

WATER PERMIT NO. 6254-3

Name of Applicant: **Heine Farms**

Address: **55969 897th Rd, Fordyce NE 68736** Phone: **402 357-3392**

Amount of Water Claimed: **2.67 cfs** Total Acres: **400 acres**

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

Water to be used for: **irrigation** County: **Yankton**

Type of Waste Disposal System:

Location: **4 miles east of Yankton**

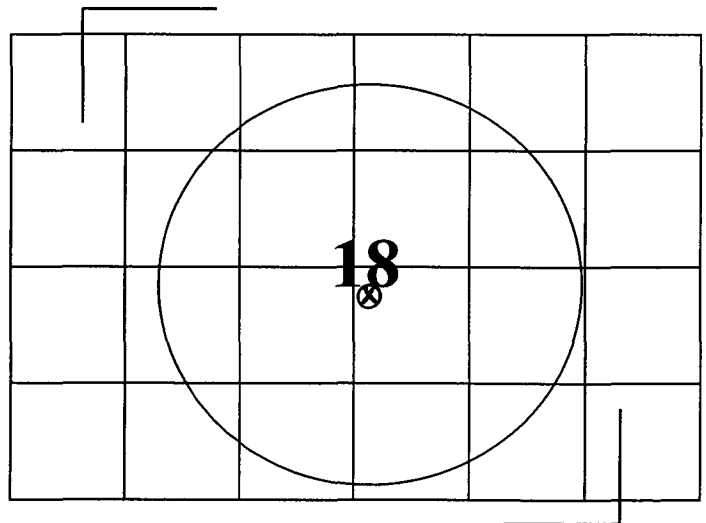
PRIORITY Date Received: **2-20-2001** Fee: **\$350**

Corrected Application Received: Period of Annual Use: **April 1 –October 31**

Remarks: **Irrigate same acreage authorized by Water Right No. 2597-3. Change water source from Missouri River to groundwater.**

Diversion Point: **NW ¼ SE ¼ Sec 18-T93N-R54W**

Land to be Irrigated: **Sec 18-T93N-R54W**



Depth of Well: **90 feet deep**

Well Driller: : **Christensen Well & Irrigation**

Remarks:

Type of Map: **aerial**

Prepared by: **Richard Schwartz, FSA**

Reviewed and the Number Assigned on: **2-20-2001**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 6254-3**

Date of first receipt of application February 20, 2001.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6254-3 to Heine Farms, 55969 897th Rd, 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. 6254-3 appropriates 2.67 cubic feet of water per second from one well (Missouri: Elk Point Aquifer) 90 feet deep located in the NW ¼ SE ¼ Section 18 to irrigate 400 acres located in portions of Section 18; all in T93N-R54W. Water Right No. 2597-3 authorized irrigation of the same acreage from the Missouri River. The Missouri River diversion point has been abandoned. Approval of No. 6254-3 will cancel No. 2597-3.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The date from which applicant may claim right is February 20, 2001.
4. The date of approval of Permit No. 6254-3 is April 9, 2001.
5. One-fifth of the construction is to be completed on or before October 9, 2003.
6. All construction is to be completed on or before April 9, 2006.
7. Water is to be put to beneficial use on or before April 9, 2010.
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. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
3. By approval of Permit No. 6254-3, Water Right No. 2597-3 is hereby cancelled.

WATER MANAGEMENT BOARD

By: Garland Erbele

Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

MAY 09 2001

date



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

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6254-3</u> (office use only) Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u>
	Newspaper <u>Daily Press + Dakotan, Yankton</u>



Application For Permit To Appropriate Water For Irrigation

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

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

Irrigate same acreage authorized by Water Right No. 2597-3. Change water source from Missouri River to groundwater.

- Name of Applicant Heine Farms Phone 402 357-3392
(check one) Owner Tenant/lessee
Mailing Address 55969 897th Rd, Fordyce State NE 68736
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 2.67 *CFS or 1200 **GPM ***AF Total Acreage 400
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply groundwater (one well)
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
NW1/4 SE1/4 Sec 18-T93N-R54W
County Yankton
- County or counties where water will be used Yankton
- Annual period during which water is to be used April 1 - October 31
- 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
see attached list			

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

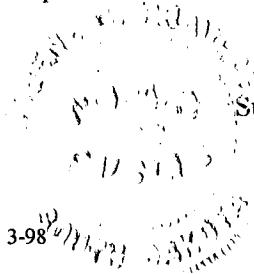
STATE OF SOUTH DAKOTA) SS
County of Yankton

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 15th day of February 2001



Ron Heine
Notary Public signature

My Commission Expires: March 5, 2004

Section 18-T93N-R54W			
NW ¼ NW ¼	2 acres	NW ¼ SE ¼	32 acres
NE ¼ NW ¼	18 acres	NE ¼ SE ¼	19 acres
SW ¼ NW ¼	24 acres	SW ¼ SE ¼	39 acres
SE ¼ NW ¼	40 acres	SE ¼ SE ¼	9 acres
NW ¼ NE ¼	18 acres	NW ¼ SW ¼	35 acres
NE ¼ NE ¼	2 acres	NE ¼ SW ¼	40 acres
SW ¼ NE ¼	40 acres	SW ¼ SW ¼	18 acres
SE ¼ NE ¼	24 acres	SE ¼ SW ¼	40 acres
Total 400 acres			

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

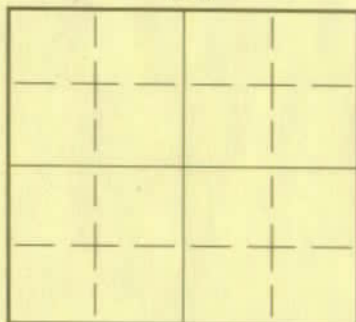
 Location NW 1/4 SE 1/4 Sec 18 Twp 92.73N Rg 54W
 County YANKTON North

Please mark well location with an "X"

W

E

Well Completion Date

7/25/00

LOCATION:

 Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 3000 ft. from SEPTIC TANK (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

REVERSE ROTARY

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>50.21 LB/FT</u>	<u>16 IN</u>	<u>71 FT</u>	<u>40 FT</u>	<u>26 IN</u>
<u>50.21 LB/FT</u>	<u>16 IN</u>	<u>50 FT</u>	<u>70 FT</u>	<u>26 IN</u>
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>PORTLAND</u>	<u>120</u>	<u>15 lb./gal</u>	<u>0 ft</u>	<u>40 ft</u>
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure TURBINESCREEN: ☒ Perforated pipe ☐ ManufacturedDiameter 16 IN Length 30 FEETMaterial PVCSlot Size 0.81 Set From 40 Feet to 50 FeetOther information 70 " 90 "PVC SLOTTEDWAS 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

Laboratory sent to for water quality analysis _____

NO, Why Not? _____

Well Owner: HEISE FARMS ROY HEINE

Business Name: _____

Address: 44701 50 Hwy 50
Yankton SD 57078

WELL LOG:

DEPTH

FORMATION

FROM

TO

SILTY SAND025M40 GRAVEL + SAND2555FINE TO M40 SAND5575VERY COARSE GRAVEL7590+ ROCKS

STATIC WATER LEVEL

12'

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:

☒ PumpedDescribe: TEST TURBINE☐ Bailed☐ Other

Pumping Level Below Land Surface

40'ft. After 2 Hrs. pumped1500

GPM

ft. After _____ Hrs. pumped

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: _____



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 5, 2001

Heine Farms
Ron Heine
55969 897th Rd
Fordyce NE 68736

Dear Mr. Heine:

I am writing in regard to well driller's reports filed by Christensen Well & Irrigation, Inc. The reports show two wells were completed for you in July, 2000. A review of our files indicates that the well located in Section 8-T93N-R52W is authorized by Water Permit No. 6169-3. The other well is located in Section 18-T93N-R54W. You hold several water rights for irrigation. Is this new well an additional well or a replacement well for one of your existing irrigation systems? If so which system would it be?

South Dakota Codified Law 46-5-13.1 provides that a point of diversion may be changed or additional points of diversion may be approved without application or publication of a notice of hearing if the additional point of diversion is from the same source of water, no additional water is appropriated and the Chief Engineer makes a finding that the change does not increase the potential for interference with existing diversions.

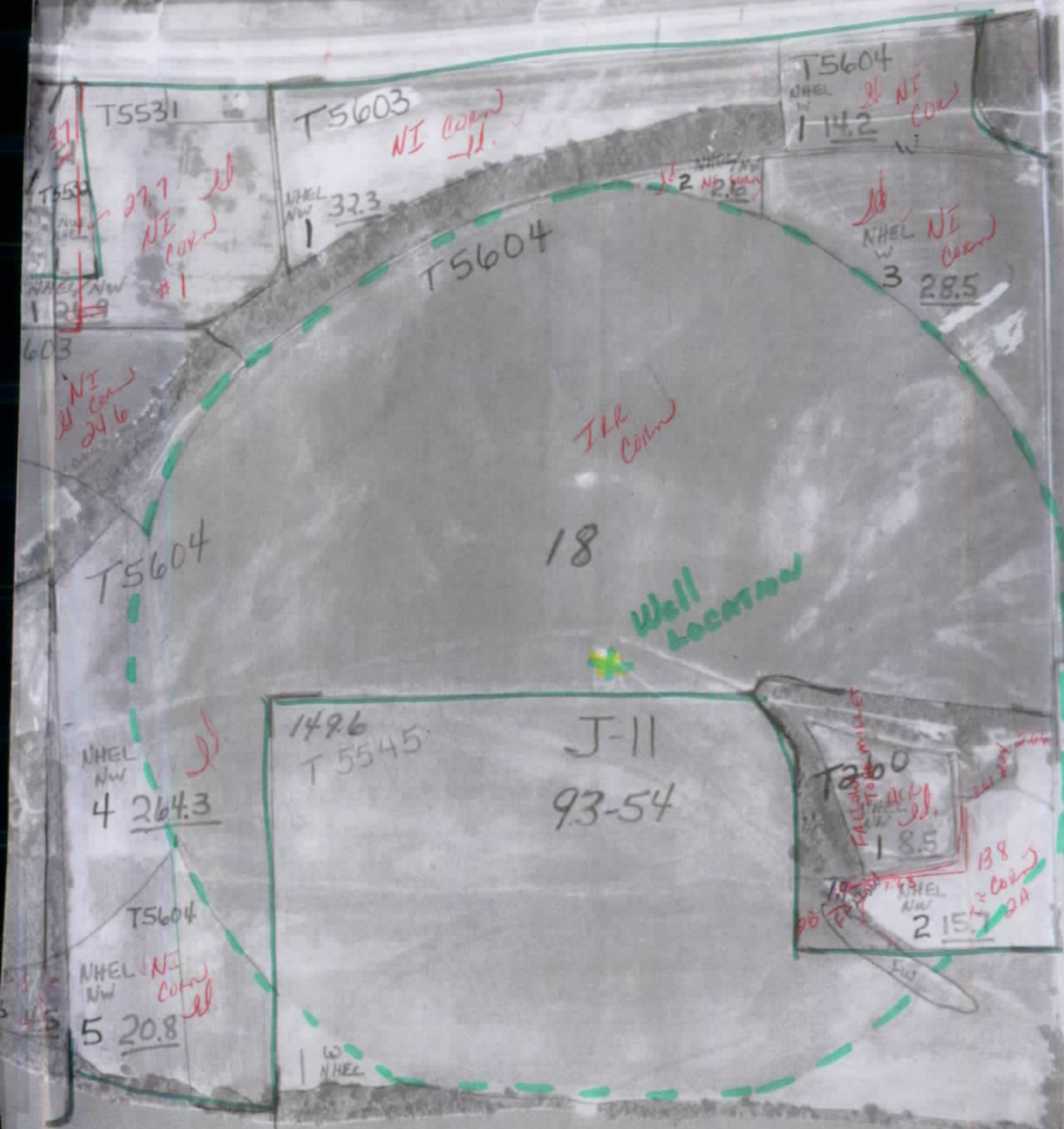
If you have any questions or need application forms, please contact Eric Gronlund or me. We will be happy to assist you in any way possible.

Sincerely,

Karen Schlaak
Karen Schlaak
Water Rights Program
605 773-3352

NOT TO SCALE

1997



Richard Schwartz CEO FSA

6254-3

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NE 416776

Pierre, FEBRUARY 20, 2001

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>6254-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	350	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. <u>6254-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	400 00

By

Darland Erluke

Chief Engineer

gm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 8, 2001

Ron Heine
Heine Farms
55969 897th Rd
Fordyce NE 68736

Dear Mr. Heine:

As requested, enclosed is a partially completed *Application For Permit to Appropriate Water for Irrigation*. This is for the acreage located in Section 18-T93N-R54W. Please review the application, make any corrections and have it signed and notarized. If the acreage amounts listed on the attachment are incorrect, please make the necessary changes.

Please complete Item No. 2, the amount of water claimed. Water Right No. 2597-3 was issued for 4.22 cubic feet of water per second (cfs) which 1900 gpm. The well log indicates a pump was installed with a 1200 gpm pump rate. Also, complete Item No.4, the location of the diversion point. The well log indicates the well is located in the NW ¼ SE ¼ Section 18.

An aerial photo map outlining the area of irrigation and showing the location of the well in relation to a government section corner or quarter corner by direction and distance must be submitted with the application. The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e local NRCS office).

The application filing fee based on the number of acres irrigated will be \$350.00 and the license fee is \$50.00 (\$400.00 total fee).

It is my understanding that you have abandoned the Missouri River diversion point authorized by Water Right No. 2597-3. Is this correct? If so, upon approval of the new application for the well, Water Right No. 2597-3 can be cancelled.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6254-3, 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. 6254-3, Heine Farms, c/o Ron Heine, 55969 897th Road, Fordyce NE 68736.

The Chief Engineer is recommending APPROVAL of Application No. 6254-3 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.
3. By approval of Permit No. 6254-3, Water Right No. 2597-3 is hereby cancelled.

See report on application for additional information.

Garland Erbele, Chief Engineer
March 12, 2001

REPORT ON WATER PERMIT APPLICATION NO. 6254-3
for Heine Farms
February 21, 2001

Application No. 6254-3 proposes to appropriate 2.67 cfs (1200 gpm) from one well approximately 90 feet deep located in the NW 1/4 SE 1/4 of section 18 to irrigate 400 acres located within section 18; all in T93N R54W in Yankton County. Water Right No. 2597-3 authorized irrigation of the same acreage from the Missouri River. The Missouri River diversion point has been abandoned and approval of water permit No. 6254-3 will cancel Water Right No. 2597-3.

AQUIFER - MISSOURI ELK POINT (M-EP)

The Missouri Elk Point aquifer is an alluvium mantled or surficial aquifer consisting of outwash (sand and gravel) which is under predominantly water table conditions in Yankton County. The aquifer is equivalent to the southern portion of the Lower James Missouri aquifer as described in the Yankton County Study (Bugliosi, 1986). The Missouri Elk Point 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 James and Missouri Rivers and to the Lower James Missouri aquifer to the north, the Niobrara Formation in the subsurface, and extends into Clay County to the east. Ground water movement is in general from north to south and toward the James or Missouri Rivers locally.

The well for this application has been completed and is constructed in accordance with SD Well Construction Standards. The completed well had a static water level of 12 feet below land surface and was capable of producing 1500 gpm with 28 feet of drawdown. This equates to specific capacity of about 54 gpm/ft of drawdown.

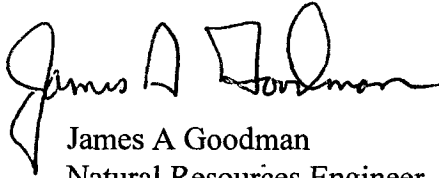
The Water Rights Program does monitor two observation wells completed in the Missouri Elk Point aquifer in this immediate area. These are YA-57D and YA-78J and hydrographs for these two wells are included with this report. The water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2001).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing water rights for ground water from the Missouri Elk Point aquifer are Nos. 1680B-3 and 3722-3. Both of these rights are held by the Heine Farms and are located about one mile from the diversion point for this application. Interference is not a concern. Wells have been used for irrigation purposes in this area for many years with no apparent problems. This is shown by the observation well records which indicate that drawdown created by pumping is not significant.

CONCLUSIONS

1. Water is available from the Missouri Elk Point aquifer.
2. The aquifer is under water table conditions in this area. Drawdown created by pumping is not significant. The aquifer is prolific and the well is near the Missouri River. Interference is not a concern.
3. This well has been constructed in accordance with SD Well Construction Standards.



James A Goodman
Natural Resources Engineer

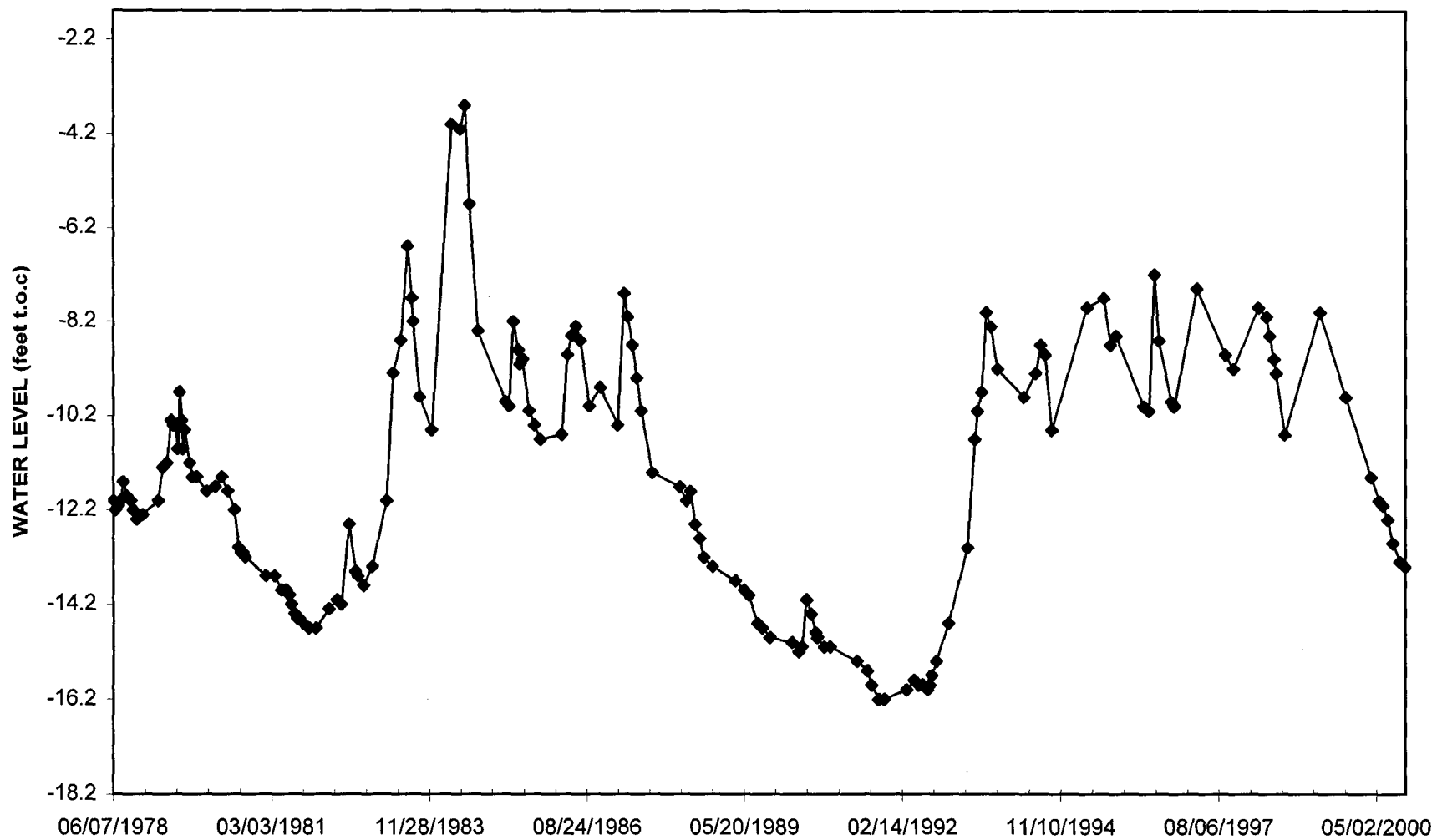
BIBLIOGRAPHY

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

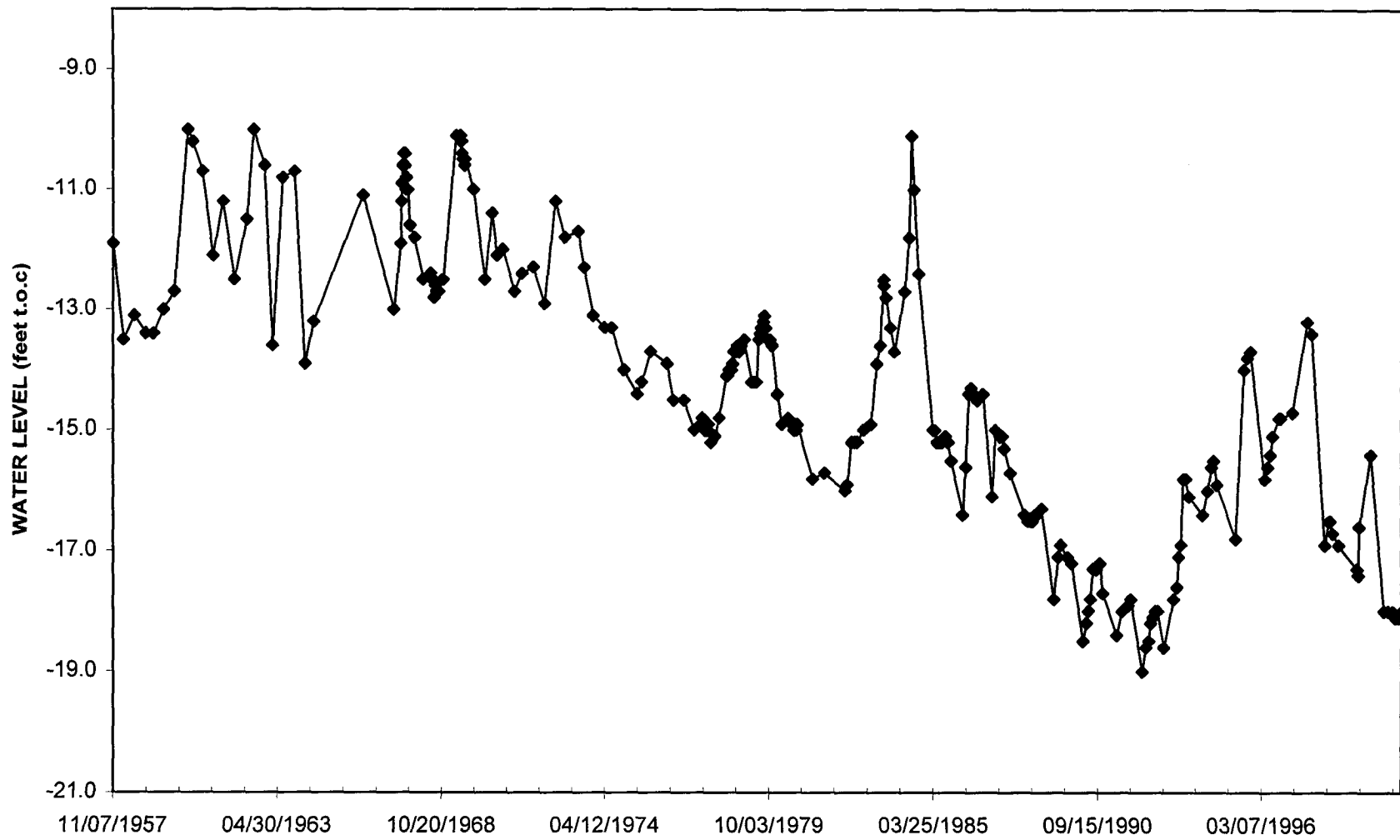
Hedges, L.S., etal, 1982, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Water Rights, 2001, Unpublished Observation Well Data for Yankton County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

**WATER RIGHTS' OBSERVATION WELL
YA-78J**



**WATER RIGHTS' OBSERVATION WELL
YA-57D**





**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.

March 12, 2001

Ron Heine
Heine Farms
55969 897th Rd.
Fordyce, NE 68736

Dear Mr. Heine:

Water Permit Application No. 6254-3 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 57501-3182
www.state.sd.us/denr

March 12, 2001

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

ATTENTION: Legal Public Notice

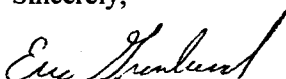
Enclosed is a Notice of Hearing on Application No. 6254-3 to Appropriate Water to be published twice. Please publish the first notice on March 21, 2001 with the second publication 7 days later.

The applicant must verify to you that the notice is to be published, before you make the first publication **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Ron Heine, Heine Farms, 55969 897th Rd., 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. 6254-3

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

Date _____

We are in receipt of your letter of March 12, 2001 enclosing Notice of Hearing to Appropriate Water by Application No. 6254-3 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 March 21, 2001 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6254-3 to Appropriate Water

Notice is given that Heine Farms, c/o Ron Heine, 55969 897th Rd, Fordyce NE 68736 has filed an application for a water permit to appropriate 2.67 cubic feet of water per second from one well (Missouri: Elk Point Aquifer) 90 feet deep located in the NW ¼ SE ¼ Section 18 to irrigate 400 acres located in portions of Section 18; all in T93N-R54W. Water Right No. 2597-3 authorized irrigation of the same acreage from the Missouri River. The Missouri River diversion point has been abandoned. Approval of No. 6254-3 will cancel No. 2597-3.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6254-3 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 April 9, 2001.

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.

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

DEPARTMENT OF ENVIRONMENT AND
NATURAL RESOURCES
523 EAST CAPITOL, JOE FOSS BUILDING
PIERRE, SD 57501-3182

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

RITA THOMAS BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT SHE IS THE PUBLISHER OF THE YANKTON
PRINTING COMPANY, A CORPORATION, THE PRINTER AND THE
PUBLISHER OF THE YANKTON DAILY PRESS AND DAKOTAN, A LEGAL
DAILY NEWSPAPER PRINTED AND PUBLISHED IN THE CITY OF YANKTON,
SAID COUNTY AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF
THE SAID COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE
ANNEXED NOTICE OF HEARING TO APPROPRIATE WATER

TAKEN FROM THE PAPER IN WHICH IT WAS PUBLISHED IN THE
NEWSPAPER ON THE 28TH DAY OF MARCH, 2001.
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$56.10 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 03/21/01; 03/28/01

FILED ON: 03/29/2001

3+21 & 28

NOTICE OF APPLICATION NO. 6254-3 to Appropriate Water

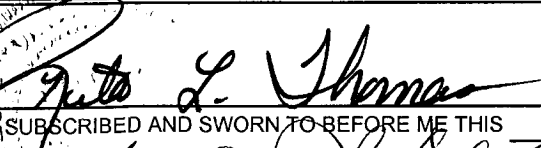
Notice is given that Heine Farms, c/o Ron Heine, 55969 897th Rd, Fordyce NE 68736 has filed an application for a water permit to appropriate 2.67 cubic feet of water per second from one well (Missouri: Elk Point Aquifer) 90 feet deep located in the NW 1/4 SE 1/4 Section 18, all in T93N-R54W. Water Right No. 2597-3 authorized irrigation of the same acreage from the Missouri River. The Missouri River diversion point has been abandoned. Approval of No. 6254-3 will cancel No. 2597-3

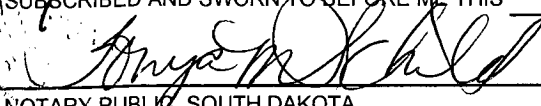
Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6254-3 because 1) unappropriated water is available, 2) existing rights will not be lawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief 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 April 9, 2001.

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. Pimer,
Secretary, Department of Environment and Natural
Resources


SUBSCRIBED AND SWORN TO BEFORE ME THIS 29TH DAY OF MARCH, 2001.


NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES 08/19/03



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAY 09 2001

Heine Farms
% Ron Heine
55969 897th Rd
Fordyce NE 68736

Dear Mr. Heine:

Enclosed is Water Permit No. 6254-3 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

enclosures

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

Date 05-11-01

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



FROM: Heine Farms
(name)
55969 897 Rd
(address)
Fordyce Neb. 68736
(city, state, zip)

402-357-3392
(phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

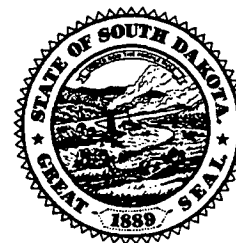
Water Permit No. _____ states that the water use system is to be constructed by _____, and water is to be put to beneficial use by _____.
(date) (date)

The water use system was completed on 05-11-00.
(date)

Applying the water to beneficial use was completed on 05-10-00.
(date)

You may schedule an investigation so that the water license may be issued.

Tom Heine
(signature)





6254-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 1, 2004

Gary Heine
Heine Farms
PO Box 477
Yankton SD 57078

Dear Mr. Heine

Enclosed is a "Notice" dated October 22, 2004 concerning the 2004 irrigation questionnaires for water permits held by Heine Farms. The notice was originally mailed to 55969 897th Rd, Fordyce, NE. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures

Permit No. 6254-3
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, August 23, 2004, made a thorough examination of the water use system constructed by Heine Farms of 55969 897th Road, Fordyce NE 68736 holder of Permit No. 6254-3, bearing the priority of February 20, 2001 authorizing the diversion of 2.67 cu. ft. per second of the waters of Missouri:Elk Point Aquifer 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:

Vertiline – Aurora pump set-up

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

Well is near the pivot point

C. Works used to apply water to beneficial use:

Center pivot – approximately 2,400 foot

The system is in the following condition good. The point of diversion is located approximately 2,205 feet north and 2,450 feet west of the SE corner (NW ¼ SE ¼) Section 18, T93N, R54W; Lat/Lon N42.87190 W-097.26793. The works are capable of diverting and conveying to the place of use 2.67 cu. ft. per second of water of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

all in Section 18, T93N, R54W

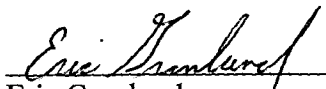
quarter-quarter	acres	quarter-quarter	acres	quarter-quarter	acres	quarter-quarter	acres
NW ¼ NW ¼	2	NW ¼ NE ¼	18	NW ¼ SE ¼	22	NW ¼ SW ¼	25
NE ¼ NW ¼	17	NE ¼ NE ¼	4	NE ¼ SE ¼	17	NE ¼ SW ¼	40
SW ¼ NW ¼	23	SW ¼ NE ¼	40	SW ¼ SE ¼	39	SW ¼ SW ¼	12
SE ¼ NW ¼	40	SE ¼ NE ¼	35	SE ¼ SE ¼	9	SE ¼ SW ¼	35

*compared acreage against those calculated on Water Right No. 2597-3 (see comments at end of report)

comprising a total of 378 acres of land and the license should be issued for 2.67 cfs.

Applicable permit qualifications have been complied with: Yes X

Exceptions to compliance are: none Date Report Completed: December 13, 2004



Eric Gronlund

Natural Resources Engineer
DENR, Water Rights Program

FIELD INVESTIGATION REPORT FOR PERMIT NO. 6254-3, Heine Farms

DATE OF INVESTIGATION:	August 23, 2004
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Ron Heine Heine Farms 55969 897 th Road Fordyce NE 68736
DIVERSION POINT LEGAL LOCATION	<u>approximately 2,205 feet north and 2,450 feet west of the SE corner (NW 1/4 SE 1/4) Section 18, T93N, R54W; Lat/Lon N42.87190 W-097.26793</u>

Other permit(s) associated with the project: Water Right No. 2597-3 to irrigate this property from the Missouri River has been cancelled

WELL INFORMATION:

- 1) Well Drilling Firm: Christensen Well & Irrig.
- 2) No. of Wells 1
- 3) Depth(s) 90 feet
- 4) Well log is available Yes
- 5) Comment:

Pump:

- 1) Make Verti-line - Aurora
- 2) Model MA - 39164
- 3) Size 8 stage
- 4) Capacity 1200 GPM

* relied on well completion report for capacity of the well.

Casing:

- 1) Diameter 16 inches
- 2) Length 16 feet
- 3) Type plastic

Screen:

- 1) Type PVC
- 2) Length 30 feet
- 3) Static water level 12 feet

Motor:

- 1) Make General
- 2) Model No. 5K6277XH1A
- 3) Horsepower rating 150 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type _____
- 2) Size _____ inches
- 3) Length _____ feet

SYSTEM TYPE:**Center pivot:**

- | | |
|--|-------------------------|
| 1) Make <u>Lockwood</u> | 5) End gun <u>Yes</u> |
| 2) Overall length <u>2400</u> feet | 6) High or low pressure |
| 3) Number of towers <u>17</u> | 7) Capacity _____ GPM |
| 4) Distance between towers <u>approx. 150</u> feet | |

CHEMIGATION EQUIPMENT:

- | | |
|------------------------------|---|
| 1) Does chemigate <u>Y/N</u> | 2) All structures, wells and lands on map <u>Yes</u> |
| | 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period <u>Yes</u> |

PERMIT QUALIFICATIONS:

- 1) Special qualifications to permit being abided by Yes

COMMENTS

The center pivot was operating at the time of the licensing investigation. Therefore I was unable to get an up close view of the control box at the pivot point. I based the pivot information on the pivot for WR No. 2597-3. I did view the well.

I found 378 acres being irrigated. This differs by 22 acres from the 400 acres licensed by Water Right No. 2597-3 from the Missouri River. It appears that No. 2597-3 was licensed for the total permitted amount. Using ArcMap I twice digitized the acres irrigated and arrived at 378 acres



Center pivot and Well authorized by Water Permit No. 6254-3, Heine Farms



Center pivot authorized by Water Permit No. 6254-3 in operation

Water Permit No. 6254-3, Heine Farms



0 500 1,000 2,000 3,000 4,000 Feet



well is approximately 2,205 feet north and 2,450 feet west of the SE corner (NW $\frac{1}{4}$ SE $\frac{1}{4}$) Section 18, T93N, R54W; Lat/Lon N42.87190 W-097.26793)



Eric Gronlund
Eric Gronlund
Water Rights Program, DENR
License Investigation - August 23, 2004

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6254-3

(1) Heine Farms, PO Box 477, Yankton SD 57078 made Application No. 6254-3, February 20, 2001 for a water permit to divert 2.67 cubic feet of water per second from groundwater (one well), Yankton County, South Dakota for irrigation purposes. Permit No. 6254-3, with a priority date of February 20, 2001 was approved April 9, 2001 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before April 9, 2006 and for the application to beneficial use of water on or before April 9, 2010.

The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on May 14, 2001. The *Notice* stated the diversion system was completed on May 11, 2001 and the water placed to beneficial use on June 10, 2001.

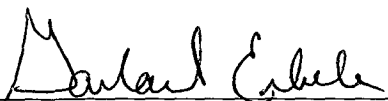
(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 6254-3 is issued a license, bearing a priority date of February 20, 2001 to appropriate 2.67 cubic feet of water per second from groundwater (one well) to irrigate 378 acres.

The diversion point is located: 2,205 feet north and 2,450 feet west of the SE corner Section 18-T93N-R54W (NW ¼ SE ¼). The acres authorized for irrigation are as follows:

Section 18-T93N-R54W							
NW ¼ NW ¼	2 ac	NW ¼ NE ¼	18 ac	NW ¼ SE ¼	22 ac	NW ¼ SW ¼	25 ac
NE ¼ NW ¼	17 ac	NE ¼ NE ¼	4 ac	NE ¼ SE ¼	17 ac	NE ¼ SW ¼	40 ac
SW ¼ NW ¼	23 ac	SW ¼ NE ¼	40 ac	SW ¼ SE ¼	39 ac	SW ¼ SW ¼	12 ac
SE ¼ NW ¼	40 ac	SE ¼ NE ¼	35 ac	SE ¼ SE ¼	9 ac	SE ¼ SW ¼	35 ac
Total 378 acres							

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 6254-3 including the following now applicable qualifications:

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



Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

APR 19 2005

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 19 2005

6254-3

Heine Farms
%Ron Heine
PO Box 477
Yankton SD 57078

Dear Mr. Heine:

Enclosed is Water License No. 6254-3. This is the final water right document completing your process of obtaining a Water Right.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

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

enclosures



January 26, 2007

NOTICE

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

TO: GARY HEINE, PO BOX 477, YANKTON, SD 57078
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2006 Irrigation Questionnaires

Our records indicate that the 2006 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 20, 2006. The Water Management Board has directed that owners of water permits who have not submitted the 2006 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1680B-3, 2116-3 & 3722-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1879-3, 3964-3, 4621-3, 5449-3, 5816-3, 6114-3 & 6254-3 qualification:

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

The hearing will be held at 10:30 am, March 7, 2007 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1879-3, 3964-3, 4621-3, 5449-3, 5816-3, 6114-3 & 6254-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1680B-3, 2116-3 & 3722-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 1, 2007, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V5-IQ.pdf>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 2, 2007

Gary Heine
Heine Farms
PO Box 477
Yankton SD 57078

RE: Water Right/Permit Nos. 1680B-3, 1879-3, 2116-3, 3722-3, 3964-3, 4621-3, 5449-3,
5816-3, 6114-3 & 6254-3

Dear Mr. Heine:

I am writing to acknowledge receipt of your "2006" irrigation questionnaires. You may disregard the January 26, 2007, "Notice" concerning reporting requirements for Water Right/Permit Nos. 1680B-3, 1879-3, 2116-3, 3722-3, 3964-3, 4621-3, 5449-3, 5816-3, 6114-3 & 6254-3.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



6254-3

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.

6254-3

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SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 4742	
GARY HEINE PO BOX 477 YANKTON SD 57078	
Waiver of Signature	☐ YES ☐ NO
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POSTAL CUSTOMER: Keep this receipt. For Inquiries: Access internet web site at www.usps.com ® or call 1-800-222-1811	
☐ Priority Mail™ Service ☐ First-Class Mail® parcel ☐ Package Services parcel	



**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



6254-3
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.

6254-3



**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



6254-3
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.



6254-3

**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