

WATER PERMIT NO. 7298-3

Name of Applicant: **Francis Heine**

Address: **412 Sterling, Vermillion SD 57069** Phone: **605 624-2405**

Amount of Water Claimed: **2.28** Total Acres: **160**

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

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

Type of Waste Disposal System:

Location: **½ mile north of Burbank**

PRIORITY Date Received: **12-27-11** Application/License Fee: **\$ 1,050**

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

Remarks:

Diversion Point: **center NE ¼ Sec 26-T92N-R51W**

Land to be Irrigated: **NE ¼ Sec 26-T92N-R51W**

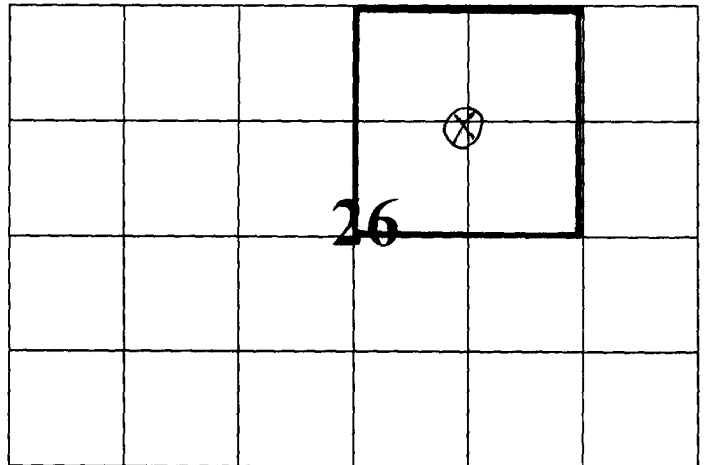
Depth of Well: **175 feet deep**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by: **Eric Gronlund**



Reviewed and the Number Assigned on: **12-27-11** By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

2

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>7298-3</u> (office use only)	Hydrologic Unit <u>10170102</u>
	Basin <u>Vermillion River</u>	
	Newspaper <u>Plain Talk Vermillion</u>	
	<u>\$7069</u>	

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DEC 27 2011
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.)

1. Name of Applicant Francis Heine Phone 605 624 2405
(check one) ☒ Owner ☐ Tenant/lessee
- Mailing Address 412 Sterling Vermillion SD 57059
(Address) (City) (State) (Zip Code)
2. Amount of water claimed 2.28 *CFS or 1025 **GPM ***AF Total Acreage 160
(*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 to be completed in the Missouri:Elk Point Aquifer
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Clay
center NE 1/4 Sec. 26 T92N,R51W
5. County or counties where water will be used Clay
6. Annual period during which water is to be used May 1 - October 31
7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NW1/4 NE 1/4 Section 26, T92N, R51W	40		
NE 1/4 NE 1/4 Section 26, T92N, R51W	40		
SW 1/4 NE 1/4 Section 26, T92N, R51W	40		
SE 1/4 NE1/4 Section 26, T92N, R51W	40		

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

STATE OF SOUTH DAKOTA)
County of Clay) SS

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

I, Francis 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 Heine

Subscribed and sworn to before me this 22 day of December 20 11

Ruth A. Bremer

Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 7298-3**

Date of first receipt of application December 27, 2011.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7298-3 to Francis 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. 7298-3 appropriates 2.28 cfs from one well to be completed into the Missouri:Elk Point Aquifer (175 feet deep) located in the center of the NE 1/4 Section 26 to irrigate 160 acres located in the NE 1/4 Section 26; 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 – October 31.
3. The date from which applicant may claim right is December 27, 2011.
4. The date of approval of Permit No. 7298-3 is April 30, 2012.
5. One-fifth of the construction is to be completed on or before October 30, 2014.
6. All construction is to be completed on or before April 30, 2017.
7. Water is to be put to beneficial use on or before April 30, 2021.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 7298-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

MAY 17 2012
date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter _____ Depth 175
- b) Casing Type PVC Diameter 16" Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) approx. 20 feet
- g) Distance to nearest existing domestic well:

On applicant's property _____ On property owned by others _____

2. Wastewater Disposal System Information

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

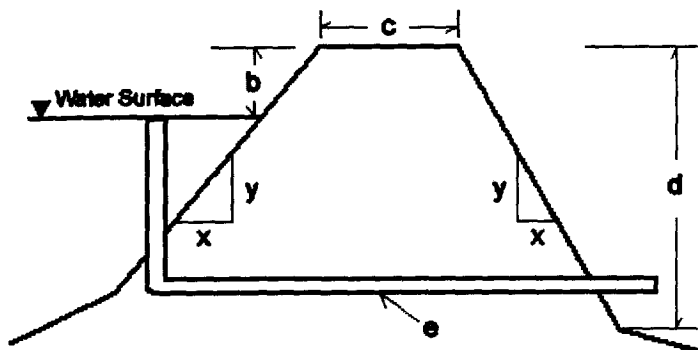
3. Dugout Information

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

4. Water Storage Dams

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

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



- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope (e.g. 3 to 1 is a typical slope)
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

WATER PERMIT APPLICATION FOR FRANCIS "BUD" HEINE



2,400 1,200 0 2,400 Feet

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A handwritten signature in blue ink, appearing to read 'Eric Gronlund'.

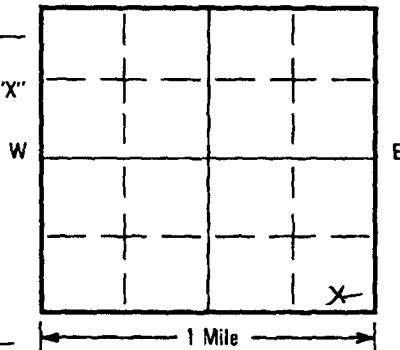
Eric Gronlund
Water Rights Program, DENR
based on representation by Mr. Heine

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location SE 1/4 SE 1/4 Sec 26 Twp 92 Rg 51
County Clay

Please mark well location with an "X"



Well Completion Date

7-3-2006

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 1320 ft. from Any (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Mud RotaryCASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>54 40</u> LB/FT	<u>12</u> IN	<u>0</u> FT	<u>95</u> FT	<u>12</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Bentonite</u>	_____	_____ lb./gal	<u>30</u> ft	<u>0</u> ft
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure Pumped inSCREEN: ☒ Perforated pipe ☐ ManufacturedDiameter 12 IN Length 80 FEETMaterial PVCSlot Size 50 Set From 95 Feet to 175 Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: Water from_____ NO, Why Not? Tanker

Laboratory sent to for water quality analysis _____

 Well Owner: Chuck Donnelly
 Business Name: Donnelly Farms
 Address: 32184 472nd Ave.
Elk Point, SD 57025

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Top soil</u>	<u>0</u>	<u>2</u>
<u>Yellow clay</u>	<u>26</u>	
<u>Silt</u>	<u>6</u>	<u>35</u>
<u>Sand</u>	<u>35</u>	<u>58</u>
<u>Clay</u>	<u>58</u>	<u>72</u>
<u>Fine to med. sand</u>	<u>72</u>	<u>180</u>

STATIC WATER LEVEL _____ 19 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: Pumped with irrigation☐ Bailedpump @ 800 GPM☐ Other _____

Pumping Level Below Land Surface

41 ft. After 3 Hrs. pumped 800 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate 150 GPM

REMARKS

RECEIVED

JAN 25 2007

WATER RIGHTS
PROGRAMThis well was drilled under license # 667

And this report is true and accurate.

Drilling firm Dakota Drilling & Buckhoe, Inc.

Signature of License Representative:

Kerron E. Vukobratovic

Signature of Well Owner or Equitable Property Holder:

Date: _____

1-30-07

2

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 12/27, 20 11

RECEIVED OF Francis J 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>7298-3</u> to Appropriate Water, to construct and to put water to beneficial use	850	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>7298-3</u>	200	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	1050 00

No. **05177**

By *Garland Erbe*
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7298-3, Francis 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. 7298-3, Francis Heine, 412 Sterling, Vermillion SD 57069.

The Chief Engineer is recommending APPROVAL of Application No. 7298-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 7298-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
April 5, 2012

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO.7298-3
FRANCIS HEINE
JANUARY 27, 2012

Water Permit Application No. 7298-3 proposes to appropriate 2.28 cubic feet of water per second from one well to be completed into the Missouri: Elk Point aquifer (approximately 175 feet deep). The well is to be located in the center of the NE¼ Section 26, T92N-R51W. Water is to be used to irrigate 160 acres located in the NE¼ of Section 26, T92N-R51W.

AQUIFER: Elk Point Management Unit of the Missouri aquifer (M:EP)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The Missouri aquifer is an alluvium mantled glacial outwash deposit that is estimated to be 125-150 feet thick in this area (Stevens, 1967). The Elk Point management unit of the Missouri aquifer underlies approximately 74,500 acres of Clay County and extends into neighboring Yankton and Union Counties (Hedges and others, 1982). The Missouri: Elk Point contains an estimated 1,117,500 ac-ft of recoverable water in storage in Clay County alone (Hedges and others, 1982). The aquifer is hydraulically connected to the Vermillion and Missouri Rivers. Ground water movement in the Elk Point management unit is from northwest to southeast and locally toward the rivers. Water Rights' Observation Well CL-80E is located approximately one mile east-northeast of this proposed well site and identifies sand and gravel from 8-80 feet below grade with clay from 15-20 feet below grade. The log for the observation well notes "did not penetrate" suggesting the aquifer material extends beyond 80 feet below grade (Water Rights, 2012a). A test hole drilled by the SD Geological Survey approximately one mile northwest of the well site proposed by this application identifies sand from 19-120 feet below grade ("Lithologic Logs Database"). A completion report for an irrigation well located approximately one-half mile south of this proposed well site identifies "Fine to Med. Sand" at 72-180 feet below grade (Water Rights, 2012c). The report for the irrigation well shows a static water level of 19 feet below grade and indicates the pumping level of the well was 41 feet below grade at a pumping rate of 800 gallons per minute; therefore the specific capacity of the well is approximately 36 gallons per minute per foot of drawdown. The aquifer is expected to be under unconfined conditions at this well site although confined conditions probably occur within approximately one mile to the north where the aquifer is called the Lower Vermillion Missouri aquifer.

SDCL 46-2A-9

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is reasonable probability that there is unappropriated water available for the applicant's proposed use, that the proposed diversion can be developed without unlawful impairment of existing rights and that the proposed use is a beneficial use and in the public interest. This report will address water availability and existing rights issues only.

WATER AVAILABILITY:

The probability of unappropriated water available from an aquifer can be evaluated by considering SDCL 46-6-3.1 which requires “No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source.”

Recharge versus Withdrawals:**Recharge:**

Recharge to the Elk Point management unit in Clay County occurs through direct penetration of precipitation, streamflow losses, upward leakage from the Dakota aquifer and subsurface inflow from adjacent areas. The quantity of recharge from each source is variable as “stream discharge, ground-water discharge, local departures from normal precipitation, and long-term climatic fluctuations all influence the amount of recharge received” (Stevens, 1967). Average annual recharge has not been quantified for the Missouri: Elk Point aquifer.

The importance of the surface water/groundwater connection probably cannot be overstated. When the water levels in the aquifer are below the stage of the rivers, the aquifer is recharged by streamflow losses. In other words, groundwater levels are maintained by surface water. As Stephens (1967) states: “much of the discharge of the Missouri river is potentially available to recharge the aquifer. Increased ground-water discharge by wells would induce additional recharge from the river.” The Missouri: Elk Point aquifer in the Mulberry Point area is ideally suited for the maintenance of groundwater levels through recharge from the Missouri River.

Withdrawals:

The Missouri: Elk Point aquifer is heavily appropriated with 96 Water Permits, 50 Water Rights and five Future Use Permits appropriating water from the aquifer in Clay County alone. Non-irrigation appropriations include one domestic water permit (0.78 cfs); two water permits for Lewis & Clark RWS (22,165 ac-ft annually); and four Water Rights for the City of Vermillion (4.462 cfs plus 1,161 ac-ft annually). Future use permits from the Missouri: Elk Point reserve a total of 26,900 ac-ft annually. In 2010 there were 86 water rights/permits appropriating a total of 33,128.6 AF annually for irrigation (Water Rights, 2011). The total amount of water pumped for irrigation from Clay County, in 2010 was reported to be 592.3 ac-ft (Water Rights, 2011).

Observation Well Data:

Administrative Rule of South Dakota Section 74:02:05:07 requires that “the Water Management Board shall rely upon the record of observation well measurements to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge to the aquifer”.

The DENR-Water Rights Program monitors 38 observation wells completed into the M:EP, including five in Clay County (Water Rights, 2012a). Two observation wells, (e.g., CL-80D and CL-80E) are located within approximately three miles of the well proposed by this application. Hydrographs for the observation wells are shown in figures 1-2.

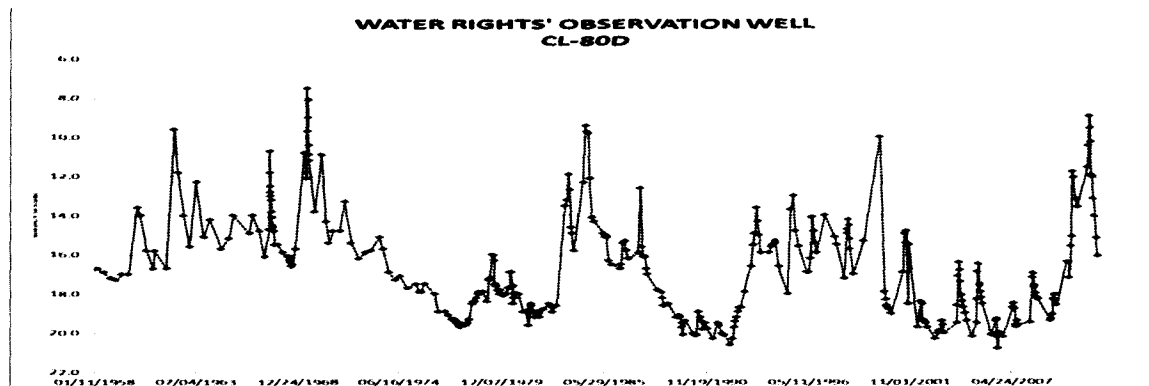


Figure 1. Hydrograph of Water Rights' Observation Well CL-80D, located approximately one and three-fourths miles west of the well site proposed by Application No.7298-3.

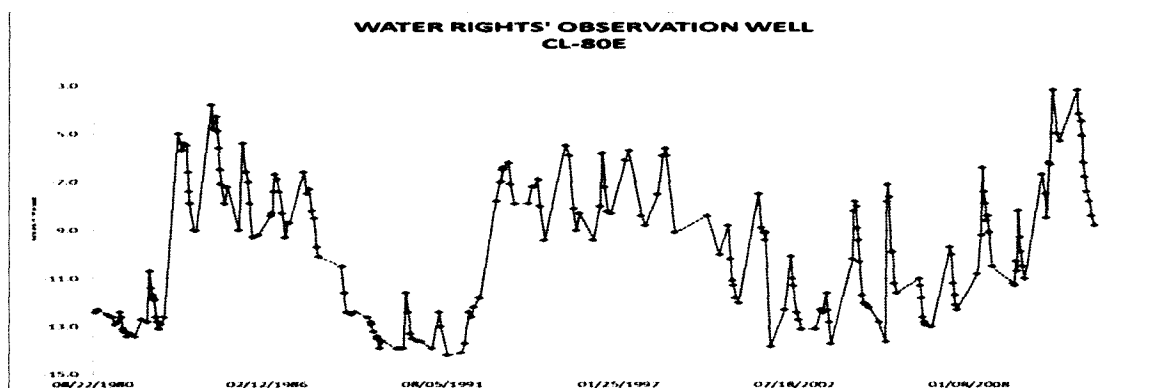


Figure 2. Hydrograph of DENR-Water Rights Program Observation well CL-80E which is located approximately one mile east-northeast of the well site proposed by Application No.7298-3.

In addition to the Missouri: Elk Point observation wells, the DENR-Water Rights Program monitors a number of wells completed into the hydrologically connected Lower Vermillion Missouri aquifer. The hydrograph for a Lower Vermillion Missouri aquifer observation located approximately three miles northwest of the well site proposed by 7298-3 shown in figure 3.

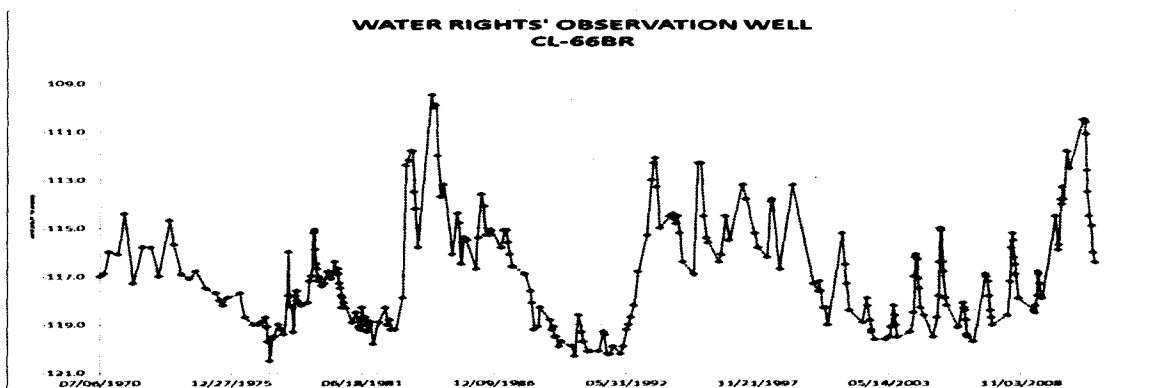


Figure 3. Hydrograph of Water Rights' Observation Well CL-57A, completed into the Lower Vermillion Missouri aquifer located approximately three miles northeast of the well site proposed by Application No.7298-3.

The hydrographs all document the higher water levels in the aquifer that corresponded with the high discharges of the Missouri River during the summer of 2011. However, a general downward trend of the water table of the Elk Point Management Unit of the Missouri aquifer can be seen in the data for Observation Well CL-80D. Inserting a linear trend line to the hydrograph for the well (see figure 4) clearly demonstrates this decline.

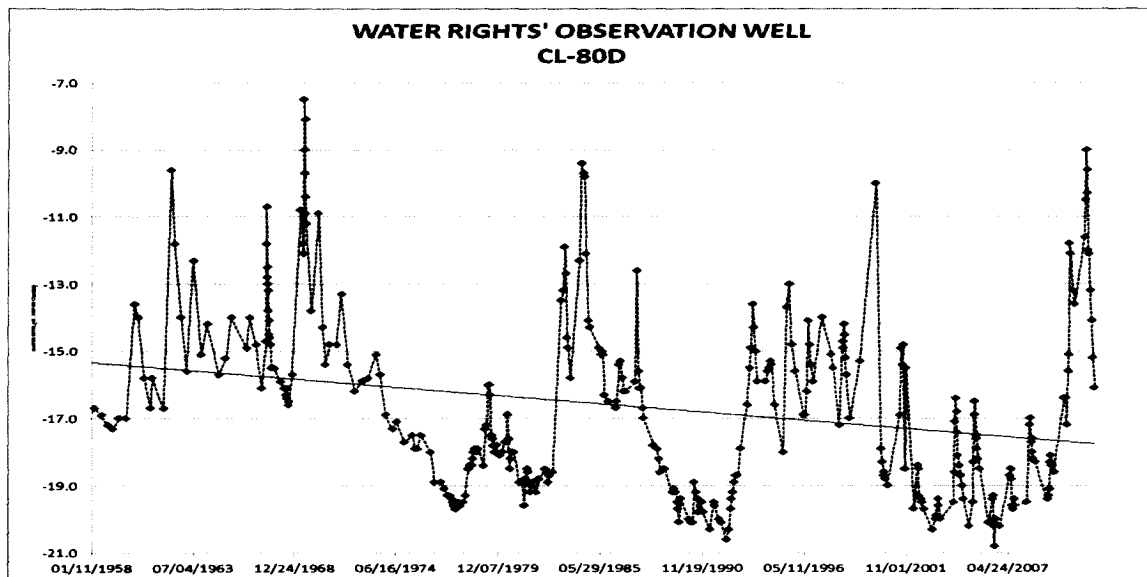


Figure 4. Hydrograph of Water Rights' Observation Well CL-80D, with linear trend line.

The lower water level documented by this observation well represents less water in storage in the aquifer. The gradual lowering of the water table has been attributed to: (a) the entrenching of the Missouri River (Goodman, 2007) or (b) controlled flows of the Missouri River eliminating flooding which used to inundate the entire floodplain and raise the water table to or above land surface (Stephens, 1967). The lower water levels that have occurred since the construction of Gavins Point Dam are probably caused by a combination of both factors cited above. Regardless of the cause, the declining water levels demonstrate the hydraulic connection between the aquifer and the Missouri River. The high flows in the Missouri River during the summer of 2011 are also very evident from the hydrographs. As stated above, groundwater levels are maintained by surface water. Increased groundwater discharge by wells would induce additional recharge from the river. The minimum discharge from Gavins Point dam is approximately 9,000 cfs (Rath). Even if all of the water appropriated from the Missouri: Elk Point aquifer was induced from the Missouri River it would be only a small percentage of the Missouri River flows. Therefore unappropriated water can be considered available for this appropriation.

EXISTING WATER RIGHTS:

The seven existing water rights/permits located within approximately two miles of the irrigation project proposed by this application are shown in Table 1.

PERMIT NO	NAME	STATUS	USE	CFS	ACRES
1006-3	FRANCIS M ARMSTRONG	LC	IRR	2.9	204.2
2465-3	GEORGE DONNELLY	LC	IRR	1.94	136
4676-3	JAMES/ROBERT DONNELLY	LC	IRR	1.88	132
4701-3	CONNOLLY FARMS	LC	IRR	1.85	131
474-3	KEVIN CUSICK	LC	IRR	1.83	128.3
6617-3	KEVIN CUSICK	PE	IRR	0.69	48
6788-3	CHUCK DONNELLY	PE	IRR	1.67	120
LC= WATER RIGHT, PE= WATER PERMIT IRR= IRRIGATION					

Table 1. Water Rights/Permits within approximately one and one-half miles of 7298-3

Water Rights/Permits in the immediate vicinity of the well site proposed by this application are shown in figure 5.



Figure 5. Location of the well site proposed by Application No. 7298-3 relative to existing water rights/permits

High specific capacity wells can be anticipated and drawdown should not be substantial. Since the Missouri: Elk Point aquifer is under unconfined conditions, the drawdown cone will not be significant very far from a pumped well. The distance between the irrigation wells in this area is sufficient to ensure that any well interference will not be adverse.

CONCLUSIONS:

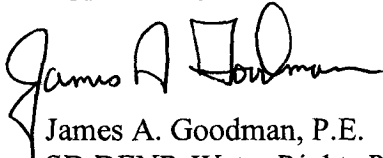
1. Water Permit Application No. 7298-3 proposes to appropriate 2.28 cfs from one well to be completed into the Elk Point management unit of the Missouri aquifer to irrigate 160 acres.
2. Approval of this application will result in an additional appropriation of 320 ac-ft annually although actual water use will be less than the total appropriation.
3. There is a reasonable probability that unappropriated water is available from the Missouri: Elk Point aquifer for this appropriation.
4. There is a reasonable probability that this appropriation can be made without adversely impacting existing water users.



Ken Buhler

SD DENR-Water Rights Program

Approved by



James A. Goodman, P.E.

SD DENR-Water Rights Program

REFERENCES:

Goodman, J.A., 2007, Report on Water Permit Application No. 6869-3 for Lewis and Clark RWS: SD DENR-Water Rights Program

Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., Schoon, R.A., 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 1: Bedrock Topography and Distribution, Task 2: Extent of Aquifers, Task 3: Ground-Water Storage, Task 4: Computerized Data Base, Final Report; U.S. Army Corps of Engineers Contract DACW 45-80-C-0185

Rath, Mark. Natural Resources Engineering Specialist, SD DENR-Water Rights Program. Personal communication. 16 Aug. 2006

"Lithologic Logs Database." South Dakota Department of Environment & Natural Resources Geological Survey. 26 Jan. 2012

Stephens, J.C., 1967, Geology and Hydrology of Clay County South Dakota, South Dakota, Part II: Water Resources, SD Geological Survey Bulletin 19, 62 p.

Water Rights, 2011, "2010 Irrigation Summary by Aquifer": SD DENR-Water Rights Program, Joe Foss Building, Pierre, SD

Water Rights, 2012a, Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Water Rights, 2012b, Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss
Bldg, Pierre, SD.

Water Rights, 2012c, Well Completion Report Files, SD DENR-Water Rights Program, Joe Foss
Bldg, Pierre, SD.

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APR 25 2012

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AFFIDAVIT OF PUBLICATION

PLAIN TALK

DENR

Division of Environmental Services
Office of Air Quality Program
523 East Capitol Ave, Joe Foss Building
Pierre, SD 57501

STATE OF SOUTH DAKOTA
COUNTY OF CLAY

HEATHER HEIMES BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT HE IS THE CLASSIFIED MANAGER OF YANKTON
MEDIA INC., A CORPORATION, THE PRINTER AND THE
PUBLISHER OF THE PLAIN TALK, A LEGAL
WEEKLY NEWSPAPER PRINTED AND PUBLISHED IN THE CITY OF VERMILLION,
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 APPLICATIONS TO APPROPRIATE WATER

FRANCES HEINE - VERMILLION, SD

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 20 DAY OF APRIL 2012
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$138.35 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: 4/13/12, 4/20/12

FILED ON: 4/13/12, 4/20/12

Heather M. Heimes
SUBSCRIBED AND SWORN TO BEFORE ME THIS

24th

DAY OF

April

Brandon Scheld
NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES

8-19-2015

NOTICE OF APPLICATIONS
TO APPROPRIATE WATER

Notice is given that Francis Heine, 412 Sterling, Vermillion SD 57069 has filed the following applications for a water permit. The area is generally located south of Vermillion.

Application No. 6993-3 proposes to appropriate an additional 1.97 cfs, irrigate 135 additional acres and add two additional wells to what is currently authorized by Water Right No. 2947-3. Water Right No. 2947-3 appropriates 1.9 cubic feet of water per second (cfs) from one well located in the SE 1/4 SW 1/4 Section 23 to irrigate 136 acres located in the E 1/2 SW 1/4, W 1/2 SE 1/4 Section 23; all in T92N-R52W. This application proposes to appropriate an additional 1.97 cfs from two additional wells to be completed into the Missouri:Elk Point Aquifer (98 and 103 feet deep) located in the SW 1/4 NW 1/4 Section 23 and NW 1/4 NE 1/4 Section 26; all in T92N-R52W. The 135 additional acres to be irrigated are located in SW 1/4 NW 1/4, SW 1/4, W 1/2 SE 1/4 Section 23 and NE 1/4 NW 1/4, NW 1/4 NE 1/4 Section 26; all in T92N-R52W. This application, if approved and Water Right No. 2947-3 will authorize a total diversion rate of 3.87 cfs for irrigation of 271 acres and will allow all three pivots to operate simultaneously.

Application No. 6994-3 proposes to irrigate an additional 46 acres; one additional well to what is currently authorized by Water Right No. 2053-3 and clarifies legal descriptions. Water Right No. 2053-3 appropriates 10.22 cfs from five wells to irrigate 922 acres. The project as developed includes six wells completed into the Missouri: Elk Point Aquifer to irrigated a total of 968 acres all located in the W 12 A of Lot 2 and Lots 3 and 4, Accretion lying E & S Lots 2, 3 & 4 to Vermillion River Section 13; NE 1/4 NE 1/4 & Lot 1 Section 23; Lot 1 in NW 1/4 Section 24; Accretion to Section 24 lying E & S of Lot 1 to Section Line of Section 24; all in T32N, R04E Vermillion township; and Heckenlively Tract 110, only that portion W of Vermillion River of Lot 1 NW 1/4, and PT NW 1/4 SW 1/4; all in Section 33, T92N, R51W in Fairview Township. This application, if approved, and Water Right No. 2053-3 will authorize a total diversion rate of 10.22 cfs from 6 wells to irrigate 968 acres.

Application No. 7297-3 proposes to appropriate 1.11 cfs from one well to be completed into the Missouri-Elk Point Aquifer (100 feet deep) located in SW 1/4 NW 1/4, Section 15 for irrigation of 80 acres located in the W 1/2 NW 1/4 Section 15; all in T92N-R52W.

Application No. 7298-3 proposes to appropriate 2.28 cfs from one well to be completed into the Missouri-Elk Point Aquifer (175 feet deep) located in the center of the NE 1/4 Section 26 to irrigate 160 acres located in the NE 1/4 Section 26; all in T92N-R51W.

Application No. 7299-3 proposes to irrigate an additional 38 acres and specify the location of wells. Water Right No. 977A-3 appropriates 3.64 cfs from two wells completed into the Missouri-Elk Point Aquifer to irrigate 255 acres located in the SE 1/4 Section 28 and the E 1/2 SE 1/4 SW 1/4 SE 1/4 Section 33; all in T92N-R51W. This application seeks to authorize the location of the wells currently used by Water Right No. 977A-3 and proposed to be used by Application No. 7299-3 as being located near the center of the SE 1/4 Section 28 and near the center of the SE 1/4 Section 33, T92N, R51W. This application also proposes to irrigate 38 additional acres located in the NW 1/4 SE 1/4 Section 33 which will allow the pivot in this quarter section to make a full rotation. This application, if approved, does not authorize any increase in the developed diversion rate from the existing well.

Application No. 7300-3 proposes to irrigate an additional 10 acres. Water Permit No. 6059-3 appropriates 1.84 cfs from two wells completed into the Missouri-Elk Point Aquifer to irrigate 129 acres located in the NE 1/4 SE 1/4, SE 1/4 NE 1/4 Section 25-T92N-R52W and W 1/2 SW 1/4, SW 1/4 NW 1/4 Section 30-T92N-R51W. This application proposes to irrigate an additional 10 acres located in the Island Farm addition in Section 11 and 12, T32N, R04E, Vermillion Township. This application, if approved does not increase the diversion rate authorized by Water Right No. 6059-3.

Application No. 7301-3 proposes to irrigate an additional 32 acres. Water Right No. 6679-3 appropriates 2.23 cfs from one well completed into the Missouri-Elk Point Aquifer to irrigate 140 acres located in the SE 1/4, E 1/2 SW 1/4 Section 30 and NW 1/4 SW 1/4 Section 29; all in T92N-R51W. This application proposes to irrigate an additional 32 acres located in the Island Farm addition in Section 11 and 12; and Parcel B of Lot 1 Section 12; and E 1/2 Lot 1 Section 13; all

in T32N, R04E, Vermillion Township. This application, if approved, does not increase the diversion rate authorized by Water Right No. 6697-3.

Application No. 7302-3 proposes to appropriate 1.64 cfs from one well completed into the Missouri-Elk Point Aquifer located in the SW 1/4 SE 1/4 Section 32-T92N-R51W to irrigate 115 acres located in the Accretion to Section 24 lying E & S of Lot 1 to Section line 24, T32N, R04E, Vermillion Township.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of each of the above Applications 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 these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. 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 30, 2012.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published twice at the total approximate cost of \$138.35

Estimated publishing cost per published copy \$1.487

Published: April 13 & 20, 2012



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

April 5, 2012

Plain Talk
201 W Cherry St
Vermillion SD 57069

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 6993-3, 6994-3, 7297-3, 7298-3, 7299-3, 7300-3, 7301-3 & 7302-3 to Appropriate Water to be published twice. Please publish the first notice on April 13, 2012 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 Frances Heine, 412 Sterling, Vermillion SD 57069 (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-----

Nos. 6993-3, 6994-3, 7297-3, 7298-3, 7299-3, 7300-3, 7301-3 & 7302-3

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

Date _____

We are in receipt of your letter of April 5, 2012 enclosing Notice to Appropriate Water by Application Nos. 6993-3, 6994-3, 7297-3, 7298-3, 7299-3, 7300-3, 7301-3 & 7302-3 which was first published in our issue of _____.
ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

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

April 5, 2012

Frances Heine
412 Sterling
Vermillion SD 57069

Dear Mr. Heine:

Water Permit Application Nos. 6993-3, 6994-3, 7297-3, 7298-3, 7299-3, 7300-3, 7301-3 & 7302-3 for irrigation use have 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 Vermilion 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 recommendations of the Chief Engineer and reports 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
eric.gronlund@state.sd.us

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendations, 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 applications.

Instruction to Newspaper - Publish first Notice on April 13, 2012 with the second publication 7 days later. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATIONS TO APPROPRIATE WATER

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Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published twice at the total approximate cost of _____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

MAY 17 2012

Francis Heine
412 Sterling
Vermillion SD 57069

Dear Mr. Heine:

Enclosed are Water Permit Nos. 6993-3, 6994-3, 7297-3, 7298-3, 7299-3, 7300-3, 7301-3 and 7302-3. The permits authorize construction of your water diversion systems and the beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Form 10's, *Notice of Completion of Works and Application of Water to Beneficial Use*, are enclosed for the three systems that are not completed. Please return the completed forms after you have finished the systems and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued for each permit, 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

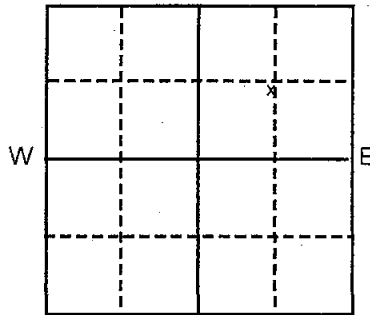
enclosures

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location sw 1/4 ne 1/4 Sec 26 Twp 92n Rg 51wCounty clay

North

Please mark well
location with an "X"

Well Completion Date

4/20/12

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
3,500.0 ft. from septic tank (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Direct rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	16.00 IN	0.0 FT	60.0 FT	20.00 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
bentonite	25	Lb/gal	0.0 Ft	50.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
tremie method

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 16.00 Inches Length 52.0 FeetMaterial PVCSlot Size .060 Set From 60.0 Feet to 112.0 Feet

Other information

WAS A PACKER OR SEAL USED? ☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☐ Yes, How?☒ No, Why Not? NALab to which water
quality sample sent for analysisWell Owner: Francis Heine

Business Name:

Address: 1014 E. 320th StreetCity, State, Zip: Vermillion SD 57069

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Silt, clayey, brown (alluvium)	0	24
Sand, fine, silty	24	55
gravel, medium, sandy	55	77
gravel, coarse,	77	91
sand, medium to coarse, green	91	114

STATIC WATER LEVEL 22.0 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☐ Pumped Describe: air lift development, 3 hours
☐ Bailed☒ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

well tested and pump set by Quality Well Service.

This well was drilled under license # 666 and this report is true and accurate.Drilling firm: Hammond-Wetmore Drilling

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder

Date: 12-12-12

RECEIVED
FEB - 1 2013
WATER RIGHTS
PROGRAM



7298-3
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

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7298-3

I have this day, **October 14, 2016**, made a thorough examination of the water use system constructed by **Francis Heine, 412 Sterling, Vermillion SD 57069** of Permit No. **7298-3**, bearing the priority of **December 27, 2011** authorizing the diversion of **2.28** cu. ft. per second of the waters of **Missouri:Elk Point Aquifer** for **irrigation** purposes, in **Clay** County.

Inspection contact & relationship to permit holder, if applicable: **Todd Heine-son, Francis Heine-permit holder**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Hammond-Wetmore Drilling, LLC**
- 2) No. of Wells **1**
- 3) Depth(s) **112** feet
- 4) Well log is available **Yes**

Casing:

- 1) Diameter **16** inches
- 2) Length **60** feet
- 3) Type **PVC**

Screen:

- 1) Type **PVC Manufactured**
- 2) Length **52** feet
- 3) Static water level **22** feet

Pump:

- 1) Make **Jensen In-Line Shaft Turbine**
- 2) Model **12KSH**
- 3) Capacity **800** GPM

Motor:

- 1) Make **G.E.**
- 2) Model No. **5KE326DTT6005**
- 3) Horsepower rating **50** hp

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Lindsay
- 2) Overall length 1301 feet
- 3) Number of towers 7
- 4) End gun Yes
- 5) Capacity 800 GPM

Comments: Water Permit 7298-3 appropriated 2.25 cfs or 1025 gpm, however only 1.78 cfs or 800 gpm were developed.

Chemigation Equipment:

- 1) Does chemigate No

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Yes
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes, began irrigating in 2012.

List any extended period of nonuse: None

- 3) Exceptions to compliance are: None

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: West 1340', South 1340' from NE Corner of Sec 26-T92N-R51W; Lat 42.76089/Long -96.83110; approximate center of NE ¼ Sec 26-T92N-R51W.

2. The works are capable of diverting and conveying to the place of use 1.78 cfs or 800 gpm of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

All land is located in Sec 26-T92N-R51W.

NW ¼ NE ¼ - 34 ac

SW ¼ NE ¼ - 34 ac

NE ¼ NE ¼ - 32 ac

SE ¼ NE ¼ - 32 ac

comprising a total of 132 acres of land and the license should be issued for 1.78 cfs or 800 gpm.

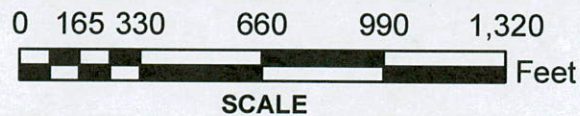
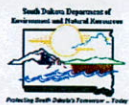
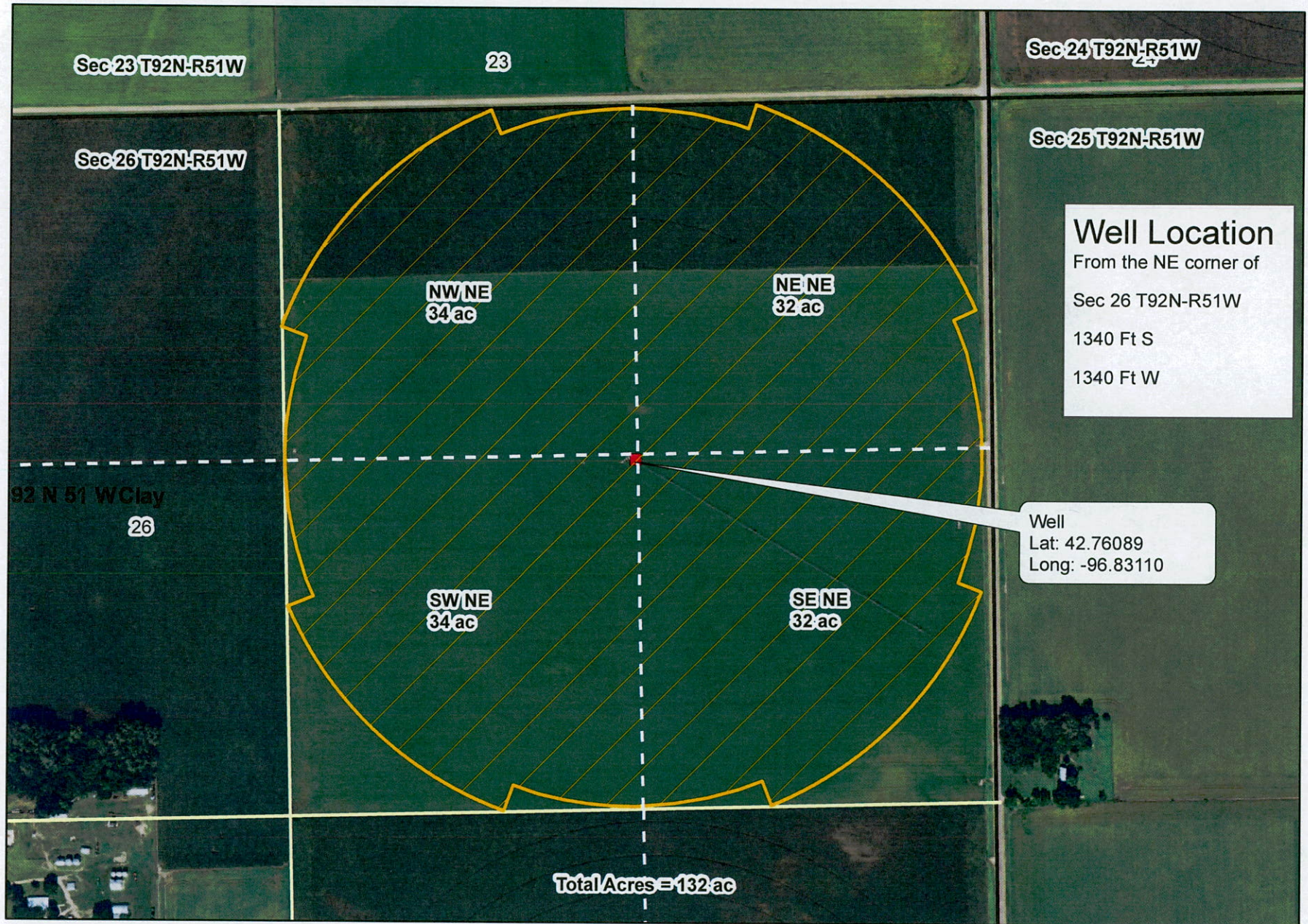
3. All structures, wells and lands on map **Yes**

Harold Holoch

Harold Holoch, PE
Staff Engineer
DENR, Water Rights Program

Date report completed: **January 17, 2017**

7298-3



Harold Holoch

Harold Holoch, PE
Water Rights Inspector
January 17, 2017

7298-3

SD EForm - 1311LD V1

Form 10

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

MAIL TO: PMB 2020

Date 10/11/2016DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

ph. (605) 773-3352

FROM:

Lodd Heive Heive Farms
(name)412 Sterling St
(address)Vermillion
(city)SD
(state)57069
(zip)(605) 677-8566
(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.

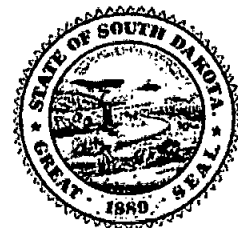
Water Permit No. 7298-3 states that the water use system is to be constructed by

4-30-2017 (date), and water is to be put to beneficial use by 4-30-2021 (date)

The water use system was completed on 4-2012 (date)

Applying the water to beneficial use was completed on 6-2012 (date)

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





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

FEB 06 2017

7298-3

Francis Heine
412 Sterling
Vermillion SD 57069

Dear Mr. Heine:

Enclosed is Water License No. 7298-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 7298-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7298-3

(1) Francis Heine, 412 Sterling, Vermillion SD 57078 made Application No. 7298-3, December 27, 2011 for a water permit to divert 2.28 cubic feet of water per second from ground water, one well (Missouri Elk Point Aquifer), Clay County, South Dakota for irrigation purposes. Permit No. 7298-3, with a priority date of December 27, 2011 was approved April 30, 2012 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before April 30, 2017 and for the application to beneficial use of said water on or before April 30, 2021.

The Permit holder submitted a "*Notice of Completion of Works and Application of Water to Beneficial Use*" on October 11, 2016. The "*Notice*" stated the water use system was completed in April, 2012 and the water placed to beneficial use in June, 2012.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.78 cubic feet of water per second for beneficial use.

The location of the diversion point is: 1,340 feet S and 1,340 feet W of the NE corner of Section 26, T92N, R51W (approximate center of the NE $\frac{1}{4}$).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 26, T92N, R51W

NW $\frac{1}{4}$ NE $\frac{1}{4}$	34 acres	NE $\frac{1}{4}$ NE $\frac{1}{4}$	32 acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$	34 acres	SE $\frac{1}{4}$ NE $\frac{1}{4}$	32 acres

Total 132 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Francis Heine, 412 Sterling, Vermillion SD 57069 the holder and/or owner of Water Right No. 7298-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from ground water, one well (Missouri Elk Point Aquifer) with a priority date of December 27, 2011 from the location specified in (2) of this license for irrigation purposes.

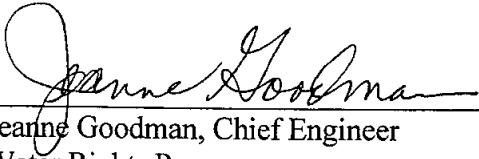
This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 7298-3 and subject to the following qualifications:

- 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.
- The well authorized by Permit No. 7298-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. *The well was drilled in April, 2012 by Hammond Wetmore Drilling. A copy of the well completion report is on file with the Water Rights Program.*

Page 2

Water License No. 7298-3

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



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

FEB 06 2017

date



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. 7298-3

Date: _____

I/We request that Water Right No. 7298-3

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:

132 acres – NE ¼ Section 26, T92N, R51W

I/We understand that the validity of Water Right No. 7298-3 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. 320th St.
Vermillion, SD 57581, 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

7298-3

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>7298-3</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 Engineer
me



**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