

WATER PERMIT NO. 6222-3

Name of Applicant: Lyle Wagner

Address: 1019 Ridgecrest, Vermillion SD 57069

Phone: 605 624-2470

Amount of Water Claimed: 1.67 cfs (750 gpm)

Total Acres: no additional (68.5 acres)

Source of Water Supply: groundwater

Water to be used for: irrigation County: Union

Type of Waste Disposal System:

Location: 4 miles north of Elk Point

PRIORITY Date Received: 7-13-2000

Fee: \$150

Corrected Application Received::

Period of Annual Use: May 1 – October 1

Remarks: Increases diversion rate authorized by Water Permit No. 6006-3

Diversion Point: S ½ Lot 2 SW ¼

Sec 31-T92N-R49W

Land to be Irrigated: S ½ Lot 2 SW ¼

Sec 31-T92N-R49W

Depth of Well: 100

Well Driller: :

Remarks: well completion report not available

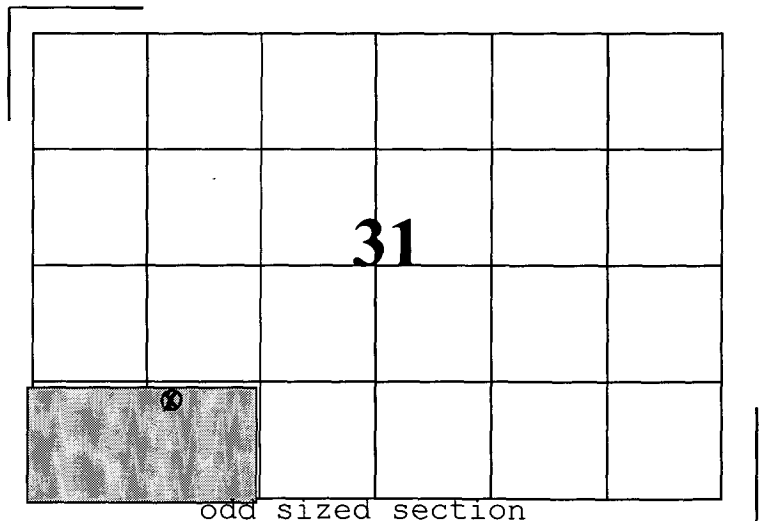
Type of Map: topo

Prepared by: Eric Gronlund

Reviewed and the Number Assigned on: 7-13-2000

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



SOUTH DAKOTA
WATER PERMIT NO. 6222-3

Date of first receipt of application July 13, 2000.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6222-3 to Lyle Wagner, 1019 Ridgecrest, Vermillion SD 57069 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 6222-3 appropriates 1.67 cubic feet of water per second (cfs) (750 gallons per minute) from an existing 100 feet deep well (Missouri:Elk Point Aquifer) 100 feet deep located in the S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 31 to irrigate 68.5 acres located in the S $\frac{1}{2}$ of Lot 2 (SW $\frac{1}{4}$) Section 31; all in T92N-R49W. Water Permit No. 6006-3 appropriates 1.0 cfs (450 gpm) from this same well for irrigation of the same lands. This permit increases the water appropriation from the well from 1.0 cfs to 2.67 cfs (1200 gpm).
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – October 1.
3. The date from which applicant may claim right is July 13, 2000.
4. The date of approval of Permit No. 6222-3 is October 30, 2000.
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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 6222-3 authorizes a maximum diversion rate of 2.67 cfs for the irrigation of 68.5 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
3. 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

MAR 13 2001

date



ESS 6/1/00

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)
	No. <u>6222-3</u> Hydrologic Unit <u>10170101</u>
	Basin <u>Vermillion River</u>
	Newspaper <u>Leader-Courier, Elk Point</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.)

Additional diversion rate to Water Permit No. 6006-3

- Name of Applicant Lyle Wagner Phone (605) 624-2470
(check one) X Owner Tenant/lessee
Mailing Address 1019 Ridgecrest Vermillion State SD 57069
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 1.67 add'l *CFS or 750 **GPM ***AF Total Acreage No add'l
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Groundwater
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) S 1/2 of Lot 2 of the SW 1/4
Section 31, T92N, R49W
 County Union
- County or counties where water will be used Union
- Annual period during which water is to be used May 1 - October 1
- 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
S 1/2 of Lot 2 of SW 1/4 Section 31, T92N, R49W	68.5		
(oversized quarter-quarter)			

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

Land farmed by Wayne Heckathorn.

Application being filed for additional diversion rate to reflect system operation. A rate greater than 1cfs/70 acres is allowed pursuant to SDCL 46-5-6 (see justification on attached sheet).

STATE OF SOUTH DAKOTA) SS
County of CLAY

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

I, LYLE WAGNER, 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 Lyle Wagner

Subscribed and sworn to before me this 11 day of July 2000

SHERYL PETERSON

Notary Public signature

My Commission Expires June 5, 2005

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N2 416585

Pierre, July 13, 2000

RECEIVED OF Lyle Wagner, 1019 Kidgecrest, Vermillion, SD 57069
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____	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. _____	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	200 00
		200 00

By Harold Ebel
Chief Engineer

July 9, 2000

Eric Gronlund
Water Rights Program
Pierre SD 57501



Dear Mr. Gronlund

Eric, as you and I discussed on the phone 450 GPM is not adequate for flood irrigation. We are using 8 inch pipe and need volumes sufficient enough to run water 70 rods to the south which is longer than the typical ideal flood run of 40 rods. The longer runs were necessary in leveling because of the lay of the field and the volumes of soil to be moved. We would therefore request a 1200 GPM diversion rate.

Sincerely,

Wayne Hechtman



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6222-3, Lyle Wagner**

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. 6222-3, Lyle Wagner, 1019 Ridgecrest, Vermillion, SD 57069.

The Chief Engineer is recommending APPROVAL of Application No. 6222-3 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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 6222-3 authorizes a maximum diversion rate of 2.67 cfs for the irrigation of 68.5 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
3. 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
September 6, 2000

REPORT ON WATER PERMIT APPLICATION NO. 6222-3
for Lyle Wagner
August 29, 2000

Application No. 6222-3 proposes to appropriate 1.67 cfs (750 gpm) from an existing 100 feet deep well located in the S 1/2 SW 1/4 of section 31 to irrigate 68.5 acres located in the S 1/2 of Lot 2 (SW 1/4) of section 31; all in T92N R49W in Union County. Water Permit No. 6006-3 appropriates 1.0 cfs (450 gpm) from this same well for irrigation of the same lands. This application will increase the water appropriation from 1.0 cfs to 2.67 cfs (1200 gpm). This diversion rate is in excess of one cfs for 70 acres irrigated, however; pursuant to SDCL 46-5-6 this may be allowed if the method of irrigation, time constraints on diversion of water, or the type of soil so requires.

AQUIFER - MISSOURI ELK POINT (M-EP)

The Missouri Elk Point is an alluvium mantled outwash (sand and gravel) which is probably under confined conditions at this site. The Missouri aquifer underlies 180 square miles and contains an estimated 1.5 million acre feet of recoverable water in storage in Union County (Niehus, 1994). The Missouri aquifer as described in the Niehus report is equivalent to the Missouri Elk Point nomenclature used for this report. The aquifer is hydraulically connected to the Big Sioux River to the east and to the Missouri River to the west. Also the aquifer extends into Clay County to the west and is hydraulically connected to the Big Sioux South aquifer to the north and the Lower Vermillion Missouri aquifer to the west and north. Over much of southern Union County the aquifer directly overlies the Dakota Formation. Ground water movement is from northwest to southeast and locally toward the rivers (Niehus, 1994).

No well data is filed with this application. Information from the county study, Water Right observation wells and other drilling in the area for domestic and irrigation wells all indicate a prolific aquifer.

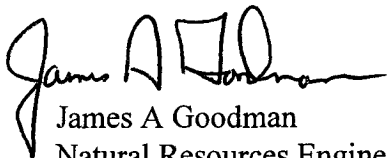
Water Rights does monitor two observation wells, UN-87G and UN-87H, which are completed into the Missouri Elk Point aquifer and located about one mile south and one mile south and one east of this application respectively. Water levels for these wells show good response to climatic conditions, that is, rising during wet years (recharge) and gradually declining during dry years. The water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2000). Hydrographs for these two observation wells are included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are three existing water rights within one mile of this application. Interference is not expected to be a concern. Drawdown created by pumping in this area does not appear to be significant. This is shown by the observation well hydrographs.

CONCLUSIONS

1. Water is available from the Missouri Elk Point aquifer.
2. Interference is not a concern. This is an existing well and has been in use for many years with no apparent problems.
3. No information is available concerning the construction of this well and it cannot be determined if the well is constructed in accordance with SD Well Construction Standards.
4. The diversion rate requested is far more than the one cfs per 70 acres allowed by statute. This is a flood irrigation system and this diversion rate can be allowed, however, the total diversion cannot exceed two acre feet per acre.



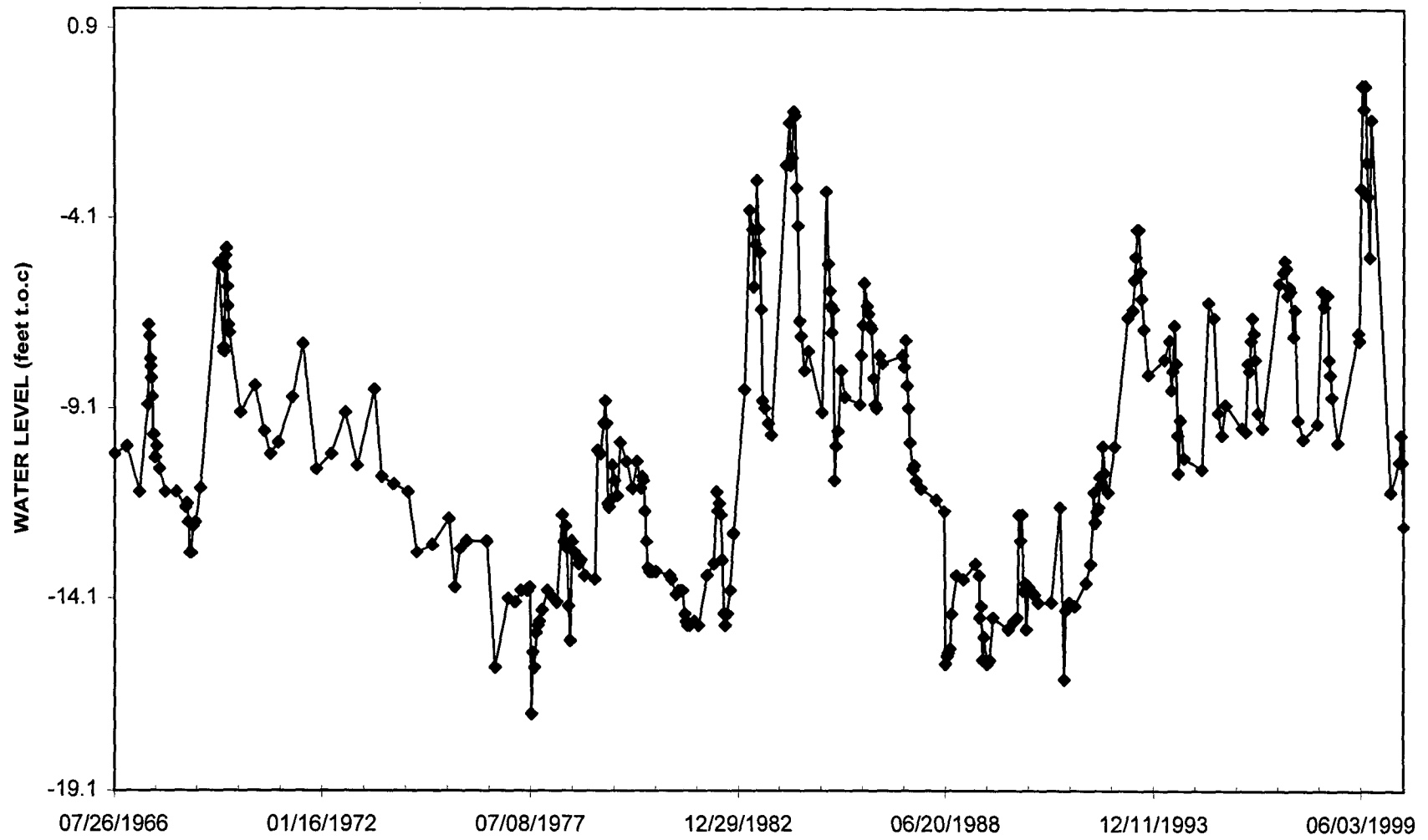
James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

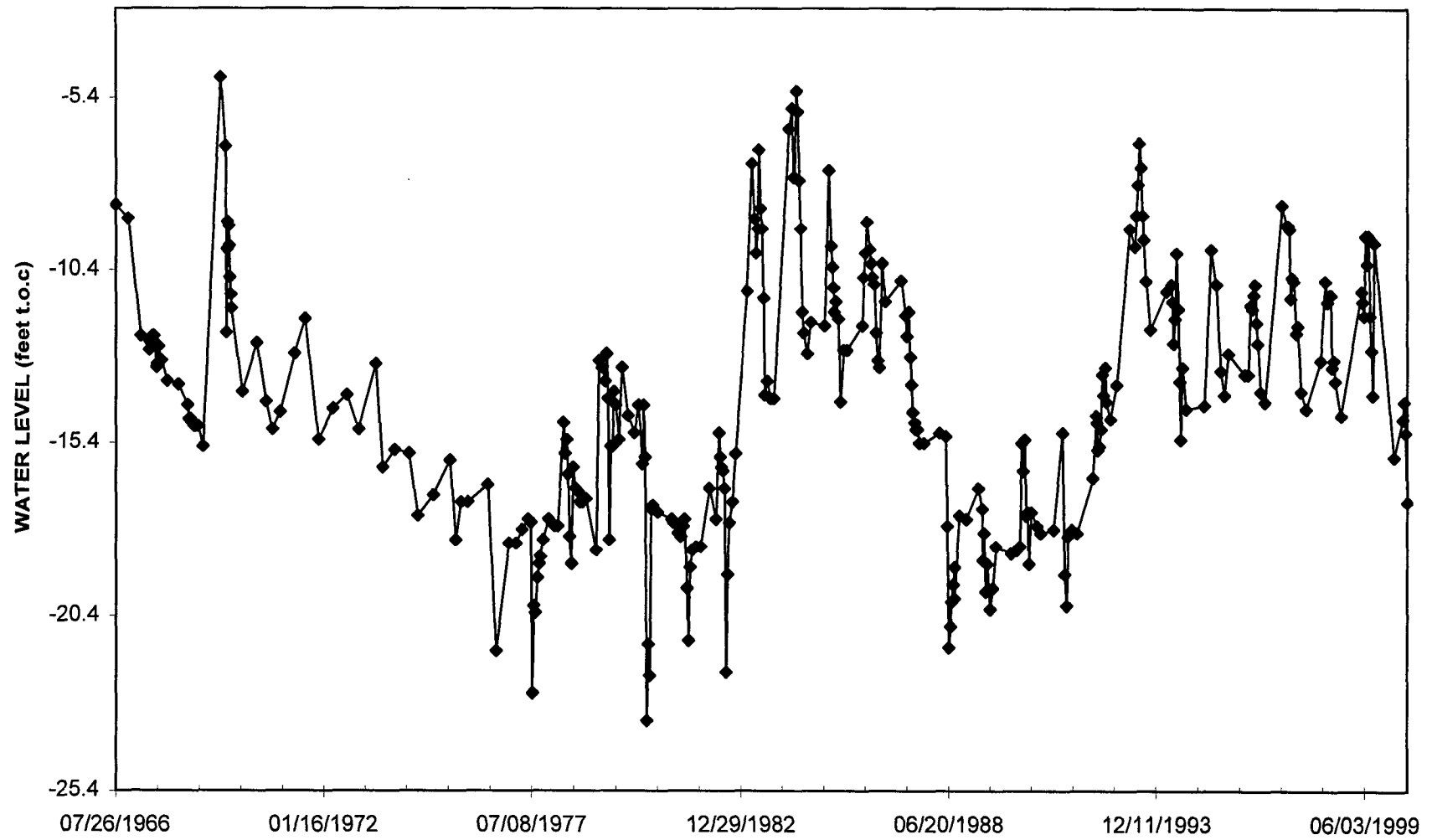
Niehus, C.A., 1994, Water Resources of Lincoln and Union Counties, South Dakota, Water-Resources Investigation Report 93-4195, USGS, Rapid City, SD, 57702.

Water Rights, 2000, Unpublished Observation Well Data for Union County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL
UN-87G



WATER RIGHTS' OBSERVATION WELL
UN-87H





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

September 7, 2000

Lyle Wagner
1019 Ridgecrest
Vermillion SD 57069

Dear Mr. Wagner:

Water Permit Application No. 6222-3 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 Leader-Courier printed at Elk Point, SD (Ph # 605 356-2632). 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

c: Wayne Heckathorn, 31792 473rd Avenue, Elk Point, SD 57025

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

September 7, 2000

Leader Courier
Box 310
Elk Point SD 57025-0310

ATTENTION: Legal Public Notice

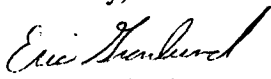
Enclosed is a Notice of Hearing on Application No. 6222-3 to Appropriate Water to be published twice. Please publish the first notice on September 14, 2000 with the second publication 7 days later.

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 Lyle Wagner, 1019 Ridgcrest, Vermillion SD (Ph # 605 624-2470).

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. 6222-3

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

Date _____

We are in receipt of your letter of September 7, 2000 enclosing Notice of Hearing to Appropriate Water by Application No. 6222-3 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 September 14, 2000 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6222-3 to Appropriate Water
to Amend Water Permit No. 6006-3

Notice is given that Lyle Wagner, 1019 Ridgecrest, Vermillion SD 57069 has filed an application for a water permit to appropriate 1.67 cubic feet of water per second (cfs) (750 gallons per minute) from an existing 100 feet deep well (Missouri:Elk Point Aquifer) 100 feet deep located in the S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 31 to irrigate 68.5 acres located in the S $\frac{1}{2}$ of Lot 2 (SW $\frac{1}{4}$) Section 31; all in T92N-R49W. Water Permit No. 6006-3 appropriates 1.0 cfs (450 gpm) from this same well for irrigation of the same lands. The application proposes to increase the water appropriation from the well from 1.0 cfs to 2.67 cfs (1200 gpm). This diversion rate is in excess of one cfs for each 70 acres irrigated, however; pursuant to SDCL 46-5-6 this may be allowed if the method of irrigation, time constraints on diversion of water, or the type of soil so requires.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6222-3 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 October 2, 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. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Water Rights Program - File Documentation

NAME: Lyle Wagner

ADDRESS: Vermillion SD

DATE: 10-5-00 **COUNTY:** Union **TELEPHONE:** 605 624-2470

RE: Publication Notice

COMMENTS:

I called the Elk Point Leader Courier regarding this publication notice. The paper informed me that no one had called to authorize publication. I told the paper to disregard the notice and we would send out another one to be published.

Karen Schlaak

Karen Schlaak
Environmental Scientist



**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.

October 5, 2000

Lyle Wagner
1019 Ridgcrest
Vermillion SD 57069

Dear Mr. Wagner:

On September 7, 2000 we sent you a letter regarding the public notice for Water Permit Application No. 6222-3. The notice was to be published on September 14 and 21. I have contacted the Leader-Courier. The paper indicated no one called authorizing the publication. Therefore, another notice has been sent to the paper for publication on October 12 and 19, 2000. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the Leader-Courier (605 356-2632) immediately 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 /ics

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

c: Wayne Heckathorn, 31792 473rd Avenue, Elk Point, SD 57025

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

October 5, 2000

Leader Courier
Box 310
Elk Point SD 57025-0310

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6222-3 to Appropriate Water to be published twice. Please publish the first notice on October 12, 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 Lyle Wagner, 1019 Ridgecrest, Vermillion SD (Ph # 605 624-2470).

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 /KS

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 6222-3

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

Date _____

We are in receipt of your letter of October 5, 2000 enclosing Notice of Hearing to Appropriate Water by Application No. 6222-3 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 October 12, 2000 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6222-3 to Appropriate Water
to Amend Water Permit No. 6006-3

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6222-3 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 October 30, 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. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Union) SS

I, Susan Odson

certify that the attached printed Notice was taken

from the Leader-Courier

printed and published in Elk Point

County of Union and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

October 12, 2000

October 19, 2000

Cost of Printing 42.85

Susan Odson
(Signature)

Affidavits Coordinator
(Title)

Oct. 19, 2000
(Date Signed)

**NOTICE OF APPLICATION
NO. 6222-3 TO APPROPRIATE
WATER TO AMEND WATER
PERMIT NO. 6006-3**

Notice is given that Lyle Wagner, 1019 Ridgecrest, Vermillion, SD 57069 has filed an application for a water permit to appropriate 1.67 cubic feet of water per second (cfs) (750 gallons per minute) from an existing 100 feet deep well (Missouri: Elk Point Aquifer) 100 feet deep located in the S1/2 SW1/4 Section 31 to irrigate 68.5 acres located in the S1/2 of Lot 2 (SW1/4) Section 31; all in T92N-R49W. Water Permit No. 6006-3 appropriates 1.0 cfs (450 gpm) from this same well for irrigation of the same lands. The application proposes to increase the water appropriation from the well from 1.0 cfs to 2.67 cfs (1200 gpm). This diversion rate is in excess of one cfs for each 70 acres irrigated, however, pursuant to SDCL 46-5-6 this may be allowed if the method of irrigation, time constraints on diversion of water or the type of soil so requires.

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Steven M. Pirner, Secretary
Department of Environment and
Natural Resources
Publish: October 12 & 19, 2000
41-9 73

Permit Nos. 6006-3 & 6222-3
Vermillion 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, **August 10, 1999**, made a thorough examination of the water use system constructed by **Lyle Wagner** of **1019 Ridgecrest, Vermillion SD 57069** holder of Permit No. **6006-3 & 6222-3** bearing the priority of **May 14, 1997 and July 13, 2000** authorizing a total diversion of **2.67** cu. ft. per second of **the Missouri:Elk Point Aquifer** for **irrigation** purposes, in **Union** County.

I have to report on the conditions of the same as follows:

A. Works used to divert the water:

portable propane powered Ford Industrial motor mounted on a frame which via a PTO powers the system (The motor was not on-site at the time of licensing investigation). To power a US motor turbine pump.

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

pipeline/ditch

C. Works used to apply water to beneficial use:

6" aluminum gated pipe

The system is in the following condition **good**. The point of diversion is located **Approximately 1,214 feet East and 1300 feet North of SW corner (Lot 2) of Section 31, T92N, R49W (oversized section)**. The works are capable of diverting and conveying to the place of use **2.67** 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:

SW1/4 SW1/4 (Lot 2) Section 31, T92N, R49W - 68.5 acres (this is an oversized quarter-quarter)

comprising a total of **68.5** acres of land and the license should be issued for **2.67** cfs. (1.0 cfs – May 14, 2000 established by Water Permit No. 6006-3 and 1.67 cfs – July 13, 2000 established by Water Permit No. 6222-3)

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

Exceptions to compliance are: **none** Date Report Completed: **December 5, 2000 (after WP No. 6222-3 was obtained)**

The annual irrigation questionnaire is to be sent to Heckathorn Farms, c/o Wayne Heckathorn, 31792 473rd Avenue, Elk Point SD 57025



Eric Gronlund

Natural Resources Engineer

DENR, Water Rights Program

FIELD INVESTIGATION REPORT FOR PERMIT NOS. 6006-3 & 6222-3

DATE OF INVESTIGATION:	August 10, 1999
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Wayne Heckathorn Heckathorn Farms – renter 31792 473 rd Avenue Elk Point SD 57025
NAME & ADDRESS OF PERMIT HOLDER	Lyle Wagner 1019 Ridgecrest Vermillion SD 57069
DIVERSION POINT LEGAL LOCATION	Approximately 1,214 feet East and 1300 feet North of SW corner (Lot 2) of Section 31, T92N, R49W (oversized section)

Other permit(s) associated with the project: none

WELL INFORMATION:

- 1) Well Drilling Firm: Wetmore
- 2) No. of Wells One
- 3) Depth(s) 100 feet
- 4) Well log is available No
- 5) Comment: unable to find a well completion report

Pump:

- 1) Make _____
- 2) Model _____
- 3) Size _____
- 4) Capacity 1200 GPM

**** system powered by portable propane powered Ford Industrial motor mounted on a frame which via a PTO powers the system. The motor was not on-site at the time of licensing investigation**

Casing:

- 1) Diameter 16 inches
- 2) Length _____ feet
- 3) Type PVC

Screen:

- 1) Type 16
- 2) Length PVC feet
- 3) Static water level 10 feet

Motor:

- 1) Make US Motor
- 2) ID No. 8937-00-H-86 99
B050R030X
- 3) Horsepower rating 100 hp

SYSTEM TYPE:

System is set to be irrigated using gated pipe. The pipe was not in place at the time of the licensing investigation. The gated pipe would be set along the northern edge of the SW¼ SW¼ Section 31 and flow in furrows is a southerly directly.

GatePipe Diameter – 6 inches
Spacing of gates - unknown
Length approx. 2000 feet

CHEMIGATION EQUIPMENT:

- 1) Does chemigate No
- 2) Comments: Does not chemigate

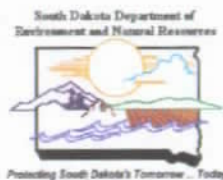
PERMIT QUALIFICATIONS:

- 1) Special qualifications to permit being abided by Yes
- 2) All structures, wells and lands on map Yes
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period
Yes – was constructed in a timely manner
- 4) Comments
 - ◆ Chad Heckathorn accompanied me on the licensing investigation
 - ◆ No irrigation taking place in 1999, gated pipe not in place and rows not furrowed for irrigation.
 - ◆ Section 31 is an oversized section – the SW¹/₄ SW¹/₄ of Section 31 totals approx. 68½ acres
 - ◆ Field planted in soybeans at the time of the licensing investigation

Water Permit No. 6006-3, Lyle Wagner



Legal Description - SW 1/4 SW1/4
Section 31, T92N, R49W



Eric Gronlund
Eric Gronlund
Water Rights Program
Licensing Investigation
Conducted - August 10, 1999

6222-3

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6222-3

(1) Lyle Wagner, 1019 Ridgecrest, Vermillion SD 57069 made Application No. 6222-3, July 13, 2000 for a water permit to divert 1.67 cubic feet of water per second (cfs) from groundwater (one well), Union County, South Dakota for irrigation purposes. Permit No. 6222-3, with a priority date of July 13, 2000 was approved October 30, 2000 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.

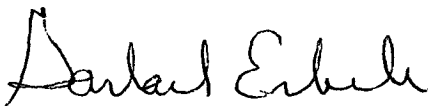
Water Permit No. 6006-3, with a priority date of May 14, 1997, authorized 1.0 cfs from one well to irrigate 70 acres. The applicable portions of No. 6006-3 are incorporated into this Water License No. 6222-3.

(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 2.67 cubic feet of water per second for beneficial use. The location of the diversion point is ≈ 1,214 feet east and 1,300 feet north of the southwest corner (Lot 2) of Section 31-T92N-R49W (oversized section).

(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:

SW ¼ SW ¼ (Lot 2) Section 31-T92N-R49W 68.5 acres

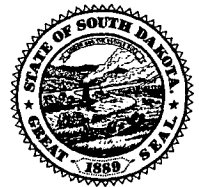
(4) Pursuant to South Dakota Water Law 46-5-30.1 Lyle Wagner, 1019 Ridgecrest, Vermillion SD 57069 the holder and/or owner of Incorporated Water Right No. 6222-3 is issued a license to appropriate water, the right to use 2.67 cubic feet of water per second from groundwater (one well) with priority dates of May 14, 1997 (1.0 cfs) and July 13, 2000 (1.67 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. 6222-3 and subject to South Dakota State Law.



GARLAND ERBELE, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

MAR 13 2001

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 13 2001

6222-3

Lyle Wagner
1019 Ridgecrest
Vermillion, SD 57069

Dear Mr. Wagner:

Enclosed is Water Permit and License No. 6222-3. This is the final water right document completing your process of obtaining a Water Right.

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. 6222-3, 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

The applicable portions of No. 6006-3 are incorporated into Water License No. 6222-3.

enclosures



January 14, 2004

6222-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: WAYNE HECKATHORN, 31792 473RD AVE, ELK POINT, SD 57025

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

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaires

Our records indicate that the 2003 Irrigation Questionnaires have not been submitted for Permit Nos. 4543-3, 6000-3 & 6222-3, 1256-3, 2535-3, 2896-3, 4393-3 & 4534-3. The request for the Questionnaires was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 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) 1256-3, 2535-3, 2896-3, 4393-3 & 4534-3 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) 4543-3, 6000-3 & 6222-3 qualification:

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

The hearing will be held at 8:30 am, March 3, 2004 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) 4543-3, 6000-3 & 6222-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1256-3, 2535-3, 2896-3, 4393-3 & 4534-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before February 27, 2004, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

cc: LYLE WAGNER, 1019 RIDGECREST, VERMILLION, SD 57069

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.



6222-3

Track & Confirm

Current Status

You entered 2301 3460 0000 8515 9999

Your item was delivered at 11:03 am on January 16, 2004 in VERMILLION, SD 57069. The item was signed for by L WAGNER.

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Enter label number:

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SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8515 9999

LYLE WAGNER
1019 RIDGECREST
VERMILLION SD 57069

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:

Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com
or call 1-800-222-1811

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6222-3

Track & Confirm

Current Status

You entered 2301 3460 0000 8515 7889

Your item was delivered at 11:26 am on January 15, 2004 in ELK POINT, SD 57025. The item was signed for by J J HECKATHORN.

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Track & Confirm

Enter label number:

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SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8515 7889

WAYNE HECKATHORN
31792 473RD AVE
ELK POINT SD 57025

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:

Keep this receipt. For Inquiries:
Access internet web site at
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6222-3

**DEPARTMENT of ENVIRONMENT
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PMB 2020
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523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 21, 2004

Wayne Heckathorn
31792 473rd Ave
Elk Point SD 57025

Dear Mr. Heckathorn:

I am writing to acknowledge receipt of your 2003 irrigation questionnaires. You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Permit or Right Nos. 1256-3, 2535-3, 2896-3, 4393-3, 4534-3 4543-3, 6000-3 & 6222-3.

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

c: Lyle Wagner, 1019 Ridgecrest, Vermillion SD 57069

McMath, Genny

Subject: FW: [EXT] Change of Address

The message below goes with 1256-3, 2535-3, 2896-3, 4393-3, 4534-3, 4543-3, 6000-3 & 6222-3

From: Risa Hanson <risa@heckseeds.com>
Sent: Wednesday, December 7, 2022 10:43 AM
To: McMath, Genny <Genny.McMath@state.sd.us>
Subject: [EXT] Change of Address

Hi Genny,
We would like to change the address for Wayne Heckathorn so that he can receive the irrigation questionnaires at the office rather than at his home.

His home address is 31792 473rd Ave., Elk Point, SD 57025

The office address is 47663 SD Hwy 50, Elk Point, SD 57025

If you can help us with that, we'd surely appreciate it.

--

Risa Hanson
Bookkeeper
Heckseeds