



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

JUL 11 2019

1092B-3

Kenneth Calvin Chicoine
48042 329th St
Jefferson SD 57038-6802

Dear Mr. Chicoine:

Enclosed is Reissued Water License No. 1092B-3. Included with the license is Receipt No. 09163 in the amount of \$50 which you paid for filing the ownership change.

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.

Your Water License No. 1092B-3 is limited to irrigation of the E ½ SE ¼ Section 6. It is our understanding that a pivot system is in place and also irrigates the W ½ SE ¼ Section 6. We want to work with you to get the entire pivot area covered and in compliance with SD Water Laws. Enclosed is a set of application forms and instruction sheet to apply for a permit to irrigate the additional acreage and any additional diversion rate you may need. Please contact us if you have questions on the enclosed license or completion of the application forms.

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA
REISSUED WATER LICENSE NO. 1092B-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.

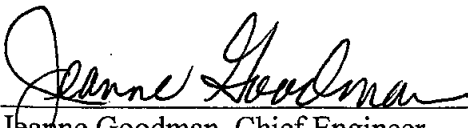
(2) It is certified that the water right holder has complied with the provisions of South Dakota State Law and is entitled to divert 1.05 cubic feet of water per second for beneficial use. The location of the diversion point is 3,240 feet south 24° west of the NE corner Section 6, T90N, R48W (NE ¼ SE 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 SE ¼	39.5 acres
	SE ¼ SE ¼	39.3 acres
	Total	78.8 acres

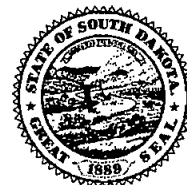
(4) Pursuant to South Dakota Water Law 46-5-30.1 Kenneth Calvin Chicoine, 48042 329th St., Jefferson SD 57038-6802 the holder and/or owner of Water Right No. 1092B-3 is issued a license to appropriate water, the right to use 1.05 cubic feet of water per second from ground water, one well (Missouri Elk 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



1092B-3

RECEIVED

JUL 03 2019

WATER RIGHTS
PROGRAM

Michael J. McGill
Attorney at Law

106 West Main • P.O. Box 32
Beresford, South Dakota 57004
(605) 763-2057 • Fax: (605) 763-2201
E-mail: mjmc@bmtc.net

June 28, 2019

PMB 2020
DENR – Water Rights Program
523 E. Capital Ave.
Pierre, SD 57501-3182

RE: Water Right/Permit No. 1092-3

To whom it may concern:

I am writing to you on behalf of Kenneth Calvin Chicoine. I enclose a check for \$50.00 and a Notice of Transfer of Ownership. Will you please file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership. Thank you.

I also enclose a copy of the executed Warranty Deed that will be recorded at the Register of Deeds office in Union County, South Dakota.

Sincerely yours,


Michael J. McGill
MJM/cs
Encl.

cc: Kenny Chicoine

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date July 3, 20 19

RECEIVED OF Kenny or Rosemary Chicoine 48042 329th St Jefferson SD 57038-6802

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	50	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. _____		
Fee for Filing Transfer Form <u>1092-3</u>		
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. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No. **09163**

By Jeanne Goodman
Chief Engineer vm

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

PAID

JUL 03 2019

Ck# 2629

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

RECEIVED

JUL 03 2019

WATER RIGHTS
PROGRAM

Water Right/Permit No. 1092-3

Date: June 28, 2019

I/We request that Water Right/Permit No. 1092-3 formerly owned by:
Dennis J Chicoine be transferred to:

New Owner Name: Kenneth Calvin Chicoine

Address: 48042 329th St

City, State, Zip Jefferson SD 57038-6802 Telephone No. 808-635-1408

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

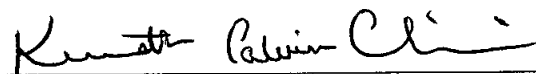
The Southeast Quarter (SE1/4) of Section 6, Township 90 North, Range 48 West of the 5th P.M.,
Union County, South Dakota.

☒ I understand that the validity of Water Right/Permit No. 1092-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Kenneth Calvin Chicoine, the new owner, certify that the above information is true and correct.


(signed by new owner)

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

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

This Document Prepared By:

Michael J. McGill
P.O. Box 32
Beresford, SD 57004
605-763-2057

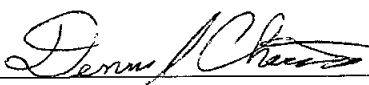
WARRANTY DEED

Dennis J. Chicoine, an unmarried person, of 32703 483rd Avenue, Jefferson, South Dakota 57038, Grantor, for and in consideration of one dollar and other good and valuable consideration, hereby Grants, Conveys, and Warrants unto Kenneth Calvin Chicoine and Rosemary Lou Chicoine, husband and wife, as joint tenants with the right of survivorship and not as tenants in common, of 48042 329th Street, Jefferson South Dakota 57038, Grantees, the following described real property located in the County of Union, State of South Dakota:

The Southeast Quarter (SE ¼) of Section Six (6), Township Ninety (90) North, Range Forty-Eight (48) West of the 5th P.M., Union County, South Dakota, according to the government survey thereof, and subject to easements, conveyances, rights of way, and restrictions of record, if any.

Transfer fee: \$711.00

Dated this 28th day of June, 2019.


Dennis J. Chicoine

State of South Dakota)
:SS
County of Union)

On this the 28th day of June, 2019, before me, the undersigned officer, personally appeared Dennis J. Chicoine, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes therein contained.

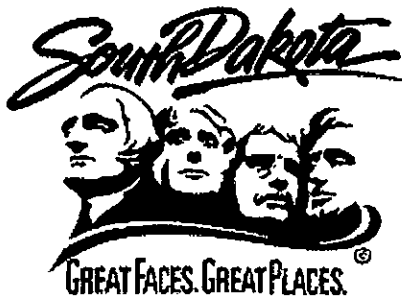
In witness whereof I have hereunto set my hand and official seal.

(SEAL)

Michael J. McLeod

Notary Public – South Dakota

My commission expires: 10-20-2022



1092B-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: KENNY CHICOINE, OPERATOR, 48042 329TH ST, 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) 1092B-3, 2431-3, 3102A-3 & 3102B-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) 2623-3 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) 2623-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1092B-3, 2431-3, 3102A-3 & 3102B-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

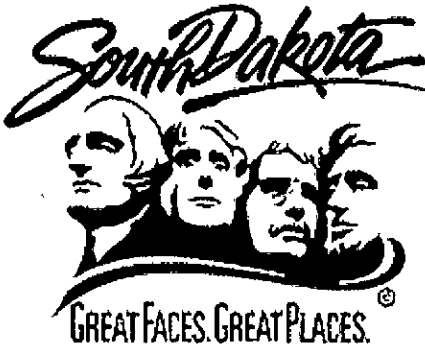
The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by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

c: KENNETH SHEARON, 50955 COBUS RIDGE LN, GRANGER IN 46530

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.

1092B-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 28, 2020

Kenny Chicoine
48042 329th St
Jefferson SD 57038

RE: Water Right Nos. 1092B-3, 2431-3, 2623-3, 3102A-3 & 3102B-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 Nos. 1092B-3, 2431-3, 2623-3, 3102A-3 & 3102B-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". The signature is fluid and cursive, with the first name "Genny" being more prominent.

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

c: Kenneth Shearon