

1208A-3

LAW OFFICES
STICKNEY & GROE
FIRST NATIONAL BANK BUILDING
P.O. BOX 367
ELK FORT, SOUTH DAKOTA 57025-0367

FRANK G. STICKNEY
WAYNE D. GROE

September 10, 1987

AREA CODE 605
TELEPHONE 339-2881



Genny McMath
Natural Resources Analyst
South Dakota Department of Water &
Natural Resources
Joe Foss Building, 523 East Capitol
Pierre, South Dakota 57501-3181

Re: Odias J. Chicoine estate--transfer of irrigation permits

Greetings:

In accordance with your letter of August 13, 1987, I have completed and am herewith enclosing for you two signed Notice of Transfer of Water Permits, this being the forms that you sent to me.

As you will note, these have been signed by the Co-executors of the O.J. Chicoine estate, and I am enclosing herewith a certified copy of their Letters of Appointment.

It is my understanding that because most of the property went to Mike and Brad Chicoine, the one tract of it went to Adrian, Mike and Brad Chicoine, this will be no problem registering in this manner. It if was a problem, it is my understanding that the name of Adrian Chicoine could be deleted on the one transfer, if you needed to keep it together the same way. If that becomes necessary, please check with me to confirm before doing first.

I am also enclosing our office account check in the amount of \$5.00, \$2.50 each, for the two transfer forms.

It would be appreciated if you could confirm with this office when this transfer has been accomplished.

If there are any questions or problems, please advise.

Thank you.

Very truly yours,

For The Firm

FGS/pk
Enc.

cc. Adrian Chicoine

STATE OF SOUTH DAKOTA)
COUNTY OF UNION) SS

IN CIRCUIT COURT
FIRST JUDICIAL CIRCUIT

IN THE MATTER OF THE ESTATE OF
ODIAS J. CHICOINE,

PRO. 87-14
LETTERS TESTAMENTARY AND
OATH

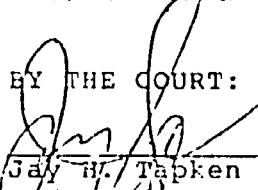
DECEASED

The Last Will and Testament and Codicils to Last Will and Testament of Odias J. Chicoine, deceased, a copy of which are hereto annexed, having been proved and recorded in the Circuit Court of the County of Union, State of South Dakota, Adrian Chicoine and Madonna Blomberg, who are named as Co-executors therein are hereby appointed Co-executors.

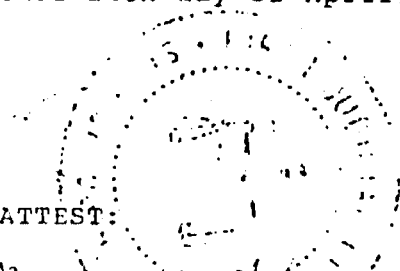
Further, they are hereby granted authority to administer said estate under the terms and provisions of the Independent Administration of Estates Act of South Dakota, S.D.C.L. 30-18A, and amendatory articles. This shall constitute the endorsement referred to in S.D.C.L. 30-18A-2.

Dated at the City of Elk Point, in said County and State, this 14th day of April, 1987.

BY THE COURT:


Jay H. Tapken
Judge of the Circuit Court
First Judicial Circuit

ATTEST:


Marlene M. Johnson, Clerk

By Margaret H. Johnson
State of South Dakota)
County of Union) SS

We, Adrian Chicoine and Madonna Blomberg, do solemnly swear that we will support the Constitution of the United States and the Constitution of the State of South Dakota, and that we will faithfully perform, according to law, the duties of Co-executors

of the estate of Odias J. Chicoine, deceased.

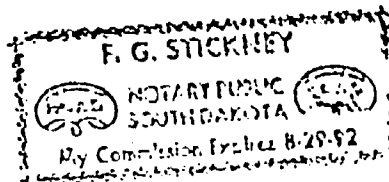
Adrian Chicoine
Adrian Chicoine

Madonna Blomberg
Madonna Blomberg

Subscribed and sworn to before me this 14th day of April,
1987.

[Signature]
Notary Public, South Dakota

My commission expires:



State of South Dakota } ss.
Union County

I hereby certify that the foregoing instrument is a true and correct copy of the original as the same appears on record in my office and the same is still in full force and effect.

September 9, 1987

Margaret M. Johnson
Clerk of Courts, Union County

By Margaret H. Johnson
Deputy

FILED

APR 14 1987

Margaret M. Johnson

Clerk of Courts, Union County, S.D.

SEP 1987
DIVISION OF
WATER RIGHTS
Pierre, SD

SEP 1987
DIVISION OF
WATER RIGHTS
Pierre, SD

Date: September 29, 1987

formerly owned by Odias J. Chicoine, also known as O.J. Chicoine
has been transferred to Michael J. Chicoine and Bradley A. Chicoine, as tenants
in common, an undivided one-half interest (lease include complete mailing address) 460, Jefferson,
together with any rights to the beneficial use of water thereon as evidenced by SD 57038
(and any other applicable permits)
Water Right Permit No. 1208-3 as provided for in SDCL 46-5-32 and 46-5-33.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

XX We, Adrian Chicoine and Madonna Blomberg being first duly sworn on my oath depose and say: That ~~no~~ ⁱⁿ relation to the above described undertaking is that of ~~XXXXX~~ ^{XXXXX} Chicoine deceased the above foregoing statement, and I know of ~~my~~ ^{our} own personal knowledge that the information herein stated is true.

Subscribed and sworn to before me this 9th day of September, 19 87

F. G. STICKNEY
 **NOTARY PUBLIC** 
SOUTH DAKOTA
 My Commission Expires **6-19-92**

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, September 16, 1937

RECEIVED OF Stickney & Grow, Box 307, Elk Point, SD 57025 (for Michael J. & Bradley A.
the following amount in fees for services rendered as provided for by law: Chicoine, RR1, Box 460 Jefferson
SD 57032

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____ 1203A-3 _____	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer JOHN HATCH (S)

Division of No. 1208-3
into No. 1208A-3 & 1208B-3

State of South Dakota
Water License No. 1208A-3

(1) O. J. Chicoine
of Jefferson, South Dakota was issued Water License No. 1208-3
made Application No. _____, January 18, 1966 for a ~~water permit~~ ^{right} to appropriate
3.2 cubic feet per second of water from groundwater (one well)
Union County, South Dakota for irrigation purposes.
Priority Date _____, with a priority date of July 15, 1965.
~~was approved~~ _____ and issued to applicant(s) for diversion of water with construction of the described
~~water supply system to be completed on or before~~ _____ and for the application to beneficial use of said
~~water on or before~~ _____.

Land irrigated under Water License No. 1208-3 has been transferred to two groups of people. Water License No. 1208-3 is being divided and reissued as No. 1208A-3, Michael & Bradley Chicoine and 1208B-3, Adrian, Michael & Bradley Chicoine.

Water License No. 1208A-3 is being reissued for irrigation of 144 acres in the SW $\frac{1}{4}$ Section 5, T90N, R48W and authorizes diversion of 2.06 cfs.

Water License No. 1208B-3 is being reissued for irrigation of 80 acres in the W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 8, T90N, R48W and authorizes diversion of 1.14 cfs.

and

Water License No. 1208A-3 authorizes diversion of
(2) It is certified that ~~the application was completed with the provisions of South Dakota State Law relating to completion of~~
~~the construction of the water supply system and is entitled to divert~~ 2.06 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is a point N 4 $^{\circ}$ 25'E, 670 feet from the
SW Corner, Section 5, T90N, R48W.

and

(3) ~~The applicant has complied with the provisions of South Dakota State Law relating to the application of water for~~
~~beneficial use to the following extent.~~ Water License No. 1208A-3 authorizes irrigation of the
following land:

T90N, R48W Section 5

SW $\frac{1}{4}$ 144 Acres

(4) Pursuant to §46-5-30.1 Michael and Bradley Chicoine

of RR 1, Box 460, Jefferson, South Dakota 57038

the holder(s) and/or owner(s) of Water ^{Right} ~~Right~~ 1208A-3 is issued a license to appropriate water, the right to use
2.06 cubic feet per second of water from groundwater (one well) with a priority date

of July 15, 1965 from the location specified in (2) of this license. The water to be
conducted to and upon lands specified in (3) of this license for the purpose of irrigation

This license is subject to any limitations or qualifications listed in Water ^{Right} ~~Right~~ 1208-3 and subject
to South Dakota State Law.

John Hatch
Chief Engineer, Water Rights Division
Department of Water and Natural Resources

JOHN HATCH

NOV 3 1987

SOUTH DAKOTA
Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

NOV 3 1987

1208A-3
1208B-3

Adrian, Michael & Bradley Chicoine
RR #1, Box 460
Jefferson, SD 57038

Dear Sirs:

Enclosed are Water License Nos. 1208A-3 and 1208B-3. The receipts for the filing fees are being forwarded to Frank Stickney by copy of this letter

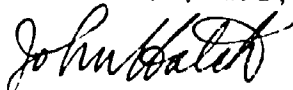
Water License No. 1208-3 was divided and reissued as No. 1208A-3, Michael & Bradley Chicoine and 1208B-3, Adrian, Michael & Bradley Chicoine.

Water License No. 1208A-3 was reissued for irrigation of 144 acres in the SW 1/4 Section 5, T90N, R48W and authorizes diversion of 2.06 cfs.

Water License No. 1208B-3 was reissued for irrigation of 80 acres in the W 1/2 NW 1/4 Section 8, T90N, R48W and authorizes diversion of 1.14 cfs.

If you have any questions concerning the licenses or transfers, please contact us.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

enclosures

cc: Frank G Stickney, Stickney & Groe



MICHAEL & BRAD CHICOINE
RR 1 BOX 460
JEFFERSON SD 57038

1208A-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

NOTICE

RE: Violation of Requirement to Submit 1991 Irrigation Questionnaire

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit No(s) 1208A-3. The request for the Questionnaire was dated October 18, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1991 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

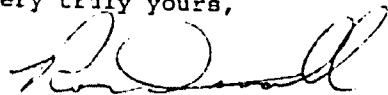
The hearing will be held at 9:15 am, March 4, 1992, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1208A-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
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 4th hearing date, your name will be deleted from the Board agenda.

Very truly yours,



Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

February 13, 1992

1096-3
1208A-3
4558-3

Michael, Brad & Lori Chicoine
RR #1 Box 460
Jefferson, SD 57038

Dear Sirs:

I am writing to acknowledge receipt of your 1991 irrigation questionnaires for Water Permit Nos. 1096-3, 1208A-3 and 4558-3. You may disregard the January 27, 1992, Notice of failure to submit the 1991 irrigation questionnaire. The questionnaires were received prior to the Water Management Board meeting and your name was deleted from the agenda.

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

Sincerely,

Genny McMath
Natural Resources Analyst
Water Rights Division

INSTRUCTIONS:

- Complete items 1 and or 2 for additional services.
• Complete items 3, and 4a & b.
• Print your name and address on the reverse of this form so that we can return this card to you.
• Attach this form to the front of the mailpiece, or on the back if space does not permit.
• Write "Return Receipt Requested" on the mailpiece below the article number.
• The Return Receipt Fee will provide you the signature of the person delivered to and the date of delivery.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

MICHAEL & BRAD CHICOINE
RR 1 BOX 460
JEFFERSON, SD 57038

4a. Article Number

P906 557 697

4b. Service Type

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

1-29-72

5. Signature (Addressee)

Michael & Brad Chicoine

6. Signature (Agent)

[Signature]

8. Addressee's Address (Only if requested and fee is paid)



1208A-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

January 29, 1993

NOTICE

TO: ADRIAN/MICHAEL/BRAD CHICOINE
RR 1 BOX 460
JEFFERSON SD 57038

FROM: Ron Duvall, Natural Resources Engineer IV
for JOHN HATCH, Chief Engineer
Water Rights Division

RE: Violation of Requirement to Submit 1992 Irrigation Questionnaire

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 1096-3, 1208A-3 & 1208B-3. The request for the Questionnaire was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:30 am, March 3, 1993, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, 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 SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1096-3, 1208A-3 & 1208B-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
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. Prior to February 22, 1993, contact the Water Rights Division, 523 E Capitol, Pierre SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the questionnaire(s) is(are) received in this office before the March 3rd hearing date, your name will be deleted from the Board agenda.



1208A-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

February 5, 1993

1096-3
1208A-3
1208B-3

Adrian, Michael & Brad Chicoine
RR #1 Box 460
Jefferson, SD 57038

Dear Sirs:

I am writing to acknowledge receipt of your 1992 irrigation questionnaires. You may disregard the January 29, 1993, Notice of Violation of Violation of the Requirement to Submit the 1992 Irrigation Questionnaires.

The questionnaires were received in our office prior to the Water Management Board Meeting and your names have been deleted from the agenda. If you have any questions, please contact me.

Sincerely,

Genny McMath

Genny McMath
Natural Resources Analyst
Water Rights Division
(605) 773-3352



February 16, 1994

ADRIAN/MICHAEL/BRAD CHICOINE
RR 1 BOX 460
JEFFERSON SD 57038

1208A-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-2181

NOTICE

RE: Violation of Requirement to Submit 1993 Irrigation Questionnaire

Our records indicate that the 1993 Irrigation Questionnaire has not been submitted for Permit No(s) 1208A-3 & 1208B-3. The request for the Questionnaire was dated October 18, 1993. The Water Management Board has directed that owners of water permits who have not submitted the 1993 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 8:45 am, April 6, 1994, at the Golden Hills Resort, 900 Miners Ave, Lead, 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 SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1208A-3 & 1208B-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
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 on/or before April 1, 1994, your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352



1208A-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

March 3, 1994

1096-3

1208A-3 ✓

1208B-3

4558-3

Adrian, Michael,
Brad & Lori Chicoine
RR #1 Box 460
Jefferson, SD 57038

I am writing to acknowledge receipt of your 1993 Irrigation questionnaires. You may disregard the February 16, 1994, **Notice of Violation of Water Permits and Notice of Violation of the Requirement to Submit the 1993 Irrigation Questionnaires.**

The questionnaires were received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Division
(605) 773-3352



1208A-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

February 7, 1995

MIKE, LORI & BRAD CHICOINE
RR 1 BOX 460
JEFFERSON SD 57038

NOTICE

RE: Violation of Requirement to Submit 1994 Irrigation Questionnaire

Our records indicate that the 1994 Irrigation Questionnaire has not been submitted for Permit Nos. 1096-3, 1208A-3 & 1208B-3. The request for the Questionnaire was dated November 3, 1994. The Water Management Board has directed that owners of water permits who have not submitted the 1994 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:30 am, March 8, 1995, in the Crown Room, 3rd Floor, Kings Inn Best Western Convention Center, 220 S 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 SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit Nos. 1096-3, 1208A-3 & 1208B-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
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 questionnaires are received in this office on/or before March 3, 1995 your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

MIKE, LORI & BRAD CHICOINE
RR 1 BOX 460
JEFFERSON, SD 57038

4a. Article Number

P 757-566-332

4b. Service Type

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

2-9-95

5. Signature (Addressee)

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

1208A-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

February 28, 1995

1096-3
1208A-3
1208B-3
4558-3

Mike, Lori, Brad & Adrian Chicoine
RR #1 Box 1255
Jefferson, SD 57038

Dear Sirs:

I am writing to acknowledge receipt of your 1994 Irrigation questionnaires. You may disregard the February 7, 1995, **Notices of Violation of the Requirement to Submit the 1994 Irrigation Questionnaire and Violation of Water Permit.**

The questionnaires were received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Division
(605) 773-3352



1208A-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 20, 2005

NOTICE

TO: MIKE & BRAD CHICOINE, 32849 483RD AVE, JEFFERSON, SD 57038
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program
SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaires

Our records indicate that the 2004 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 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) 1096-3, 1200-3, 1208A-3 & 1208B-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) 4558-3 qualification:

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

The hearing will be held at 8:30 am, March 2, 2005 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) 4558-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1096-3, 1200-3, 1208A-3 & 1208B-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 on/or before February 25, 2005, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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.



1208A-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 2, 2005

Brad & Mike Chicoine
306 E Lincoln St
Elk Point SD 57025

RE: Water Right Nos. 1096-3, 1200-3, 1208A-3, 1208B-3 and 4558-3

Dear Sirs:

I am writing to acknowledge receipt of your 2004 irrigation questionnaires. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right Nos. 1096-3, 1200-3, 1208A-3, 1208B-3 and 4558-3.

The information was received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352



1208A-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

January 26, 2007

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

NOTICE

TO: MIKE & BRAD CHICOINE, 306 E LINCOLN ST, ELK POINT, SD 57025
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2006 Irrigation Questionnaires

Our records indicate that the 2006 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 20, 2006. The Water Management Board has directed that owners of water permits who have not submitted the 2006 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) 1096-3, 1200-3, 1208A-3 & 1208B-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) 4558-3 qualification:

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

The hearing will be held at 10:30 am, March 7, 2007 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) 4558-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1096-3, 1200-3, 1208A-3 & 1208B-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 1, 2007, you will no longer be in violation of your permit and your name will be deleted 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. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V5-IQ.pdf>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 2, 2007

Mike & Brad Chicoine
306 E Lincoln St
Elk Point SD 57025

RE: Water Right Nos. 1096-3, 1200-3, 1208A-3, 1208B-3 and 4558-3

Dear Mr. Chicoine:

I am writing to acknowledge receipt of your "2006" irrigation questionnaires. You may disregard the January 26, 2007, "Notice" concerning reporting requirements for Water Right Nos. 1096-3, 1200-3, 1208A-3, 1208B-3 and 4558-3.

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
Environmental Scientist
Water Rights Program
(605) 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 23, 2007

Mike or Brad Chicoine
1702 Country Club Dr
Elk Point SD 57025-2324

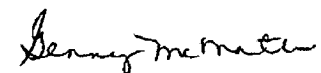
RE: Water Right or Permit Nos. 1096-3, 1200-3, 1208A-3, 1208B-3 and 4558-3

Dear Sirs:

Enclosed is a "Notice" dated October 19, 2007 concerning your 2007 irrigation questionnaires. The notice was originally mailed to 306 E Lincoln St., Elk Point SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,


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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 28, 2015

Mike & Brad Chicoine
1705 Arnold Palmer Ln
Elk Point SD 57025-2313

RE: Water Right Nos. 1096-3, 1200-3, 1208A-3, 1208B-3 and 4558-3

Dear Sirs:

Enclosed is a "Notice" dated October 23, 2015 concerning the 2015 irrigation questionnaires.

The notice was originally mailed to 1702 Country Club Dr., Elk Point SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures



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 20, 2017

NOTICE

TO: MIKE & BRAD CHICOINE, 1705 ARNOLD PALMER, ELK POINT, SD 57025

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

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaires

Our records indicate your 2016 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 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) 1096-3, 1200-3, 1208A-3 & 1208B-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) 4558-3 qualification:

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

The hearing will be held at **Wednesday, March 1, 2017 at 11:00 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) 4558-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1096-3, 1200-3, 1208A-3 & 1208B-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 **March 1, 2017** 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: <http://denr.sd.gov/iq.aspx>

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



1208A-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 31, 2017

Mike & Brad Chicoine
1705 Arnold Palmer
Elk Point SD 57025

RE: Water Right Nos. 1096-3, 1200-3, 1208A-3, 1208B-3 & 4558-3

Dear Sirs:

I am writing to acknowledge receipt of your 2016 irrigation questionnaires.

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Right Nos. 1096-3, 1200-3, 1208A-3, 1208B-3 & 4558-3. 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 cursive script that reads 'Genny McMath'.

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

1208A-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 7, 2018

Brad Chicoine
1705 Arnold Palmer
Elk Point SD 57025

RE: Water Right Nos. 1208A-3 & 1208B-3; Water Permit Nos. 7061-3, 7062-3 & 7714-3

Dear Mr. Chicoine:

I am writing in follow-up to our telephone conversation concerning water permits/rights that should be transferred to you. I have included copies of them for your review.

In summary, the water rights and permits involve the following land:

- No. 1208A-3: SW ¼ Section 5, T90N, R48W
- No. 1208B-3: W ½ NW ¼ Section 8, T90N, R48W (well in Section 5)
- No. 7061-3: NE ¼ Section 7, T90N, R48W
- No. 7062-3: SW ¼ and W ½ SE ¼ Section 15, T90N, R49W
- No. 7714-3: W ½ NW ¼ Section 8, T90N, R48W (well in Section 8)

Enclosed are partially completed Notice of Transfer of Ownership forms for filing ownership changes. Upon completion, please sign and return the forms to our office with a required filing fee of \$50.00 **each** (total of \$250.00). The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please contact me.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

PAID

DEC 13 2018

Ck# 7821

RECEIVED

DEC 13 2018

WATER RIGHTS
PROGRAM

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

No. 1208A-3

Date: 12-11-18

I/We request that Water Right No. 1208A-3

formerly owned by: Michael and Bradley Chicoine

be transferred to: (name & address) Brad Chicoine 1705 Arnold Palmer
Lane Elk Point S.D. 57025

Telephone No. 712-253-2613

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

144 acres - SW ¼ Section 5, T90N, R48W

I/We understand that the validity of Water Right No. 1208A-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

I/We Brad Chicoine, the new owner, certify that the above information is true and correct.

Brad Chicoine

(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.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date December 13, 20 18

RECEIVED OF Michael & Bradley Chicoine 1705 Arnold Palmer Lane Elk Point SD 57025

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>1208A-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. **08833**

By Jeanne Goodman
Chief Engineer
JMG

1208A-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 14, 2018

Brad Chicoine
1705 Arnold Palmer Lane
Elk Point SD 57025

RE: Water Right Nos. 1208A-3 & 1208B-3; Water Permit Nos. 7061-3, 7062-3 & 7714-3

Dear Mr. Chicoine:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for changing ownership on Water Right Nos. 1208A-3 & 1208B-3; Water Permit Nos. 7061-3, 7062-3 and 7714-3.

The ownership changes have been completed. The above listed water permits and water rights are now listed in your name.

Enclosed for your records are receipts in the amounts of \$50 each which you paid for filing the ownership changes. 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

enclosures