

WATER PERMIT NO. 5816-3

Phone: 605-665-9271

Name of Applicant: Ron Heine

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

Amount of Water Claimed: 1.62 Total Acres: 114

Source of Water Supply: James River

Water to be used for: irrigation County: Yankton

About 4 miles East of Yankton

PRIORITY Date Received: 4-1-94 Fee: \$225 Remarks: _____

Corrected Application Received: 4-11-94 Period of Annual Use: April 15 - Sept 15

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

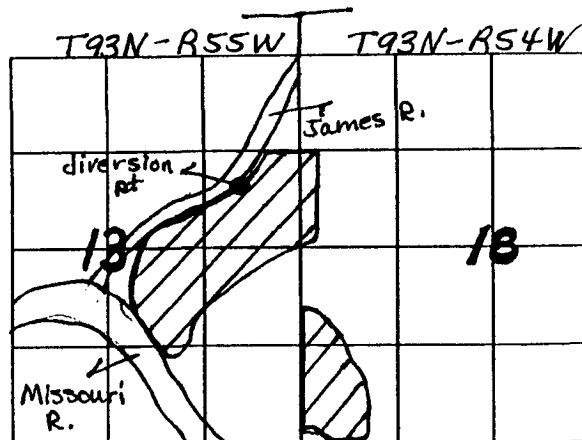
WI-1 Description same as Application YES _____ NO _____ REMARKS: _____

Diversion Point: SE 1/4 NE 1/4 Sec 13-T93N-R55W

Land to be Irrigated: S 1/2 NE 1/4, N 1/2 SE 1/4,

SW 1/4 SE 1/4 Sec 13-T93N-R55W and W 1/2 SW 1/4,

SW 1/4 NW 1/4 Sec 18-T93N-R54W



Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: _____ REMARKS: _____

Type of Map: aerial PREPARED BY: Kathy Lindquist, ASCS Reviewed and the Number

Assigned on: 4-11-94 By: Karen Schlaak

(type or print)

No. 5816-3 Hydrologic Unit 10160011
Basin James River
Newspaper Daily Press & Dakotan, Yankton
(office use only)



Type of Application: ✓ **New** **Vested Right** **Amendment/Correction to Permit No. _____**
(check one) (Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. acreage change, change diversion point(s), add diversion point(s), etc.) _____

1. Name of Applicant RON HEINE Phone 605-665-9271
(check one) ☒ Owner ☐ Tenant/lessee
- Mailing Address R.R. 1 Box 47 MISSION HILL S.D. State S.D. 57046
(Street, RR, or Box) (City) (Zip Code)
2. Amount of water claimed 1.62 *CFS or ~~800~~ **GPM ***AF Total Acreage ~~150~~ 114
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout if applicable)
3. Source of water supply JIM RIVER
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
~~NE 1/4 SE 1/4~~ Sec 13 93N 55W
SE 1/4 NE 1/4 County YANKTON
5. County or counties where water will be used YANKTON
6. Annual period during which water is to be used April 15 to Sept 15
7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres
Sec 13-T93N-R55W SW 1/4 NE 1/4	10
" SE 1/4 NE 1/4	29
" NW 1/4 SE 1/4	29
" NE 1/4 SE 1/4	12

Land Description	Acres
SEC 13-T9.3N-R55W SW 1/4 SE 1/4	1
SEC 18-T9.3N-R54W NW 1/4 SW 1/4	4
" SW 1/4 SW 1/4	23
" SW 1/4 NW 1/4	6

8. Type of Irrigation: Gravity: Towline: Center Pivot: ✓ Gun: Other (Specify):
9. Crops to be irrigated: CORN BEANS Alfalfa
10. Give a description of the project. (Attach sheet if more space is needed)

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

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 representative of the water to be used, and that the matters stated in this application are true and correct.

Signed Tom Neune

Subscribed and sworn to before me this 30th day of March 19 94

My Commission Expires: 6/26/96

Cheryl A. Oster
Cheryl A. Oster Notary Public

**SOUTH DAKOTA
WATER PERMIT NO. 5816-3**

Date of first receipt of application April 1, 1994.

Date of return to applicant for corrections, amendments or changes April 4, 1994.

Date of receipt of corrected application April 11, 1994.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5816-3 to 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. 5816-3 appropriates 1.62 cubic feet of water per second from the James River located in the SE 1/4 NE 1/4 Section 13-T93N-R55W to irrigate 114 acres located in the S 1/2 NE 1/4, N 1/2 SE 1/4, SW 1/4 SE 1/4 Section 13-T93N-R55W and the W 1/2 SW 1/4, SW 1/4 NW 1/4 Section 18-T93N-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: April 15 - September 15.
3. The date from which applicant may claim right is April 1, 1994.
4. The date of approval of Permit No. 5816-3 is June 6, 1994.
5. One-fifth of the construction is to be completed on or before December 6, 1996.
6. All construction is to be completed on or before June 6, 1999.
7. Water is to be put to beneficial use on or before June 6, 2003.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

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

WATER MANAGEMENT BOARD

By: 
John Hatch, Chief Engineer
Water Rights Division
Department of Environment and Natural Resources

AUG 19 1994

date

NAYLOR/tre/8531

July 14, 1988

Regulatory Branch
PO Box 5, Omaha, NE 68101-0005

DA Letter of Permission
No. SD 28B OXT 1 011764

Mr. Gary Heine
Heine Farms
Route 1, Box 88
Fordyce, Nebraska 68736

Dear Mr. Heine:

Referring to your written request dated June 27, 1988, this Letter of Permission, recommended by the Chief of Engineers, under the provisions of Section 10 of the River and Harbor Act of March 3, 1899, (30 Stat. 1151; 33 U.S.C. 403) authorizes the placement of an irrigation intake structure in the James River, mile .40 located in Section 13, Township 93 North, Range 55 West, ~~Yankton County, South Dakota.~~ The structure shall be constructed and operated in accordance with the drawing enclosed and subject to the enclosed conditions.

If the work or the structure herein authorized is not completed on or before July 31, 1989, this letter of Permission, if the previously revoked or specifically extended, shall cease and be null and void.

Any changes to the size, location, or withdrawal rate of this pumping station may require additional Department of the Army permits.

The enclosed metal identification plate must be prominently displayed on the pumping unit of the intake structure authorized herein.

In compliance with General Condition "s" you are directed to notify the Pierre Regulatory Office, Federal Building, Room 260, Pierre, South Dakota (telephone (605) 224-8531), when the work has been started and completed.

BY THE AUTHORITY OF THE SECRETARY OF THE ARMY:

Steven G. West
Colonel, Corps of Engineers

By:

D. F. Owens
Chief, Operations Division



CEMRO-OP-R
CEMRO-OP-R
CEMRO-OP-R



SD-CONS-31A
5/75

SOIL MAP

Owner Heine Farms Operator

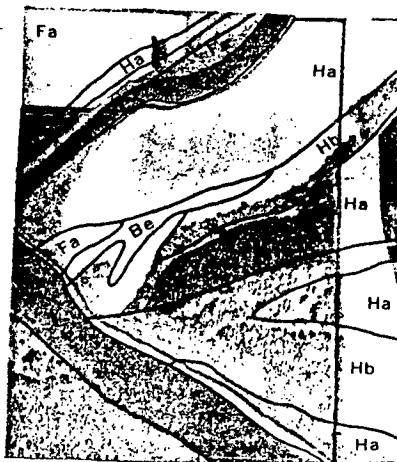
County Yankton State South Dakota

Soil survey sheet(s) or code No. (s) sheet 38 Approximate scale 3:2



Prepared by U.S. Department of Agriculture, Soil Conservation

Service cooperating with YANKTON COUNTY Conservation District



SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$,
N $\frac{1}{2}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$, SE $\frac{1}{4}$
SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$
SE $\frac{1}{4}$

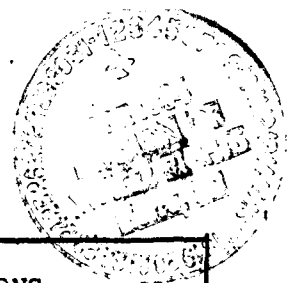
13-93-55

SOIL MAP LEGEND



11/75

UNITED STATES DEPARTMENT OF AGRICULTURE
Soil Conservation Service



SOIL INTERPRETATIONS

SOIL MAPPING UNITS	LAND USE and SOIL GROUP	SOIL GROUP DESCRIPTIONS
Be	CROPLAND - irrigated Group - 9	Blake silty clay loam 0-2% slope These are deep, well drained and moderately well drained soils that have thick dark colored surface layers of loam, silt loam, silty clay loam, or very fine sandy loam. The underlying material is stratified loam, silty clay loam, silt loam, or fine sandy loam. Available water capacity is high. Permeability is moderate or moderately slow. These soils are on bottom lands. They are subject to occasional flooding from snow melt in the spring. Runoff is slow. The soils that have silty clay loam surface layers could cause trafficability problems for continuous move systems. Ponding could result from high application rates. Generally, these soils are suitable for irrigation with medium salinity and low sodium water. If water of high salinity or medium sodium is used, extra water should be applied for leaching purposes and salt tolerant crops may be required.
Ha Hb	Group - 16	Haynie silt loam 0-2% slope Haynie silty clay loam, overwash 0-2% slope These are deep, well and moderately well drained soils that have silt loam or very fine sandy loam surface layers. The surface layer is light colored and is calcareous in most of these soils. The underlying material is stratified fine sandy loam, very fine sandy loam, silt loam, and loam. Available water capacity is high. Permeability is moderate. These soils are on bottom lands of the major drainages. Unprotected areas may flood during snow melt in the spring. Dams constructed on the major rivers in recent years protect many of these soils from flooding. Runoff is slow. Special treatment with fertilizer and organic matter is needed on those soils having light colored surface layers. Where the Havre soils have silty clay loam surface layers, continuous move sprinkler systems could have traction

SD-CONS-1A
11/75

UNITED STATES DEPARTMENT OF AGRICULTURE
Soil Conservation Service



SOIL INTERPRETATIONS

SOIL MAPPING UNITS	LAND USE and SOIL GROUP	SOIL GROUP DESCRIPTIONS
Fa	Group - G	problems. Generally, these soils are suitable for irrigation with medium salinity and low sodium water. If water of high salinity or medium sodium is used, extra water should be applied for leaching purposes and salt tolerant crops may be required. *Forney silty clay loam 0-2% slope CLAYEY SOILS - These are nearly level soils that have clayey surface and subsurface layers. Permeability is slow or very slow. Intake rates are very low. These soils are formed in materials weathered from clayey shales, lacustrine deposits, and alluvium. Intake rates are so low that it is not possible to apply water with sprinkler systems without ponding or runoff. These soils are irrigable by some surface application methods. * Under special conditions these soils may be irrigable with center pivot systems. Water quality must be good or internal drainage must be installed. Slopes should be level or nearly level (less than 1%). High levels of organic material should be maintained. Flotation tires, circular farming or other unique methods of assuring trafficability may be required.

RECEIPT

414130

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ April 11, 19 94

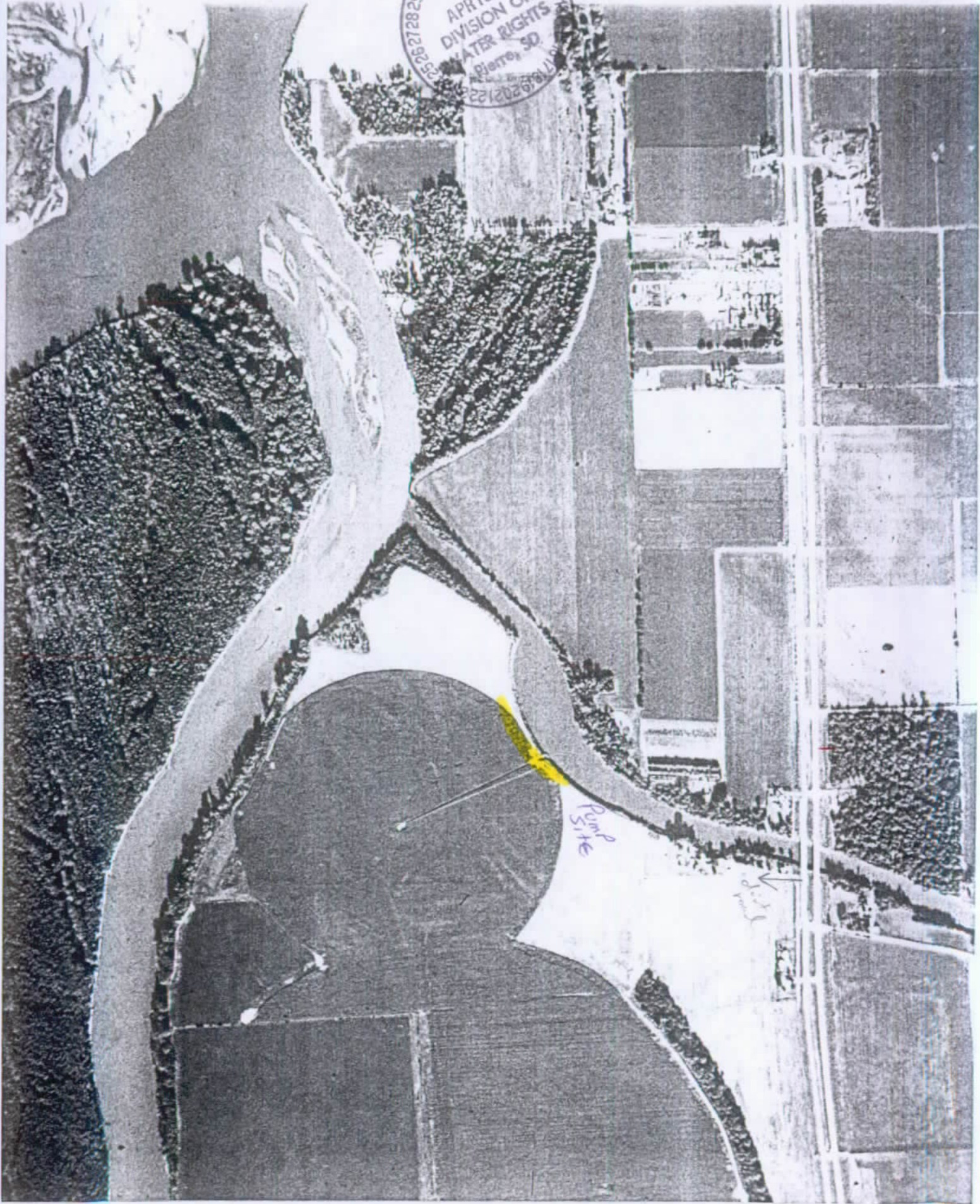
RECEIVED OF Heine Farms, Rt 1 Box 67, Fordyce, NE 68736

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

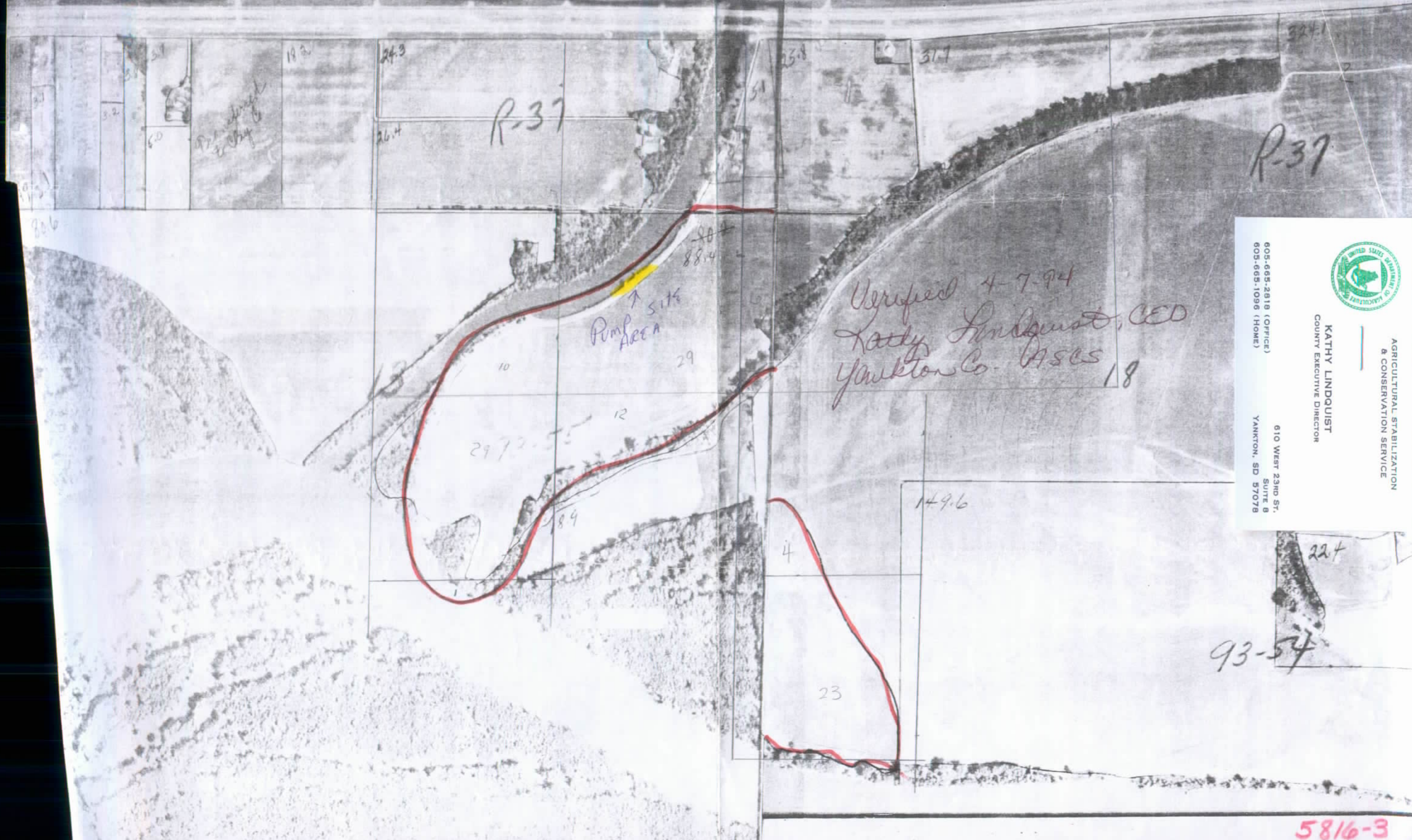
Fee for Application for Permit No. <u>5816-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	225	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	225 00

By John Hatch
Chief Engineer



NOT TO SCALE



Verified 4-7-94
Kathy Lundquist, CEO
Yaukton Co. ASOS 18



AGRICULTURAL STABILIZATION
& CONSERVATION SERVICE

KATHY LINDQUIST
COUNTY EXECUTIVE DIRECTOR

605-665-2818 (OFFICE)
605-665-1096 (HOME)

610 WEST 23RD ST.
SUITE 8
YANKTON, SD 57078

93-54

5816-3



April 4, 1994

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Ron Heine
RR 1, Box 47
Mission Hill SD 57046

Dear Mr. Heine:

In regard to your water permit application received on April 1, 1994, the following information needs to be submitted and clarified in order to process your application.

1. On Item No. 7 of the application, the lands to be irrigated need to be listed by the quarter-quarter. After reviewing the area outlined in red on the aerial photo, it would appear that the following is the lands you intend to irrigate. Do you agree with the locations and amounts?

Section 13-T93N-R55W		Section 18-T93N-R54W	
SW 1/4 NE 1/4	10 acres	NW 1/4 SW 1/4	4 acres
SE 1/4 NE 1/4	29 acres	SW 1/4 SW 1/4	23 acres
NW 1/4 SE 1/4	29 acres	SW 1/4 NW 1/4	6 acres
NE 1/4 SE 1/4	12 acres		
SW 1/4 SE 1/4	1 acres	Total 114 acres	

2. The application states the location of the diversion point as the NE 1/4 SE 1/4 Section 13. It would appear that the correct location of the diversion point is the SE 1/4 NE 1/4 Section 13. Do you agree with this location? *Yes.*
3. Enclosed is the map submitted with the application. The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local SCS or ASCS office).
4. The filing fee to irrigate 114 acres will be \$225.00. Under State Statutes you are allowed 1 cubic feet of water per second (cfs) for each 70 acres irrigated. This would mean that you are allowed 1.62 cfs to irrigate 114 acres which would be approximately 730 gallons per minute.

Upon receipt of the above, further processing of your application will continue. If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
605 773-3352

enclosures

File No.

**Water Rights Division
File Documentation**

NAME OF PERSON OR FILE: Ron Heine

ADDRESS: Mission Hill SD COUNTY: Yankton

DATE: 4-7-94 TELEPHONE: 605-665-9271

RE: Pending Application

COMMENTS:

Talked with Ron Heine regarding my letter dated 4-4-94. Mr. Heine stated he agreed with the acreage amounts listed in my letter. He stated he originally put 150 acres on the application because they may, in the future, use some end guns to irrigate a little more area. I told him the acres listed in my letter were based on the area outlined in red on the map. Mr. Heine stated he wanted his application changed to 114 acres.

I made Mr. Heine aware that if they irrigated more than the 114 acres he would need to make a new application and go thru the advertisement process. Mr. Heine stated he was aware of this and wanted to proceed with the application for 114 acres, at this time.



Karen Schlaak
Environmental Scientist

REPORT ON WATER PERMIT APPLICATION NO. 5816-3
RON HEINE
APRIL 25, 1994

Application No. 5816-3, Ron Heine, proposes to appropriate 1.62 cubic feet of water per second (cfs) from the James River located in the SE1/4 NE1/4 Section 13 T93N-R55W to irrigate 114 acres located in the S1/2 NE1/4, N1/2 SE1/4, SW1/4 SE1/4 Section 13 T93N-R55W and the W1/2 SW1/4, SW1/4 NW1/4 Section 18 T93N-R54W. This proposed project is located in Yankton County approximately 5 miles east of the City of Yankton.

Discussion of the Proposed Application

The diversion point for this proposed project is located on the James River approximately 1/2 mile upstream from the confluence with the Missouri River. Water for this proposed water permit would be from backup water from the Missouri River into the James River. The confluence for the James River and Missouri River is located approximately 15 miles downstream from Gavins Point Dam. Adverse impacts to existing water rights/permits would not be expected.

The 1994 Legislature repealed the requirement for soil-water compatibility approval. Soil-water compatibility has not been an issue in this area in the past. Soil-water compatibility approvals for irrigation in this area have usually been given, with pertinent qualifications.

Conclusions

1. Application No. 5816-3 proposes to appropriate 1.62 cfs for the irrigation of 114 acres.
2. The water source for this application would be from backup water from the Missouri River into the James River.
3. Adverse impacts to existing water rights/permits would not be expected.
4. The requirement for soil-water compatibility approval was repealed by the 1994 Legislature. Since the Water Management Board must consider public interest issues, soil-water compatibility may be raised as a public interest issue for future water permits for irrigation. However, soil-water compatibility has not been an issue in this area in

the past. Soil-water compatibility approvals for irrigation in this area have usually been given, with pertinent qualifications.

Mark D. Rath 

Mark D. Rath
Natural Resources Engineer III

Approved by:

Delvin D. Brosz

Delvin D. Brosz, P.E.
Natural Resources Engineer IV

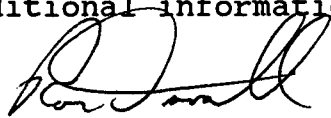
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5816-3, Ron Heine

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 5816-3, Ron Heine, RR 1 Box 47, Mission Hill, SD 57046.

The Chief Engineer is recommending APPROVAL of Application No. 5816-3 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 qualification:

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

See report on application for additional information.


for JOHN HATCH, Chief Engineer
May 1, 1994



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

May 10, 1994

Ron Heine
RR 1 Box 47
Mission Hill, SD 57046

Dear Mr. Heine:

Water Permit Application No. 5816-3 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 (Ph # 665-7811). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 10, 1994

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

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5816-3 to be published twice. Please publish the first notice on May 18, 1994, 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 Ron Heine, RR 1 Box 47, Mission Hill, SD 57046 (Ph # 665-9271).

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

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

Sincerely,

Eric Gronlund
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

7
Instruction to Newspaper - Publish first Notice on May 18, 1994, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 5816-3 to Appropriate Water

Notice is given that Ron Heine, RR 1 Box 47, Mission Hill, SD 57046 has filed an application for a water permit to appropriate 1.62 cubic feet of water per second from the James River located in the SE 1/4 NE 1/4 Section 13-T93N-R55W to irrigate 114 acres located in the S 1/2 NE 1/4, N 1/2 SE 1/4, SW 1/4 SE 1/4 Section 13-T93N-R55W and the W 1/2 SW 1/4, SW 1/4 NW 1/4 Section 18-T93N-R54W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5816-3 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. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 6, 1994.

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. Contact Eric Gronlund at the above Water Rights Division address to request copies of information pertaining to this application. Russell L. Stone, Acting Secretary, Department of Environment and Natural Resources.

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Yankton) ssI, Larry A. Bensoncertify that the attached printed Notice was
taken from the Yankton Daily Press &
Dakotanprinted and published in Yankton, SDCounty of Yankton and State ofSouth Dakota. The notice was published in
the newspaper on the following two dates:May 18, 1994May 25, 1994Cost of Printing: \$38.60

Notice is given that Ron Heine, RR 1 Box 47, Mission Hill, SD 57046 has filed an application for a water permit to appropriate 1.62 cubic feet of water per second from the James River located in the SE 1/4 NE 1/4 Section 13-T93N-R55W to irrigate 114 acres located in the S 1/2 NE 1/4, N 1/2 SE 1/4, SW 1/4 SE 1/4 Section 13-T93N-R55W and the W 1/2 SW 1/4, SW 1/4 NW 1/4 Section 18-T93N-R54W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5816-3 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. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

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Larry A. Benson
(Signature)

Business Mgr.
(Title)

5-25-94
(Date Signed)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 19 1994

Ron Heine
RR 1 Box 47
Mission Hill, SD 57046

Dear Mr. Heine:

Enclosed is Water Permit No. 5816-3 authorizing construction of your water diversion system and beneficial use of the water, 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.



**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**

Date 01-10-95

TO: Water Rights Division, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM: RON HEINE R.R. 1 Box 47
(name) (address)
MISSION HILL S.D. 57046 402-357-3392
(city) (state) (zip) (phone)

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. 5816-3.

Water Permit No. 5816-3 states that the diversion system is to be constructed by June 6 1994, and that the water is put to beneficial use by June 6, 2003.
(date) (date)

The diversion system was completed on 7-10-94.
(date)
Applying the water to beneficial use was completed on 7-10-94.
(date)

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

February 4, 1997

NOTICE

TO: RON HEINE, RR 1 BOX 47, MISSION HILL, SD 57046

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Violation of Water Permit No(s). 5816-3

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 5816-3. The request for the Questionnaire was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 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) 5816-3 qualification:

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

The hearing will be held at 2:30 pm, March 5, 1997 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5816-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 28, 1997, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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

Fold at line over top of envelope to

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- 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 47
MISSION HILL SD 57046

4a. Article Number

P 378 081 440

4b. Service Type

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

7. Date of Delivery

2/6/97

5. Received By: (Print Name)

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

6. Signature: (Addressee or Agent)

X Ron Heine

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 1997

5816-3

Ron Heine
RR 1 Box 47
Mission Hill, SD 57046

Dear Mr. Heine:

I am writing to acknowledge receipt of your 1996 irrigation questionnaire. You may disregard the February 4, 1997, **Notice of Violation of Water Permit No. 5816-3.**

I completed a questionnaire for you based on our February 6th telephone conversation. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Thank you for calling and if you have any questions, please contact me.

Sincerely,

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

NOTE: I noticed when reviewing my list of permits for you that all but the one above are sent to a Fordyce Nebraska address - this may explain the reason for missing the one form. Should No. 5816-3 be sent to your Mission Hill address or the Fordyce Nebraska address?



**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 SW¼ 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

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NO 415946

Pierre, _____ December 7, 19 **88**

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. _____

Fee for Filing Transfer Form Water Permit No. 5816-3

2 50

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

By _____
Chief Engineer

John Hatch (Signature)

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N2 415945

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. 5816-3

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

50 00

By _____
Chief Engineer

John Hatch

NOTICE OF TRANSFER OF OWNERSHIP



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

No. 5816-3

Date: Nov 23 1998

I/We request that Water Permit No. 5816-3

formerly owned by: Ron Heine

be transferred to: (name & address) Heine Farms

55469 897 Road Fordyce Nebr.

Telephone No. 402-351-3392

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

114 acres - S 1/2 NE 1/4, SE 1/4 Section 13-T93N-R55W and W 1/2 SW 1/4, SW 1/4 NW 1/4 Section 18-T93N-R54W

I/We understand that the validity of Water Permit No. 5816-3 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 Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

County of Yankton)

I/We Ron Heine being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Ron Heine
(Signed)

Subscribed and sworn to before me this 23rd day of November, 1998.

Cheryl A. Oster
(Notary Public)

My Commission Expires:
6-26-2004.

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. 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.

Permit No. 5816-3
James 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 **Ron Heine** of **RR 1 Box 47, Mission Hill SD 57046** holder of Permit No. **5816-3**, bearing the priority of **April 1, 1994** authorizing the diversion of **1.62** cu. ft. per second of the waters of **the James River** 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:

Pump:

1. Make **Aurora**

Motor:

- 1) Make **Lincoln electric**
 2) Horsepower rating **60** hp

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

- 1) Type **PVC** 2) Size **8** inches 3) Length **1,320** feet

C. Works used to apply water to beneficial use:

Center Pivot:

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

The system is in the following condition **good**. The point of diversion is located **James River (Missouri R backwater): 1,975 feet S and 1,050 feet W from the NE corner of section 13-T93N-R55W (SE $\frac{1}{4}$ NE $\frac{1}{4}$)**. 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:

Section 13-T93N-R55W:	Acreage	Section 18-T93N-R54W:	Acreage
SE $\frac{1}{4}$ NE $\frac{1}{4}$	21	SW $\frac{1}{4}$ SW $\frac{1}{4}$	3
SW $\frac{1}{4}$ NE $\frac{1}{4}$	4	NW $\frac{1}{4}$ SW $\frac{1}{4}$	17
NE $\frac{1}{4}$ SE $\frac{1}{4}$	40	SW $\frac{1}{4}$ NW $\frac{1}{4}$	3
NW $\frac{1}{4}$ SE $\frac{1}{4}$	20		
SW $\frac{1}{4}$ SE $\frac{1}{4}$	3		
SE $\frac{1}{4}$ SE $\frac{1}{4}$	*17		
		Total acreage: **114 new acres plus 14 acres covered by Water Right No. 2597-3	

comprising a total of **114** acres of land and the license should be issued for **1.62** cfs.

Applicable permit qualifications have been complied with: Yes **X** No

Exceptions to compliance are: **none** Date report completed: **November 12, 1998**


 Ron Duvall

Natural Resources Engineer
 DENR, Water Rights Program

*This acreage was not included on the water permit but is contiguous to the permitted acreage -- see file documentation for details.

**Even though pivot covers 128 acres, 14 of the acres are covered by No. 2597-3 from essentially the same water source.

FIELD INVESTIGATION REPORT FOR PERMIT NO. 5816-3

DATE OF INVESTIGATION	September 16, 1998
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Ron Heine
NAME & ADDRESS OF PERMIT HOLDER	Ron Heine RR 1, Box 47 Mission Hill SD 57046
DIVERSION POINT LEGAL LOCATION	James River (Missouri R backwater): 1,975 feet S and 1,050 feet W from the NE corner of section 13-T93N-R55W (SE$\frac{1}{4}$NE$\frac{1}{4}$)

Other permit(s) associated with the project: 2597-3

Pump:

1) Make Aurora

Motor:

- 1) Make Lincoln electric
- 2) Horsepower rating 60 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type PVC
- 2) Size 8 inches
- 3) Length 1,320 feet

SYSTEM TYPE:

Center pivot:

- 1) Make Valley
- 2) Number of towers 6
- 3) End gun Y
- 4) Medium 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

Licensing of Acreage Outside of Permitted Area

NAME: Ron Heine

ADDRESS: RR 1, Box 47, Mission Hill SD 57046

DATE: November 12, 1998 **COUNTY:** Yankton

AUTHORITY

Pursuant to SDCL 46-5-30.5, acreage developed for irrigation outside of the area described on the permit may be licensed provided the following conditions are met:

NO INCREASE IN PERMITTED ACREAGE OR WATER APPROPRIATED:

The acreage developed for irrigation is 114 acres as compared to 114 acres authorized by the permit. Licensing of the permit will not result in an increase in the amount of water appropriated.

UNPERMITTED ACREAGE:

- **Contiguous to Permitted Acreage**

The unpermitted acreage in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ section 13-T93N-R55W adjoins permitted acreage to the east and west sides.

- **Owned by Same Property Owner**

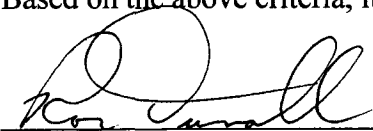
All of the property is owned by Heine Farms.

- **Developed Prior to Expiration of Construction Period**

According to the Notice of Completion of Works the project was completed July 10, 1994 and the completion date on the permit is June 6, 1999.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the 17 acre area be included in the water license.



Ron Duvall, Natural Resources Engineer
Water Rights Program

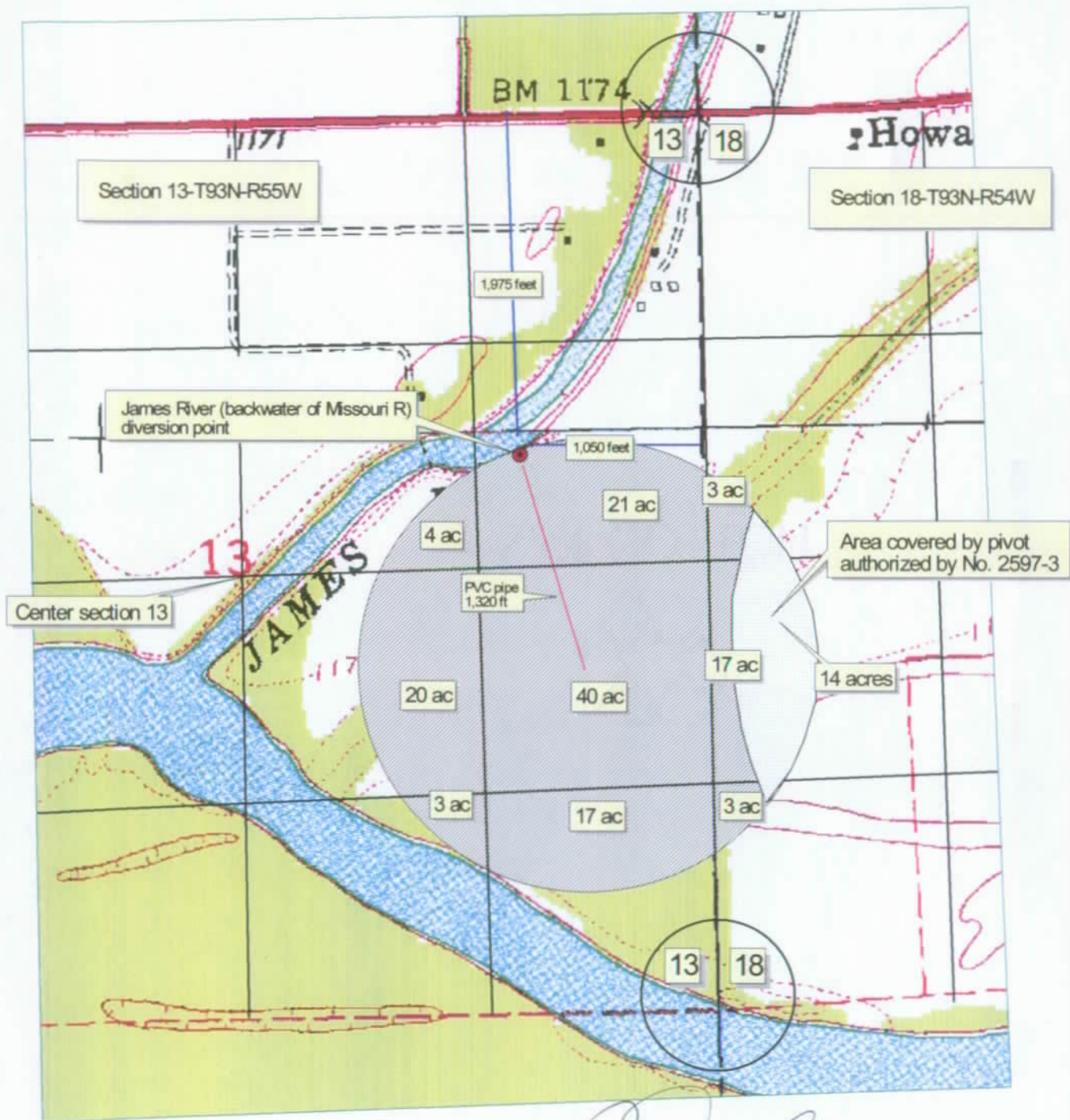
The Chief Engineer makes a finding pursuant to SDCL 46-5-30.5 that:

This acreage change does not impair existing water rights and the overall project, as developed, is consistent with the original application. Licensing of the unpermitted acreage may occur without application or publication pursuant to SDCL 46-2A-4.



John Hatch, Chief Engineer
Water Rights Program

1000 0 1000 Feet



Total acreage = 114 acres plus 14 acres authorized under Water Right No. 2597-3

Ron Duvall
Ron Duvall, Nat Res Engineer

11/12/98
Date

Water Right No. 5816-3

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5816-3

(1) Ron Heine, RR 1 Box 47, Mission Hill SD 57046 made Application No. 5816-3, April 1, 1994 for a water permit to divert 1.62 cubic feet of water per second from the James River, Yankton County, South Dakota for irrigation purposes. Permit No. 5816-3, with a priority date of April 1, 1994 was approved June 6, 1994 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before June 6, 1999 and for the application to beneficial use of said water on or before June 6, 2003.

The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on January 13, 1995. The *Notice* stated the diversion system was completed on July 10, 1994 and the water placed to beneficial use on July 10, 1994.

On December 7, 1998, Water Permit No. 5816-3 was transferred to Heine Farms.

An investigation conducted for licensing purposes found acreage developed for irrigation outside of the area described on the permit. Pursuant to SDCL 46-5-30.5, the Chief Engineer makes a finding that existing water rights will not be impaired and the overall project, as developed, is consistent with the original application.

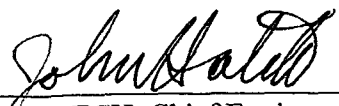
(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.62 cubic feet of water per second for beneficial use. The location of the diversion point is 1,975 feet south and 1,050 feet west from the northeast corner of Section 13-T93N-R55W (SE ¼ NE 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 13-T93N-R55W		Section 18-T93N-R54W	
SE ¼ NE ¼	21 acres	*SW ¼ SW ¼	3 acres
SW ¼ NE ¼	4 acres	*NW ¼ SW ¼	17 acres
NE ¼ SE ¼	40 acres	*SW ¼ NW ¼	3 acres
NW ¼ SE ¼	20 acres		
SW ¼ SE ¼	3 acres		
SE ¼ SE ¼	17 acres		
		Total 114 acres	

* Pivot covers 128 acres, 14 of the acres are also covered by No. 2597-3.

(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. 5816-3 is issued a license to appropriate water, the right to use 1.62 cubic feet of water per second from James River (Missouri River backwater) with a priority date of April 1, 1994 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. 5816-3 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

**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/denr

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



5816-3
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.

5816-3



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,

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

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



5816-3
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.

5816-3



**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