

Considered: _____

WATER PERMIT NO. 5471-3

Phone: 624-2405

Name of Applicant: Francis Heine

Post Office Address: Rt 3 Box 21, Vermillion SD 57069

Amount of Water Claimed: 0.54 Total Acres: 38

Source of Water Supply: groundwater

Water to be used for: irrigation County: Clay

About 1 miles South of Vermillion

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received: 5-1-90 Fee: \$150 Remarks _____

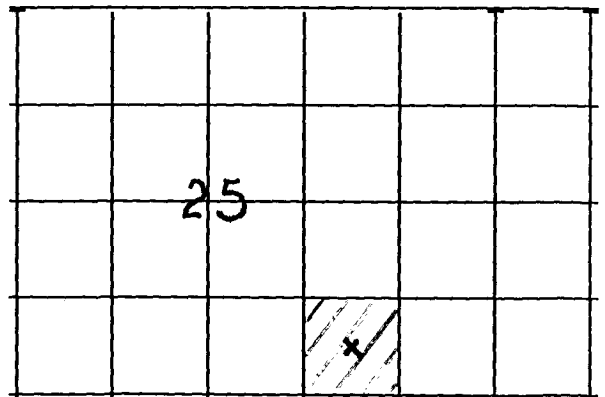
Corrected Application Received 7-9-90 Period of Annual Use May 1 - Sept 30

WATER QUALITY APPROVAL RECEIVED 8-24-90 APPROVED/CONDITIONAL (Circle one)

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

Diversion Point: center of SE 1/4 SE 1/4 25-92-52

Land to be Irrigated: SE 1/4 SE 1/4 25-92-52



Well Log: Driller: Wetmore Drilling Licensed YES x NO _____

Depth of Well: 106' REMARKS _____

Type of Map: aerial photo PREPARED BY: Larry Nelson Reviewed and the Number

Assigned on 9-13-90 By Karen Schlaak

SOUTH DAKOTA
WATER PERMIT No. 5471-3 FOR IRRIGATION

Date of first receipt of application May 1, 1990.

Date Soil/Water Compatibility Permit received August 24, 1990.

Date of return to applicant for corrections, amendments or changes
May 1, 1990.

Date of receipt of corrected application July 9, 1990.

The Water Management Board approved Water Permit Application No. 5471-3 on December 5, 1990 for Francis Heine, Rt. 3, Box 21, Vermillion, SD 57069 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. 5471-3 appropriates 0.54 cubic feet of water per second from one well (Missouri - Elk Point Aquifer) 106 feet deep to irrigate 38 acres. The well and irrigated acreage are to be located in the SE1/4 SE1/4 Section 25 T92N, R52W.
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 August 24, 1990.
4. One-fifth of the construction is to be completed on or before June 5, 1993.
5. All construction is to be completed on or before December 5, 1995.
6. Water is to be put to beneficial use on or before December 5, 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 pursuant to this permit shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04.
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. 5471-3

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

MAR 25 1991

(date)

(See instructions)

No. 5471-3 Hydrologic Unit 10170101
Basin Missouri
Newspaper Vermillion Plain Talk, Box 256 57069

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 _____
- Name of Applicant Francis Heine Phone No. 624-2405
Post Office Address Rt. 3 Box 21 Vermillion State SD Zip Code 57069
(Street, RR or Box) (City)
2. Amount of water claimed (c.f.s.) 0.54 cfs Total acres irrigated 38
3. Source of Water supply groundwater
4. Location of point of diversion center of SE1/4 SE1/4 Section 25-T92N-R52W
County Clay
5. Counties where water will be used Clay
6. Annual period during which water is to be used May 1 - September 30
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.
SE1/4 SE1/4 Section 25-T92N R52W	38

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: corn and 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 Clay)^{ss}

I, Francis 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 Francis J. Heine

Subscribed and sworn to before me this 21 day of May 19 90

Commission Expires October 26, 1996
Notary Public

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter 22 inches Depth 106 feet
- b) Casing Type PVC Diameter 16" Thickness 1/2"
- c) Screen Type PVC Slotted Diameter 16" Thickness 1/2"
- d) Gravel Pack Thickness 3" Length of Gravel Pack 52'
- e) Depth to Top of Water Bearing Material 3'
- f) Depth to Water (ground surface to water level) 20'
- g) Distance to nearest existing domestic well:
- On applicants property None On property owned by others 3000'

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 _____

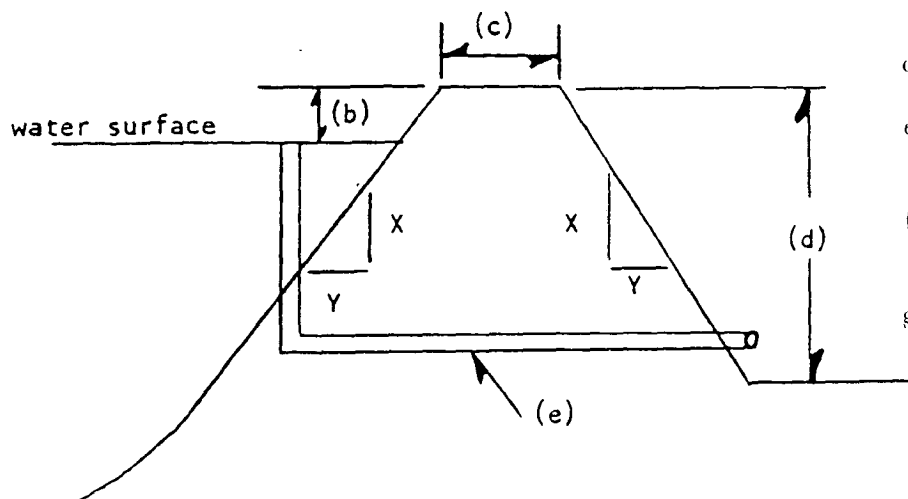
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Francis H. Lewis
Signature of Applicant



NOT TO SCALE



41.5
T-1820
(2038)

202R
22.7
T-1820
(2038)

T-1883
(1273)
20.9

T-1883
(1273) 6.9

T-1883
① 9.6

T-1833
(1241)

T-1861
(1256)
34.0

T-1904
(1998)
40.0

T-1898
(1717)
302.0
IRR.

T-1898
(1717)

JR 57.2

92-52

18.6
(1717)
T-1898

Appl. No. 5471-3

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

612009

Pierre, July 9, 19 99

RECEIVED OF Francis Heine, RR #3 Vermillion SD 57069

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

Fee for Application for Permit No. <u>5471-3</u> to Appropriate Water, to construct works and to put water to beneficial use	150	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	150 00

By John Hatch
Chief Engineer

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4521

WR#

OWNERS NAME: HEINE, FRANCIS OWNERS ADDRESS: ROUTE 3, BOX 21
VERMILLION, SD 57069

COUNTY LAND LOCATED IN: CLAY PHONE: 624-2405

LEGAL DESCRIPTION:

☒ Well

☐ Surface

1. LOCATION Center of SE $\frac{1}{4}$ SE $\frac{1}{4}$ 25-T92N-R52W

Depth _____

Legal Description	Acres	Legal Description	Acres
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 25-T92N-R52W	38		

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

3. CROPS TO BE IRRIGATED: Corn and Beans

WATER QUALITY:

4. WATER SAMPLE NUMBER: 90-0117

7. ADJUSTED (SAR): 3.32

5. SALINITY (EC X 10⁶): 1050

8. PERCENT SODIUM 21.47

6. SODIUM (SAR): 1.24

Requirements:



xxx APPROVED

DISAPPROVED

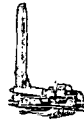
WAIVER

REQUIREMENTS

Director, Division of Conservation

August 9, 1990
Date

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



WETMORE DRILLING

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



5-18-90

Francis Heine
Rt. 3 Box 21
Vermillion SD 57069
Clay County

T - 92-N R- 52 -W SE 1/4 of SE 1/4 Sec 25

WELL LOG:

0	-	2'	Topsoil
2	-	42'	clay & sand mix
42	-	84'	fine sand
84	-	120'	coarse sand & gravel

James Wetmore
James Wetmore
PO Box 577
Elk Point SD 57025

5471-3

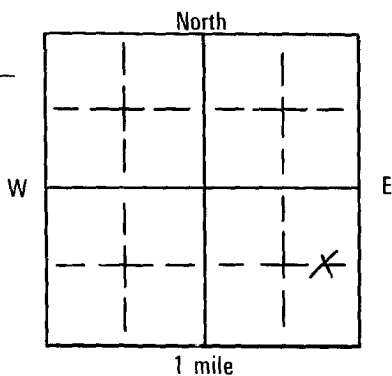
SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location E 1/4 SE 1/4 Sec 25 Twp 72N Rg 21-52-W

County _____

Please mark well location with an "X"

Well Completion Date 5-14-90

PROPOSED USE:

- ☐ Domestic ☐ Municipal ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Stock

Method of Drilling:

ROTARY

CASING DATA:

- ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>1/2" wall</u> LB/FT	<u>12</u> IN	<u>0</u> FT	<u>12</u> FT	<u>18</u> 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 ☐ NOTo what depth? 22 FEETWhat is grouting material? cementIf cement, number of sacks? 18Describe grouting procedure pumped w/ tremie pipeWhat was grout weight? 16.5 LB/GALSCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 12 IN Length 40 FEETMaterial PVCSlot Size 80 Set From 80 Feet To 120 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 ☐ NOExplain chlorine solution 270 ppmBacteriological analysis ☐ YES ☒ NO

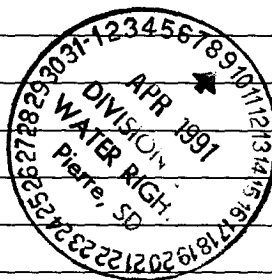
Laboratory sent to _____

Well Owner:

Name Francis HeineAddress RR 3, Box 21
Kennett SD 57069

Well Log: _____ Depth _____

Formation _____ From _____ To _____

top soil 0 2fine sand & clay mix 2 58coarse sand & gravel 58 120STATIC WATER LEVEL 18 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☐ BailedDescribe: line shaft☐ Otherturbine

Pumping Level Below Land Surface

41 ft. After 2 Hrs. pumped 650 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

This well was drilled under license # 3411

And this report is true and accurate.

Drilling firm Watmore Drilling

Signature of License Representative:

James Watmore

Signature of Well Owner:

Date 4-4-91



Department of Water & Natural Resources

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

May 1, 1990

Francis Heine
Rt. 3 Box 21
Vermillion, SD 57069

Dear Mr. Heine:

This letter is in response to your water permit application received on May 1, 1990. The following information needs to be submitted and/or clarified in order to process your application.

- ✓ 1) The correct application fee for irrigating 38.0 acres is \$150.00. I am returning your check for \$200.00, please remit the correct amount.
- ✓ 2) The amount of water claimed is normally 1.0 cfs per 70 acres irrigated. This would calculate to 0.54 cfs for your 38.0 acre parcel of land.
- 3) From examining the map you submitted, the legal description of the irrigated land and point of diversion appears to be the SE1/4 SE1/4 of Section 25-T92N-R52W instead of the SW1/4 SW1/4 of Section 25 as stated on your application. Also your application has a discrepancy in the number of acres to be irrigated. In one place it states 38 acres and in another it states 40 acres.
- ✓ 4) A well log or driller's test log signed by a South Dakota licensed well driller must accompany the application.
- ✓ 5) A soils map is required of the land to be irrigated in order to proceed with the Soil/Water Compatibility permit.

I have transposed these changes to new application form. Please check these legal descriptions of the lands, if they are correct, sign the application and again have it notarized. The water permit application can not be considered by the Water Management Board until the application is complete and a Soil/Water Compatibility Permit is issued by the Department of Agriculture. Upon receiving the proper fee, well log, soils map and notarized application, I will continue processing your permit.

If you have any questions, please contact me.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enc.

Report On Water Permit Application No. 5471-3
Francis Heine
September 18, 1990

This application proposes to appropriate 0.54 cfs from one well approximately 106 feet deep to irrigate 38 acres. The well and the acreage to be irrigated are to be located in the SE 1/4 SE 1/4 of section 25, T92N R52W in Clay County.

AQUIFER - MISSOURI-ELK POINT (M-EP)

The Missouri-Elk Point aquifer (M-EP) is an alluvium mantled outwash (sand and gravel) under predominantly water table conditions in this area. The M-EP aquifer underlies 74,500 acres and contains an estimated 1.12 million acre feet of recoverable water in Clay County (Hedges, 1982). The M-EP aquifer is hydraulically connected to the M-EP aquifer in Union County and Yankton County, the Lower Vermillion Missouri aquifer in Clay County and the Vermillion and Missouri Rivers.

The driller's log submitted with the application indicates aquifer material from 42 to 120 feet below land surface with a sand and clay mix above 42 feet. The application indicates a depth to water of approximately 20 feet. This information corresponds to other data available for this area.

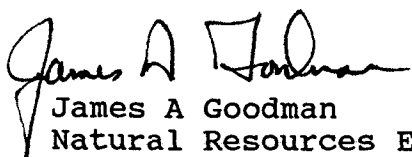
The Division of Water Rights monitors an observation well CL-80C which is located within 1/2 mile of this application. Water level records are available since 1957. The record indicates water levels do not fluctuate much annually, generally about one foot per season. The water levels do respond to climatic conditions, that is, rising during wet years (recharge) and gradually declining during dry years. The effects of pumping by nearby irrigation wells are not obvious from examination of the observation well record (Water Rights, 1990). The record indicates water is available from the M-EP aquifer.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are two existing water permits (Nos. 4983-3 and 5199-3) with diversion points approximately 1/2 mile from this application. Interference is not expected to be a problem. The aquifer is under water table conditions and is relatively thick in this area. Also, the nearby irrigation wells have high specific capacities and the observation well records indicate significant drawdowns due to pumping are not occurring.

CONCLUSIONS

1. Water is available from the M-EP aquifer.
2. The aquifer is under water table conditions, has a high specific capacity and drawdowns caused by pumping nearby irrigation wells are not significant. Therefore interference should not be a problem.
3. The well authorized by this application, if approved, must be constructed in accordance with SD Well Construction rules.
4. Water use data must be submitted annually.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Hedges, L.S., 1982, EVALUATION OF GROUND WATER 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, OBSERVATION WELL RECORDS FOR CL-80C, SD DWR, Div. of Water Rights, Pierre, SD, 57501.

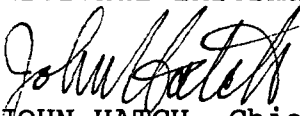
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5471-3, Francis Heine

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. 5471-3, Francis Heine, Rt 3 Box 21, Vermillion SD.

The Chief Engineer is recommending APPROVAL of Application No. 5471-3 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 pursuant to this permit shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04.
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 report on application for additional information.


JOHN HATCH, Chief Engineer
October 12, 1990



Department of Water & Natural Resources

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

October 29, 1990

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

Francis Heine
RR #3 Box 21
Vermillion SD 57069

Dear Mr. Heine:

Water Permit Application No. 5471-3 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 Plain Talk printed at Vermillion 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

October 26, 1990

Vermillion Plain Talk
Box 256
Vermillion SD 57069

ATTN: Legal Publications:

Enclosed is a Notice of Hearing on Application No. 5471-3 to be published twice. Please publish the first notice on or before November 8, 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 Francis Heine, RR #3 Box 21, Vermillion SD 57069.

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 November 8, 1990 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5471-3 to Appropriate Water

Notice is given that Francis Heine, RR #3 Box 21, Vermillion SD 57069 has filed an application for a water permit to appropriate 0.54 cubic feet of water per second from one well (Missouri - Elk Point Aquifer) 106 feet deep to irrigate 38 acres. The well and irrigated acreage are to be located in the SE1/4 SE1/4 Section 25 T92N-R52W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5471-3 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.

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 opposing 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 November 26, 1990. 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.

The Chief Engineer will act on this application in accordance with the above recommendation and no hearing will be held if the applicant does not contest the Chief Engineer's recommendation and no petition is filed opposing the application. If the applicant contests the recommendation or an interested person opposes the application, then the application will be considered by the Water Management Board. Petitions filed in support of the application will not require the Board to hear the application. The Board may conduct a hearing no sooner than 10:00 am, on December 5, 1990 at the Hilton Inn, Deerfield Room, 445 Mt. Rushmore Road, Rapid City SD and the hearing may be rescheduled for a later date. If the hearing is rescheduled, notice will be given of the time and place. The above 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 November 26, 1990.

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. This hearing is an adversary proceeding. Any person filing a petition opposing the application 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; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
 County Clay)



I, Michele Moore

certify that the attached printed Notice was taken
 from the Plain Talk

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

City _____ of Vermillion

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

November 8, 1990

November 15, 1990

Michele Moore
 (Signature)

 (Title)

November 19, 1990
 (Date Signed)

Cost of Printing: Forty-five dollars & .68
\$45.68

NOTICE OF HEARING on Application No. 5471-3 to Appropriate Water

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5471-3 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.

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 opposing 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 November 26, 1990. 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.

The Chief Engineer will act on this application in accordance with the above recommendation and no hearing will be held if the applicant does not contest the Chief Engineer's recommendation and no petition is filed opposing the application. If the applicant contests the recommendation or an interested person opposes the application, then the application will be considered by the Water Management Board. Petitions filed in support of the application will not require the Board to hear the application. The Board may conduct a hearing no sooner than 10:00 a.m., on December 5, 1990, at the Hilton Inn, Deerfield Room, 445 Mt. Rushmore Road, Rapid City, SD, and the hearing may be rescheduled for a later date. If the hearing is rescheduled, notice will be given of the time and place. The above 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 November 26, 1990.

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. This hearing is an adversary proceeding. Any person filing a petition opposing the application 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 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-12, 46-2A-14, 46-2A-15; 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.
 Publish: November 8, 1990

South Dakota

DEPARTMENT OF WATER & NATURAL RESOURCES

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

GREAT FACES. GREAT PLACES.

MAR 25 1991

Francis Heine
Rt 3 Box 21
Vermillion, SD 57069

Dear Mr. Heine:

Enclosed is Water Permit No. 5471-3 For Irrigation 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,



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.



5471-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 14, 2000

NOTICE

TO: FRANCIS HEINE, 1014 E 320TH, VERMILLION, SD 57069
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaires

Our records indicate that the 1999 Irrigation Questionnaires have not been submitted for Permit Nos. 5435-3, 5471-3, 5639-3, 6057-3, 6058-3 & 6059-3, 671-3 & 2053-3. The request for the Questionnaires was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 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) 671-3 & 2053-3 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) 5435-3, 5471-3, 5639-3, 6057-3, 6058-3 & 6059-3 qualification:

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

The hearing will be held at 1:30 pm, March 1, 2000 in 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) 5435-3, 5471-3, 5639-3, 6057-3, 6058-3 & 6059-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 671-3 & 2053-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before February 28, 2000, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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

January 20, 2000

Francis (Bud) Heine
1014 E 320th
Vermillion, SD 57069

RE: Water Permit/Right Nos. 671-3, 2053-3, 5435-3, 5471-3, 5639-3, 6057-3, 6058-3 & 6059-3

Dear Mr. Heine:

I am writing to acknowledge receipt of your 1999 irrigation questionnaires. You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Permit/Right Nos. 671-3, 2053-3, 5435-3, 5471-3, 5639-3, 6057-3, 6058-3 & 6059-3.

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



5471-3
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 16, 2015

NOTICE

TO: FRANCIS HEINE, 412 STERLING, VERMILLION, SD 57069

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

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaires

Our records indicate your 2014 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 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) 671-3, 977A-3, 977B-3, 1624-3 2053-3 & 2947-3 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) 5435-3, 5471-3, 5639-3, 6057-3, 6059-3, 6679-3, 6993-3, 6994-3, 7297-3, 7298-3, 7299-3, 7300-3, 7301-3, 7302-3, 7577-3, 7578-3, 7579-3, 7580-3 & 7980-3 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 4, 2015** 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) 5435-3, 5471-3, 5639-3, 6057-3, 6059-3, 6679-3, 6993-3, 6994-3, 7297-3, 7298-3, 7299-3, 7300-3, 7301-3, 7302-3, 7577-3, 7578-3, 7579-3, 7580-3 & 7980-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 671-3, 977A-3, 977B-3, 1624-3 2053-3 & 2947-3 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 4, 2015** 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182

February 24, 2015

Francis Heine
412 Sterling
Vermillion SD 57069

RE: Water Permit and Water Right Nos. 671-3, 977A-3, 977B-3, 1624-3 2053-3, 2947-3, 5435-3, 5471-3, 5639-3, 6057-3, 6059-3, 6679-3, 6993-3, 6994-3, 7297-3, 7298-3, 7299-3, 7300-3, 7301-3, 7302-3, 7577-3, 7578-3, 7579-3, 7580-3 & 7980-3

Dear Mr. Heine:

I am writing to acknowledge receipt of your 2014 irrigation questionnaires for the above listed water permits and water rights.

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for your water permits and 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
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

PAID

MAR 27 2023

Ck# 44663

Rec't# _____

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 5471-3

Date: _____

I/We request that Water Permit No. 5471-3

formerly owned by: Francis Heine

be transferred to: (name & address) see below

1020 E 320th
Vermillion SD

Telephone No. _____

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

38 acres – SE ¼ SE ¼ Section 25, T92N, R52W

I/We understand that the validity of Water Permit No. 5471-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Todd Heine
1020 E. 320th St.
Vermillion, SD 57069, the new owner, certify that the above information is true and correct.



(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIVED

MAR 27 2023

OFFICE OF
WATER

5471-3

RECEIPT**WATER RIGHTS PROGRAM**
South Dakota Department of Agriculture and Natural ResourcesDate March 27, 2023RECEIVED OF Francis J Doris/Tim, Todd & Nick Heine 412 Sterling St., Vermillion SD 57069

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form <u>5471-3</u>	\$ <u>50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law) TOTAL	\$ <u>50.00</u>

By *Eric Gronlund*
Chief Engineer
me



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

April 14, 2023

Todd Heine
1020 E 320th St
Vermillion SD 57069

Dear Mr. Heine:

I am writing to acknowledge receipt of the transfer forms and filing fees for all water permits and water rights listed under Francis Heine.

The ownership changes have been completed. Water Permit/Right Nos. 671-3, 977A-3, 977B-3, 1006-3, 1034-3, 1624-3, 2053-3, 2947-3, 5435-3, 5471-3, 5639-3, 6057-3, 6059-3, 6679-3, 6993-3, 6994-3, 7297-3, 7298-3, 7299-3, 7300-3, 7301-3, 7302-3, 7577-3, 7578-3, 7579-3, 7580-3 & 7980-3 are now listed in your name.

Enclosed are receipts for the filing fees you paid. If you have any questions, please let me know.

Sincerely,

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

enclosures