

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCESJOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

JUL 11 2019

1092A-3

Dennis J Chicoine
32703 483rd Ave
Jefferson SD 57038

Dear Mr. Chicoine:

Enclosed is Reissued Water License No. 1092A-3.

Based on an ownership change filed by Kenneth Chicoine, Water License No. 1092-3 was divided and reissued to reflect separate ownership as follows:

- **No. 1092A-3, Dennis J Chicoine**, authorizing diversion of 2.30 cfs from one well to irrigate 173 acres located in the NE ¼ Section 6, all in T90N, R48W;
- **No. 1092B-3, Kenneth Calvin Chicoine**, authorizing diversion of 1.05 cfs from one well to irrigate 78.8 acres located in the E ½ SE ¼ Section 6, T90N, R48W.

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,

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

enclosure

STATE OF SOUTH DAKOTA
REISSUED WATER LICENSE NO. 1092A-3
(DIVISION OF WATER LICENSE NO. 1092-3 INTO NOS. 1092A-3 & 1092B-3)

(1) Dennis J Chicoine holds Water License No. 1092-3, authorizing diversion of 3.35 cubic feet of water per second (cfs) from ground water, one well (Missouri Elk Point Aquifer), Union County, South Dakota for irrigation of 251.8 acres located in the NE ¼ & E ½ SE ¼ Section 6, T90N, R48W. Water License No. 1092-3, carries a priority date of March 30, 1964.

On July 8, 2019, an ownership change was filed for the land in the SE ¼ Section 6, T90N, R48W described in Water Right No. 1092-3. Based on the ownership change, Water Right No. 1092-3 is being divided and reissued to reflect separate ownership as follows:

- **No. 1092A-3, Dennis J Chicoine, 32703 483rd Ave., Jefferson SD 57038** authorizing diversion of 2.30 cfs from one well located in the NE ¼ SE ¼ Section 6 to irrigate 173 acres located in the NE ¼ Section 6, all in T90N, R48W;
- **No. 1092B-3, Kenneth Calvin Chicoine, 48042 329th St., Jefferson SD 57038-6802** authorizing diversion of 1.05 cfs from one well located in the NE ¼ SE ¼ Section 6 to irrigate 78.8 acres located in the E ½ SE ¼ Section 6, T90N, R48W.

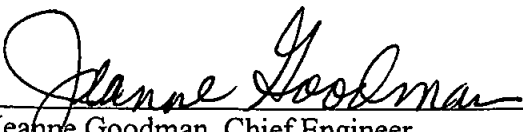
(2) It is certified that the water right holder has complied with the provisions of South Dakota State Law and is entitled to divert 2.30 cubic feet of water per second for beneficial use. The location of the diversion point is 3,240 feet south 24° west of the NE corner Section 6, T90N, R48W (NE ¼ SE ¼)

(3) The water right 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:

T90N, R48W Section 6	NE ¼ NE ¼	39.8 acres
	SE ¼ NE ¼	44.8 acres
	NW ¼ NE ¼	44.2 acres
	SW ¼ NE ¼	44.2 acres
Total		173.0 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Dennis J Chicoine, 32703 483rd Ave., Jefferson SD 57038 the holder and/or owner of Water Right No. 1092A-3 is issued a license to appropriate water, the right to use 2.30 cubic feet of water per second from ground water, one well (Missouri Elk Point Aquifer) with a priority date of March 30, 1964 from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 1092-3.



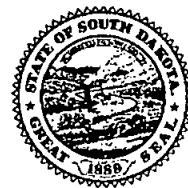
Jeanne Goodman, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

JUL 11 2019

date





1092A-3
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JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 23, 2020

NOTICE

TO: DENNIS CHICOINE, OPERATOR, 32703 483RD AVE, JEFFERSON, SD 57038
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaires

Our records indicate your 2019 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 59-3, 1092A-3, 2410-3 & 3807-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 53-3, 5340-3, 6680-3 & 7608-3 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) 53-3, 5340-3, 6680-3 & 7608-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 59-3, 1092A-3, 2410-3 & 3807-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office 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 questionnaires 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: KCNOLK**

c: LISA WEYER, SD PARKS & WILDLIFE FOUNDATION, 523 E CAPITOL, PIERRE SD

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.

1092A-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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PIERRE SOUTH DAKOTA 57501-3182
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February 3, 2020

Dennis Chicoine
32703 483rd Ave
Jefferson SD 57038

RE: Water Right/Permit Nos. 53-3, 59-3, 1092A-3, 2410-3, 3807-3, 5340-3, 6680-3 & 7608-3

Dear Mr. Chicoine:

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/Permit Nos. 53-3, 59-3, 1092A-3, 2410-3, 3807-3, 5340-3, 6680-3 & 7608-3. 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
email: genny.mcmath@state.sd.us

c: Lisa Weyer, SD Parks & Wildlife Foundation