

WATER PERMIT NO. 7847-3

Name of Applicant: **Dan Heine**

Address: **44067 Timber Rd, Vermillion SD 57069** Phone: **605 624-6940**

Amount of Water Claimed: **2.0 cfs** Total Acres: **85 acres**

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

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

Type of Waste Disposal System:

Location: **1 mile southwest of Vermillion**

PRIORITY Date Received: **4-9-13** Application/License Fee: **\$ 950**

Corrected Application Received: **5-23-13** Period of Annual Use: **May 1 – October 31**

Remarks: **Requesting diversion rate greater than statutory limit**

Diversion Point: **Lot A Sec 22-T92N-R52W**

Land to be Irrigated: **Lot A and accretion land to**
Lot A Sec 22-T92N-R52W and Accretion below
Lots 3 & 4 to river Sec 16-T92N-R52W
2

Depth of Well: **110**

Well Driller: **Hammond-Wetmore Drilling**

Remarks:

Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **5-23-13**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

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

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>7847-3</u> (office use only)	Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u> <u>605-624-2695</u>	
	Newspaper <u>Plain Talk 201 W Cherry Vermillion 57069</u>	
	<u>Press & Dakotan 319 Walnut Yankton 57078</u>	

RECEIVED
APR - 9 2013
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 to Appear on Irrigation Permit Dan Heine

(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent

(name and complete address if different than above name)

Mailing Address 46067 Timber Rd Vermillion SD 57069
(Address) (City) (State) (Zip Code)

Home Phone _____ Cell 605-624-6940 Email _____

2. Amount of water claimed 2.0 *CFS or 900 **GPM ***AF Total Acreage 85
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Ground Water

4. Location of point of diversion 1 well in - Lot A Sec 22 - T92N - R52W
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Clay

5. County or counties where water will be used Clay

6. Annual period during which water is to be used May 1 - October 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
SW4SW4 22 92-52	25+/-	Lot A & accretion land to Lot A	
SE4SW4 22-92-52	25+/-	Sec 22 - T92N - R52W	
NE4SW4 22-92-52	30+	accretion below Lots 3 & 4 to River	
		Sec 16 - T92N - R52W	

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

I, Daniel J Heine, the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true.

**SOUTH DAKOTA
WATER PERMIT NO. 7847-3**

Date of first receipt of application April 9, 2013.

Date of return to applicant for corrections, amendments or changes April 10, 2013.

Date of receipt of corrected application May 23, 2013.

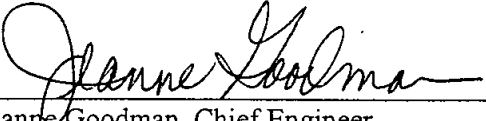
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7847-3 to Dan Heine, 46067 Timber Road, Vermillion SD 57069 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 7847-3 appropriates 2.0 cubic feet of water per second (cfs) from one well to be completed into the Missouri:Elk Point Aquifer (110 feet deep) located in Lot A Section 22-T92N-R52W for irrigation of 85 acres located in Lot A and Accretion land to Lot A Section 22-T92N-R52W and Accretion land below Lots 3 & 4 to river Section 16-T92N-R52W.
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 30.
3. The date from which applicant may claim right is April 9, 2013.
4. The date of approval of Permit No. 7847-3 is August 5, 2013.
5. One-fifth of the construction is to be completed on or before February 5, 2016.
6. All construction is to be completed on or before August 5, 2018.
7. Water is to be put to beneficial use on or before August 5, 2022.
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. 7847-3 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. 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. 7847-3 authorizes a maximum diversion rate of 2.0 cfs for the irrigation of 85 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

AUG 30 2013

date



Supplemental Information

(type or print)

1. Well Information (check one or both as applicable) ☒ Drilling new well(s) ☐ Using existing well(s)

a) If new wells, how many ____ Have test holes been drilled ☐ Yes ☒ No Drilled by Hammond-Wetmore Drilling, LLC
(if yes, please provide copies of logs)

b) If existing wells, how many ____ Provide copy of log(s), if available. Drilled by _____

c) Well Depth 110 Depth to Top of Water Bearing Material 19 Depth to Water from Surface 26

d) Distance to nearest existing domestic well:

On applicant's property None On property owned by others 6000+ Ft

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

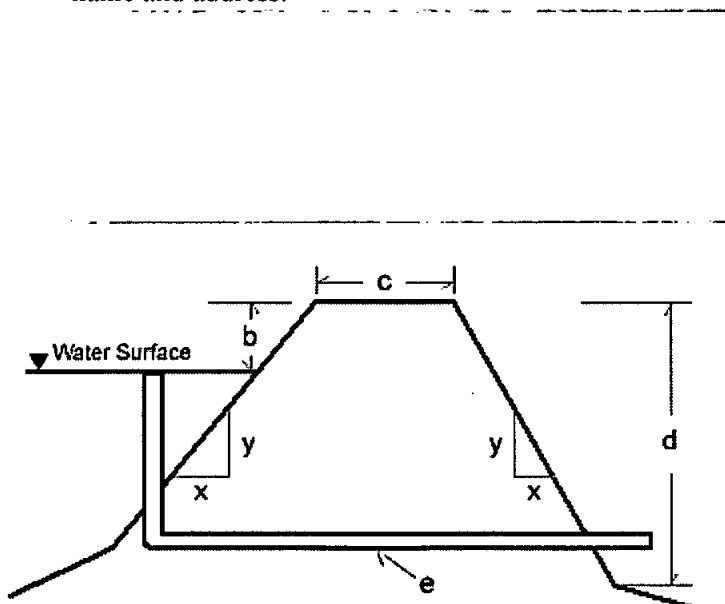
a) Surface Dimensions _____ Depth _____

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



Prepared By: **Heine Electric and Irrigation, Inc.**

For:

Questions or concerns? Please call us at 402-640-1999!

Pivot center at **42.766793, -96.986966**

Arc Start Bearing: 26.2

Arc Stop Bearing: 224.8

- 1 185 ft. Total: 185 ft.
Acreage: 1.36. Total: 1.36 acres.
- 2 185 ft. Total: 370 ft.
Acreage: 4.08. Total: 5.44 acres.
- 3 185 ft. Total: 555 ft.
Acreage: 6.8. Total: 12.24 acres.
- 4 185 ft. Total: 740 ft.
Acreage: 9.52. Total: 21.76 acres.
- 5 185 ft. Total: 925 ft.
Acreage: 12.24. Total: 34.01 acres.
- 6 185 ft. Total: 1110 ft.
Acreage: 14.96. Total: 48.98 acres.
- 7 185 ft. Total: 1295 ft.
Acreage: 17.68. Total: 66.66 acres.
- Overhang** 36 ft. Total: 1331 ft.
Acreage: 3.75. Total: 70.42 acres.
- Spray** 120 ft. Total: **1451 ft.**
Acreage: 13.27. Total: **83.69 acres.**

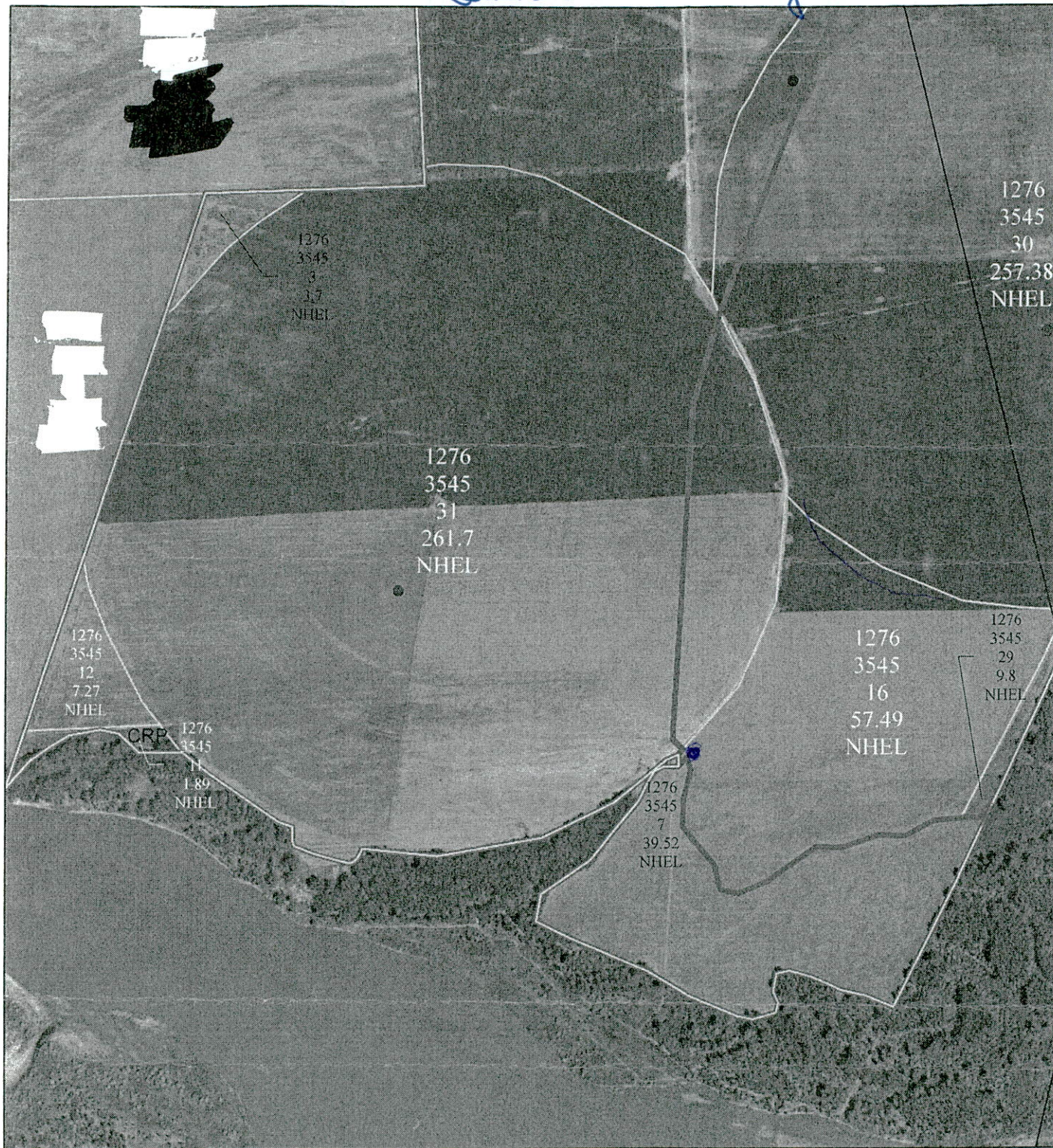


RECEIVED

APR - 9 2013

**WATER RIGHTS
PROGRAM**

Debra Eilms Clay Co PT



United States Department of Agriculture
Farm Service Agency

PLSS: 22_92N_52W
Farm: 1276

Clay County, SD
1:9,046

May 05, 2010

RECEIVED
APR - 9 2013
WATER RIGHTS
PROGRAM

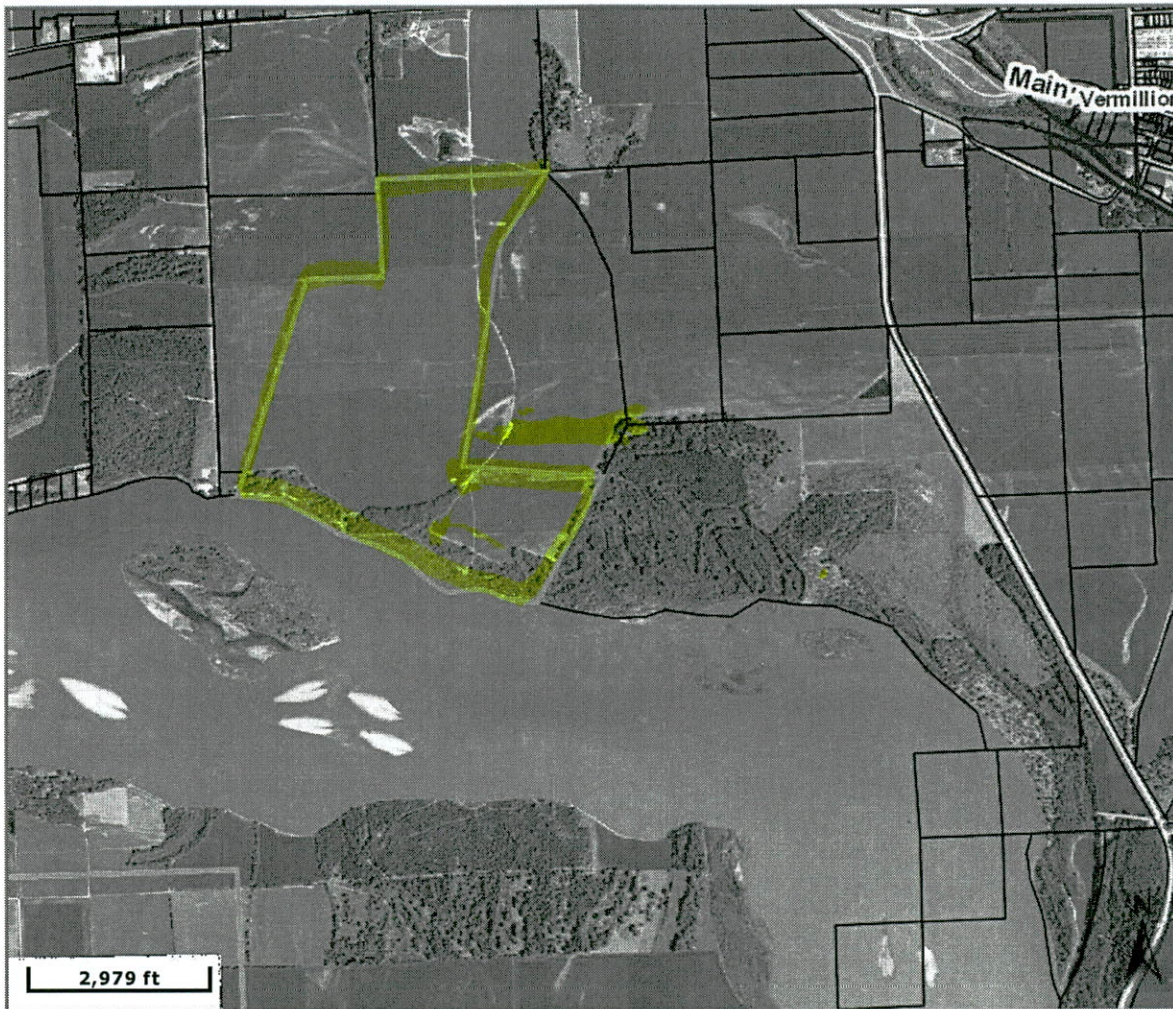
Wetland Determination Identifiers
● Restricted Use
▽ Limited Restrictions
■ Exempt from Conservation Compliance Provisions

Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.

Common Land Units

RECEIVED
APR 26 2013
WATER RIGHTS
PROGRAM

2008 Ortho-Photography - Not to Scale



Overview



Legend

- ☐ Corporate Limits
- ☐ PLS Townships
- ☐ Parcels
- ☐ Roads

Parcel ID 11000-09252-160-06

Sec/Twp/Rng 16-92-52

Property Address

Alternate ID 130026712

Class FARM

Acreage 466.81

Owner Address HEINE DANIEL LIVING TRUST

46067 TIMBER RD

VERMILLION SD 57069-

District

VERMILLION TWP - VERMILLION SCH

Brief Tax Description

ACCRE BELOW LOTS 3 & 4 TO RIVER 16-92-51 & ACCRE LAND TO LOT A 22-92~52 VERMILLION TWP~

(Note: Not to be used on legal documents)

↑ Incorrect should be 52

Last Data Upload: 4/29/2013 11:51:10 PM

The records or data in this Website may not accurately represent the actual conditions as they exist today. Any decisions made using this data should be field verified. Clay County makes no warranties, expressed or implied, as to the accuracy or use of the Data.

The records or data in this Website may not accurately represent the actual conditions as they exist today. Any decisions made using this data should be field verified. Clay County makes no warranties, expressed or implied, as to the accuracy or use of the Data.



developed by
The Schneider Corporation
www.schneidercorp.com

RECEIVED

MAY 23 2013

PROGRAM

CLAY COUNTY DIRECTOR OF EQUALIZATION

+130026712 Real Property Record Card

Data Provided By: GENE C LUNN County Assessor. Printed on 04/30/2013 at 03:22:59P

Parcel Information				Ownership Information			
Parcel Number	130026712			Current Owner	HEINE DANIEL LIVING TRUST		
Map Number	11000-09252-160-06			Address	46067 TIMBER RD		
Situs				City ST. Zip	VERMILLION SD 57069-		
Legal	ACCRE BELOW LOTS 3 & 4 TO RIVER 16-92-51 & ACCRE LAND TO LOT A						
Current Valuation				Assessment Data			
	Class	Appraised	Exemptions	Taxable	District	11 VERMILLION TWP - VERMILLION SCH	
Ag Land	A	716,398		716,398	Ag Factor	1.000	
NonAg Land	0				NonAg Factor	1.000	
Ag Imp	0				Nbhd	11000	
NonAg Imp	0				Total Acres	466.81	
NonAg Res	0						
Totals		716,398		716,398			
Sales History				Multiple Owner Information			
Date	Book/Page	Grantor	Price	Ownrshp. %	Owner's Name		
12/20/2011	77-309	HEINE DANIEL J					
12/07/2010	M48-208	CIRCUIT CT					
Boe Appeal History				Building Permits			
Appeal #	Year	Appealed By	Status	Permit #	Date	Description	Amount
Assessment Milestones							
Year	Description	Ag Land	NonAg Land	Ag Imp	NonAg Imp	NonAg Res	Total
Historical Valuation Information							
Year	Billed Owner	Total AL	Total NL	Total AI	Total NI	Total NR	Total
2012	HEINE DANIEL LIVING TR	622,472					622,472
2011	HEINE DANIEL J	565,002					565,002
2010	HEINE DANIEL J	514,013					514,013
2009	HEINE DANIEL J	463,577					463,577
2008	HEINE DANIEL J	459,418					459,418
2007	HEINE DANIEL J	459,418					459,418
2006	HEINE DANIEL J	437,458					437,458
2005	HEINE DANIEL J	405,061					405,061
2004	HEINE DANIEL J	368,239					368,239
2003	HEINE DANIEL J	369,026					369,026
No Photo On File.							

CLAY COUNTY DIRECTOR OF EQUALIZATION

+130026712 Ag Land & Imp. Property Record Card

Data Provided By: GENE C LUNN County Assessor. Printed on 04/30/2013 at 03:23:11P

Parcel Number	130026712
Map Number	11000-09252-160-06
Current Owner	HEINE DANIEL LIVING TRUST
Situs	
Legal	ACCRE BELOW LOTS 3 & 4 TO RIVER 16-92-51 & ACCRE LAND TO LOT A 22-92 -52 VERMILLION TWP

Aerial Photo

No Photo On File.

Site Plan

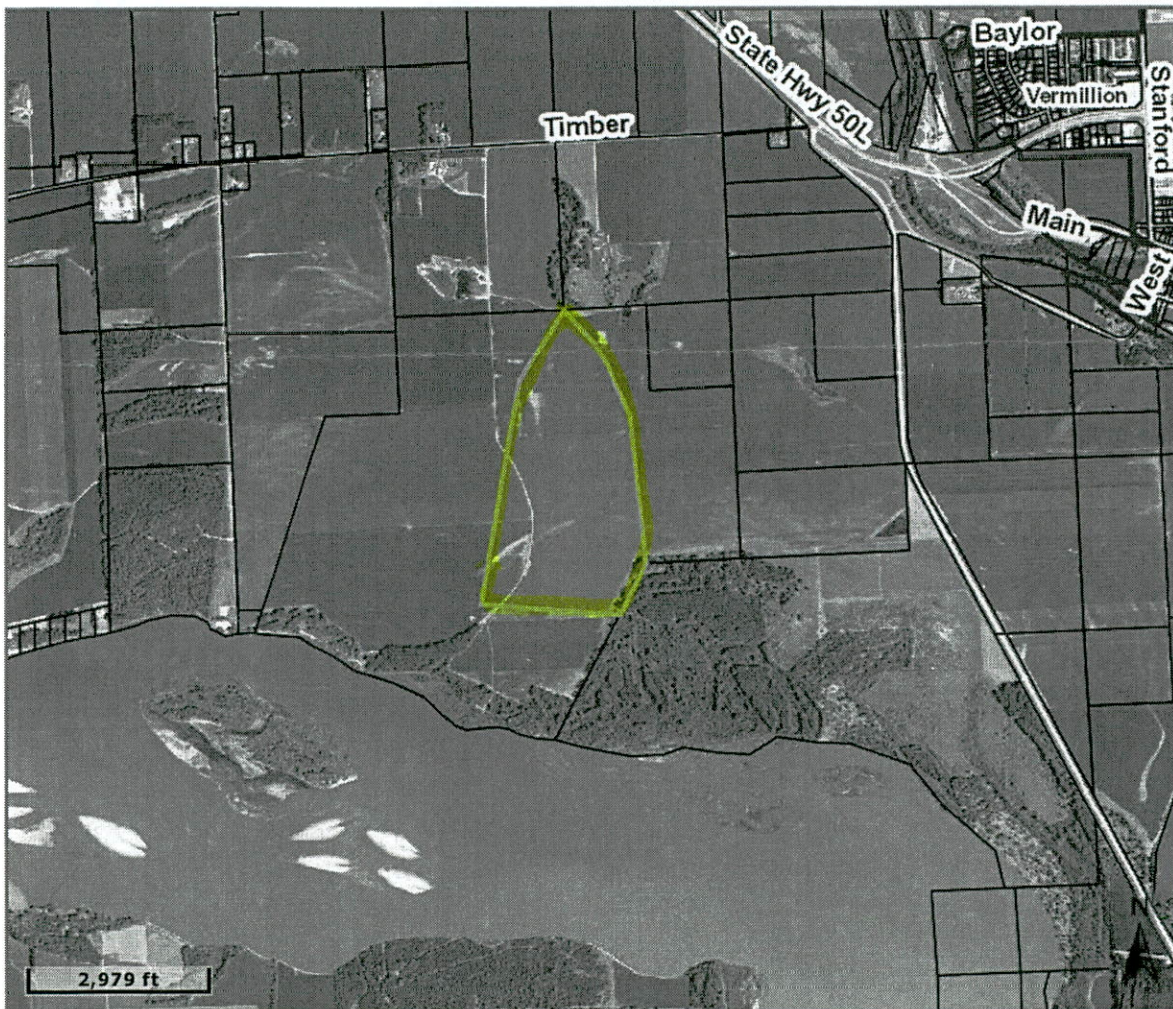
No Sketch On File.

Agland Inventory Table

Soil Symbol	Soil Description	Land Use	# Acres	\$/Acre	Adjust	Value	Rating	Wtd Rating
GA	GRABLE	C	3.23	2,015		6,509	0.701	2.264
GV	GRABLE-VORE-HAYNIE	C	98.86	2,199		217,407	0.765	75.628
HA	HAYNIE	C	8.17	2,481		20,269	0.863	7.051
HG	HAYNIE-GRABLE	C	6.70	2,277		15,254	0.792	5.306
HN	HAYNIE-LOSSING-GRABL	C	32.19	2,395		77,083	0.833	26.814
HO	HAYNIE-ONAWA-BLAKE	C	1.05	2,352		2,469	0.818	0.859
LG	LOSSING	C	33.15	2,550		84,528	0.887	29.404
LR	LOSSING-VORE	C	97.28	2,403		233,787	0.836	81.326
PE	PERCIVAL	C	10.92	1,797		19,620	0.625	6.825
SEB	SARDAK	C	29.81	785		23,395	0.273	8.138
SPA	SCROLL-PERCIVAL	C	1.57	1,682		2,640	0.585	0.919
MCA	MECKLING	FC	1.77	925		1,636	0.402	0.712
PE	PERCIVAL	FC	3.30	1,437		4,743	0.625	2.063
SEB	SARDAK	FC	0.20	628		126	0.273	0.055
GA	GRABLE	S	20.20	50		1,010	0.472	9.534
HG	HAYNIE-GRABLE	S	3.14	50		157	0.495	1.554
LR	LOSSING-VORE	S	0.05	50		3	0.569	0.029
MCA	MECKLING	S	99.17	50		4,959	0.477	47.304
PE	PERCIVAL	S	0.02	50		1	0.371	0.007
SEB	SARDAK	S	16.03	50		802	0.407	6.524

Total Acres: 466.81

Total Agland Value : 716,398



Overview



Legend

- ☐ Corporate Limits
- ☐ PLS Townships
- ☐ Parcels
- ☐ Roads

Parcel ID 11000-09252-220-03**Sec/Twp/Rng** 22-92-52**Property Address****Alternate ID** 130026824**Class** FARM**Acreage** 190.12**Owner Address** HEINE DANIEL LIVING TRUST
46067 TIMBER RD
VERMILLION SD 57069-**District** VERMILLION TWP - VERMILLION SCH**Brief Tax Description** LOT A 22-92-52 VERMILLION TWP

(Note: Not to be used on legal documents)

Last Data Upload: 4/29/2013 11:51:10 PM

The records or data in this Website may not accurately represent the actual conditions as they exist today. Any decisions made using this data should be field verified. Clay County makes no warranties, expressed or implied, as to the accuracy or use of the Data.

The records or data in this Website may not accurately represent the actual conditions as they exist today. Any decisions made using this data should be field verified. Clay County makes no warranties, expressed or implied, as to the accuracy or use of the Data.

developed by
The Schneider Corporation
www.schneidercorp.com

CLAY COUNTY DIRECTOR OF EQUALIZATION

+130026824 Real Property Record Card

Data Provided By: GENE C LUNN County Assessor. Printed on 04/30/2013 at 03:22:14P

Parcel Information		Ownership Information	
Parcel Number	130026824	Current Owner	HEINE DANIEL LIVING TRUST
Map Number	11000-09252-220-03		
Situs		Address	46067 TIMBER RD
Legal	LOT A 22-92-52 VERMILLION TWP	City ST. Zip	VERMILLION SD 57069-

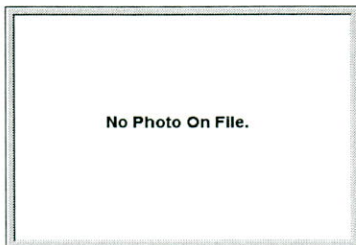
Current Valuation				Assessment Data	
Class	Appraised	Exemptions	Taxable	District	
Ag Land	A	408,572	408,572	11 VERMILLION TWP - VERMILLION SCH	
NonAg Land	0			Ag Factor	1.000
Ag Imp	0			NonAg Factor	1.000
NonAg Imp	0			Nbhd	11000
NonAg Res	0			Total Acres	190.12
Totals		408,572	408,572		

Sales History				Multiple Owner Information	
Date	Book/Page	Grantor	Price	Ownrshp. %	Owner's Name
12/20/2011	77-309	HEINE DANIEL J			

Boe Appeal History				Building Permits			
Appeal #	Year	Appealed By	Status	Permit #	Date	Description	Amount

Assessment Milestones							
Year	Description	Ag Land	NonAg Land	Ag Imp	NonAg Imp	NonAg Res	Taxable

Historical Valuation Information							
Year	Billed Owner	Total AL	Total NL	Total AI	Total NI	Total NR	Total
2012	HEINE DANIEL LIVING TR	355,281					355,281
2011	HEINE DANIEL J	322,982					322,982
2010	HEINE DANIEL J	293,619					293,619
2009	HEINE DANIEL J	301,602					301,602
2008	HEINE DANIEL J	301,602					301,602
2007	HEINE DANIEL J	301,602					301,602
2006	HEINE DANIEL J	287,242					287,242
2005	HEINE DANIEL J	265,989					265,989
2004	HEINE DANIEL J	241,789					241,789
2003	HEINE DANIEL J	241,789					241,789



No Photo On File.

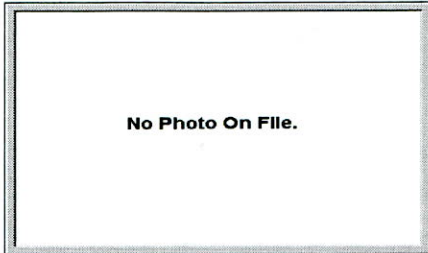
CLAY COUNTY DIRECTOR OF EQUALIZATION

+130026824 Ag Land & Imp. Property Record Card

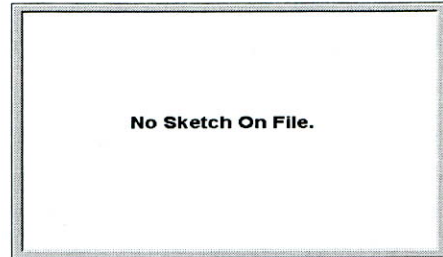
Data Provided By: GENE C LUNN County Assessor. Printed on 04/30/2013 at 03:22:28P

Parcel Number	130026824
Map Number	11000-09252-220-03
Current Owner	HEINE DANIEL LIVING TRUST
Situs	
Legal	LOT A 22-92-52 VERMILLION TWP

Aerial Photo



Site Plan



Agland Inventory Table

Soil Symbol	Soil Description	Land Use	# Acres	\$/Acre	Adjust	Value	Rating	Wtd Rating
LG	LOSSING	C	22.40	2,550		57,117	0.887	19.869
PE	PERCIVAL	C	79.89	1,797		143,537	0.625	49.931
PE	PERCIVAL	FC	2.12	1,437		3,047	0.625	1.325
GV	GRABLE-VORE-HAYNIE	C	4.29	2,199		9,434	0.765	3.282
HN	HAYNIE-LOSSING-GRABL	C	4.27	2,395		10,225	0.833	3.557
HO	HAYNIE-ONAWA-BLAKE	C	3.83	2,352		9,006	0.818	3.133
LR	LOSSING-VORE	C	73.32	2,403		176,206	0.836	61.296

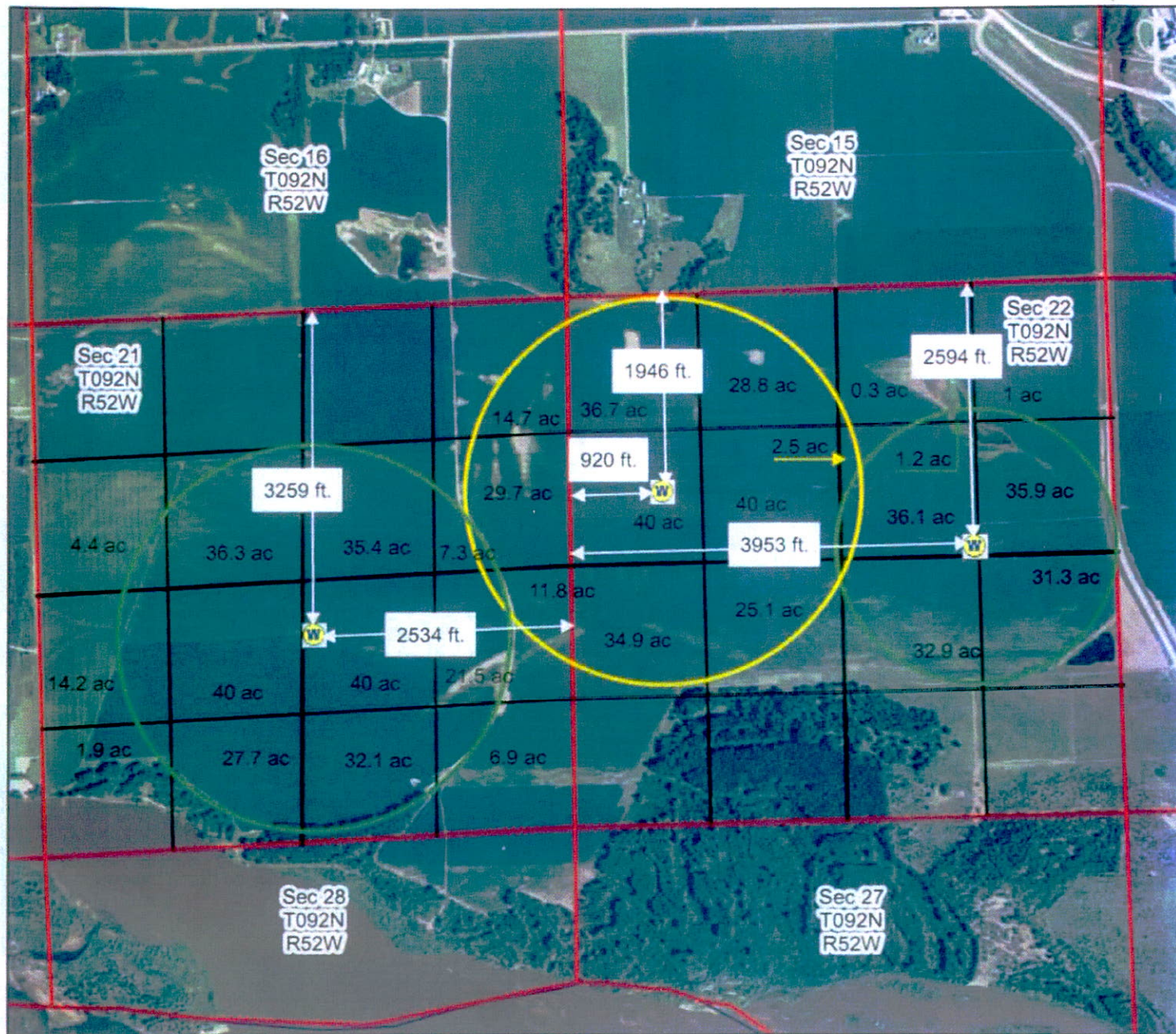
Total Acres: 190.12

Total Agland Value : 408,572



RECEIVED
MAY 23 2013
WATER RIGHTS
PROGRAM

Daniel Heine
 46067 Timber Rd
 Vermillion, SD-Clay County
 Water Permit No. 6804-3



0 0.125 0.25 0.5 0.75 1 Miles

Legend

- Section Boundaries - PLSS
- W Well

Adam Mathiowetz

Adam Mathiowetz
 Natural Resources Engineer
 DENR Water Rights Program
 08/22/2012



South Dakota Department of
 Environment and Natural Resources



Protecting South Dakota's Tomorrow ... Today



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 4/26, 20 13

RECEIVED OF Daniel J Heine 46067 Timber Rd 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	100	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>7847-3</u>		
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	100 00

No. 06317

By Jeanne Goodman
Chief Engineer

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 4/9, 20 13

RECEIVED OF Daniel J Heine 46067 Timber Rd Vermillion SD 57069

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

Fee for Application for Permit No. <u>7847-3</u> to Appropriate Water, to construct and to put water to beneficial use	750	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>7847-3</u>	100	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	850 00

No. 06294

By Jeanne Goodman
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

April 10, 2013

Dan Heine
44067 Timber Rd
Vermillion SD 57069

Dear Mr. Heine:

The Water Rights Program received your water permit application to irrigate 85 acres near Vermillion. Item No. 7 on the application refers to providing the legal location of the irrigated acres. Please complete Item No. 7. The application requires the applicant to provide the legal description of the diversion point and irrigated acres. In this area, legal descriptions can be complicated with irregular section size due to the river. It is not uncommon for land to be accretion land due to deposition or reconfiguring of the river channel over the years. Also in some instances the deed actually references the Nebraska survey instead of the South Dakota survey.

Due to the reasons above, the Water Rights Program wants to make sure we have the proper land description so the permit has proper legal standing. Please check with the Clay County register of deeds and provide to us the legal description for the areas you intend to irrigate.

I understand that other water rights for you in this vicinity have used the standard quarter-quarter designation. It is the Water Rights Program's goal to insure that all future permitting use the proper legal description as listed on the deed for the property.

The aerial map is also being returned. Please outline the acres to be irrigated and mark the proposed well location with an "X".

The application/license filing fee to irrigate 85 acres is \$950.00. You submitted a check for \$850.00. Please submit an additional \$100.00

Please let me know if you have any questions.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

April 30, 2013

Dan Heine
44067 Timber Rd
Vermillion SD 57069

Dear Mr. Heine:

Pursuant to your phone call with Eric Gronlund, enclosed is an aerial photo map with your proposed irrigation project outlined in yellow. As Eric stated, in this area legal descriptions can be complicated with irregular section size due to the river. It is not uncommon for land to be accretion land due to deposition or reconfiguring of the river channel over the years. Also, in some instances the deed actually references the Nebraska survey instead of the South Dakota survey.

The Water Rights Program wants to make sure we have the proper land description so the permit has proper legal standing. Please check with the Clay County register of deeds and provide to us the legal description for the areas you intend to irrigate.

Please let me know if you have any questions.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosure



**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. 7847-3, Dan 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. 7847-3, Dan Heine, 44067 Timber Rd, Vermillion SD 57069.

The Chief Engineer is recommending APPROVAL of Application No. 7847-3 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. 7847-3 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. 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. 7847-3 authorizes a maximum diversion rate of 2.0 cfs for the irrigation of 85 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.


Jeanne Goodman, Chief Engineer
July 18, 2013

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 7847-3
DAN HEINE
JULY 17, 2013

Water Permit Application No. 7847-3 proposes to divert groundwater at a maximum rate of 2.0 cubic feet of water per second (cfs) from one well to be completed into the Elk Point management unit of the Missouri aquifer. The well is expected to be approximately 110 feet deep and located in Lot A Section 22, T92N-R52W. The water will be used to irrigate 85 acres located in Lot A and Accretion land to Lot A Section 22, T92N-R52W and Accretion land below Lots 3 and 4 to river Section 16, T92N-R52W. Note that submitted with the application is a print out from the Clay County Register of Deeds that incorrectly indicates that Lots 3 and 4 are in Section 16, T92N-R51W. The applicant is requesting a diversion rate greater than the statutory limit.

AQUIFER: Elk Point management unit of the Missouri aquifer (M: EP)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The Elk Point management unit of the Missouri aquifer is an alluvium mantled outwash consisting of fine sand to very coarse gravel (Niehus, 1994; Stephens, 1967). The Missouri: Elk Point aquifer is located in southeastern South Dakota, underlying portions of Yankton, Clay, and Union Counties. In total, the Missouri: Elk Point aquifer is estimated to underlie 210,100 acres and contain approximately 3,287,100 acre-feet (ac-ft) of recoverable water in storage (Hedges et. al, 1982). The aquifer connects to the Lower Vermillion Missouri aquifer to the north in Clay County, often overlies the Dakota aquifer, and is hydraulically connected to the Vermillion, Big Sioux, and Missouri Rivers. Water in the aquifer generally moves from the northwest to the southeast and towards the Missouri River (Stephens, 1967).

In the area of the proposed well site, the Missouri: Elk Point aquifer is under water table conditions, and the static water level ranges from approximately 15 to 30 feet below grade (Water Rights, 2013a; Water Rights, 2013c). The aquifer can generally be encountered within 15 feet of ground surface and can be up to 100 feet thick (SDGS, 2013; Water Rights, 2013c).

SDCL 46-2A-9

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is a 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 beneficial use and in the public interest. This report will address the availability of unappropriated water from the aquifer and the potential for impairment of existing rights.

WATER AVAILABILITY:

The probability of unappropriated water being 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 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.” If the source of the water is older or lower than the Greenhorn Formation and a public water system has applied for a permit, the Board need not consider the recharge/withdrawal issue. Here, a public water system is not involved and the aquifer is not older or lower than the Greenhorn Formation. Therefore, the withdrawal/recharge issue must be considered.

Hydrologic Budget:

Non-irrigation water rights/permits and future use permits are expected to use 57,021 ac-ft/yr. Irrigation water rights/permits are expected to use 24,087 ac-ft/yr, which includes expected use from newly approved water permits (as of June 11, 2013) (Stonesifer, In Progress). Natural recharge to the aquifer is estimated to be 69,382 ac-ft/yr. Additionally, at least 22,582 ac-ft/yr will be induced from stream flow under current appropriations (Stonesifer, In Progress). Therefore, there is approximately 10,856 ac-ft/yr of unappropriated water available (Stonesifer, In Progress).

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 measurement to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge of the aquifer.”

The SD DENR-Water Rights Program monitors 37 observation wells completed into the Missouri Elk Point aquifer (Water Rights, 2013a). The nearest observation wells, CL-80C and CL-80B, are approximately 3.3 miles southeast and 6.1 miles west-northwest of the proposed well site, respectively. The hydrographs for these observation wells are shown in Figures 1 and 2, respectively.

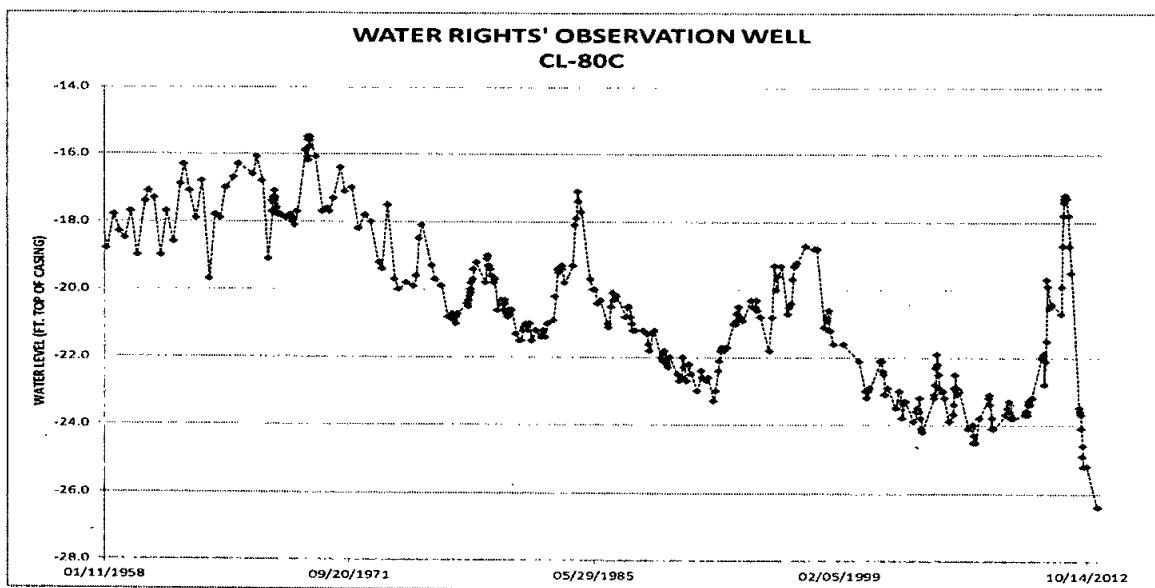


Figure 1- Hydrograph for observation well CL-80C (Water Rights, 2013a)

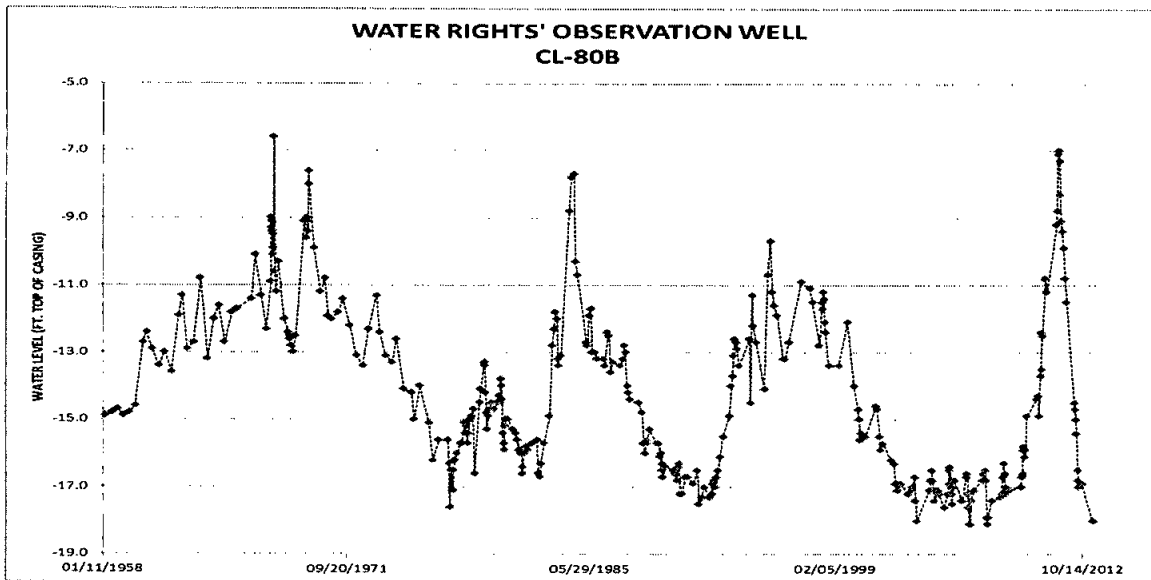


Figure 2- Hydrograph for observation well CL-80B (Water Rights, 2013a)

The observation well data documents cyclic conditions of water levels, recharging during wet years and slowly declining during dry years. The hydrographs also show the effects of nearby pumping on the aquifer. However, these effects are minimal. The observation well data indicates that, at the current level of development, the temporal impacts of well withdrawals are masked by climatic conditions. This indicates that recharge to and natural discharge from the aquifer greatly exceeds well withdrawals. The natural discharge from the aquifer can be captured for pumping.

In general, the hydrographs of the observation wells show a slight decline in water level. This gradual decline has been attributed to the entrenching of the Missouri River (Goodman, 2007). This decline of water levels as well as the significant rise of water levels during the flooding of 2011 demonstrates the hydraulic connection between the aquifer and the Missouri River. The significant connection leads to being able to induce recharge to the aquifer from the river (Stephens, 1967). Therefore, there is a reasonable probability that unappropriated water is available from the Missouri: Elk Point aquifer.

EXISTING WATER RIGHTS:

If approved, the proposed well will be located near other wells that obtain water from the same aquifer as well as in the future use area for Future Use Permit No. 6869-3 for Lewis and Clark RWS. The nearest well for an appropriative right not held by the applicant is approximately one-half mile east (Water Rights, 2013b). Those wells were authorized under Water Permit No. 6736-3 for Lewis and Clark RWS. The applicant has a well approximately one-third of a mile away from the proposed well site. There are no domestic wells on file with the SD DENR-Water Rights Program within approximately one mile of the proposed well site (Water Rights, 2013c). Note that the well completion reports for the wells authorized under Water Permit No. 6736-3 state that the wells were test pumped at 2,000 gallons per minute for 72 hours and only had 15 feet of drawdown at the well. That indicates that the aquifer has a very high transmissivity and can support the pumping from this concentration of high capacity wells without creating adverse impacts.

The close proximity and concentration of high capacity wells pumping from this aquifer could lead to water level declines being compounded. The aquifer characteristics, such as the large saturated thickness and predominant water table conditions, dictate that drawdown will not be significant. Also, the close proximity of the wells to the local rivers indicate that drawdown due to pumpage would be reduced due to the induced recharge. The Water Management Board has consistently recognized that to place water to maximum beneficial use a certain amount of drawdown may occur. Therefore, nearby adequate wells as defined by ARSD 74:02:04:20(7) is not expected to be adversely impacted by this proposed diversion.

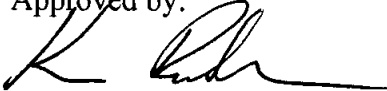
SDCL 46-5-6

Pursuant to SDCL 46-5-6, the diversion rate for an irrigation appropriation cannot be in excess of one cfs per second for every 70 acres, or "the equivalent thereof." The statute does provide that the Water Management Board may allow a greater diversion rate if the method of irrigation so requires. Water Permit Application No. 7847-3 proposes to divert water at 2.0 cfs for the irrigation of 85 acres, or the equivalent of 1.64 cfs per 70 acres. The applicant did not state a specific reason for the request. However, the design for this irrigation system was submitted with the application, and it indicated that the center pivot would have a "windshield-wipe" configuration. In the past, various applicants have stated that to properly operate a "windshield-wipe" center pivot a diversion rate in excess of the statutory limit was necessary. The Water Management Board has deemed that reasoning valid in the past.

CONCLUSIONS:

1. This water permit application proposes to withdraw groundwater at a maximum diversion rate of 2.0 cfs from one well to be completed into the Missouri: Elk Point aquifer for the irrigation of 85 acres.
2. There is a reasonable probability that unappropriated water is available from the Missouri: Elk Point aquifer to supply this proposed appropriation.
3. There is a reasonable probability that this proposed diversion will not adversely impact existing appropriative or domestic users.
4. The applicant has requested a diversion rate in excess of the statutory limit. While, no direct reason was stated a supplemental document with the application indicated that the center pivot would only make a "windshield-wipe" rotation. In the past, this has been accepted as a valid reason for approval of a diversion rate greater than the statutory limit.


Adam Mathiowetz
SD DENR-Water Rights Program

Approved by:

Ken Buhler
SD DENR-Water Rights Program

RECEIVED

AUG - 5 2013

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

PLAIN TALK

DENR
Division of Environmental Services
Water Rights Program
Joe Foss Building, 523 East Capitol
Pierre, SD 57501

STATE OF SOUTH DAKOTA
COUNTY OF CLAY

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pimer, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of \$28.47

Published July 26

TERA SCHMIDT BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT SHE IS THE CLASSIFIED MANAGER OF YANKTON
MEDIA INC., A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
PLAIN TALK, A LEGAL WEEKLY NEWSPAPER PUBLISHED AND CIRCULATED
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 APPLICATION TO APPROPRIATE WATER

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 26 DAY OF JULY 2013
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$28.49 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: 7/26/13

FILED ON: 7/26/13

NOTICE OF APPLICATION
NO. 7847-3 to Appropriate Water

Notice is given that Dan Heine, 44067 Timber Rd, Vermillion SD 57069 has filed an application for a water permit to appropriate 2.0 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (110 feet deep) located in Lot A Section 22-T92N-R52W for irrigation of 85 acres located in Lot A and Accretion land to Lot A Section 22-T92N-R52W and Accretion land below Lots 3 & 4 to river Section 16-T92N-R52W. The applicant is requesting a diversion rate greater than the statutory limit.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7847-3 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 this 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 this 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 Engi-

neer'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 August 5, 2013.

Tera O. Schmidt

SUBSCRIBED AND SWORN TO BEFORE ME THIS

30th

DAY OF

July

[Signature]

NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES

8/19/2015

RECEIVED

AUG - 1 2013

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

Department of Environment and Natural Resources
PMB 2020
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

KELLY HERTZ BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT HE IS THE MANAGING EDITOR OF, YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY
AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID
COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED
Notice of Application No. 7847-3

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 26th DAY OF July 2013
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$27.14 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: 7/26/2013

FILED ON: 7/29/2013

SUBSCRIBED AND SWORN TO BEFORE ME THIS 29th DAY OF July

2013

NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES 8/19/2015

7-26
NOTICE OF APPLICATION
NO. 7847-3 to Appropriate Water

Notice is given that Dan Heine, 44067 Timber Rd, Vermillion SD 57069 has filed an application for a water permit to appropriate 2.0 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (110 feet deep) located in Lot A Section 22-T92N-R52W for irrigation of 85 acres located in Lot A and Accretion land to Lot A Section 22-T92N-R52W and Accretion land below Lots 3 & 4 to river Section 16-T92N-R52W. The applicant is requesting a diversion rate greater than the statutory limit.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7847-3 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 this 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 this 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 August 5, 2013.

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. Pinner, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of \$27.14.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

July 18, 2013

Plain Talk
201 W Cherry St
Vermillion SD 57069

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7847-3 to Appropriate Water. Please publish the notice once on July 26, 2013. 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 and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Dan Heine, 44067 Timber Rd, Vermillion SD 57069 (Ph # 605-624-6940).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

July 18, 2013

Press & Dakotan
319 Walnut
Yankton SD 57078

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7847-3 to Appropriate Water. Please publish the notice once on July 26, 2013. 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 and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Dan Heine, 44067 Timber Rd, Vermillion SD 57069 (Ph # 605-624-6940).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

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



**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.

July 18, 2013

Dan Heine
44067 Timber Rd
Vermillion SD 57069

Dear Mr. Heine:

Water Permit Application No. 7847-3 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 Plain Talk printed at Vermillion SD (Ph # 605-624-2695) and the Press & Dakotan printed at Yankton SD (Ph # 605-665-7811). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and 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(s) to authorize publication of your Notice and to arrange for payment. Early contact with the paper(s) can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. 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.

Instruction to Newspaper - Publish the Notice on July 26, 2013. 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 APPLICATION NO. 7847-3 to Appropriate Water

Notice is given that Dan Heine, 44067 Timber Rd, Vermillion SD 57069 has filed an application for a water permit to appropriate 2.0 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (110 feet deep) located in Lot A Section 22-T92N-R52W for irrigation of 85 acres located in Lot A and Accretion land to Lot A Section 22-T92N-R52W and Accretion land below Lots 3 & 4 to river Section 16-T92N-R52W. The applicant is requesting a diversion rate greater than the statutory limit.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7847-3 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 this 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 this 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 August 5, 2013.

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.

Published once 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

AUG 30 2013

Dan Heine
46067 Timber Rd
Vermillion SD 57069

Dear Mr. Heine:

Enclosed is Water Permit No. 7847-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

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

Sincerely,

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

enclosures

7847-3
RECEIVED

NOV 12 2014

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate Oct 22 - 2014TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM:

Dan Heine

(name)

460 67 Timber RD

(address)

Vermillion SD 57069

(city, state, zip)

605-624-6940

(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. 7847-3 states that the water use system is to be constructed byAug 5 2018

(date)

, and water is to be put to beneficial use by

Aug 5 2022

(date)

The water use system was completed on 9-24 2013

(date)

Applying the water to beneficial use was completed on 9-24-2013

(date)

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

Daniel J Heine

(signature)





**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



November 13, 2014

7847-3

Dan Heine
46067 Timber Rd
Vermillion SD 57069 6970

Dear Mr. Heine:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with your irrigation system described in Water Permit No. 7847-3.

The system is now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

Sincerely,

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



7847-3
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 23, 2020

NOTICE

TO: DANIEL HEINE, 46067 TIMBER RD, VERMILLION, SD 57069 6970
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaire(s)

Our records indicate your 2019 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6804A-3 & 7847-3. The request for the Questionnaire was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 6804A-3 & 7847-3 qualification:

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

The hearing will be held at **Wednesday, February 26, 2020 at 8:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6804A-3 & 7847-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. 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 **February 26, 2020** 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: <https://denr.sd.gov/ig> using this password: TYXQTS**

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.

7847-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 29, 2020

6804A-3
7847-3

Daniel Heine
46067 Timber Rd
Vermillion SD 57069 6970

Dear Mr. Heine:

I am writing to acknowledge receipt of your 2019 irrigation questionnaires.

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for Water Right No. 6804A-3 and Water Permit No. 7847-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Genny McMath".

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. 7847-3

I have this day, October 28, 2016, made a thorough examination of the water use system constructed by Dan Heine, 46067 Timber Road, Vermillion SD 57069 of Permit No. 7847-3, bearing the priority of April 9, 2013 authorizing the diversion of 2.0 cu. ft. per second of the waters of Missouri:Elk Point Aquifer for irrigation purposes, of 85 acres, in Clay County.

Inspection contact & relationship **Dan Heine, permit holder**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Sam Heine Well Co. LLC
- 2) No. of Wells 1
- 3) Depth(s) 60 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 16 inches
- 2) Length 40 feet
- 3) Type PVC

Screen:

- 1) Type Perforated Stainless Steel
- 2) Length 20 feet
- 3) Static water level Unknown feet

Pump:

- 1) Make Unknown
- 2) Model Submersible
- 3) Capacity 550 GPM

Motor:

- 1) Make Unknown
- 2) Model No. Submersible
- 3) Horsepower rating 30 hp

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Valley
- 2) Overall length 1378 feet
- 3) Number of towers 7
- 4) End gun Yes
- 5) Capacity 550 GPM

Comments: Water Permit 7847-3 appropriated 2.0 cfs or 900 gpm, however only 1.22 cfs or 550 gpm was 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 2013.

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 990', North 770' from SE Corner of Sec 21-T92N-R52W; Lat 42.76686/Long -96.98702; SE ¼ SE ¼ Sec 21-T92N-R52W.
2. The works are capable of diverting and conveying to the place of use 1.22 cfs or 550 gpm of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

Sec 21-T92N-R52W

NE ¼ SE ¼ - 6 ac

SW ¼ SE ¼ - 2 ac

SE ¼ SE ¼ - 33 ac

Sec 22-T92N-R52W

NW ¼ SW ¼ - 2 ac

SW ¼ SW ¼ - 12 ac

Sec 28-T92N-R52W

NW ¼ NE ¼ - 5 ac

NE ¼ NE ¼ - 18 ac

Sec 27-T92N-R52W

NW ¼ NW ¼ - 1 ac

comprising a total of 79 acres of land and the license should be issued for 1.22 cfs or 550 gpm.

3. All structures, wells and lands on map Yes

F. Comments or other permit(s) associated with the project:

Provide detailed explanation when multiple permits are involved or any discrepancy between what the permit was issued for and what was developed.

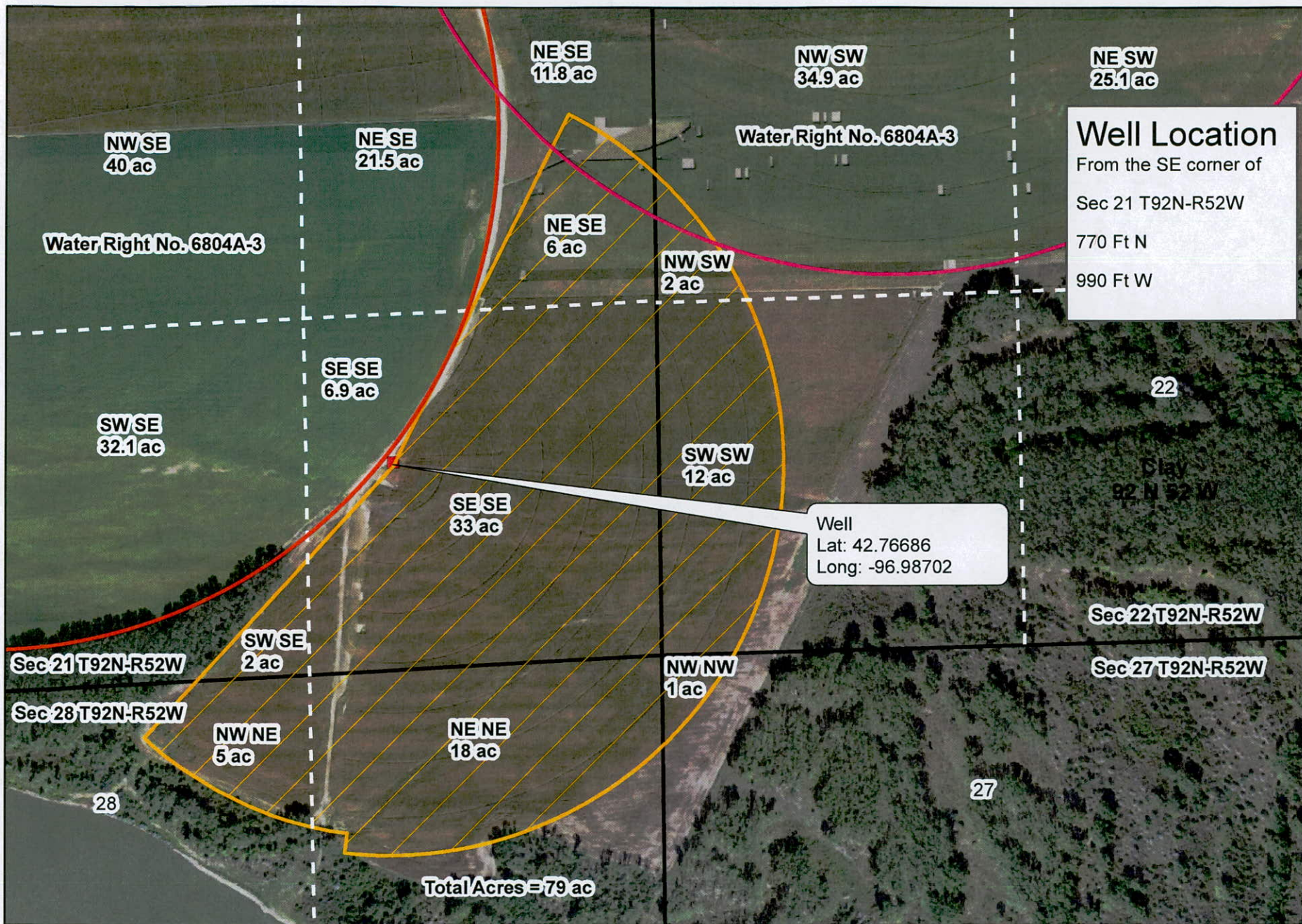
Water Permit No. 7847-3 appropriates a diversion rate greater than the statutory limit of 1 cfs per 70 acres irrigated.



Harold Holoch, PE
Staff Engineer
DENR, Water Rights Program

Date report completed: **October 22, 2019**

7847-3



Harold Holoch
Harold Holoch, PE
Staff Engineer
May 31, 2017



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 1, 2020

7847-3

Dan Heine
46067 Timber Rd
Vermillion SD 57069

Dear Mr. Heine:

Enclosed is Water License No. 7847-3. 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 in the future, the owner of an existing well, 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,

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

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 7847-3

(1) Dan Heine, 46067 Timber Rd, Vermillion SD 57069 made Application No. 7847-3, April 9, 2013 for a water permit to divert 2.00 cubic feet of water per second from ground water, one well (Missouri Elk Point Aquifer), Clay County, South Dakota for irrigation purposes. Permit No. 7847-3, with a priority date of April 9, 2013 was approved August 5, 2013 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before August 5, 2018 and for the application to beneficial use of water on or before August 5, 2022.

The permit holder submitted a "Notice of Completion of Works and Application of Water to Beneficial Use" on November 12, 2014. The "Notice" indicated the water use system was completed and water placed to beneficial use September 24, 2013.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the water supply system and is entitled to divert 1.22 cubic feet of water per second for beneficial use. The diversion point is located as follows:

- 990'W and 770'N from the SE corner of Section 21, T92N, R52W (SE ¼ SE ¼ or Lot A)
Latitude 42.76686, Longitude -96.98702

(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 21, T92N, R52W	Section 22, T92N, R52W	Section 28, T92N, R52W
NE ¼ SE ¼ 6 acres	NW ¼ SW ¼ 2 acres	NW ¼ NE ¼ 5 acres
SW ¼ SE ¼ 2 acres	SW ¼ SW ¼ 12 acres	NE ¼ NE ¼ 18 acres
SE ¼ SE ¼ 33 acres		
	Section 27, T92N, R52W	
	NW ¼ NW 1/4 1 acre	Total 79 acres

The above acreage in surveyed descriptions is as follows: Lot A and Accretion land to Lot A Section 22, T92N, R52W and Accretion land below Lots 3 & 4 to river in Section 16, T92N, R52W.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Dan Heine, 46067 Timber Rd, Vermillion SD 57069 the holder and/or owner of Water Right No. 7847-3 is issued a license to appropriate water, the right to use 1.22 cubic feet of water per second from ground water, one well (Missouri Elk Point Aquifer) with a priority date of April 9, 2013 from the location specified in (2) of this license for irrigation purposes.

continued

Water License No. 7847-3

Page 2

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 7847-3 and subject to the following qualifications:

- The well authorized under this water right will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this water right 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 No. 7847-3 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.
- Pursuant to SDCL 465-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 7847-3 authorizes a maximum diversion rate of 2.0 cfs for irrigation of 85 acres with an annual volume not to exceed 2 acre feet of water per acre per year. ***The diversion rate and acreage developed for irrigation is less than originally permitted. Based on the total developed, the water right holder is authorized a maximum diversion rate of 1.22 cfs for the irrigation of 79 acres.***
- This water right is subject to the irrigation water use questionnaire being submitted each year.

Eric S. Gronlund

April 30, 2020

Eric Gronlund, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

date



7847-3

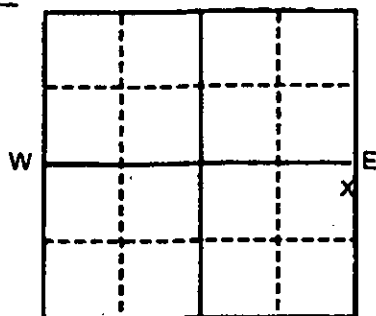
SD EForm - 1621LD V1

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NE 1/4 Se 1/4 Sec 21 Twp 92N Rg 52WCounty Clay

North

Please mark well
location with an "X"

Well Completion Date

August 26, 2013

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?

3,000.0 ft. from River

(Identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

bucket method

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	<u>16.00</u> IN	<u>0.0</u> FT	<u>40.0</u> FT	<u>24.00</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>	<u>20</u>	<u>9.5</u> Lb/gal	<u>0.0</u> Ft	<u>30.0</u> Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
Tremie Method

SCREEN:

☒ Perforated pipe ☐ Manufactured
Diameter 16.00 Inches Length 20.0 FeetMaterial Stainless SteelSlot Size .060 Set From 40.0 Feet to 60.0 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? Not Required
Lab to which water
quality sample sent for analysisWell Owner: Dan Heine

Business Name:

Address: 44067 Timber RdCity, State, Zip: Vermillion SD 57069

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Sand	0	13
Silty Clay Sand	13	31
Sandy Clay	31	36
Pebbles	36	41
Fine Gravel	41	53
Fine Gravel	53	60

STATIC WATER LEVEL 14.4 FEETIf flowing: closed in pressure 5/27/14 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:
☐ Bailed
☐ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

RECEIVED

OCT - 4 2013

WATER RIGHTS
PROGRAMThis well was drilled under license # 666 and this report is true and accurate.Drilling firm: Hammond-Wetmore Drilling, LLC

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: 9/28/13

7847-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 29, 2020

6804A-3
7847-3

Daniel Heine
3213 – 6 Zenkner Valley Rd SW
Centralia WA 98531-9212

Dear Mr. Heine:

Enclosed is a "Notice" dated October 23, 2020 concerning your 2020 irrigation questionnaires.

The notice was originally mailed to 46067 Timber Rd, Vermillion SD. The post office notified us that your address has changed, and I will update our records accordingly.

If you no longer own the land, please let me know so I can get in touch with the new owner(s).

Sincerely,

A handwritten signature in cursive script, appearing to read "Genny McMath".

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

enclosures



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 2021

NOTICE

TO: DANIEL HEINE, 3213 - 6 ZENKNER VALLEY RD SW, CENTRALIA, WA 98531 9212

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaire(s)

Our records indicate your 2020 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6804A-3 & 7847-3. The request for the Questionnaire was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 6804A-3 & 7847-3 qualification:

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

The hearing will be held at **Wednesday, March 3, 2021 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6804A-3 & 7847-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 3, 2021** 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: <https://denr.sd.gov/iq> using this password: DHZAUP**

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.

7847-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 19, 2021

6804A-3
7847-3

Kyle Jensen
31582 454th Ave
Meckling SD 57044

Dear Mr. Jensen:

Thank you for contacting us concerning the irrigation questionnaires for Water Right Nos. 6804A-3 and 7847-3 listed under Daniel Heine.

Enclosed are the two questionnaires needed for 2020. Please complete and return them to us as soon as possible. Since the initial forms were not mailed to the correct person, I have removed the issue from the agenda for the Board meeting.

I will direct future irrigation questionnaires to you as the "operator". If you would, please have the owner of the land get in touch with us to get the water rights transferred.

Thank you again for letting us know a change was needed. If you have any questions, please give me a call.

Sincerely,

A handwritten signature in blue ink that reads "Genny McMath".

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

enclosures

7847-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 26, 2021

6804A-3
7847-3

Mary Heine
3213 – 6 Zenkner Valley Rd SW
Centralia WA 98531-9212

Dear Ms. Heine:

We were contacted by Kyle Jensen concerning the irrigation questionnaires from last year and the ownership changes needed for Water Right Nos. 6804A-3 and 7847-3. Both water rights are currently listed under Daniel Heine.

Enclosed are partially completed "Notice of Transfer of Ownership" forms for use in filing the ownership changes. Please review and complete as needed. Upon completion, please sign and return the forms to our office with a required filing fee of \$50 each (total of \$100). The check or money order for the fee can be made payable to the Water Rights Program.

I am enclosing a postage paid envelope for your use in sending the forms and fee back to us. If I can answer any questions for you, please let me know.

Sincerely,

A handwritten signature in blue ink that reads "Genny McMath".

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

enclosure

7847-3



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 20, 2022

NOTICE

TO: KYLE JENSEN, 31582 454TH AVE, MECKLING, SD 57044

FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6804A-3 7621-3, 7622-3 & 7847-3. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 6804A-3 7621-3, 7622-3 & 7847-3 qualification:

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

The hearing will be held at **Wednesday, March 2, 2022 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6804A-3 7621-3, 7622-3 & 7847-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. 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 2, 2022** 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: <https://danr.sd.gov/iq> using this password: TGTVBZ**

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.

7847-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

February 15, 2022

6804A-3
7621-3
7622-3
7847-3

Kyle Jensen
31582 454th Ave
Meckling SD 57044

Dear Mr. Jensen:

I am writing to acknowledge receipt of your 2021 irrigation questionnaires.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right Nos. 6804A-3 7621-3, 7622-3 & 7847-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

The transfer form you completed was received as well. I will get that processed soon and confirmation sent back to you. If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2023

NOTICE

TO: KYLE JENSEN, 31582 454TH AVE, MECKLING, SD 57044

FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaire(s)

Our records indicate your 2022 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6804A-3, 6804C-3, 7621-3, 7622-3 & 7847-3. The request for the Questionnaire was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 6804A-3, 6805C-3, 7621-3, 7622-3 & 7847-3 qualification:

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

The hearing will be held at **Wednesday, March 8, 2023 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6804A-3, 6804C-3, 7621-3, 7622-3 & 7847-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. 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 8, 2023** 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: <https://danr.sd.gov/iq> using this password: JGLBJY**

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 AGRICULTURE
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

February 1, 2023

Kyle Jensen
31582 454th Ave
Meckling SD 57044

RE: Water Permit or Right Nos. 6804A-3, 6804C-3, 7621-3, 7622-3 and 7847-3

Dear Mr. Jensen:

I am writing to acknowledge receipt of your 2022 irrigation questionnaires.

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Permit or Right Nos. 6804A-3, 6804C-3, 7621-3, 7622-3 and 7847-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

Note: I still have not received the ownership changes from Mrs. Heine in Centralia WA. I have sent a couple letters to her with transfer forms and postage paid envelopes and have not received any response. The water rights are still listed under Daniel Heine (7847-3 & 6804A-3).



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 19, 2024

NOTICE

TO: KYLE JENSEN, 31582 454TH AVE, MECKLING, SD 57069

FROM: Ron Duvall, Engineer III
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaire(s)

Our records indicate your 2023 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4628-3, 6601-3, 6804A-3, 6804C-3, 7621-3, 7622-3 & 7847-3. The request for the Questionnaire was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 4628-3, 6601-3, 6804A-3, 6804C-3, 7621-3, 7622-3 & 7847-3 qualification:

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

The hearing will be held at **Wednesday, March 6, 2024 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4628-3, 6601-3, 6804A-3, 6804C-3, 7621-3, 7622-3 & 7847-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. 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 6, 2024** 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 Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: LPJCAM**

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 AGRICULTURE
and NATURAL RESOURCES**

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

February 2, 2024

4628-3, 6601-3, 6804A-3
6804C-3, 7621-3, 7622-3 & 7847-3

Kyle Jensen
31582 454th Ave
Meckling SD 57069

Dear Mr. Jensen:

I am writing to acknowledge the receipt of your 2023 irrigation questionnaire(s).

You may disregard the January 19, 2024, "Notice" concerning the reporting requirements for Water Permit No(s). 4628-3, 6601-3, 6804A-3, 6804C-3, 7621-3, 7622-3 & 7847-3. The information was received prior to the March 6, 2024, Water Management Board meeting and these permit numbers have been removed from the agenda.

If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

cc: DANIEL HEINE, 3213-6 ZENKNER VALLEY RD, CENTRALIA WA 98531



6804A-3
7847-3

DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 19, 2024

NOTICE

TO: KYLE JENSEN, 31582 454TH AVE, MECKLING, SD 57069

FROM: Ron Duvall, Engineer III
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaire(s)

Our records indicate your 2023 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4628-3, 6601-3, 6804A-3, 6804C-3, 7621-3, 7622-3 & 7847-3. The request for the Questionnaire was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 4628-3, 6601-3, 6804A-3, 6804C-3, 7621-3, 7622-3 & 7847-3 qualification:

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

The hearing will be held at **Wednesday, March 6, 2024 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4628-3, 6601-3, 6804A-3, 6804C-3, 7621-3, 7622-3 & 7847-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. 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 6, 2024** 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 Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: LPJCAM**

cc: DANIEL HEINE, 3213-6 ZENKNER VALLEY RD, CENTRAILIA WA 98531

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.

7847-3

RCD BY WR
8/19/24

FORM 2: Application for uses other than irrigation
(type or print)

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. _____ Hydrologic Unit _____ Basin _____ Newspaper _____ (office use only)
---	--

Application for Permit to Appropriate Water in South Dakota

Check use(s) of water:

☐ Municipal	☐ Water Distribution System	☐ Recreational	☐ Institutional
☐ Rural Water System	☐ Commercial	☐ Fish & Wildlife	☐ Geothermal
☐ Domestic (over 18 gpm)	☐ Industrial	☒ Other	change in DVP location

Type of Application:
(check one)

☐ New	☐ Vested Right (Use predates Mar 2, 1955)	☐ Future Use Reservation
☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____		
☒ Amendment/Correction to Permit No. <u>7847-3</u>		

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

change diversion point

- Name to Appear on Water Permit Dan Heine
Mailing Address 44067 Timber Rd Vermillion SD 57069
(Address) (City) (State) (Zip Code)
Phone _____ Mobile _____ Email _____
- Amount of water claimed N/A *CFS or N/A **GPM and N/A ***AF or N/A Gallons
Flow rate and volume are both required. (*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use)
- Source of water supply Ground Water LOTA S22
- Location of point of diversion 1 well in NESE S21 T92N R52W County Clay
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☐ Yes ☐ No
If "Yes," where will water be used? N/A
(example - NW1/4 section 12-T104N-R53W)
- County or counties where water will be used _____
- Annual period during which water is to be used N/A
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

change in diversion point request - old well has gone bad and is being plugged & replaced by Heine Elec.

I, Dan Heine, the applicant, certify under penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

2021-08

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)

Supplemental Information

(type or print)

1. Well Information (check one or both as applicable)☒ Drilling new well(s) ☐ Using existing well(s)a) If new wells, how many 1 Have test holes been drilled? ☐ Yes ☒ No Drilled by _____
(if yes, please provide copies of logs)b) If existing wells, how many 1 Provide copy of log(s), if available. Drilled by Empire Irrigation Drilling Co.**For either existing or proposed wells:**

c) Well Depth (required) _____ Depth to Top of Water Bearing Material _____ Depth to Water from Surface _____

d) Distance to nearest domestic well on applicant's property _____ 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)

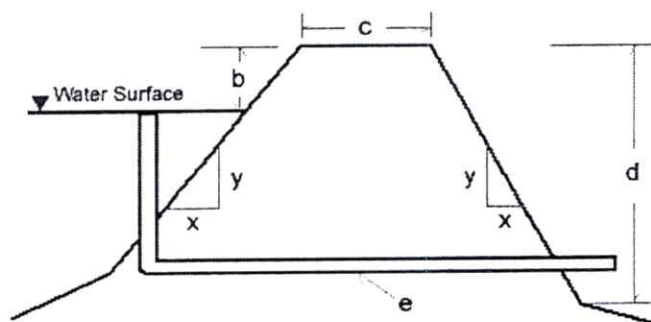
Upstream _____

Downstream _____

h) Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



Dewell, Amanda

From: Vermillion Heine Electric <heineelectricverm@outlook.com>
Sent: Monday, August 26, 2024 9:50 AM
To: Dewell, Amanda
Subject: Re: [EXT] Change of diversion location

Thanks Again for all of your help with this. If you need anything else from us please let me know.

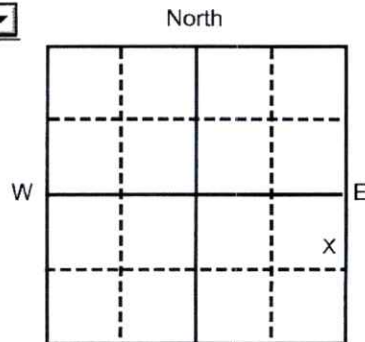
Have a great week!



Laura Bies
Heine Electric & Irrigation, Inc.
(605) 670-9567

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NE 1/4 SE 1/4 Sec 21 Twp 92N Rg 52WCounty CLAYPlease mark well
location with an "X"

Well Completion Date

7/25/2024

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
1680 ft. from MISSOURI RIVER (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

ROTARY

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
sdr 26 LB/FT	16 IN	0 FT	70 FT	30 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
groutwell DF	24	Lb/gal	0 Ft	25 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

TREMIE

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 16 Inches Length 20 FeetMaterial PVCSlot Size .040 Set From 70 Feet to 90 Feet

Other information

WAS A PACKER OR SEAL USED?

☒ Yes ☐ NoIf so, what material? PVC

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? HTH TABLETS☐ No, Why Not?Lab to which water
quality sample sent for analysisWell Owner: DAN HEINE

Business Name:

Address: 44067 TIMBER RDCity, State, Zip: VERMILLION ☒ SD ☒ 57069

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
TOP SOIL	0	3
FINE GRAY SAND	3	67
FINE TO MEDIUM SAND	67	80
MEDIUM SAND WITH GRAVEL	80	90

STATIC WATER LEVEL 14 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:☐ Bailed☐ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

LATITUDE: 42.767311

LONGITUDE: 96.987667

ELEVATION: 1140

*CHANGE IN DIVERSION LOCATION PERMIT 7847-3

This well was drilled under license # 810 and this
report is true and accurate.Drilling firm: Heine Electric & Irrigation, Inc.

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: 8-19-24

plugged this well

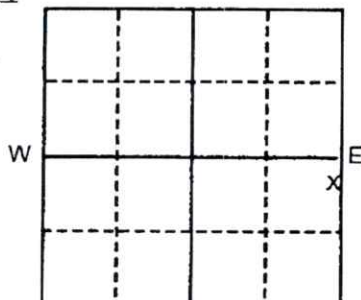
SOUTH DAKOTA WATER WELL COMPLETION REPORT

SD EForm - 1621LD V1

11-02

Location NE ¼ Se ¼ Sec 21 Twp 92N Rg 52WCounty Clay

North

Please mark well
location with an "X"

Well Completion Date

August 26, 2013

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
3,000.0 ft. from River (identify source)

PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring wellMETHOD OF DRILLING:
bucket method

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	16.00 IN	0.0 FT	40.0 FT	24.00 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	20	9.5 Lb/gal	0.0 Ft	30.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
Tremie Method

SCREEN:

☒ Perforated pipe ☐ ManufacturedDiameter 16.00 Inches Length 20.0 FeetMaterial Stainless SteelSlot Size .060 Set From 40.0 Feet to 60.0 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?Lab to which water ☒ No, Why Not? Not Required
quality sample sent for analysisWell Owner: Dan Heine

Business Name:

Address: 44067 Timber RdCity, State, Zip: Vermillion SD 57069

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Sand	0	13
Silty Clay Sand	13	31
Sandy Clay	31	36
Pebbles	36	41
Fine Gravel	41	53
Fine Gravel	53	60

STATIC WATER LEVEL 14.4 FEETIf flowing: closed in pressure 5/27/14 PSIGPM flow through Inch pipeControlled by ☐ Valve ☐ Reducers ☐ OtherReduced flow rate GPM

Can well be completely shut in?

WELL TEST DATA:

☐ Pumped Describe:
☐ Bailed
☐ Other

Pumping Level Below Land Surface

 Ft. After Hrs. pumped GPM Ft. After Hrs. pumped GPMIf pump installed, pump rate: GPM

REMARKS

RECEIVED
OCT - 4 2013
WATER RIGHTS
PROGRAM

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

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:

9/28/13

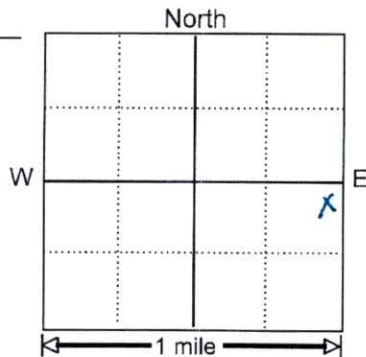
SOUTH DAKOTA WELL AND TEST HOLE PLUGGING REPORT 11-02

Location NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 21 Twp 92N Rg 52W

Well Owner:

County Clay

Please mark well location with an "X"

Name: Dan HeineAddress: 44067 Timber RdCity, State, Zip: Vermillion SD 57069

Comments:

Plugging Completion Date _____

CHECK APPROPRIATE BOX

EXISTING WELL ☒TEST HOLE ☐Well depth 60Casing material plasticCasing size(s) 16Casing condition good

Hole depth _____

Hole size _____

Describe plugging procedure:

Describe grout or plugging material:

0-6 - Dirt
 6-20 - groutwell DF
 20-60' chlorinated grave

Type of non-slip plug: _____

This well or test hole was plugged under license # 810 and this report is true and accurate.Drilling firm: Heine Electric & Irrigation, Inc.Signature of Licensed Representative: [Signature]

Signature of Well Owner: _____

Date: 8-19-24

Approval of Location Change and/or Additional Diversion Point(s)NAME: Dan Heine COUNTY: ClayADDRESS: 44067 Timber Rd, Vermillion SD 57069 DATE: August 26, 2024**GENERAL DESCRIPTION OF AUTHORIZED PROJECT:**

Water Right No. 7847-3 authorizes diversion of 1.22 cfs from one well (M:EP) located in the Lot A Section 22, for the irrigation of 79 acres located in Lot A and Accretion land to Lot A Section 22, T92N, R52W and Accretion land below Lots 3 & 4 to river in Section 16, T92N, R52W.

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed, or additional diversion points may be added, provided the following conditions are met and the potential for interference with other existing diversions is not increased:

Developed water source same as permitted source and no additional water appropriated,

Heine Electric & Irrigation Inc., on behalf of the permit holder, has requested approval of a change in diversion point location, stating that the well previously authorized for diversion under Permit No. 7847-3 had gone bad. The original well, drilled in 2013 by Hammond-Wetmore Drilling, LLC, has been plugged and a new well was drilled. The replacement well, located in Lot A Section 22, T92N, R52W, was completed into the Missouri: Elk Point Aquifer, to a depth of 90 feet. No additional diversion was requested or granted.

If irrigation, no new land is irrigated,

Water Right No. 7847-3 authorizes irrigation of 79 acres. No additional acres are being developed for irrigation.

Review of Existing Diversions

There are sixteen other existing water permits/rights within approximately 2 miles of where the new diversion point was developed, also authorizing diversion from the Missouri: Elk Point Aquifer. The nearest or which being 6804A-3 (also held by Dan Heine), located approximately 0.6 miles northeast of the new well. The nearest permit/right not held by Dan Heine would be Water Right Nos. 6899-3 & 7486-3, both held by Bottolfson Brothers, and located approximately 1.2 miles northwest of the new well. It was determined that there was reasonable probability any interference due to pumping from the original well would not adversely or unlawfully impair existing rights. The same would be expected for the well constructed in the new location.

The closest domestic well (completed into the M:EP) is approximately 1.25 miles to the northeast, located in the NW ¼ SW ¼ Section 15, T92N, R52W, on property owned by Kirk Sorenson, according to Regrid. The location of the domestic wells in the well completion report database maintained by the Water Rights Program is based on the location listed by the driller on the well completion report.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the change in diversion point location be approved.



Amanda Dewell, Permitting Administrator
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.



Eric Gronlund, Chief Engineer
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

AUG 29 2024

7847-3

Dan Heine
44067 Timber Rd
Vermillion SD 57069

Dear Mr. Heine:

This letter is in regard to a request for a change in diversion point location authorized under Water Right No. 7847-3, filed by Heine Electric & Irrigation Inc., on your behalf.

The request stated that the new well would be located in Lot A Section 22, T92N, R52W, Clay County, and was made due to the previously authorized well going bad.

Water Right No. 7847-3 authorizes the diversion of 1.22 cubic feet of water per second (cfs) for the irrigation of 79 acres located in Lot A and Accretion land to Lot A Section 22, T92N, R52W and Accretion land below Lots 3 & 4 to river in Section 16, T92N, R52W.

Upon review of the request and pursuant to SDCL 46-5-13.1, relocation of the well is authorized without application or publication of a notice of hearing pursuant to SDCL 46-2A-4.

No increase to the 1.22 cfs diversion rate or the number of irrigated acres is authorized by the approval of this request.

If you have any questions, please contact Amanda Dewell at (605) 773-3352.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 14, 2025

NOTICE

TO: KYLE JENSEN, 31582 454TH AVE, MECKLING, SD 57069

FROM: Ron Duvall, Engineer III
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaire(s)

Our records indicate your 2024 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4628-3, 6601-3, 6804A-3, 7621-3, 7622-3, 7847-3, 8830-3, 8865-3. The request for the Questionnaire was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 4628-3, 6601-3, 6804A-3, 7621-3, 7622-3, 7847-3, 8830-3, 8865-3 qualification:

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

The hearing will be held on **Wednesday, March 5, 2025, at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4628-3, 6601-3, 6804A-3, 7621-3, 7622-3, 7847-3, 8830-3, 8865-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. 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 5, 2025**, 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 Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: **SBWOZB****

cc: DANIEL HEINE, 44067 TIMBER RD, VERMILLION SD 57069

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

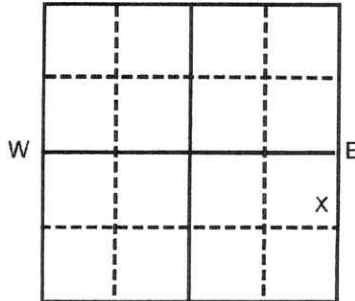
SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NE ¼ SE ¼ Sec 21 Twp 92N Rg 52W

County CLAY

North

Please mark well
location with an "X"

Well Completion Date

7/25/2024

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?

1680 ft. from MISSOURI RIVER (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

ROTARY

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
sdr 26 LB/FT	16 IN	0 FT	70 FT	30 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
groutwell DF	24	Lb/gal	0 Ft	25 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

TREMIE

SCREEN:

☐ Perforated pipe ☒ Manufactured

Diameter 16 Inches Length 20 Feet

Material PVC

Slot Size .040 Set From 70 Feet to 90 Feet

Other information

WAS A PACKER OR SEAL USED?

☒ Yes ☐ No

If so, what material? PVC

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? HTH TABLETS☐ No, Why Not?
Lab to which water
quality sample sent for analysis

Well Owner: DAN HEINE

Business Name:

Address: 44067 TIMBER RD

City, State, Zip: VERMILLION SD 57069

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
TOP SOIL	0	3
FINE GRAY SAND	3	67
FINE TO MEDIUM SAND	67	80
MEDIUM SAND WITH GRAVEL	80	90

STATIC WATER LEVEL 14 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:☐ Bailed☐ Other

Pumping Level Below Land Surface

Ft. After Hrs. pumped GPM

Ft. After Hrs. pumped GPM

If pump installed, pump rate: GPM

REMARKS

LATITUDE: 42.767311

LONGITUDE: 96.987667

ELEVATION: 1140

*CHANGE IN DIVERSION LOCATION PERMIT 7847-3

This well was drilled under license # 810 and this
report is true and accurate.

Drilling firm: Heine Electric & Irrigation, Inc.

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: 8-19-24



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 11, 2025

4628-3, 6601-3, 6804A-3, 7621-3
7622-3, 7847-3, 8830-3, 8865-3

Kyle Jensen
31582 454th Ave
Meckling SD 57069

Dear Mr. Jensen:

I am writing to acknowledge the receipt of your 2024 irrigation questionnaire(s).

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 4628-3, 6601-3, 6804A-3, 7621-3, 7622-3, 7847-3, 8830-3 & 8865-3. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

If you have any questions or concerns, please contact me.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

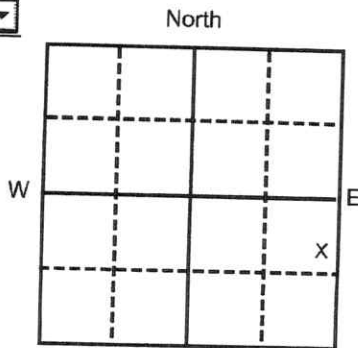
cc: ERNEST & MARLYS JENSEN, 45437 RIVER DR, MECKLING SD 57044
DANIEL HEINE, 44067 TIMBER RD, VERMILLION SD 57069

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NE ¼ SE ¼ Sec 21 Twp 92N Rg 52W

County CLAY

Please mark well
location with an "X"

Well Completion Date

7/25/2024

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.):
1680 ft. from MISSOURI RIVER (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

ROTARY

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
sdr 26 LB/FT	16 IN	0 FT	70 FT	30 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
groutwell DF	24	Lb/gal	0 Ft	25 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

TREMIE

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 16 Inches Length 20 Feet

Material PVC

Slot Size .040 Set From 70 Feet to 90 Feet

Other information

WAS A PACKER OR SEAL USED? ☒ Yes ☐ No

If so, what material? PVC

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? HTH TABLETS☐ No, Why Not?
Lab to which water
quality sample sent for analysis

Well Owner: DAN HEINE

Business Name:

Address: 44067 TIMBER RD

City, State, Zip: VERMILLION SD 57069

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
TOP SOIL	0	3
FINE GRAY SAND	3	67
FINE TO MEDIUM SAND	67	80
MEDIUM SAND WITH GRAVEL	80	90

STATIC WATER LEVEL 14 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:☐ Bailed☐ Other

Pumping Level Below Land Surface

Ft. After Hrs. pumped GPM

Ft. After Hrs. pumped GPM

If pump installed, pump rate: GPM

REMARKS

LATITUDE: 42.767311
LONGITUDE: 96.987667
ELEVATION: 1140

*CHANGE IN DIVERSION LOCATION PERMIT 7847-3

This well was drilled under license # 810 and this
report is true and accurate.

Drilling firm: Heine Electric & Irrigation, Inc.

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: 8-19-24