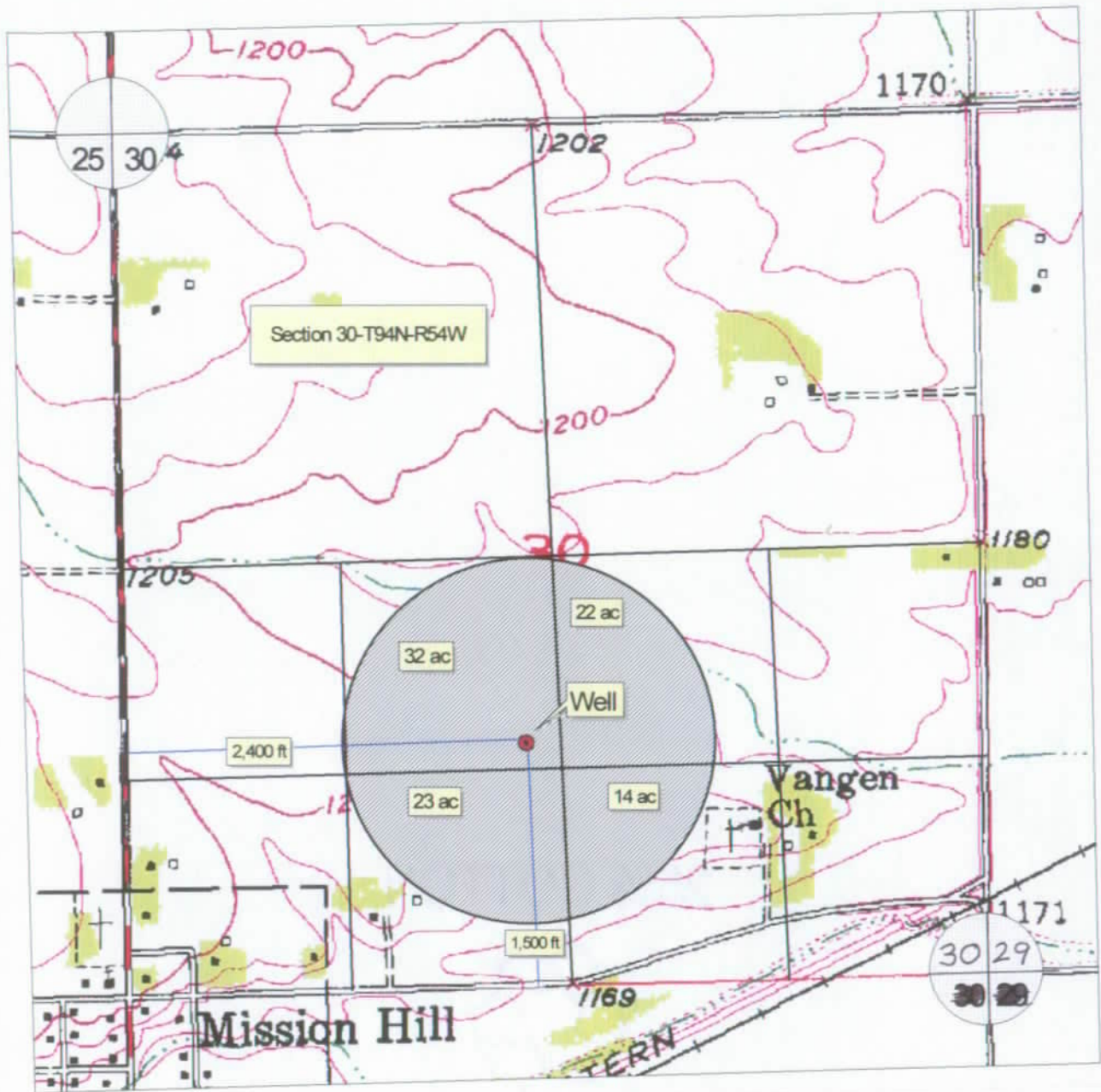
CHEMIGATION EQUIPMENT:

- 1) Does chemigate Y
- 2) **Mainline has necessary equipment and system uses an electrical interlock. The chemigation pump equipment was not on the site.**

PERMIT QUALIFICATIONS:

- 1) Special qualifications to permit being abided by Y
- 2) All structures, wells and lands on map Y
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y

1000 0 1000 Feet



Ron Duvall

Ron Duvall, Nat Res Engineer

11/9/98

Date

Water Right No. 5449-3

RECEIPT
Water Rights Program
South Dakota Department of Environment and Natural Resources

NE 415947

Pierre, _____ December 7, 19 98

RECEIVED OF Heine Farms, 55969 897 Rd., Fordyce, NE 68736
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct
and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water, for Future
Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water
License No. 5449-3

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 (Signature)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 18, 1998

Heine Farms c/o Ron Heine
RR 1 Box 47
Mission Hill SD 57046

Dear Mr. Heine:

I am writing concerning Water Permit No. 4491-3 for irrigation of 60 acres in portions of sections 14 and 23 in T93N-R56W just to the southwest of Yankton. Enclosed is a copy of the original permit and aerial photo outlining the permitted acres.

Based on the inspection I completed on September 16, 1998, the pivot that has been placed on the acreage covers approximately 92 acres. I have also enclosed a map that I prepared showing the approximate location and acreage under the pivot. Since the acreage developed for irrigation exceeds the total number of acres authorized for irrigation, it will be necessary to apply for a new permit for the additional 32 acres. The existing 60 permitted acres will retain the priority date specified on Permit No. 4491-3. I have enclosed a partially-completed application form for your use. Please complete the name and mailing address portion and then sign the form in the presence of a notary public. As I recall, you would also like to have all of the permits transferred into the name of Heine Farms. I have partially-completed transfer of ownership forms (three forms) for all of the permits that are not currently in the name of Heine Farms. These forms also need to be signed in the presence of a notary public.

Please return the forms with the following fees. An application fee of \$150.00 for the additional 32 acres, \$2.50 for each of the three transfer of ownership forms, and a \$50.00 inspection/licensing fee for each of the six permits (4491-3, 3964-3, 3722-3, 4621-3, 5816-3, and 5449-3) that I inspected. Therefore, the total fee that will be payable to the Water Rights Program is $\$150.00 + \$7.50 + \$300.00 = \457.50 . If you have any questions, please call me at 605 773-3352.

Finally, I also have a question concerning the irrigation system located in the SW $\frac{1}{4}$ section 15-T93N-R56W. According to the information I wrote down, the irrigation system is a "corner" pivot system. However, a recent aerial photo shows a "circle" on the quarter section. Please indicate if this center pivot is a corner system and, if so, is the entire 160 acre area irrigated by the corner system. Thank you!

Sincerely,

Ron Duvall
Natural Resources Engineer
Water Rights Program

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5449-3

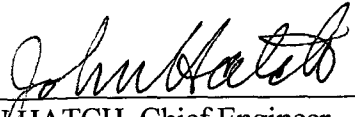
(1) Heine Farms, 55969 897 Rd, Fordyce NE 68736 made Application No. 5449-3, February 20, 1990 for a water permit to divert 1.95 cubic feet of water per second from groundwater (one well), Yankton County, South Dakota for irrigation purposes. Permit No. 5449-3, with a priority date of February 20, 1990 was approved July 25, 1990 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 25, 1995 and for the application to beneficial use of said water on or before July 25, 1999.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.30 cubic feet of water per second for beneficial use. The location of the diversion point is 2,400 feet east and 1,500 feet north from the southwest corner of Section 30-T94N-R54W (NE ¼ SW ¼).

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

Section 30-T94N-R54W			
NE ¼ SW ¼	32 acres	NW ¼ SE ¼	22 acres
SE ¼ SW ¼	23 acres	SW ¼ SE ¼	14 acres
Total 91 acres			

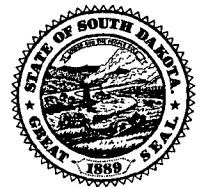
(4) Pursuant to South Dakota Water Law 46-5-30.1 Heine Farms, 55969 897 Rd, Fordyce NE 68736 the holder and/or owner of Water Right No. 5449-3 is issued a license to appropriate water, the right to use 1.30 cubic feet of water per second from groundwater (one well) with a priority date of February 20, 1990 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Right No. 5449-3 and subject to South Dakota State Law.



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

APR 26 1999

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 26 1999

Heine Farms
c/o Ron Heine
55969 897 Road
Fordyce NE 68736

Dear Mr. Heine:

Enclosed are Water License Nos. 3722-3, 3964-3, 4621-3, 5449-3, 5816-3 and Water Permit and License No. 6114-3. The water licenses are the final documents which completes the process of obtaining a water right. The water rights are now all listed in the name of Heine Farms. Also, enclosed are the receipts for payment of the water license and transfer of ownership fees.

Please note the following regarding Water Right No. 5449-3: The investigation found the irrigation system capable of diverting 1.89 cubic feet of water per second (cfs) which is equivalent to approximately 850 gallons per minute. The statutory limit for 91 acres is 1.30 cfs (equivalent to approximately 585 gpm). Diversion of water under this water license is limited to 1.30 cfs.

Also, applicable portions of No. 4491-3 are incorporated in Water License No. 6114-3.

As long as Heine Farms uses the water beneficially as stated in the water licenses, State Water Law provides that you have a continuing right to use the water.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Right Program
605 773-3352

ks

enclosures



January 26, 2007

NOTICE

5449-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

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

SUBJECT: Reporting Requirement for 2006 Irrigation Questionnaires

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

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

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

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

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

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

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 2, 2007

Gary Heine
Heine Farms
PO Box 477
Yankton SD 57078

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

Dear Mr. Heine:

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

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

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 18, 2008

NOTICE

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

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

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaires

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

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

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

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

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

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

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 24, 2008

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

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

Dear Sirs:

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

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

If you have any questions, please contact me.

Sincerely,

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



5449-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2012

NOTICE

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

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

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

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

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

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

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

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 6, 2012

Ron Heine
617 Applewood Dr
Yankton SD 57078

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

Dear Mr. Heine:

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

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

If you have any questions, please contact me.

Sincerely,

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



5449-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 15, 2016

NOTICE

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

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

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaires

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

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

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

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

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

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

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

5449-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

January 26, 2016

Gary or Ron Heine
Heine Farms
617 Applewood Dr
Yankton SD 57078

RE: Water Permit or Right Nos. 1680A-3, 1680B-3, 1879-3, 2116-3, 3722-3, 3964-3, 4621-3,
5449-3, 5816-3, 6114-3, 6254-3 & 7340-3

Dear Sirs:

I am writing to acknowledge receipt of your 2015 irrigation questionnaires.

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for the above listed water permits or water rights. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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