

WATER PERMIT NO. 6059-3

Name of Applicant: **Francis Heine**

Address: **RR 3 Box 21, Vermillion SD 57069**

Phone: **605 624-2405**

Amount of Water Claimed: **2.34**

Total Acres: **164**

Source of Water Supply: **groundwater**

Water to be used for: **irrigation**

County: **Clay**

Type of Waste Disposal System: **NA**

Location: **1 mile south of Vermillion**

PRIORITY

Date Received: ^{6/2/97}**3-13-1998**

Fee: **XX**

Corrected Application Received: ^{3/13/98}**May 1 - September 30**

Remarks: **Well in Section 25 is same well as utilized by Water Permit No. 5471-3**

Diversion Point: **SE 1/4 SE 1/4 Sec 25-T92N-R52W and SW 1/4 NW 1/4 Sec 30-T92N-R51W**

Land to be Irrigated: **NE 1/4 SE 1/4 Sec 25-T92N-R52W, W 1/2 SW 1/4 Sec 30-T92N-R51W and SW 1/4 NW 1/4 Sec 30-T92N-R51W, SE 1/4 NE 1/4 Sec 25-T92N-R52W**

Depth of Well: **existing well - 106 ft**

Well Driller: **Wetmore Drilling**

Remarks:

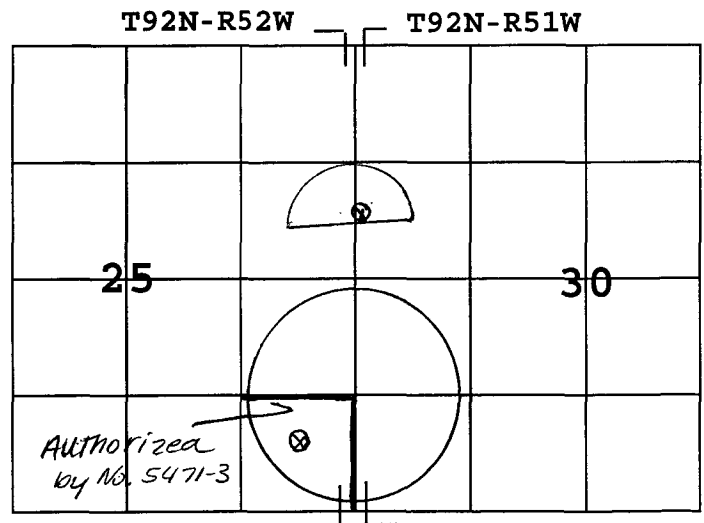
Type of Map: **aerial**

Prepared by: **Larry Nelson, Clay Co. FSA**

Reviewed and the Number Assigned on: **3-13-1998**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



SOUTH DAKOTA
WATER PERMIT NO. 6059-3

Date of first receipt of application March 13, 1998.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6059-3 to Francis Heine, RR 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. 6059-3 appropriates 1.84 cubic feet of water per second from two wells (Missouri:Elk Point Aquifer) 106 feet deep located in the SE ¼ SE ¼ Section 25-T92N-R52W and SW ¼ NW ¼ Section 30-T92N-R51W to irrigate 79 acres located in the NE ¼ SE ¼ Section 25-T92N-R52W and W ½ SW ¼ Section 30-T92N-R51W and 50 acres located in the SW ¼ NW ¼ Section 30-T92N-R51W and the SE ¼ NE ¼ Section 25-T92N-R52W. This permit allows a full rotation of a center pivot authorized by Water Permit Nos. 5639-3 and 5471-3.
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 March 13, 1998.
4. The date of approval of Permit No. 6059-3 is May 18, 1998.
5. One-fifth of the construction is to be completed on or before November 18, 2000.
6. All construction is to be completed on or before May 18, 2003.
7. Water is to be put to beneficial use on or before May 18, 2007.
8. 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 wells 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.
2. The wells authorized by Permit No. 6059-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

JUN 29 1998

date



FORM 2: Application for irrigation in South Dakota
(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6059-3</u>	(office use only) Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u>	
	Newspaper _____	



Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____

(Use predates Mar 2, 1955)

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

- Name of Applicant **Francis Heine** Phone **605 624-2405**
(check one) ☐ Owner ☐ Tenant/lessee
Mailing Address **RR 3, Box 21, Vermillion** State **SD 57069**
(Street, RR. or Box) (Zip Code)
- Amount of water claimed 1.84 *CFS or ~~1050~~ **GPM ***AF Total Acreage ~~164~~ 129
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply groundwater (Missouri-Elk Point Aquifer)
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
SE 1/4 SE 1/4 Section 25-T92N-R52W (authorized by Water Permit No. 5471-3)
SW 1/4 NW 1/4 Sec. 3-T92N-R51W County Clay
- County or counties where water will be used Clay
- Annual period during which water is to be used May 1 - September 30
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.

South Dakota Survey

Land Description	Acres	Land Description	Acres
NE 1/4 SE 1/4 Section 25-T92N-R52W	38	SW 1/4 NW 1/4 Section 30-T92N-R51W	25
NW 1/4 SW 1/4 Section 30-T92N-R51W	38	SE 1/4 NE 1/4 Section 25-T92N-R52W	25
SW 1/4 SW 1/4 Section 30-T92N-R51W	38		

8. Give a description of the project. (Attach sheet if more space is needed)

Additional acres to Water Permit No. 5471-3

STATE OF SOUTH DAKOTA) SS
County of Clay

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

I, Francis Heine, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Signed Francis Heine

Subscribed and sworn to before me this 10th day of March 19 98

Margaret Riew

Notary Public Comm Exp 3-10-99

Supplemental Information

Well #9

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 22" Depth 100'
- b) Casing Type PVC Diameter 16" Thickness Sch 40
- c) Screen Type PVC Diameter 16" Thickness Sch 40
- d) Gravel Pack Thickness 3" Length of Gravel Pack 40'
- 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 3000' On property owned by others 4000'

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ c) Year Constructed _____
- d) Connected to the City of _____ Sanitary System.



3. Dugout Information

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

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to 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

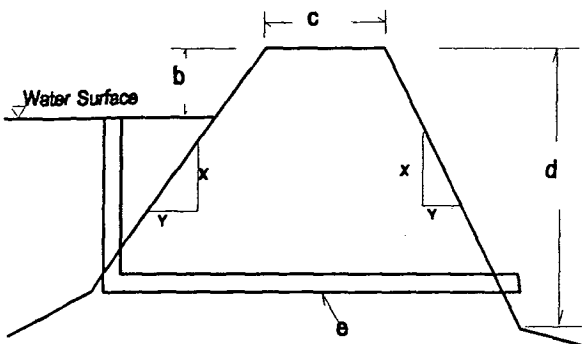
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 22" Depth 100'
- b) Casing Type PVC Diameter 16" Thickness Sch 40
- c) Screen Type PVC Diameter 16" Thickness Sch 40
- d) Gravel Pack Thickness 3" Length of Gravel Pack 40'
- 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 1500' On property owned by others 2600'

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ c) Year Constructed _____
- d) Connected to the City of _____ Sanitary System.

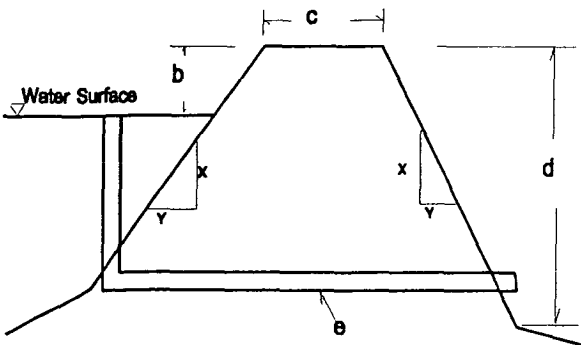
3. Dugout Information

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

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to 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 _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres



RECEIPT

415376

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, June 3, 19 97

RECEIVED OF Francis Heine, RR 3, Box 21, Vermillion, SD 57069

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

Fee for Application for Permit No. <u>6059-3</u> to Appropriate Water, to construct and to put water to beneficial use	250	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	250 00

By John Hatch
Chief Engineer

Chy County F.S. A
Vermillion, S.D.
Lonny Nelson, CED



WETMORE DRILLING

Mike Wetmore
Geologist

Office: 1-800-399-7713
(605) 356-3757
P. O. Box 880
Elk Point, SD 57025

Shop: (605) 356-2248
I-29 Exit 15
Elk Point, SD 57025

Cellular: (712) 251-7599

IRRIGATION WELL COST ESTIMATE

Name: Bud Heine Well #9

Date: 3-10-97

Address: Vermillion, SD



ITEM AND COST PER UNIT	COST.	Amt.
1. Drilling 22" hole: <u>100</u> ft @ \$ <u>25</u> per ft	<u>2500</u>	<u>2500</u>
2. Casing 16" PVC, sch 40: <u>60</u> ft @ \$ <u>20</u> per ft	<u>1200</u>	<u>1200</u>
3. Well screen 16" PVC, sch 40, 50 slot: <u>40</u> ft @ \$ <u>25</u> per ft	<u>1000</u>	<u>1000</u>
4. Gravel pack, annular seal, concrete well-pad: lump sum	<u>500</u>	<u>500</u>
5. Pump: <u>WLR</u> brand, <u>2</u> stage, <u>12KKH</u> bowl assembly	<u>2500</u>	<u>NA</u>
6. Column complete: <u>50</u> ft of <u>8</u> ", with <u>1 1/4</u> " <u>oil</u> lube lineshaft	<u>2500</u>	<u>NA</u>
7. Discharge head: <u>8</u> "	<u>1200</u>	<u>NA</u>
8. Check & control valve: _____ "	<u>NA</u>	<u>NA</u>
9. Gearhead: _____ brand, _____ H.P.	<u>NA</u>	<u>NA</u>
10. Electric motor: <u>US</u> brand, <u>40</u> H.P.	<u>2500</u>	<u>NA</u>
11. Electric control panel: _____ volt, _____ phase, _____ H.P.	<u>NA</u>	<u>NA</u>
12. Workover: labor & materials to install pump, column, & wellhead	<u>500</u>	<u>500</u>
TOTAL ESTIMATED COST	\$ <u>14,400</u>	\$ <u>5,700</u>

One year limited warranty on equipment and workmanship.

1. 5" test holes: _____ ft @ \$ _____ per ft _____

2. Pump test: lump sum _____

3. Zinc anode corrosion control rod _____

TOTAL ESTIMATED COST WITH OPTIONS \$ _____

Pumping level = 35 ft

Pivot elevation - well head elevation = 0 ft

Pressure loss: 40 psi x 2.31 ft/psi = 92 ft

Column & flowline friction loss = 5 ft

Discharge head friction loss = 3 ft

TOTAL DYNAMIC HEAD (TDH) = 135 ft



Brand: WLR

Water capacity requirement: 900 gpm

Bowl & impeller: 12 KKH

TDH lift per stage: 70 ft

Horsepower per stage: 20 H.P.

135 ft of TDH / 70 ft of lift per stage : 2 stages

20 H.P. per stage x 2 stages: 40 H.P.

67.

1-30-03

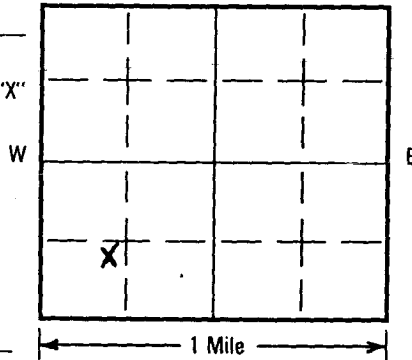
SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

6059-3

Location SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 30 Twp 92 Rg 51
County Clay North

Please mark well location with an "X"



Well Completion Date

4-26-97

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 1000 ft. from Confined Feedlot (identify source).

PROPOSED USE:

- ☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Rotary

CASING DATA:

- ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>Sch 40</u> LB/FT	<u>16</u> IN	<u>75</u> FT	<u>0</u> FT	<u>22</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>best</u>	<u>40</u>	_____ lb./gal	<u>75</u> ft	<u>20</u> ft
<u>Cmt</u>	<u>30</u>	<u>15.5</u> lb./gal	<u>20</u> ft	<u>0</u> ft

Describe grouting procedure Tremie

SCREEN:

☐ Perforated pipe ☒ Manufactured

Diameter 16 IN Length 40 FEET

Material PVC

Slot Size 50 Set From 115 Feet to 75 Feet

Other information _____

WAS A PACKER OR SEAL USED?

☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION:

Was well disinfected upon completion? ☒ YES, How: Cl

Laboratory sent to for water quality analysis _____

Well Owner: Francis Herne
Business Name: _____
Address: Vermillion, SD

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Top Soil</u>	<u>0</u>	<u>2</u>
<u>Sand</u>	<u>2</u>	<u>38</u>
<u>clay</u>	<u>38</u>	<u>49</u>
<u>Sand & Gravel</u>	<u>49</u>	<u>115</u>

STATIC WATER LEVEL 20 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped Describe: _____

☐ Bailed _____

☐ Other _____

Pumping Level Below Land Surface

30 ft. After 24 Hrs. pumped 900 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate 900 GPM

REMARKS

This well was drilled under license # 341

And this report is true and accurate.

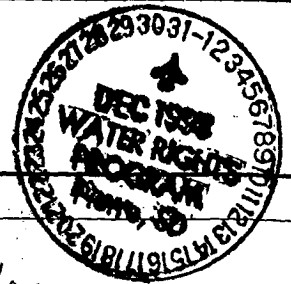
Drilling firm Wetmore Drilling

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder:

Francis Herne

Date: 12-28-98





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 10, 1997

Francis Heine
R3 Box 21
Vermillion, SD 57069

Dear Mr. Heine:

Thank you for submitting the two *Applications for permit to Appropriate Water for Irrigation* in South Dakota.

Mr. Heine, I have a number of questions or points of clarification that need to be answered before the applications can be further processed. I have put together three partially completed applications which are intended to reflect your proposed irrigation projects. The reason for three applications is because one of the applications you submitted included ground water and the Vermillion River as water sources. A separate application is needed for each water source

I request that you review each of these applications carefully to see if they accurately reflect your proposed irrigation projects. To assist you with this review, I have included a sheet on the front of each application that explains the application and asks questions.

The legal descriptions for these application are extremely confusing because the area to be irrigated is part of the old Missouri River channel and at one time may have been described under the Nebraska survey. I propose that we use the South Dakota survey to describe irrigated acres on the applications. When the applications are public noticed, I will include a statement regarding the Nebraska survey legal descriptions (Section 12 & 13, T32N, R4E).

If my understanding of the applications is correct, an additional application filing fee of \$375 will need to be submitted.

Mr. Heine, I understand this may be somewhat confusing but I want to make sure these applications correctly reflect your plans. Again, please review them carefully, answer the questions, make any changes necessary to accurately reflect the proposed irrigation and have your signature on each application notarized. If you have any questions, do not hesitate to contact me.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

Francis Heine Application No. 6059-3

This application, as submitted, indicates 38 acres located in the SE1/4 SE1/4 Section 25, T92N, R52W. This appears to be the acreage that was permitted by Water Permit No. 5471-3. From a review of the narrative you included with this application and looking at the map, I believe you want this the pivot to be able to complete a full rotation on the one pivot and you also want to irrigate a 1/2 circle pivot to the north. You state the 1/2 circle pivot is 50 acres.

Partially completed application comprises:

- ⇒ A total of 164 new acres (114 acres which will allow full rotation of the pivot & 50 acres for the 1/2 circle pivot).
- ⇒ An appropriation of 2.34 cfs (1050 gpm) which is the statutory limit for irrigation of 164 new acres.
- ⇒ The filing fee of \$250 was submitted with the original application.

Questions

- ? Will the well authorized by Water Permit No. 5471-3 (located in the center of the SE1/4 SE1/4 Section 25) be the only well used for the irrigation of the full pivot and half pivot?

Answer No

If another well (or wells) is to be used, please mark the location of the additional well on the map.
(what confuses me is that you included a cost estimate for a well which leads me to think an additional well may be drilled) New well on 1/2 circle

If you agree with this application, sign (with notary) and submit application.



REPORT ON WATER PERMIT APPLICATION NO. 6059-3

for Francis Heine

March 24, 1998

Application No. 6059-3 proposes to appropriate 1.84 cfs (830 gpm) from two wells approximately 106 feet deep located in the SE 1/4 SE 1/4 of Section 25, T92N-R52W and the SW 1/4 NW 1/4 of Section 30, T92N-R51W to irrigate 79 acres located in the NE 1/4 SE 1/4 of Section 25, T92N-R52W and the W 1/2 SW 1/4 of Section 30, T92N-R51W and 50 acres located in the SW 1/4 NW 1/4 of Section 30, T92N-R51W and SE 1/4 NE 1/4 of Section 25, T92N-R52W all in Clay County.

AQUIFER - MISSOURI ELK POINT (M-EP)

The Missouri Elk Point is an alluvium mantled outwash (sand and gravel) which is under predominantly water table conditions in this area. The Missouri Elk Point aquifer underlies 74,500 acres and contains an estimated 1.12 million acre feet of recoverable water in storage in Clay County (Hedges, 1982). The aquifer is hydraulically connected to the Missouri and Vermillion Rivers, the Lower Vermillion Missouri aquifer to the north and extends laterally into Yankton County to the west and into Union County to the east. Ground water movement is probably from west to east in this area of this application. Generally for the entire aquifer the ground water movement is from north to south and locally toward the Missouri or Vermillion Rivers (Christensen, 1967).

No test well logs were submitted with the application, however, there is sufficient information available from the Clay County Study, other drill hole data and completion reports for this area and from Water Right observation wells to determine water availability for this area.

Water Rights does monitor an observation well, CL-80C, which is completed into the Missouri Elk Point aquifer and within one-half mile southwest of this application. Water levels for this well show good response to climatic conditions, that is, rising water levels during wet years and gradually declining water levels during dry years. A hydrograph for this well is included with this report. The record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1998).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are three existing irrigation wells within a one-half mile radius of this application. Interference is not a concern. Drawdown created by pumping is not significant. This is shown by the observation well hydrograph. These wells have been in use for many years with no apparent problems.

CONCLUSIONS

1. Water is available from the Missouri Elk Point aquifer.
2. The aquifer is under water table conditions in this area and drawdown created by pumping is not expected to be significant. Interference is not a concern.
3. The well(s) authorized by this application must be completed in accordance with SD Well Construction Standards.
4. Portions of Sections 30 in T92N-R51W and 25 in T92N-R52W are covered by Water Permit Nos. 5639-3 and 5471-3 respectively. Approval of this application will allow a full rotation of a center pivot in the E1/2 SE 1/4 of Section 25 and the W 1/2 SW 1/4 of Section 30 plus additional land as described.


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

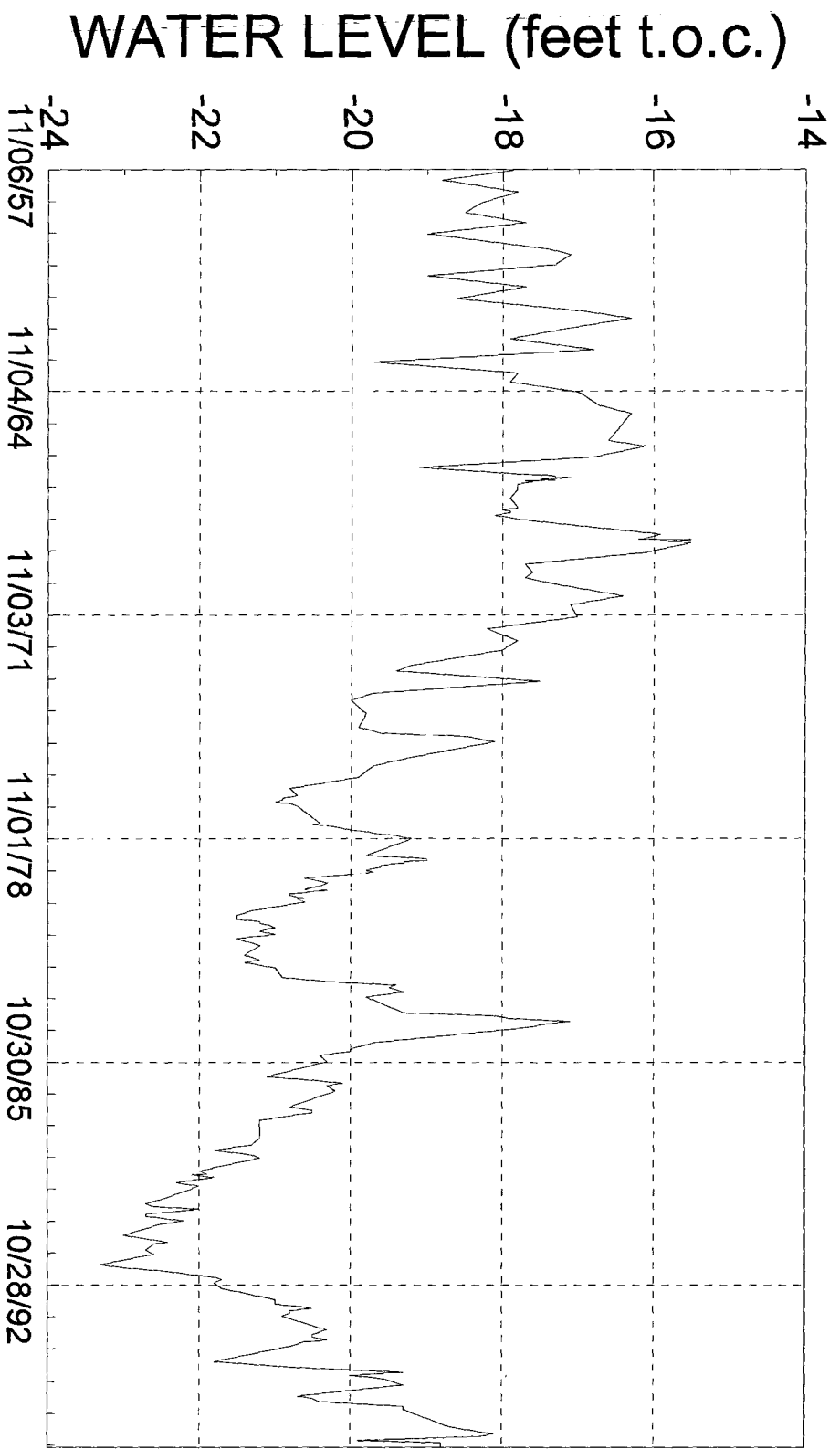
Christensen, C.M., J.C. Stephens, 1967, Geology and Hydrology of Clay County South Dakota, Part II Water Resources, Bulletin 19, SDGS, Vermillion, SD, 57069.

Hedges, L.S., etal, 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Water Rights, 1998, Unpublished Observation Well Records for Clay County, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS OBSERVATION WELL

CL-80C



**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6059-3, Francis Heine**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 6059-3, Francis Heine, RR 3 Box 21, Vermillion, SD 57069.

The Chief Engineer is recommending APPROVAL of Application No. 6059-3 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) it is in the public interest with the following qualifications:

1. The wells 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.
2. The wells authorized by Permit No. 6059-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
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
April 8, 1998



**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.

April 15, 1998

Francis Heine
RR 3, Box 21
Vermillion, SD 57069

Dear Mr. Heine:

Water Permit Application Nos. 6057-3, 6058-3 and 6059-3 for irrigation use have 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 (Ph # (605) 624-2695). For your information, a copy of the notice, the recommendations of the Chief Engineer and the reports on the applications 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 applications.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendations, 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 applications.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 15, 1998

Plain Talk
Box 256
Vermillion, SD 57069-0256

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application Nos. 6057-3, 6058-3 and 6059-3 to Appropriate Water to be published twice. Please publish the first notice on April 24, 1998, 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 (Ph # (605) 624-2405).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

Nos. 6057-3, 6058-3 & 6059-3

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

Date _____

We are in receipt of your letter of April 15, 1998, enclosing Notice of Hearing to Appropriate Water by Application Nos. 6057-3, 6058-3 and 6059-3, 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 April 24, 1998, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NOS. 6057-3, 6058-3 and 6059-3 to Appropriate Water

Notice is given that Francis Heine, RR 3 Box 21, Vermillion SD 57069 has filed the following water permit applications.

Application No. 6057-3 is to appropriate 1.33 cubic feet of water per second (cfs) from the Vermillion River located in the NE 1/4 SW 1/4 Section 29 to irrigate 60 acres located in the N 1/2 SW 1/4, S 1/2 NW 1/4 Section 29; all in T92N-R51W (SD Survey).

Application No. 6058-3 is to appropriate 2.55 cfs from the Vermillion River located in the SE 1/4 NE 1/4 Section 30 to irrigate 120 acres located in the NW 1/4 SW 1/4 Section 29, SW 1/4 NE 1/4, SE 1/4 Section 30; all in T92N-R51W (SD Survey).

Application No. 6059-3 is to appropriate 1.84 cfs from two wells (Missouri:Elk Point Aquifer) 106 feet deep located in the SE 1/4 SE 1/4 Section 25-T92N-R52W and SW 1/4 NW 1/4 Section 30-T92N-R51W to irrigate 79 acres located in the NE 1/4 SE 1/4 Section 25-T92N-R52W and W 1/2 SW 1/4 Section 30-T92N-R51W and 50 acres located in the SW 1/4 NW 1/4 Section 30-T92N-R51W and SE 1/4 NE 1/4 Section 25-T92N-R52W. Approval of this application will allow a full rotation of a center pivot authorized by Water Permit Nos. 5639-3 and 5471-3.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6057-3, 6058-3 and 6059-3 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 applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendations. If a petition opposing the applications or contesting the recommendations are filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendations. The Chief Engineer's address is "Water Rights Program, 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 May 11, 1998.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 Program address to request copies of information pertaining to these applications. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit Application Nos. 6057-3, 6058-3 and 6059-3,
Francis Heine

ADDRESS: COUNTY: Clay

DATE: April 22, 1998 TELEPHONE:

RE: Call from the Vermillion Plain Talk

COMMENTS:

Jodi from the Vermillion Plain Talk called and told me that Mr. Heine has not called to authorize publication on the notice for his water permit application. I told her that this notice is ultimately Mr. Heine's responsibility and that if he did not contact them to authorize publication and arrange for payment, the newspaper is under no obligation to publish.

I told her we would resend the publication notice with special direction to Mr. Heine that he must contact the newspaper to authorize publication.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME:

Eric S. Sanford



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

CONTACT NEWSPAPER IMMEDIATELY

April 23, 1998

Francis Heine
RR 3, Box 21
Vermillion, SD 57069

Dear Mr. Heine:

On April 15, 1998, you were sent a copy of the Notice for Water Permit Application Nos. 6057-3, 6058-3 and 6059-3 with instructions to contact the Vermillion Plain Talk to authorize publication of the notice. On April 22, 1998, Jodi from the Plain Talk informed me that you had not authorized publication of the notice, consequently, it was not published on April 24, 1998.

We have sent another Notice to the paper with instructions to publish the notice on May 8 and 15, 1998. **Please be aware that the Plain Talk will not publish this notice until you contact them and authorize publication and arrange for payment of the notice.** The phone number for the paper is (605) 624-2695.

If you have any questions, please contact me.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendations, 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 applications.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 23, 1998

Plain Talk
Box 256
Vermillion, SD 57069-0256

ATTENTION: Legal Department

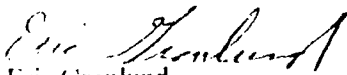
Enclosed is a Notice of Hearing on Application Nos. 6057-3, 6058-3 and 6059-3 to Appropriate Water to be published twice. Please publish the first notice on May 8, 1998, with the second publication 7 days later.

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 (Ph # (605) 624-2405).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

Nos. 6057-3, 6058-3 & 6059-3

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

Date _____

We are in receipt of your letter of April 23, 1998, enclosing Notice of Hearing to Appropriate Water by Application Nos. 6057-3, 6058-3 and 6059-3, 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 May 8, 1998, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NOS. 6057-3, 6058-3 and 6059-3 to Appropriate Water

Notice is given that Francis Heine, RR 3 Box 21, Vermillion SD 57069 has filed the following water permit applications.

Application No. 6057-3 is to appropriate 1.33 cubic feet of water per second (cfs) from the Vermillion River located in the NE 1/4 SW 1/4 Section 29 to irrigate 60 acres located in the N 1/2 SW 1/4, S 1/2 NW 1/4 Section 29, all in T92N-R51W (SD Survey).

Application No. 6058-3 is to appropriate 2.55 cfs from the Vermillion River located in the SE 1/4 NE 1/4 Section 30 to irrigate 120 acres located in the NW 1/4 SW 1/4 Section 29, SW 1/4 NE 1/4, SE 1/4 Section 30; all in T92N-R51W (SD Survey).

Application No. 6059-3 is to appropriate 1.84 cfs from two wells (Missouri:Elk Point Aquifer) 106 feet deep located in the SE 1/4 SE 1/4 Section 25-T92N-R52W and SW 1/4 NW 1/4 Section 30-T92N-R51W to irrigate 79 acres located in the NE 1/4 SE 1/4 Section 25-T92N-R52W and W 1/2 SW 1/4 Section 30-T92N-R51W and 50 acres located in the SW 1/4 NW 1/4 Section 30-T92N-R51W and SE 1/4 NE 1/4 Section 25-T92N-R52W. Approval of this application will allow a full rotation of a center pivot authorized by Water Permit Nos. 5639-3 and 5471-3.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6057-3, 6058-3 and 6059-3 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 applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendations. If a petition opposing the applications or contesting the recommendations are filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendations. The Chief Engineer's address is "Water Rights Program, 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 May 25, 1998.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 Program address to request copies of information pertaining to these applications. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

Form 8



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
County of Clay)

I, Jodi Hildebrand

certify that the attached printed Notice was taken

from the Plain talk

printed and published in Vermillion

County of Clay and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

May 1, 1998

May 8, 1998

Cost of Printing \$47.09

Jodi Hildebrand
(Signature)

(Title)

5-8-98
(Date Signed)

NOTICE OF APPLICATION NOS. 6057-3, 6058-3 AND 6059-3 TO APPROPRIATE WATER

Notice is given that Francis Heine, RR 3 Box 21, Vermillion SD 57069 has filed the following water permit applications.

Application No. 6057-3 is to appropriate 1.33 cubic feet of water per second (cfs) from the Vermillion River located in the NE 1/4 SW 1/4 Section 29 to irrigate 60 acres located in the N 1/2 SW 1/4, S 1/2 NW 1/4 Section 29; all in T29N-R51W (SD Survey).

Application No. 6058-3 is to appropriate 2.55 cfs from the Vermillion River located in the SE 1/4 NE 1/4 Section 30 to irrigate 120 acres located in the NW 1/4 SW 1/4 Section 29, SW 1/4 NE 1/4, SE 1/4 Section 30; all in T29N-R51W (SD Survey).

Application No. 6059-3 is to appropriate 1.84 cfs from two wells (Missouri: Elk Point Aquifer) 106 feet deep located in the SE 1/4 SE 1/4 Section 25-T92N-R52W and SW 1/4 NW 1/4 Section 30-T92N-R51W to irrigate 79 acres

located in the NE 1/4 SE 1/4 Section 25-T92N-R52W and W 1/2 SW 1/4 Section 30-T92N-R51W and 60 acres located in the SW 1/4 NW 1/4 Section 30-T92N-R51W and SE 1/4 NE 1/4 Section 25-T92N-R52W. Approval of this application will allow a full rotation of a center pivot authorized by Water Permit Nos. 5639-3 and 5471-3.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6057-3, 6058-3 and 6059-3 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 applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendations. If a petition opposing the applications or contesting the recommendations are filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendations. The Chief Engineer's address is "Water Rights Program, 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 May 18, 1998.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Grönlund at the above Water Rights Program address to request copies of information pertaining to these applications. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.
Publish: May 1 & 8, 1998.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 29 1998

Francis Heine
RR 3, Box 21
Vermillion, SD 57069

Dear Mr. Heine:

Enclosed are Water Permit Nos. 6058-3 and 6059-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Also enclosed are Form 10's, 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 systems and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water Licenses may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

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

enclosures

PLEASE NOTE: Certain changes may be made to your water permits usually without affecting the priority date. The location of a point of diversion may be changed or additional points of diversion may be approved if the water source remains unchanged; no additional water is appropriated; and, if irrigating, no additional land is irrigated. The change may be allowed without application or publication, if the Water Rights Program is contacted and the chief engineer makes a finding that the change does not increase the potential for interference with existing diversions.

A new water permit application is required to change water sources, increase the permitted diversion rate, or increase the irrigated acreage. If the application is approved, the water permit will receive a new priority date.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 18, 1998

Francis Heine
RR 3 Box 21
Vermillion SD 57069

Dear Mr. Heine:

During your phone conversation with Eric Gronlund, this morning you requested a summary of your water permits. Enclosed are copies of Water Permit/Rights Nos. 671-3, 2053-3, 5435-3, 5471-3, 5639-3, 6057-3, 6058-3 and 6059-3.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

enclosures



6059-3
**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



6059-3
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. 6059-3

Date: _____

I/We request that Water Permit No. 6059-3

formerly owned by: Francis Heine

be transferred to: (name & address) See below

Telephone No. _____

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

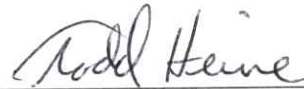
129 acres – E ½ SE ¼ Section 25, T92N, R52W; W ½ SW ¼ & SW ¼ NW ¼ Section 30, T92N, R51W

I/We understand that the validity of Water Permit No. 6059-3 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., the new owner, certify that the above information is true and
Vermillion, SD 576 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

6059-3

RECEIPT

WATER RIGHTS PROGRAM
South Dakota Department of Agriculture and Natural Resources

Date March 27, 2023

RECEIVED 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>6059-3</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
the



**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