

WATER PERMIT NO. 6114-3

Name of Applicant: **Heine Farms**

Address: **55969 897 Road, Fordyce NE 68736**

Phone: **402 357-3392**

Amount of Water Claimed: **0.45 cfs**

Total Acres: **32 add'l**

Source of Water Supply: **groundwater (one well)**

Water to be used for: **irrigation**

County: **Yankton**

Type of Waste Disposal System: **NA**

Location: **2 miles west of Yankton**

PRIORITY

Date Received: **11-30-1998**

Fee: **\$150**

Corrected Application Received:

Period of Annual Use: **March 1 – October 31**

Remarks: **Increases the diversion rate and permitted acreage authorized by Water Permit No. 4491-3**

Diversion Point: **SW ¼ SE ¼ Sec 14-T93N-R56W**

Land to be Irrigated: **S ½ SE ¼, NW ¼ SE ¼,**
SE ¼ SW ¼, Sec 14 and NE ¼ NW ¼, N ½ NE ¼
Sec 23; all in T93N-R56W

Depth of Well: **160 feet deep**

Well Driller: **Wetmore Drilling**

Remarks:

Type of Map: **topo**

Prepared by: **Ron Duvall**

Reviewed and the Number Assigned on: **12-8-1998**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



**SOUTH DAKOTA
WATER PERMIT NO. 6114-3**

Date of first receipt of application November 30, 1998.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6114-3 to Heine Farms, 55969 897 Road, Fordyce NE 68736 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. 6114-3 to appropriate 0.45 cubic feet of water permit second (cfs) and to irrigate 32 additional acres. Water Permit No. 4491-3 appropriates 0.86 cfs from one well (Missouri:Elk Point Aquifer) 160 feet deep located in the SW ¼ SE ¼ Section 14 to irrigate 60 acres located in the SW ¼ SE ¼ of Section 14 and the NW ¼ NE ¼ Section 23; all in T93N-R56W. This permit appropriates an additional 0.45 cfs from the existing well to irrigate 32 additional acres located in the NW ¼ SE ¼, SE ¼ SW ¼, SE ¼ SE ¼ Section 14 and N ½ NE ¼, NE ¼ NW ¼ Section 23; all in T93N-R56W.
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: March 1 – October 31.
3. The date from which applicant may claim right is November 30, 1998.
4. The date of approval of Permit No. 6114-3 is March 15, 1999.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. 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

APR 26 1999
date



Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)	
	No. <u>6114-3</u>	Hydrologic Unit <u>10/70/01</u>
	Basin <u>James River</u>	
	Newspaper <u>Daily Press & Dakotan, Yankton, SD</u>	



Application For Permit To Appropriate Water For Irrigation

Type of Application: X 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.)

1. Name of Applicant Heine Farms Fordyce Phone 402-357-3392
(check one) ✓ Owner Tenant/lessee
- Mailing Address 55969 897 Road Fordyce State NEBR. 68736
(0.45 add'l) (Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed 1.31 *CFS or **GPM ***AF Total Acreage 92 (32 add'l)
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply ground water -- 1 well
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) Existing well: 2,350 feet S and 2,025 feet W from the E1/4 corner section 14-T93N-R56W (SW1/4SE1/4)
County Yankton
5. County or counties where water will be used Yankton
6. Annual period during which water is to be used Mar 1 - Oct 31
7. List below each forty acre division, 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	Land Description	Acres
All in T93N-R56W		SE1/4SW1/4 sec 14	12 ac
SE1/4SE1/4 sec 14	10 ac	NE1/4NW1/4 sec 23	5 ac
SW1/4SE1/4 sec 14	39 ac	NW1/4NE1/4 sec 23	21 ac
NW1/4SE1/4 sec 14	2 ac	NE1/4NE1/4 sec 23	3 ac

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

This application is to increase the permitted diversion rate (0.86 cfs) and permitted acreage (60 acres) authorized by Water Right Permit No. 4491-3 to a total of 1.31 cfs and 92 acres as described above.

STATE OF SOUTH DAKOTA) SS
County of YANKTON

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, Ron 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.

Applicant's signature Ron Heine

Subscribed and sworn to before me this 23rd day of November 19 98

My Commission Expires:
3-98 6-26-2004

Cheryl A. Oster
Notary Public signature

Supplemental Information

(type or print in ink)

1. Well Information - Construction (Wetmore has been contacted for a more detailed log than we have on file)

- a) Drill Hole Diameter _____ Depth 160
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
✓ On applicants property 2500' ✓ On property owned by others N.A.

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) Not applicable
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System _____

3. Dugout Information

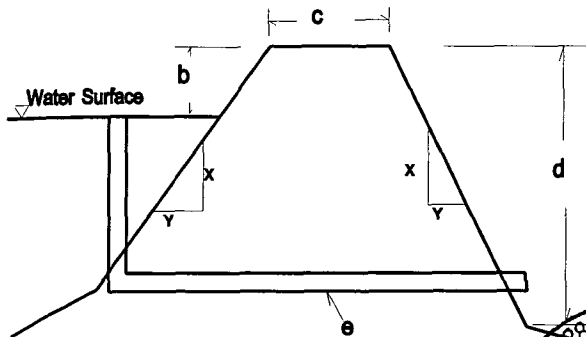
- a) Surface Dimensions Not applicable Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams Not applicable

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 _____
Storage _____ Acre Feet
Drainage Area Above Dam _____ Acres





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 18, 1998

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

Dear Mr. Heine:

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

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

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

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

Sincerely,

Ron Duvall
Natural Resources Engineer
Water Rights Program

enclosures

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

ND 415938

Pierre, December 7, 1998

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. <u>6114-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	150	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	150 00

By _____
Chief Engineer

Joh. Hatch (J)

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NE 415939

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. 4491-3

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

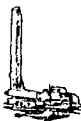
Total

50 00

By

Chief Engineer

John Hatch (Signature)



WETMORE DRILLING

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



February 22, 1980

Log of Irrigation Well Drilled For Al Heine Feb. 21, 1980

0 - 2'	Topsoil
2 - 136	Fine sand with clay streaks
136 - 159	Coarse sand and gravel
159 - 160	Clay

James Wetmore

REPORT ON WATER PERMIT APPLICATION NO. 6114-3
for Heine Farms
January 13, 1999

Application No. 6114-3 proposes to appropriate 0.45 cfs (202 gpm) and to irrigate 32 additional acres. Water Permit No. 4491-3 appropriates 0.86 cfs from one well approximately 160 feet deep located in the SW 1/4 SE 1/4 of Section 14 to irrigate 60 acres located in the SW 1/4 SE 1/4 of Section 14 and the NW 1/4 NE 1/4 of Section 23; all in T93N-R56W in Yankton County. This application appropriates an additional 0.45 cfs from the existing well to irrigate 32 additional acres located in the NW 1/4 SE 1/4, SE 1/4 SW 1/4, SE 1/4 SE 1/4 of Section 14 and the N 1/2 NE 1/4, NE 1/4 NW 1/4 of Section 23; all in T93N-R56W.

AQUIFER - MISSOURI ELK POINT (M-EP)

The Missouri Elk Point is an alluvium mantled outwash (sand and gravel) which is under water table conditions in this area. The aquifer underlies 45,000 acres and contains an estimated 675,000 acre feet of recoverable water in storage in Yankton County (Hedges, 1982). The aquifer is hydraulically connected to the Lower James Missouri aquifer to the north and extends into Clay County to the east. Also, the Missouri and James Rivers are hydraulically connected to the aquifer and generally are discharge boundaries for ground water (Bugliosi, 1986). A well log for this application indicates fine sand and clay streaks from two to 136 feet below land surface with coarse sand and gravel from 136 to 159 feet below land surface.

The Water Rights Program does monitor observation wells completed into the Missouri Elk Point aquifer in Yankton County but the nearest one to this application is located about seven miles east. Water levels for this well and all wells completed into the Missouri Elk Point aquifer show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. The water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1999).

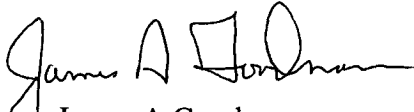
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is an existing irrigation well about 2500 feet southwest of this application. At this distance interference is not a concern. The Missouri River is located within one-half mile of this well and will help maintain water levels.

CONCLUSIONS

1. Water is available from the Missouri Elk Point aquifer.
2. The aquifer is under water table conditions in this area. Also the Missouri River is near the production well. Drawdown created by pumping should not be significant nor extend very far from the production well. Interference is not a concern.

3. This is an existing well and has been in use for many years. This application is a result of an inspection which found additional lands were being irrigated which were not authorized by a permit. Approval of this application will allow licensing of this system as it is constructed.
4. Information is not available to determine if this well is constructed in accordance with SD Well Construction Standards.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Bugliosi, E.F., 1986, Water Resources of Yankton County, South Dakota, WRI 84-4241, USGS, Huron, SD, 57350.

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

Water Rights, 1999, Unpublished Observation Well Data for Yankton County, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6114-3, Heine Farms**

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. 6114-3, Heine Farms, c/o Ron Heine, 55969 897 Road, Fordyce, NE 68736.

The Chief Engineer is recommending APPROVAL of Application No. 6114-3 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 well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. 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
January 20, 1999



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

January 25, 1999

Heine Farms
%Ron Heine
55969 897 Road
Fordyce, NE 68736

Dear Mr. Heine:

Water Permit Application No. 6114-3 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 # (605) 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
www.state.sd.us/denr

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

ATTENTION: Legal Department

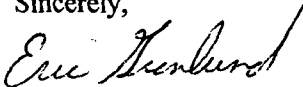
Enclosed is a Notice of Hearing on Application No. 6114-3 to Appropriate Water to be published twice. Please publish the first notice on February 3, 1999, with the second publication 7 days later.

The applicant must verify to you that the notice is to be published, before you make the first publication. Please **BILL the APPLICANT for the cost of publication.** The APPLICANT is Heine Farms, %Ron Heine, 55969 897 Road, Fordyce, NE 68736 (Ph # (402) 357-3392).

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-----

No. 6114-3

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

Date _____

We are in receipt of your letter of January 25, 1999, enclosing Notice of Hearing to Appropriate Water by Application No. 6114-3 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 February 3, 1999, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6114-3 to Appropriate Water

Notice is given that Heine Farms, 55969 897 Road, Fordyce NE 68736 has filed an application for a water permit to appropriate 0.45 cubic feet of water permit second (cfs) and to irrigate 32 additional acres. Water Permit No. 4491-3 appropriates 0.86 cfs from one well (Missouri:Elk Point Aquifer) 160 feet deep located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 14 to irrigate 60 acres located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14 and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 23; all in T93N-R56W. This application appropriates an additional 0.45 cfs from the existing well to irrigate 32 additional acres located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 14 and N $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 23; all in T93N-R56W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6114-3 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 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 February 22, 1999.

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 Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

Affidavit of Publication



STATE OF SOUTH DAKOTA

COUNTY OF YANKTON

SS.

Adrian Pratt

being first duly sworn says: That he is the Editor of the Yankton Printing Company, a corporation, the printer and publisher of the Yankton Daily Press and Dakotan, a daily newspaper of general circulation, printed and published in the City and County of Yankton, South Dakota; that he has personal knowledge of all the facts stated in this affidavit; and that the advertisement captioned NOTICE OF APPLICATION NO. 6114-3 TO APPROPRIATE WATER

a printed copy of which is hereunto attached, was printed and published in the regular and entire issue of said newspaper, and not in a supplement, once each week for two successive weeks, the first publication being made on the 3rd day of February, 19 99, and the last publication being made on the 10th day of February, 19 99.
 The first publication being made on the 3rd day of February
 The second publication being made on the 10th day of February
 The third publication being made on the day of
 The fourth publication being made on the day of
 The fifth publication being made on the day of
 The sixth publication being made on the day of
 The seventh publication being made on the day of
 The eighth publication being made on the day of
 The ninth publication being made on the day of
 The tenth publication being made on the day of

That said newspaper is a legal newspaper, and has a bona fide circulation of more than two hundred copies daily and has been published in the English language within the said County of Yankton for more than one year next prior to the first publication of said notice, and is printed in Yankton in an office maintained in Yankton, South Dakota, the place of publication of said newspaper. That the full amount of the fee paid for the publication of the annexed notice is \$ 50.00, which inures solely to the benefit of said publisher; that no agreement or understanding for a division thereof has been made with any person, and that no part thereof has been agreed to be paid to any person whomsoever.

Subscribed and sworn to before me this 10th dayof February, 19 99

Notary Public, South Dakota

My Commission Expires 8-19-2003
 2+3 & 10
 NOTICE OF APPLICATION NO. 6114-3 TO
 APPROPRIATE WATER

Notice is given that Heine Farms, 55969 897 Road, Fordyce NE 68736 has filed an application for a water permit to appropriate 0.45 cubic feet of water permit second (cfs) and to irrigate 32 additional acres. Water Permit No. 4491-3 appropriates 0.86 cfs from one well (Missouri:Elk Point Aquifer) 160 feet deep located in the SW 1/4 SE 1/4 Section 14 to irrigate 60 acres located in the SW 1/4 SE 1/4 of Section 14 and the N 1/4 NE, 1/4 NE, Section 23; all in T93N-R56W. This application appropriates an additional 0.45 cfs from the existing well to irrigate 32 additional acres located in the NW 1/4 SE 1/4 SW 1/4, SW 1/4 SE 1/4, Section 14 and N 1/2 NE 1/4 NE 1/4, NW 1/4 Section 23; all in T93N-R56W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6114-3 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 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 February 22, 1999.

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 Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

Publication Fees \$ Received Payment,



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 16, 1999

Heine Farms
%Ron Heine
55969 897 Road
Fordyce, NE 68736

Dear Mr. Heine:

I am writing to advise you that the legal notice of hearing on Application No. 6114-3 for Heine Farms published in the Yankton Daily Press & Dakotan was not correct. The legal description of the acres irrigated was not accurate. The newspaper was called February 5, 1999 to have the error corrected on the second publication; however, the legal description of the acres irrigated was still incorrect on the February 10, 1999 publication.

As a result of the error, the legal notice will need to be readvertised. The readvertisement is needed to ensure the permit is free from legal problems due to inaccurate and incomplete public notice. The information to readvertise the notice is enclosed. **Be sure to contact the Yankton Daily Press & Dakotan (605 665-7811) to authorize publication on February 24 and March 3, 1999 and arrange for payment.**

If you have any questions, please contact this office.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

-enclosures

c: Yankton Daily Press & Dakotan



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 16, 1999

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

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 6114-3 to Appropriate Water to be published twice. Please publish the first notice on February 24, 1999 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. The APPLICANT is Heine Farms, %Ron Heine, 55969 897 Road, Fordyce, NE 68736 (Ph # (402) 357-3392).

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

-----CU T HERE-----

No. 6114-3

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

Date _____

We are in receipt of your letter of February 16, 1999 enclosing Notice of Hearing to Appropriate Water by Application No. 6114-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

NOTICE OF APPLICATION NO. 6114-3 to Appropriate Water

Notice is given that Heine Farms, 55969 897 Road, Fordyce NE 68736 has filed an application for a water permit to appropriate 0.45 cubic feet of water permit second (cfs) and to irrigate 32 additional acres. Water Permit No. 4491-3 appropriates 0.86 cfs from one well (Missouri:Elk Point Aquifer) 160 feet deep located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 14 to irrigate 60 acres located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14 and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 23; all in T93N-R56W. This application appropriates an additional 0.45 cfs from the existing well to irrigate 32 additional acres located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 14 and N $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 23; all in T93N-R56W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6114-3 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 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 March 15, 1999.

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 Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

Permit No. 6114-3
Missouri River - Water District

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

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

I have this day, **September 16, 1998**, made a thorough examination of the water use system owned by **Heine Farms** of **55969 897 Rd, Fordyce NE 68736** holder of Permit Nos. **6114-3 and 4491-3**, bearing the priority of **November 30, 1998 and February 25, 1980, respectively**, authorizing the diversion of **0.45 and 0.86** cu. ft. per second, respectively, of the waters of **ground water** 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 **Western Land Roller**

Motor:

- 1) Make **Marathon**
- 2) Horsepower rating **75** hp

B. Works used to apply water to beneficial use:

Center Pivot:

- 1) Make **Valley**
- 2) Number of towers **8**

- 3) End gun **Y**
- 4) Medium pressure **50** psi
- 5) Capacity **800** GPM

The system is in the following condition **good**. The point of diversion is located **Well: 2,350 feet S and 2,025 feet W from the E $\frac{1}{4}$ corner section 14-T93N-R56W (SW $\frac{1}{4}$ SE $\frac{1}{4}$)**. The works are capable of diverting and conveying to the place of use **1.78** cu. ft. per second of water which is to be used for **irrigation**. Water has been put to beneficial use to the maximum extent as follows: **All in T93N-R56W**

SE $\frac{1}{4}$ SE $\frac{1}{4}$ sec 14	10 ac	SE $\frac{1}{4}$ SW $\frac{1}{4}$ sec 14	12 ac	NE $\frac{1}{4}$ NE $\frac{1}{4}$ sec 23	3 ac
SW $\frac{1}{4}$ SE $\frac{1}{4}$ sec 14	39 ac	NE $\frac{1}{4}$ NW $\frac{1}{4}$ sec 23	5 ac		
NW $\frac{1}{4}$ SE $\frac{1}{4}$ sec 14	2 ac	NW $\frac{1}{4}$ NE $\frac{1}{4}$ sec 23	21 ac	Total Acres	92 acres

comprising a total of **92, (60 acres under 4491-3 and 32 acres under 6114-3)** acres of land and the license should be issued for **1.31** cfs.

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

Exceptions to compliance are: **none** Date report completed: **December 8, 1998.**



Ron Duvall
 Natural Resources Engineer
 DENR, Water Rights Program

FIELD INVESTIGATION REPORT FOR PERMIT NO. 6114-3

DATE OF INVESTIGATION	September 16, 1998
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Ron Heine
NAME & ADDRESS OF PERMIT HOLDER	Heine Farms 55969 897 Rd Fordyce NE 68736
DIVERSION POINT LEGAL LOCATION	Well: 2,350 feet S and 2,025 feet W from the E$\frac{1}{4}$ corner section 14-T93N- R56W (SW$\frac{1}{4}$SE$\frac{1}{4}$)

Other permit(s) associated with the project: 4491-3

Pump:

- 1) Make Western Land Roller

Motor:

- 1) Make General Electric
- 2) Horsepower rating 60 hp

SYSTEM TYPE:

Center Pivot:

- 1) Make Valley
- 2) Number of towers 8

- 3) End gun Y
- 4) Medium pressure 50 psi
- 5) Capacity 800 GPM

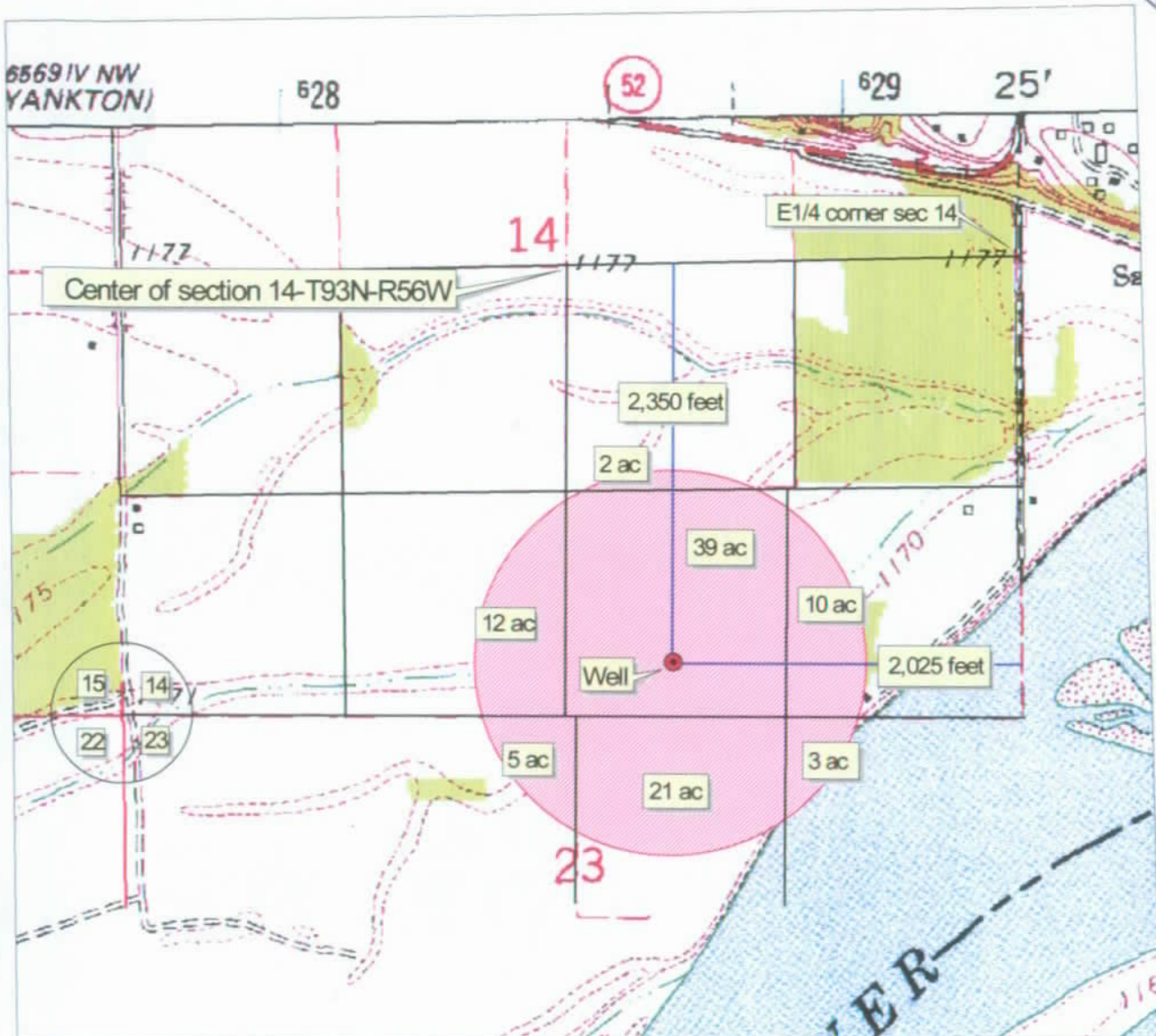
CHEMIGATION EQUIPMENT:

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

PERMIT QUALIFICATIONS:

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

1000 0 1000 Feet



Ron Duvall

Ron Duvall, Nat Res Engineer

12/8/98

Date

Water Right No. 4491-3

6114-3

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6114-3

(1) Heine Farms, 55969 897 Road, Fordyce NE 68736 made Application No. 6114-3, November 30, 1998 for a water permit to divert an additional 0.45 cubic feet of water per second (cfs) from groundwater (one existing well), Yankton County, South Dakota for irrigation purposes. Permit No. 6114-3, with a priority date of November 30, 1998 was approved March 15, 1999 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

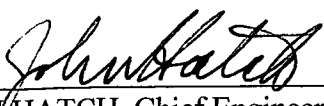
Water Permit No. 4491-3 with a priority date of February 25, 1980, authorizes 0.86 cfs from one well to irrigate 60 acres. The applicable portions of No. 4491-3 are incorporated into this Water License No. 6114-3.

(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 1.31 cubic feet of water per second for beneficial use. The location of the diversion point is 2,350 feet south and 2,025 feet west from the east quarter corner of Section 14-T93N-R56W (SW ¼ SE 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:

All in T93N-R56W					
Section 14	SE ¼ SE ¼	10 acres	Section 23	NE ¼ NW ¼	5 acres
	SW ¼ SE ¼	39 acres		NW ¼ NE ¼	21 acres
	NW ¼ SE ¼	2 acres		NE ¼ NE ¼	3 acres
	SE ¼ SW ¼	12 acres			
Total 92 acres					

(4) Pursuant to South Dakota Water Law 46-5-30.1 Heine Farms, 55969 897 Road, Fordyce NE 68736 the holder and/or owner of Incorporated Water Right No. 6114-3 is issued a license to appropriate water, the right to use 1.31 cubic feet of water per second from groundwater (one well) with priority dates of February 25, 1980 (0.86 cfs) and November 30, 1998 (0.45 cfs) from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Incorporated Water Right No. 6114-3 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



6114-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 26, 2007

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 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



6114-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

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

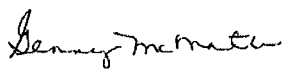
Dear Sirs:

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



6114-3
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.

6114-3



**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 black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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



6114-3
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.



6114-3
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,

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