

WATER PERMIT NO. 6679-3

Name of Applicant: **Francis J Heine**

Address: **412 Sterling, Vermillion SD 57069** Phone:

Amount of Water Claimed: **2.23 cfs** Total Acres: **140**

Source of Water Supply: **groundwater (1 well)**

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

Type of Waste Disposal System:

Location: **1 mile south of Vermillion**

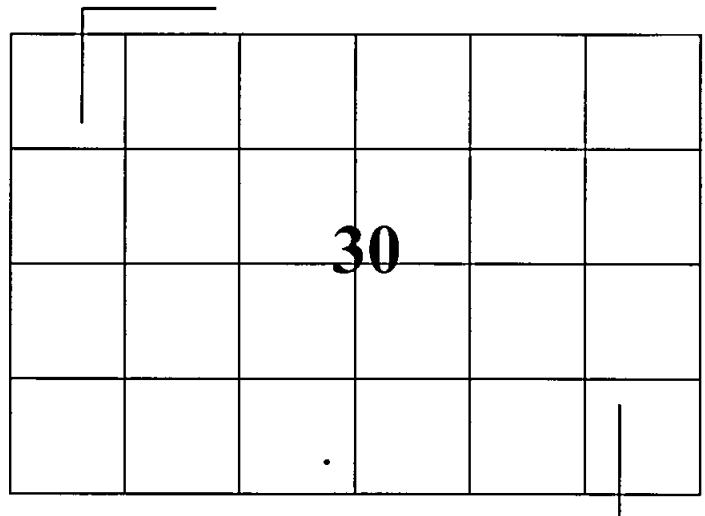
PRIORITY Date Received: **12-19-05** Application/License Fee: **\$300**

Corrected Application Received: Period of Annual Use: **May 1 – September 30**

Remarks: **Replaces Water Permit No. 6058-3 issued for diversion from the Vermillion river.**

Diversion Point: **NW ¼ SE ¼ Sec 30-T92N-R51W**

Land to be Irrigated: **E ½ SW ¼, SE ¼ Sec 30**
and NW ¼ SW ¼ Sec 29; all in T92N-R51W



Depth of Well: **100 feet deep**

Well Driller: : **Wetmore Drilling**

Remarks:

Type of Map: **aerial**

Prepared by: **Eric Gronlund**

Reviewed and the Number Assigned on: **12-19-05**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

ESS
9/12/05

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only) No. _____ Hydrologic Unit _____
	Basin _____
	Newspaper _____

RECEIVED

DEC 19 2005

WATER RIGHTS
PROGRAM

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.)

Replace Water Permit No. 6058-3 which issued for the Vermillion because a well actually supplies water to the center pivot.

1. Name of Applicant Francis J. Heine Phone _____
 (check one) ☒ Owner ☐ Tenant/lessee
 Mailing Address 412 Sterling Vermillion State SD 57069
 (Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed 2.230 *CFS or _____ **GPM _____ ***AF _____ Total Acreage 140
 (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply one well
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Clay
NW 1/4 SE 1/4 Section 30, T92N, R51W
5. County or counties where water will be used Clay
6. Annual period during which water is to be used May 1 through September 30
7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
 (Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NE 1/4 SW 1/4 Section 30, T92N, R51W	24	SW 1/4 SE 1/4 Section 30, T92N, R51W	15
SE 1/4 SW 1/4 Section 30, T92N, R51W	2	SE 1/4 SE 1/4 Section 30, T92N, R51W	9
NW 1/4 SE 1/4 Section 30, T92N, R51W	40	NW 1/4 SW1/4 Section 29, T92N, R51W	10
NE 1/4 SE 1/4 Section 30, T92N, R51W	40		

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

The system operates at 1,000 gpm. Requesting greater than statutory limit for 140 acres because the system make a windshield wipe rotation.

STATE OF SOUTH DAKOTA) SS
County of Clay)

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

I, Francis J. 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 Francis HeineSubscribed and sworn to before me this 16th day of December 2005Karla K. Buxil
Notary Public signature

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 24" Depth 100'
- b) Casing Type PVC Diameter 16" Thickness 1/2"
- c) Screen Type PVC Diameter 16" Thickness 1/2"
- d) Gravel Pack 1/8 - 3/8 Length of Gravel Pack 45'
- e) Depth to Top of Water Bearing Material 55'
- f) Depth to Water (ground surface to water level) 22'
- g) Distance to nearest existing domestic well:
On applicants property 3,000' On property owned by others 3200'

2. Wastewater Disposal System Information

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

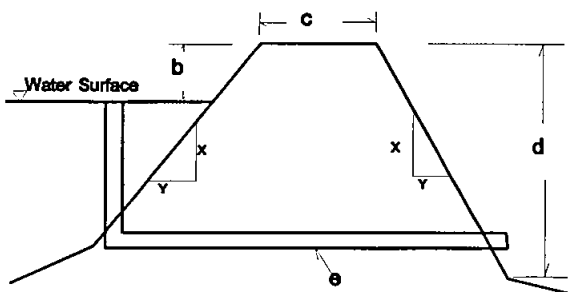
3. Dugout Information

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

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:



- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope _____
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

**SOUTH DAKOTA
WATER PERMIT NO. 6679-3**

Date of first receipt of application December 19, 2005.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6679-3 to Francis J Heine, 412 Sterling, 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. 6679-3 appropriates 2.23 cubic feet of water per second from one well completed into the Missouri:Elk Point Aquifer (100 feet deep) located in the NW ¼ SE ¼ Section 30 to irrigate 140 acres located in the E ½ SW ¼, SE ¼ Section 30 and NW ¼ SW ¼ Section 29; all in T92N-R51W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – September 30.
3. The date from which applicant may claim right is December 19, 2005.
4. The date of approval of Permit No. 6679-3 is February 6, 2006.
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. 6679-3 authorizes a maximum diversion rate of 2.23 cfs for the irrigation of 140 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.
4. The approval of Water Permit No. 6679-3 cancels Water Permit No. 6058-3 for nonconstruction.

WATER MANAGEMENT BOARD

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

APR 07 2006
date



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



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

Lithologic log

Client: Bud Heine

Well : 10

Legal Loc: T92N-R51W-30 NW of SE 1/4

Drilling method: Direct Rotary

Total Depth: 100 feet

Bit diameter: 24"

Date: 10-10-98

Interval	Lithologic log
0-8	sandy brown silt
8-55	silty medium to fine sand
55-102	gravel, sandy in spots
100	Total Depth
60'-100'	16" pvc .060" slotted pipe, filter packed from 55' to 102'
0-60'	16" pvc pipe.
22'	Water level



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 13, 2005

Francis Heine
412 Sterling
Vermillion SD 57069

Dear Mr. Heine:

A year ago in August, I conducted licensing investigation of six water permits you hold. With the exception of Water Permit No. 6058-3, the other five permits appear to be in order and can be licensed for what is developed. The licensing of the permits is a process where the state verifies that the irrigation systems are in place, being used and quantifies the extent to which they were developed. Two maps showing the irrigation water permits that were inspected are attached.

The reason I am writing is to discuss Water Permit No. 6058-3 which is shown in red on the map. Permit No. 6058-3 appropriates 2.55 cubic feet of water per second from the Vermillion River. However, my on-site visit found that a well was developed to serve as the water source for this pivot which makes a windshield wipe rotation. When the application was originally filed you listed groundwater as the source, however, during a telephone conversation you stated you decided to use the Vermillion River as the source. You subsequently filed an application changing the water source to the river.

Since the water source is different than what was permitted, a new water permit will need to be obtained to reflect the correct water source. I have enclosed a partially completed application for you to sign and have notarized. Please note your original application states 120 acres will be irrigated but I estimated 140 acre being irrigated. The new application reflects this higher number of acres being irrigated.

Please review the application, sign it in the presence of a notary public and submit the required application filing fee of \$300. Also, I have not been able to find that the well log has been filed for this well, so please complete the well construction information on Form 2A to the best of your ability.

I apologize for taking so long to get back to you on the results of these inspections. I want to get your permits so they accurately reflect what is taking place in the field. If you find any inaccuracies, please feel free to contact me.

The licenses for the other five permits are being draft. There is a \$50 licensing fee required for each permit. Since two of the permits will be incorporated into one water license, the licensing fee that needs to be submitted is \$200. Please make the check payable to the Water Rights Program.

I have included a self addressed stamped envelope for your convenience to send in the application and the licensing fee. If you have any questions, please do not hesitate to give me a call.

Sincerely,

A handwritten signature in cursive script, appearing to read "Eric Gronlund".

Eric Gronlund
Water Rights Program, DENR
(605) 773-3352

enclosures

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date December 19, 20 05

RECEIVED OF Francis Heine, 412 Sterling St., Vermillion SD 57069

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

Fee for Application for Permit No. <u>6679-3</u> to Appropriate Water, to construct and to put water to beneficial use	250	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use	1	
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>6679-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	300.00

No.

002073

By

Darland Erbe

Chief Engineer

gm

REPORT ON APPLICATION NO. 6679-3

For Francis J. Heine

January 9, 2006

This application proposes to appropriate 2.23 cubic feet of water per second (cfs) from one well completed into the Missouri: Elk Point Aquifer (approximately 100 feet deep) located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 30 to irrigate 140 acres located in the E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ Section 30 and NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 29; all in T92N R51W in Clay County.

AQUIFER – MISSOURI: ELK POINT (M-EP)

The Missouri Elk Point aquifer is composed of alluvium and glacial deposits ranging from fine sand to very coarse gravel. The aquifer represents an unconfined condition with water table characteristics in the area of this application. The aquifer underlies 74,500 acres and contains an estimated 1.1 million acre feet of water in storage in Clay County (Hedges, 1982). The aquifer is hydraulically connected to both the Missouri and Vermillion Rivers. Also in the eastern portion of Clay County the aquifer directly overlies the Dakota Formation and ground water possibly moves upward into the Missouri Elk Point from the Dakota aquifer. Ground water movement is from north to south and locally toward the Missouri River. According to a lithologic log submitted with the application the well has a static water level of 22 feet.

The Water Rights Program monitors an observation well (CL-80C) completed into the Missouri: Elk Point aquifer located approximately 1 mile southwest of this site. Water levels for this well show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. The hydrograph also illustrates a period of recharge in the mid-to-late nineties. The effects of pumping by nearby irrigation wells are not detectable from observation of the record due to high specific capacities of the wells (Water Rights, 2005). A hydrograph for this observation well is included in this report and labeled as Figure 1.

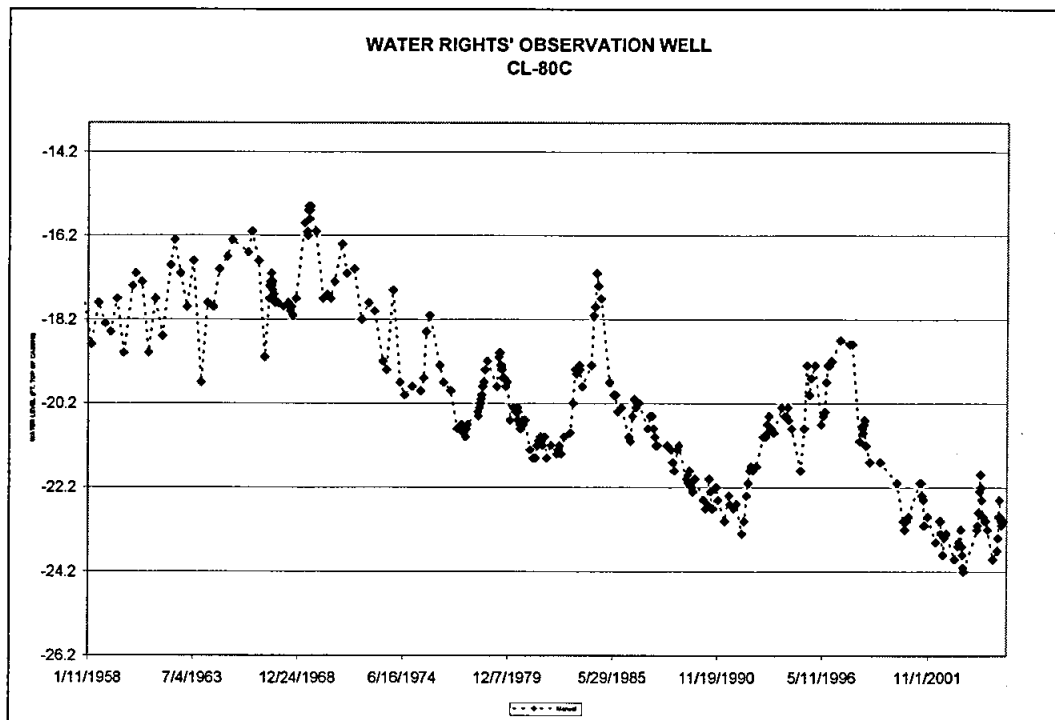


Figure 1. Hydrograph of observation well CL-80C.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

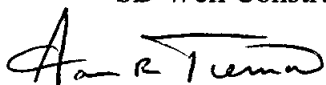
There are several existing Water Rights appropriating ground water within a two mile radius of this application. A list of the permits is included with this report labeled as Table 1. The nearest water right/permit from the Missouri: Elk Point Aquifer is approximately ½ mile to the southeast. This well is for Water Rights No. 2053-3 (10.22 cfs from 5 wells for irrigation). Interference is not expected to be a problem.

Table 1. Table identifying permits within a two mile radius of the application.

PERMIT NO	LAST NAME	STATUS	AQUIFER	USE	CFS
143-3	VERMILLION	LC	M	MUN	1.78
147-3	VERMILLION	LC	M	MUN	2.66
147-3	VERMILLION	LC	M	MUN	2.66
671-3	HEINE	LC	LVM	IRR	3.4
2053-3	HEINE	LC	M	IRR	10.22
4983-3	SORENSEN	IL	M	IRR	3.6
5041-3	SORENSEN	IL	M	IRR	1.8
5042-3	SORENSEN	IL	M	IRR	1.8
5199-3	SORENSEN	IL	M	IRR	3.05
5412-3	SORENSEN	LC	M	IRR	0.7
5471-3	HEINE	PE	M	IRR	0.54
5538-3	SORENSEN	LC	M	IRR	3.34
5539-3	SORENSEN	LC	M	IRR	1.78
5540-3	SORENSEN	LC	M	IRR	1.78
5541-3	SORENSEN	LC	M	IRR	3.6
5639-3	HEINE	PE	M	IRR	1.5
5880-3	VERMILLION	IL	LVM	IRR	1.11
5880A-3	VERMILLION	LC	LVM	IRR	0.86
6059-3	HEINE	PE	M	IRR	1.84
6236-3	VERMILLION	LC	M	MUN	2.6
6354-3	VERMILLION	LC	M	MUN	0.022

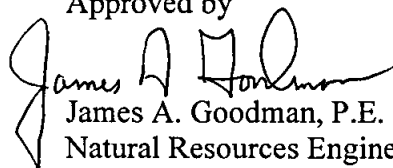
CONCLUSIONS

1. The Missouri: Elk Point Aquifer is a viable groundwater source and water is available for this appropriation.
2. The aquifer is under confined conditions at this site. The lithologic log report filed with this application indicates a static water level of 22 feet. Interference should not be a concern.
3. Approval of this application should cancel water permit 6058-3. An on-site inspection revealed a well was developed to serve as the water source for this pivot not the Vermillion River. Since the water source is different than what was permitted, a new water permit was needed.
4. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.



Aaron R. Tieman
Natural Resources Engineer

Approved by



James A. Goodman, P.E.
Natural Resources Engineering Director

BIBLIOGRAPHY

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

Water Right, 2005, Dakota Formation Observation Well Data, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.



**DEPARTMENT of ENVIRONMENT
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**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6679-3, Francis J. Heine**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 6679-3, Francis J Heine, 412 Sterling, Vermillion SD 57069.

The Chief Engineer is recommending APPROVAL of Application No. 6679-3 because: 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion has been 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. 6679-3 authorizes a maximum diversion rate of 2.23 cfs for the irrigation of 140 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.
4. The approval of Water Permit No. 6679-3 cancels Water Permit No. 6058-3 for nonconstruction.

See report on application for additional information.

Garland Erbele, Chief Engineer
January 10, 2006

AFFIDAVIT OF PUBLICATION

State of South Dakota, County of Clay, ss.

Shani Bonner

Being first duly sworn, deposes and says: That he/she is a resident of the County of Clay and State of South Dakota; that

THE PLAIN TALK

is a legal newspaper of general circulation, printed and published in Vermillion, in said County and State, by Broadcaster Press, Inc., and is now and has been such newspaper continuously during all the times hereinafter mentioned; that affiant is and was during all the time hereinafter mentioned in charge of the advertising department thereof, and has personal knowledge of all the facts stated in this affidavit: and that the notice and advertisement headed:

NOTICE OF APPLICATION TO APPROPRIATE WATER

FRANCIS HEINE

a printed copy of which is hereunto attached and made a part hereof, was printed and published in the said newspaper at least once in each week

for 2 successive weeks; that said newspaper at the time of the first publication of said notice hereinafter stated, had, and still has, a bona fide circulation of over two-hundred paid copies weekly, and had been published in the said county of Clay for more than one year immediately prior to the date of the said publication of said notice, and that said newspaper during said times, was, and is, printed in part in an office maintained at said city of Vermillion, the said place of publication; that the first publication of said notice in said newspaper as aforesaid

was on Friday, the 20th day of January, 20 06, and that the succeeding publications were severally

on Friday, the 27th day of January, 20 06,

on Friday, the _____ day of _____, 20 _____,

on Friday, the _____ day of _____, 20 _____,

on Friday, the _____ day of _____, 20 _____,

that the fees charged for the printing and publication of the said notice and advertisement in said newspaper as aforesaid were

Thirty-seven dollars and 62 cents

and that said fees for the printing and publishing of said notice and advertisement have been fully paid; that the full amount of the fee charged for the publishing of the said attached annexed notice and advertisement inures to the benefit of the publisher of the said newspaper, that no agreement or 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 other person whomsoever.

Shani Bonner

Subscribed and sworn to before me

this 27th day of January, 20 06
JOAN E. WILLBOTH

NOTARY PUBLIC
SOUTH DAKOTA
My Commission Expires 04/17/2011

Notary Public

NOTICE OF APPLICATION NO. 6679-3 to Appropriate Water

Notice is given that Francis J. Heine, 412 Sterling, Vermillion, SD 57069 has filed an application for a water permit to appropriate 2.23 cubic feet of water per second from one well completed into the Missouri: Elk Point Aquifer (100 feet deep) located in the NW 1/4 SE 1/4 Section 30 to irrigate 140 acres located in the E 1/2 SW 1/4, SE 1/4 Section 30 and NW 1/4 SW 1/4 Section 29; all in T92N-R51W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6679-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by February 6, 2006.

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.

Publish: January 20 & 27, 2006

RECEIVED

FEB 01 2006

WATER RIGHTS
PROGRAM



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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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.**

January 11, 2006

Francis J. Heine
412 Sterling
Vermillion SD 57069

Dear Mr. Heine:

Water Permit Application No. 6679-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Plain Talk printed at Vermillion, SD (Ph # 605-624-2695). You will need to contact the newspaper and authorize publication of this notice. 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 and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks. The newspaper has also 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

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

January 11, 2006

Plain Talk
PO Box 256
Vermillion SD 57069-0256

ATTENTION: Legal Public Notice

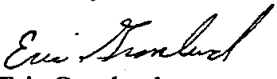
Enclosed is a Notice on Application No. 6679-3 to Appropriate Water to be published twice. Please publish the first notice on January 20, 2006 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Francis J. Heine, 412 Sterling, Vermillion SD (Ph # 605-624-2405).

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

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

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 6679-3

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

Date _____

We are in receipt of your letter of January 11, 2006 enclosing Notice to Appropriate Water by Application No. 6679-3 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 January 20, 2006 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6679-3 to Appropriate Water

Notice is given that Francis J Heine, 412 Sterling, Vermillion SD 57069 has filed an application for a water permit to appropriate 2.23 cubic feet of water per second from one well completed into the Missouri:Elk Point Aquifer (100 feet deep) located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 30 to irrigate 140 acres located in the E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ Section 30 and NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 29; all in T92N-R51W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6679-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by February 6, 2006.

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.

Permit No. 6679-3
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 24, 2004**, made a thorough examination of the water use system constructed by **Francis J. Heine** of **412 Sterling, Vermillion SD 57069** holder of Permit No. **6679-3**, bearing the priority of **December 19, 2005** authorizing the diversion of **2.23** cu. ft. per second of the waters of **Missouri:Elk Point Aquifer** for **irrigation** purposes, in **Clay** County.

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

A. Works used to divert the water:

A well with a Western Land Roller pump and a 75 HP US Electric motor capable of producing 1,000 gpm

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

The well is located at the pivot center. An 8 inch aluminum pipe conveys water the very short distance to the pivot

C. Works used to apply water to beneficial use:

A Lindsey 11 tower center pivot

The system is in the following condition **good**. The point of diversion is located **approximately 1,475 feet west of the E ¼ corner (NW ¼ SE ¼) Section 30, T92N, R51W. Lat/Lon N 42.75754 W-096.90996**. The works are capable of diverting and conveying to the place of use **2.23** cu. ft. per second of water which is to be used for **irrigation of 140 acres**. Water has been put to beneficial use to the maximum extent as follows

NE¼ SW¼ Sec. 30, T92N, R51W	24 acres	SW¼ SE¼ Sec. 30, T92N, R51W	15 acres
SE¼ SW¼ Sec. 30, T92N, R51W	2 acres	SE¼ SE¼ Sec. 30, T92N, R51W	9 acres
NW¼ SE¼ Sec. 30, T92N, R51W	40 acres	NW¼ SW¼ Sec. 29, T92N, R51W	10 acres
NE¼ SE¼ Sec. 30, T92N, R51W	40 acres		

* This breakdown of acres is a best estimate based on 1) information provided by the applicant, 2) viewing the orthoquadrangle using ArcMap, and 3) calculating the area based on the pivot radius.

Applicable permit qualifications have been complied with: **Yes**

Exceptions to compliance are: **none**

Date Report Completed: **February 21, 2006**



Eric Gronlund

Natural Resources Engineer

DENR, Water Rights Program

FIELD INVESTIGATION REPORT FOR PERMIT NO. 6679-3

DATE OF INVESTIGATION:		August 24, 2004
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE		Francis "Bud" Heine 412 Sterling Vermillion SD 57069
NAME & ADDRESS OF PERMIT HOLDER		Same
DIVERSION POINT LEGAL LOCATION	<u>approximately 1,475 feet west of the E ¼ corner (NW ¼ SE ¼))</u> <u>Section 30, T92N, R51W. Lat/Lon N 42.75754 W-096.90996.</u>	

Other permit(s) associated with the project:

WELL INFORMATION:

- 1) Well Drilling Firm: Wetmore
- 2) No. of Wells 1
- 3) Depth(s) approx. 100 feet
- 4) Well log is available could not find
- 5) Comment: no information on well found.

Casing:

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

Screen:

- 1) Type
- 2) Length _____ feet
- 3) Static water level _____ feet

Pump:

- 1) Make Western Land Roller
- 2) Model
- 3) Size
- 4) Capacity 1,000 GPM

Motor:

- 1) Make US Electric
- 2) Model No. could not find
- 3) Horsepower rating 75 hp

SYSTEM TYPE:

Center pivot:

- 1) Make Lindsey
- 2) Overall length approx. 1,800 feet
- 3) Number of towers 5
- 4) Distance between towers 140 for first 6 towers and 200 feet for other towers feet
- 5) End gun Yes
- 6) High or low pressure Low
- 7) Capacity 850 GPM
 - effective length including area covered by the end gun

CHEMIGATION EQUIPMENT:

NONE

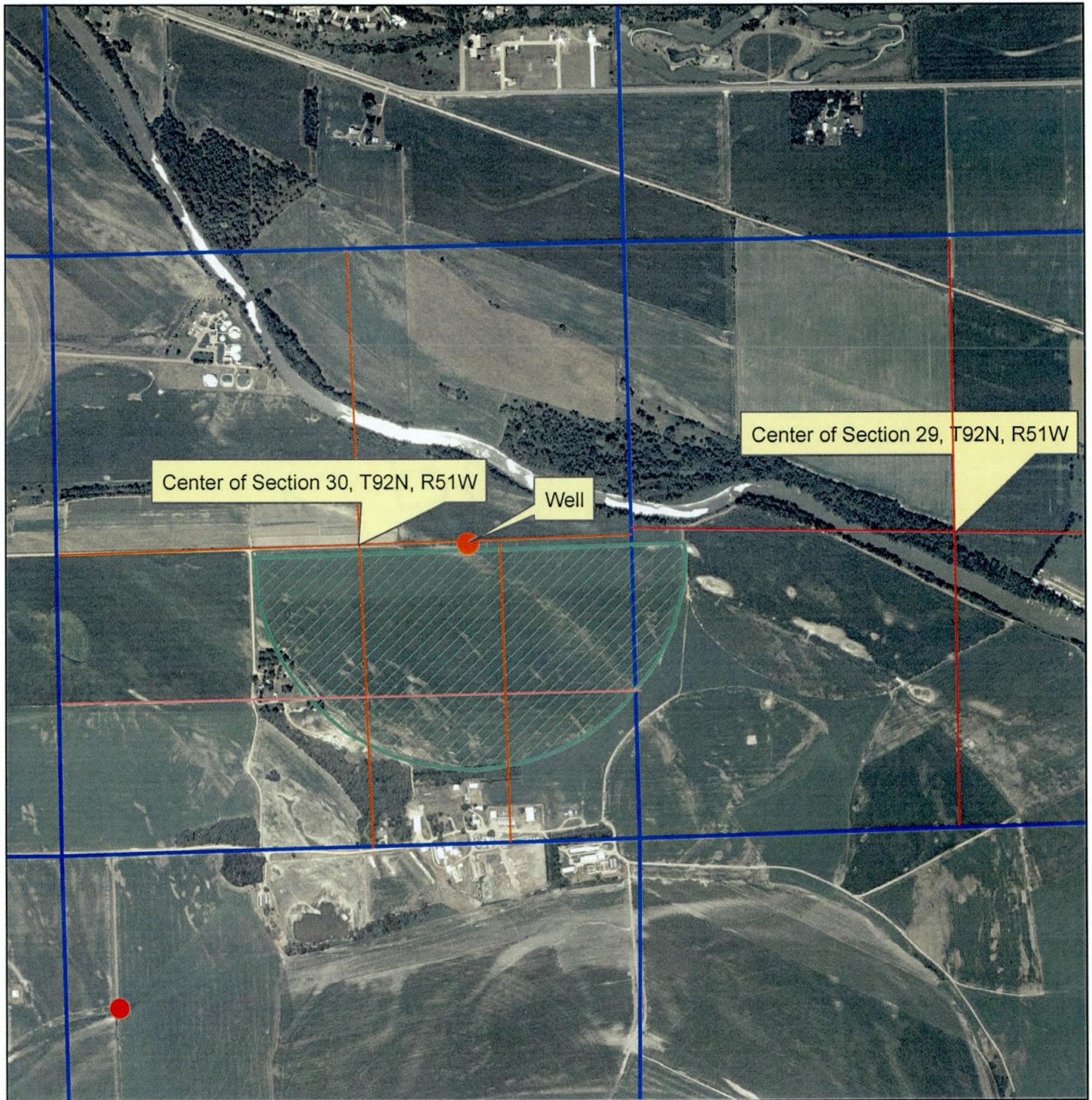
PERMIT QUALIFICATIONS:

- 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

Licensing investigation was conducted in 2004 and found that a well was being used to irrigate the property instead of the Vermillion River as authorized by Water Permit No. 6058-3. I contacted Mr. Heine and he applied for a new water permit from the well. This report is being completed based on my 2004 on-site visit.



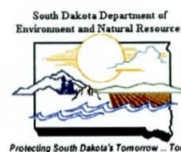
Picture of well located at the site for Water Permit No. 6679-3



0 550 1,100 2,200 3,300 4,400 Feet



Well site is located approximately 1,475 feet west of the E 1/4 corner of Section 30, T92N, R51W
NW1/4 SE 1/4 of Section 30, T92N R51W
Lat/Lon N 42.75754 W-096.90996



Eric Gronlund
Eric Gronlund
Water Rights Program, DENR
August 25, 2005

6058-3

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6679-3

(1) Francis J Heine, 412 Sterling, Vermillion SD 57069 made Application No. 6679-3, December 19, 2005 for a water permit to divert 2.23 cubic feet of water per second from groundwater (one well), Clay County, South Dakota for irrigation purposes. Permit No. 6679-3, with a priority date of December 19, 2005 was approved February 20, 2006 and issued to the applicant for diversion of water with construction of the described water supply system and the application to beneficial use of water completed.

(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. 6679-3 is issued a license, bearing a priority date of December 19, 2005 to appropriate 2.23 cubic feet of water per second from groundwater (one well) to irrigate 140 acres.

The diversion point is located: approximately 1,475 feet west of the east ¼ corner (NW ¼ SE ¼) Section 30-T92N-R51W. The acres authorized for irrigation are as follows:

T92N-R51W					
Sec 30	NE ¼ SW ¼	24 acres	Sec 30	SW ¼ SE ¼	15 acres
Sec 30	SE ¼ SW ¼	2 acres	Sec 30	SE ¼ SE ¼	9 acres
Sec 30	NW ¼ SE ¼	40 acres	Sec 29	NW ¼ SW ¼	10 acres
Sec 30	NE ¼ SE ¼	40 acres	Total 140 acres		

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 6679-3 including the following now applicable 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. 6679-3 authorizes a maximum diversion rate of 2.23 cfs for the irrigation of 140 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.



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

APR 07 2006

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 07 2006

6679-3

Francis J Heine
412 Sterling
Vermillion SD 57069

Dear Mr. Heine:

Enclosed is Water Permit No. 6679-3 and Water License No. 6679-3. The Water License 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



6679-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 16, 2015

NOTICE

TO: FRANCIS HEINE, 412 STERLING, VERMILLION, SD 57069

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

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaires

Our records indicate your 2014 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 671-3, 977A-3, 977B-3, 1624-3 2053-3 & 2947-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 5435-3, 5471-3, 5639-3, 6057-3, 6059-3, 6679-3, 6993-3, 6994-3, 7297-3, 7298-3, 7299-3, 7300-3, 7301-3, 7302-3, 7577-3, 7578-3, 7579-3, 7580-3 & 7980-3 qualification:

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

The hearing will be held at **10:00 am, March 4, 2015** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5435-3, 5471-3, 5639-3, 6057-3, 6059-3, 6679-3, 6993-3, 6994-3, 7297-3, 7298-3, 7299-3, 7300-3, 7301-3, 7302-3, 7577-3, 7578-3, 7579-3, 7580-3 & 7980-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 671-3, 977A-3, 977B-3, 1624-3 2053-3 & 2947-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 4, 2015** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182

February 24, 2015

Francis Heine
412 Sterling
Vermillion SD 57069

RE: Water Permit and Water Right Nos. 671-3, 977A-3, 977B-3, 1624-3 2053-3, 2947-3, 5435-3, 5471-3, 5639-3, 6057-3, 6059-3, 6679-3, 6993-3, 6994-3, 7297-3, 7298-3, 7299-3, 7300-3, 7301-3, 7302-3, 7577-3, 7578-3, 7579-3, 7580-3 & 7980-3

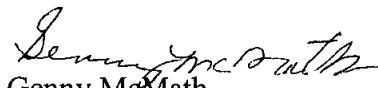
Dear Mr. Heine:

I am writing to acknowledge receipt of your 2014 irrigation questionnaires for the above listed water permits and water rights.

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for your water permits and water rights. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,


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

PAID

MAR 27 2023

Ck# 44663

Rec't# _____

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 6679-3

Date: _____

I/We request that Water Right No. 6679-3

formerly owned by: Francis Heine

be transferred to: (name & address) see below

Telephone No. _____

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

140 acres – E ½ SW ¼, SE ¼ Section 30, T92N, R51W and NW ¼ SW ¼ Section 29, T92N, R51W

I/We understand that the validity of Water Right No. 6679-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Todd Heine
1020 E. 20th St.
Vermillion, SD 57061, the new owner, certify that the above information is true and correct.



(Signed by new owner)

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

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

RECEIVED

MAR 27 2023

OFFICE OF
WATER

6679-3

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Agriculture and Natural Resources

Date March 27, 2023RECEIVED OF Francis J Doris/Tim, Todd & Nick Heine 412 Sterling St., Vermillion SD 57069

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form <u>6679-3</u>	<u>\$50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law) TOTAL	<u>\$50.00</u>

By Eric Gronlund
Chief Engineerthm



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

April 14, 2023

Todd Heine
1020 E 320th St
Vermillion SD 57069

Dear Mr. Heine:

I am writing to acknowledge receipt of the transfer forms and filing fees for all water permits and water rights listed under Francis Heine.

The ownership changes have been completed. Water Permit/Right Nos. 671-3, 977A-3, 977B-3, 1006-3, 1034-3, 1624-3, 2053-3, 2947-3, 5435-3, 5471-3, 5639-3, 6057-3, 6059-3, 6679-3, 6993-3, 6994-3, 7297-3, 7298-3, 7299-3, 7300-3, 7301-3, 7302-3, 7577-3, 7578-3, 7579-3, 7580-3 & 7980-3 are now listed in your name.

Enclosed are receipts for the filing fees you paid. If you have any questions, please let me know.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosures