

WATER PERMIT NO. 6169-3

Name of Applicant: **Heine Farms**

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

Phone: **402 357-3392**

Amount of Water Claimed: **2.25 add'l cfs**

Total Acres: **120 add'l acres**

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

Water to be used for: **irrigation**

County: **Clay**

Type of Waste Disposal System:

Location: **8 miles northwest of Vermillion**

PRIORITY

Date Received: **1-7-00**

Fee: **\$250**

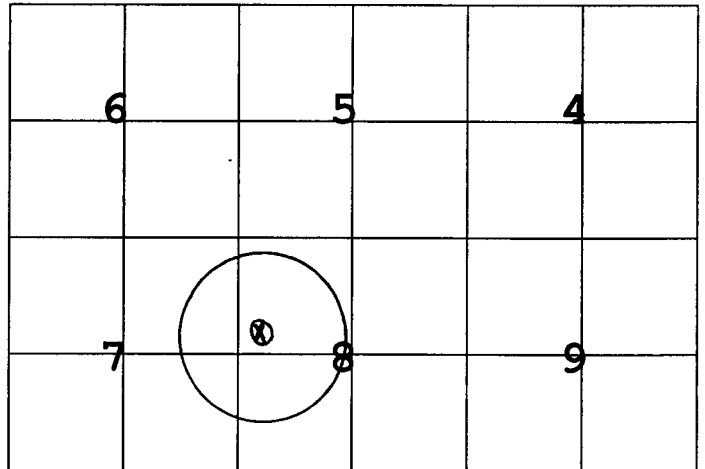
Corrected Application Received:

Period of Annual Use: **April 1 – September 30**

Remarks: **Application is for replacement well, additional acreage, and change in location of portion of acreage covered by No. 3508-3**

Diversion Point: **SW ¼ NW ¼ Sec 8-T93N-R52W**

Land to be Irrigated: **NW ¼, N ½ SW ¼, SW ¼**
SW ¼, Sec 8, E ¼ NE ¼, NE ¼ SE ¼ Sec 7;
all in T93N-R52W



Depth of Well: **approximately 69 feet**

Well Driller: : **permission to drill test well**

Remarks:

Type of Map: **aerial**

Prepared by: **Ron Duvall**

Reviewed and the Number Assigned on: **1-13-00**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

WATER PERMIT NO. 6169-3

Date of first receipt of application January 7, 2000.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6169-3 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:

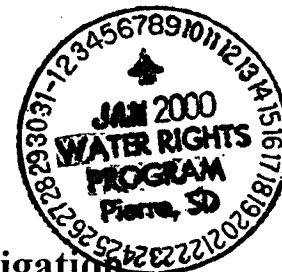
1. Water Permit No. 6169-3 authorizes a replacement well, additional diversion rate, additional acreage, and a change in the location of a portion of acreage covered by Water Right No. 3508-3. Water Right No. 3508-3 appropriates 1.66 cubic feet of water per second (cfs) from one well (Missouri-Elk Point Aquifer) 69 feet deep located in the SE ¼ NW ¼ Section 8 to irrigate 154 acres located in the W ½ Section 8; all in T93N-R52W. This permit authorizes an additional appropriation of 2.25 cfs from a replacement well located in the SW ¼ NW ¼ Section 8 to irrigate 120 additional acres located in the E ½ NE ¼, NE ¼ SE ¼ Section 7; all in T93N-R52W. The total number of acres irrigated will be 274 with a total diversion rate of 3.91 cfs. Water Right No. 3508-3 and this permit, combined, may not exceed 1 cfs for each 70 acres irrigated.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – September 30.
3. The date from which applicant may claim right is January 7, 2000.
4. The date of approval of Permit No. 6169-3 is March 13, 2000.
5. One-fifth of the construction is to be completed on or before September 13, 2002.
6. All construction is to be completed on or before March 13, 2005.
7. Water is to be put to beneficial use on or before March 13, 2009.
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 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. The well authorized by Permit No. 6169-3 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. The Permit Holder shall plug the well to be abandoned which was originally authorized by Water Right No. 3508-3 in accordance with SD Well Construction Standards.

(continued)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6169-3</u>	(office use only) Hydrologic Unit <u>10170102</u>
	Basin <u>Vermillion River</u>	
	Newspaper <u>Vermillion Plain Talk, Vermillion, SD</u>	



Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 3508-3
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) See maps
Application is for a replacement well, additional acreage, and change in
location of portion of acreage covered by 3508-3

1. Name of Applicant Heine Farms Phone 402-357-3392
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 5546.9 847 Road Fordyce Wb. State 68736
(Street, RR, or Box and City) (Zip Code)
(2.25 add'l) 1,750 (10/6 gpm add'l) 120 add'l
2. Amount of water claimed 3.91 *CFS or ~~1700~~ **GPM ***AF Total Acreage 274
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Well
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) See maps
Well: 650' east and 2,100' south from NW corner sec. 8-93N-52W
(SW 1/4 NW 1/4) County _____

5. County or counties where water will be used CLAY

6. Annual period during which water is to be used April 1 to Sept 30

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
NW 1/4 NW 1/4 Section 8	34	NE 1/4 SW 1/4 Section 8	24
NE 1/4 NW 1/4 Section 8	16	SW 1/4 SW 1/4 Section 8	2
SW 1/4 NW 1/4 Section 8	40	NE 1/4 NE 1/4 Section 7	18
SE 1/4 NW 1/4 Section 8	36	SE 1/4 NE 1/4 Section 7	38
NW 1/4 SW 1/4 Section 8	40	NE 1/4 SE 1/4 Section 7	26

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

This application is to increase the permitted acreage from 154 acres (3508-3) to 274 acres and change the location of some of the existing permitted acres. In addition, a replacement well is to be constructed and the diversion rate increased to 3.91 cfs (1 cfs per 70 ac).

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 6th day of January, 2000

My Commission Expires:
6-26-2004

Cheryl A. Oster
Notary Public signature

Water Permit No. 6169-3

Heine Farms

Page 2

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

WATER MANAGEMENT BOARD

By: Garland Erbele

Garland Erbele, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

APR 10 2000

date



Supplemental Information

(type or print in ink)



1. Well Information - Proposed Construction

- a) Drill Hole Diameter _____ Depth _____
- 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 _____ On property owned by others _____

2. Wastewater Disposal System Information

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

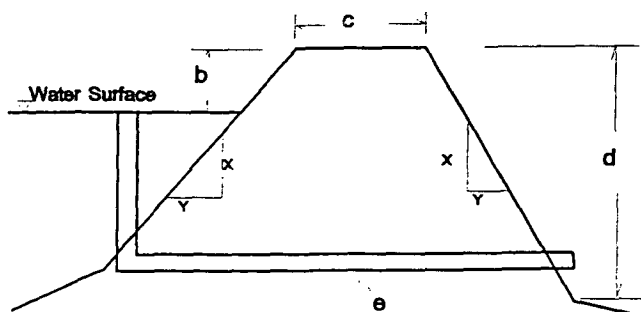
3. Dugout Information

- 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

SOUTH DAKOTA WATER WELL COMPLETION REPORT

60164-3
07-92

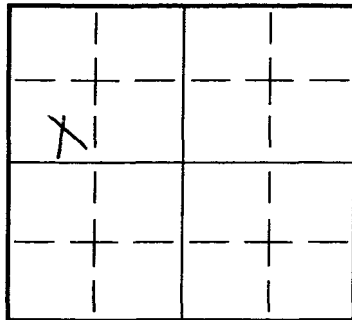
Location SW 1/4 NW 1/4 Sec 8 Twp 93N Rg 52W

County C&A North

C&A

Please mark well location with an "X"

W



Well Completion Date

JULY 2000

1 Mile

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 2600 ft. from FARM PLACE W/SEPTIC TANK (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

CASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>50R21</u> LB/FT	<u>16</u> IN	<u>1</u> FT	<u>32</u> FT	<u>26</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>PORTLAND</u>	<u>65</u>	<u>15</u> lb./gal	<u>25</u> ft	<u>0</u> ft
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure TREMBLE

SCREEN: ☒ Perforated pipe ☐ Manufactured

Diameter 16 IN Length 40 FEET

Material PVC

Slot Size 081 Set From 32 Feet to 72 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: CHLORINE

NO, Why Not? _____

Laboratory sent to for water quality analysis _____

Well Owner: HEINE FARMS RON HEINE

Business Name: _____

Address: 44701 SD HWY 50

YAKTON SOUTH DAKOTA 57078

WELL LOG:

DEPTH

FORMATION

FROM

TO

TOP & SILTY SAND

0

15

COURSE SAND

15

40

COURSE GRAVEL

40

60

VERY COARSE GRAVEL &

60

72

ROCKS

STATIC WATER LEVEL 9 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: TEST TURBINE

☐ Bailed

☐ Other

Pumping Level Below Land Surface

12 ft. After 1 Hrs. pumped 1000' GPM

20 ft. After 1 Hrs. pumped 1420 GPM

If pump installed, pump rate 1200 GPM

REMARKS

This well was drilled under license # 444

And this report is true and accurate.

Drilling firm CHRISTENSEN WELL + IRRIGATION INC

Signature of License Representative:

William J. Christensen

Signature of Well Owner or Equitable Property Holder:

Date: _____



Ron Davall

Nat. Res. Eng. MAP NOT

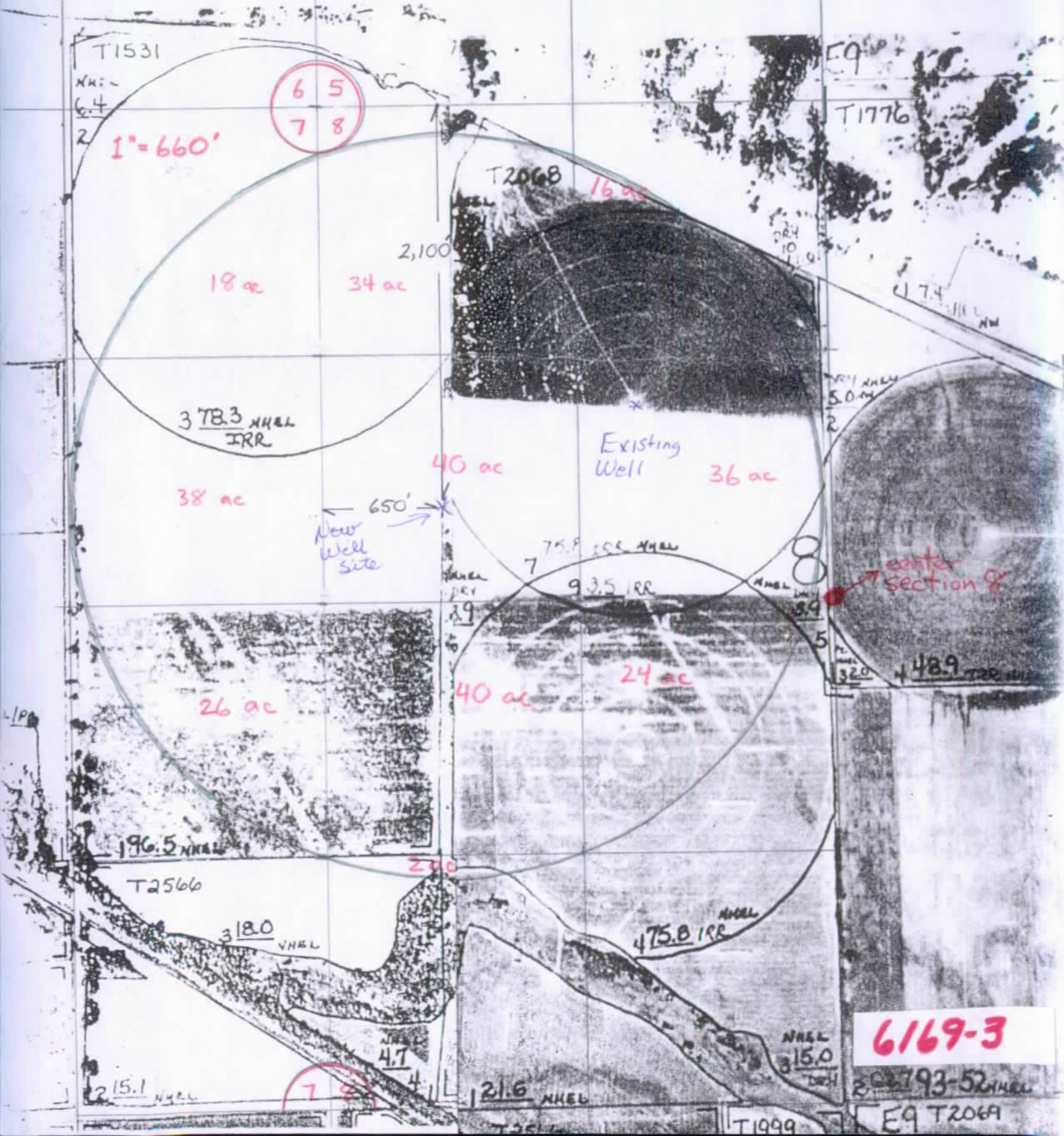
1/11/00

THIS IS NOT AN OFFICIAL



MAP NOT TO SCALE

THIS IS NOT AN OFFICIAL WATER



6169-3

793-52 NH&L

E9 T2069

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N^o 416337

Pierre, January 7, 2000

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. 6169-3 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. 6169-3 _____

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

225 00
50 00
275 00

By

Chief Engineer

John Hatch



Heine Farms

Res. St. Helena, Nebraska (402)357-3392 or 357-3369
Rural Route 1 • Box 67 • Fordyce, Nebraska 68736

December 28, 1999



Dept. of Environment &
Natural Resources
523 East Capitol
Pierre, SD 57501-3181

Attn: John Hatch, Chief Engineer

Dear Sir:

The purpose of my letter is to request permission to drill an irrigation test well.
There is a well on this property but it is too small.

The location of the proposed new well is Spirit Mound Plat in Clay County, SD
T-93N, R-52W in Section 8. The current well is licensed under Blaine Iverson.
We have purchased this property and are requesting permission under the name
of our farming operation, Heine Farms.

Thank you!

Sincerely,

Heine Farms

Ronald Heine, partner



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

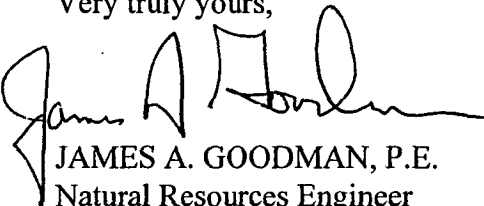
January 5, 2000

Ronald Heine
Heine Farms
55969 897 Road
Fordyce, NE 68736-3035

Dear Mr. Heine:

As requested, pursuant to South Dakota Well Construction Standard 74:02:04:21, you are authorized to construct a test well prior to approval of a water permit. The test well is to be completed in Section 8, T93N-R52W. The test well must be constructed in accordance with the SD Well Construction Standards. Any test holes that are abandoned must be plugged pursuant to the SD Well Construction Standards.

Very truly yours,



JAMES A. GOODMAN, P.E.
Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Program
(605) 773-3352

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME: Ron Heine, Heine Farms, 55969 897 Road, Fordyce NE 68736

DATE: January 11, 2000

TELEPHONE: 402-357-3392

RE: Completion of permit application

COMMENTS:

I contacted Ron Heine regarding an application for a replacement well and to add acreage to Water Right No. 3508-3. This application also changes the location of a portion of the acreage irrigated under No. 3508-3. Questions asked and answers are as follows:

Location of irrigated acreage.

Mr. Heine indicated that the two small pivots are being replaced by one large pivot approximately 1,950 feet in length. The center of the pivot is to be located at the site of the new well as shown on the aerial photo. This pivot covers 274 acres. Mr. Heine gave authorization for the pivot to be drawn on the submitted aerial photo and to make corresponding acreage changes on the application form.

Replacement well.

Mr. Heine indicated that the construction of the replacement well will be similar to the existing 80 feet deep irrigation well covered by No. 3508-3. The existing well is to be capped and eventually plugged. There is no intention to retain the old well as a standby well. Mr. Heine has also permission to construct a test well which will be completed as soon as a driller is available.



Ron Duvall
Natural Resources Engineer
Water Rights Program



**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

3508-3

Ron Heine
Heine Farms
55969 897 Rd
Fordyce, NE 68736

Dear Mr. Heine:

Enclosed, as we discussed, is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change with Water Right No. 3508-3. The water right is currently listed in the name of Blaine Iverson.

Please review the transfer form and complete as needed. Upon completion, please sign the form in the presence of a notary public and return it to our office with a required filing fee of \$2.50.

Thank you in advance for your help. If you have any questions, please give me a call.

Sincerely,

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

enclosure

REPORT ON WATER PERMIT APPLICATION NO. 6169-3
for Heine Farms
January 26, 2000

Application No. 6169-3 proposes a replacement well, additional diversion rate, additional acreage, and a change in the location of a portion of acreage covered by Water Right No. 3508-3. Water Right No. 3508-3 appropriates 1.66 cfs from one well approximately 69 feet deep located in the SE 1/4 NW 1/4 of Section 8 to irrigate 154 acres located in the W 1/2 of Section 8; all in T93N-R52W. This application proposes to appropriate an additional 2.25 cfs from a replacement well approximately 90 feet deep located in the SW 1/4 NW 1/4 of Section 8 to irrigate 120 acres additional acres located in the E 1/2 NE 1/4, NE 1/4 SE 1/4 of Section 7; all in T93N-R52W in Clay County. The total number of acres irrigated will be 274 acres with a total diversion rate of 3.91 cfs. Water Right No. 3508-3 and this application, combined, may not exceed 1 cfs for each 70 acres.

AQUIFER - MISSOURI - ELK POINT (M-EP)

The Missouri Elk Point is a alluvium mantled outwash (sand and gravel) in this area (Stephens, 1967). The aquifer is under confined or artesian conditions at this site. The aquifer underlies 74,500 acres and contains an estimated 1.117 million acre feet of recoverable water in storage in Clay County (Hedges, 1982). The aquifer extends into Yankton County to the west and Union County to the east. The aquifer also is hydraulically connected to the Lower James Missouri aquifer to the northwest, to the Lower Vermilion Missouri aquifer to the northeast and to the Missouri, Vermillion and James Rivers.

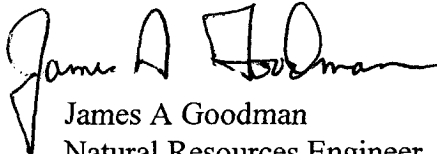
The Water Rights Program monitors an observation well, CL-80A, which is located about one mile west of this application. Water levels for this well show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. The water level record for this well indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2000). A hydrograph of this observation well is included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

Existing Water Right No. 3508-3 will be incorporated into this application. The existing well will be capped and plugged. The next closest irrigation well is for Water Right No. 4644-3 and is located about one mile east of the well for this application. Interference is not a concern. These are existing systems and have been in use for many years with no apparent problems. The observation well hydrograph reinforces the conclusion that drawdown created by pumping would not be significant at this distance between wells.

CONCLUSIONS

1. Water is available from the Missouri Elk Point aquifer.
2. The aquifer is under confined or artesian conditions at this site. However, drawdown created by pumping is not significant and will not cause adverse effects in this area.
3. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.
4. The well to be abandoned under Water Right No. 3508-3 must be plugged in accordance with SD Well Construction Standards.
5. Approval of this application will allow irrigation of 274 acres with a diversion rate of 3.91 cfs which is the statutory limit of 1 cfs per 70 acres.



James A Goodman
Natural Resources Engineer

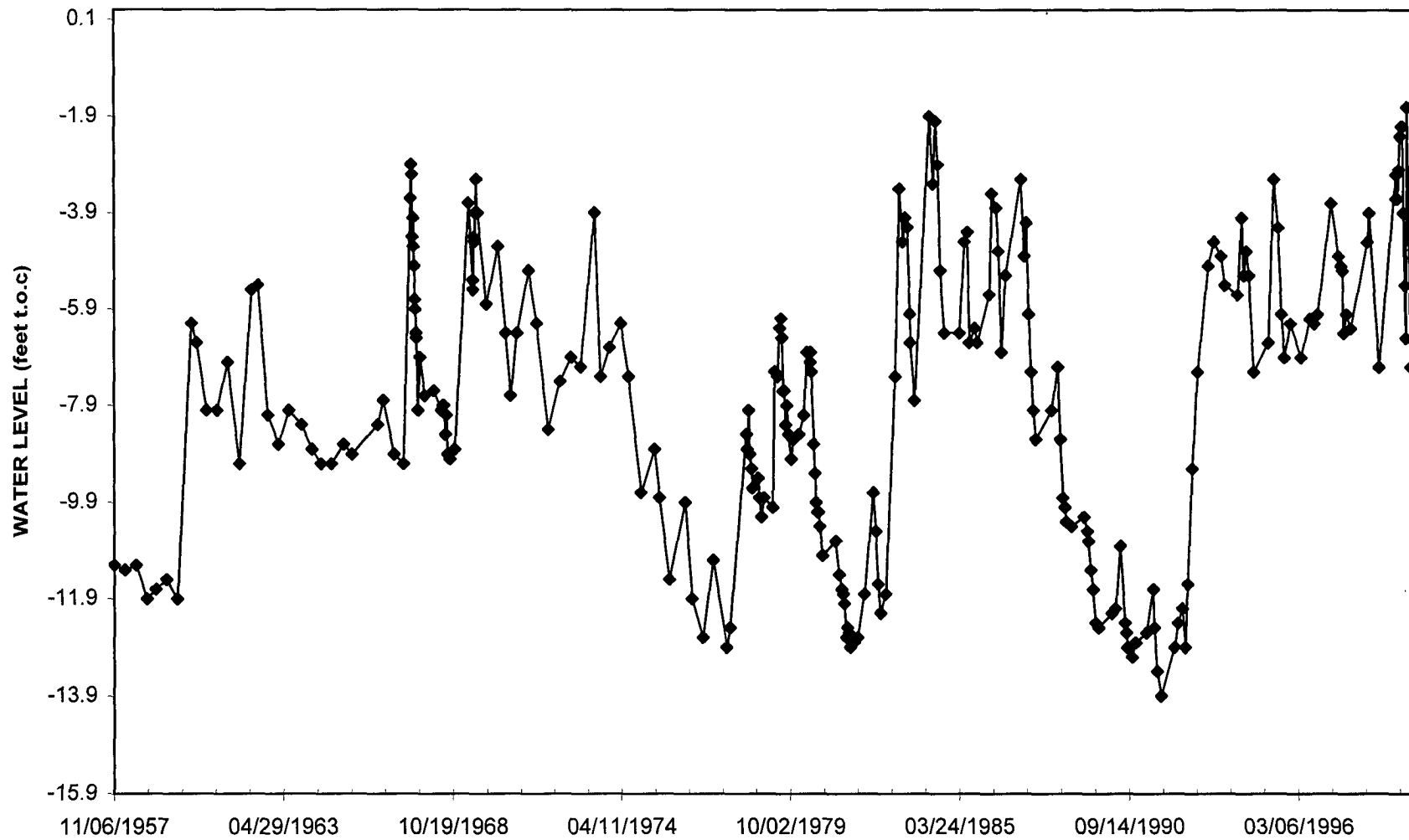
BIBLIOGRAPHY

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

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

Water Rights, 2000, Unpublished Observation Well Data for Clay County, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL
CL-80A



**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6169-3, 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. 6169-3, Heine Farms, c/o Ron Heine, 55969 897 Road, Fordyce, Nebraska 68736.

The Chief Engineer is recommending APPROVAL of Application No. 6169-3 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. The well authorized by Permit No. 6169-3 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. The Permit Holder shall plug the well to be abandoned which was originally authorized by Water Right No. 3508-3 in accordance with SD Well Construction Standards.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.



Garland Erbele, Chief Engineer
February 11, 2000



**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.

February 14, 2000

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

Dear Mr. Heine:

Water Permit Application No. 6169-3 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 Vermillion Plain Talk printed at Vermillion, SD (Ph # (605) 624-2695). 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

February 14, 2000

Vermillion Plain Talk
Box 256
Vermillion, SD 57069-0256

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6169-3 to Appropriate Water to be published twice. Please publish the first notice on February 25, 2000, 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

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

No. 6169-3

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

Date _____

We are in receipt of your letter of February 14, 2000, enclosing Notice of Hearing to Appropriate Water by Application No. 6169-3 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 25, 2000, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6169-3 to Appropriate Water
And Amend Water Right No. 3508-3

Notice is given that Heine Farms, 55969 897 Road, Fordyce NE 68736 has filed an application for a water permit for a replacement well, additional diversion rate, additional acreage, and a change in the location of a portion of acreage covered by Water Right No. 3508-3. Water Right No. 3508-3 appropriates 1.66 cubic feet of water per second (cfs) from one well (Missouri-Elk Point Aquifer) 69 feet deep located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 8 to irrigate 154 acres located in the W $\frac{1}{2}$ Section 8; all in T93N-R52W. This application proposes to appropriate an additional 2.25 cfs from a replacement well located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 8 to irrigate 120 additional acres located in the E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 7; all in T93N-R52W. The total number of acres irrigated will be 274 with a total diversion rate of 3.91 cfs. Water Right No. 3508-3 and this application, combined, may not exceed 1 cfs for each 70 acres irrigated.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6169-3 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 13, 2000.

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.

**PROOF OF PUBLICATION**

STATE OF SOUTH DAKOTA)
) SS
 County of Clay)

I, Kim Crady

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:

February 25, 2000

March 3, 2000

Cost of Printing \$44.01

Kim Crady
 (Signature)

Secretary

(Title)

3/3/2000

(Date Signed)

**NOTICE OF APPLICATION
 NO. 6169-3 to Appropriate Water
 And Amend Water Right No. 3508-3**

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154 acres located in the W 1/2 Section 8; all in T93N-R52W. This application proposes to appropriate an additional 2.25 cfs from a replacement well located in the SW 1/4 NW 1/4 Section 8 to irrigate 120 additional acres located in the E 1/2 NE 1/4, NE 1/4 SE 1/4 Section 7; all in T93N-R52W. The total number of acres irrigated will be 274 with a total diversion rate of 3.91 cfs. Water Right No. 3508-3 and this application, combined, may not exceed 1 cfs for each 70 acres irrigated.

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Publish: February 25 & March 3, 2000



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 10 2000

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

Dear Mr. Heine:

Enclosed is Water Permit No. 6169-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 26, 2003

6169-3

First Dakota National Bank
PO Box 495
Yankton SD 57078

Attention: Sara

Dar Sara:

Enclosed as you requested is a copy of the soil/water compatibility documents within Water Right No. 3508-3. Also enclosed is a copy of Water Permit No. 6169-3. No. 6169-3, held by Heine Farms is a permit to allow a replacement well, additional acreage and a change in the location of a portion of acreage covered by Water Right No. 3508-3.

If I can answer any questions for you, please contact me.

Sincerely,

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

enclosures



6169-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 27, 2004

3508-3
6169-3

Jerry Poeschl
213 Katherine Way
Yankton SD 57078

Dear Mr. Poeschl:

Eric Gronlund with our program visited with you about ownership of land described in Water Permit No. 6169-3. The permit is currently in the name of Heine Farms and authorizes a replacement well, an additional diversion rate and additional acreage to what was described in Water Right No. 3508-3. Since the two permits are connected, I am making the assumption that you now own the land under both of them.

Enclosed are copies of Nos. 3508-3 and 6169-3 for your review. Also enclosed are partially completed Notice of Transfer of Ownership forms for filing an ownership change. Please review the forms and complete as needed. Upon completion, please sign the forms and return them to our office with a required filing fee of \$2.50 each (\$5.00 total). The check or money order for the fee can be made payable to the Water Rights Program.

Thank you in advance for your help in keeping the ownership up-to-date. If I can answer any questions for you, please contact me.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 6169-3

Date: 8-27-2004

I/We request that Water Permit No. 6169-3

formerly owned by: Heine Farms

be transferred to: (name & address) Jerome Paeschl
213 Katherine Way Yankton, SD 57078
Telephone No. 605-665-3882

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

120 acres - E 1/2 NE 1/4, NE 1/4 SE 1/4 Section 7, T93N, R52W

I/We understand that the validity of Water Permit No. 6169-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Jerome Paeschl, the new owner, certify that the above information is true and correct.


(Signed by new owner)

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

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

RECEIVED
SEP - 2 2004
WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date September 2, 20 04

RECEIVED OF Jerome Roeschi, 213 Katherine Way, Yankton SD 57078

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	2 50	
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>6169-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No. 000001

By Barland Ebel
Chief Engineer gm

6169-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 2, 2004

3508-3
6169-3

Jerry Poeschl
213 Katherine Way
Yankton SD 57078

Dear Mr. Poeschl:

Thank you for sending in the "Notice of Transfer of Ownership" forms and filing fees for changing ownership on Water Right No. 3508-3 and Water Permit No. 6169-3. The transfers have been completed. No. 3508-3 and 6169-3 formerly held by Heine Farms are now listed in your name.

In mid October, we will be sending you irrigation questionnaires to report how much water was used during the irrigation season this year. I have included a copy of last year's forms to give you an idea of what type of information is needed.

Enclosed are Receipt Nos. 001411 and 001412 in the amount of \$2.50 each. You may keep these for your records. If I can answer any questions for you, please contact me.

Sincerely,

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

enclosures



6169-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

MAY 16 2008

6954-3

Jerome Poeschl
213 Katherine Way
Yankton SD 57078

Dear Mr. Poeschl:

Enclosed are Water Permit No. 6954-3 and Water License No. 6954-3. The water license is the final water right document completing your process of obtaining a Water Right. Also, included with your license is a map prepared by the Lynn Beck, staff engineer who conducted the investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 6954-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

Note: The applicable portions of Nos. 3508-3 and 6169-3 are incorporated into Water License No. 6954-3.

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