

Water Right Number 2410-3

1. Considered November 12, 19 75
2. Name of Applicant Alex Chicoine, Jr.
3. Post Office Address Jefferson, SD 57038
4. Amount of water claimed 2.7
5. Source of water supply ~~My place~~ - well (105' DEEP WELL.)
6. Water to be used for irrigation
Acres to be irrigated 232
7. Water to be diverted and used in _____ Union _____ County
about 1N, 2E Miles _____ of JEFFERSON
8. Proof of Publication
Received 11-7-75
Not received _____
9. Application
Approved _____
Subject to _____
Not approved _____
Action deferred _____
10. Remarks:

No. 2410-3
 Map No. 1787-3 Water Division No. 3 Big Sioux River District
 (Block to be filled by the Engineer for the W. D. C.)

810

APPLICATION FOR PERMIT

To Appropriately Water within the State of South Dakota

(NOTE: Draw a line through items not applicable)

1. Name of Applicant ALEX CHICOINE, JR.
 Post-office address Jefferson, State South Dakota 57038
 If a corporation show date and place of incorporation _____
 2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract
 3. Name of diversion work Chicoine Irrigation Project
 4. Amount of water claimed (cubic feet per second) 2.7 C F S
 5. Source of water supply Well
 6. Location of point of diversion 2400' East and 1500' South of the N.W. Corner
of Section 9 T 90 NR 48 W.
 _____ County Union
 7. Annual period or periods during which water is to be used June through September
 8. Use to be made of water. (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
 9. For irrigation use, Total number of acres to be irrigated 232 acres

List below each forty-acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
<u>SW 1/4 Section 9</u>	<u>232</u>		
<u>E 1/2 SE 1/4 Section 8</u>			
<u>10 ac. in NW 1/4 Sec. 16</u>			
<u>T 90 N R 48 W</u>			

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 5 years.
 11. Choice of newspaper for Notice of Intent to Appropriately Water publication Leader-Courier
Elk Point, S.D. 57025
 12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

- - -

B. Works proposed to transport water to place of use.

- - -

C. Works proposed to apply water to beneficial use.

Center Pivot

Estimated Total Cost \$43,000.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water is proposed. Attach map.
 (See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

County of Union

I, Alex Chicoine Jr. the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

Signed Alex Chicoine Jr.Subscribed and sworn to before me this 30 day of Sept. '92

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2410-3
ALEX CHICOINE, JR. RT. 2, Box 163, JEFFERSON
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57038 With the following modifications:
 (State)

The irrigation well approved under this Permit will be located near domestic wells and other irrigation wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in existing domestic wells or in irrigation wells having prior water rights.

Date of first receipt of application OCTOBER 2 19 75
 Date of return to applicant for correction, amendments or changes required _____ 19 ____
 Date of receipt of corrected application OCTOBER 23 19 75
 Approved NOVEMBER 13 19 75 Recorded in Book 14 Page 140

WATER RIGHT PERMIT NO. 2410-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2410-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is OCTOBER 2 19 75
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MAY 13 19 78
3. The whole of said work is to be completed on or before NOVEMBER 13 19 80
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is NOVEMBER 13 19 80
5. The water appropriated shall be used for the purpose of IRRIGATION
6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 2.7 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before NOVEMBER 13 19 80; said water to be used during the following described annual period JUNE THRU SEPTEMBER

Witness my hand this 21ST day of NOVEMBER 19 75

WATER RIGHTS COMMISSION

John H. H. H.
 Chief Engineer, Executive Officer

Certificate of Construction Issued _____ 19 82

Water License Issued _____ 19 82

12 Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates

(1) Drill Hole, Diameter 30 ", Depth 105'
 (2) Casing, Type transite Diameter 16" Thickness 3/4 in.
 (wood, concrete, steel, etc.)
 (3) Perforated Screen
 Type 1/8 slotted, Diameter 16", Length 20'
 (4) Gravel Pack Thickness 6-9 ", Length of gravel pack 20 + '

E. Dugout Information or Estimates

(1) Surface dimensions - - -, Depth - - -

F. Fill out for Either a Well or a Dugout.

(1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials Water bearing gravel

Depth to top of water bearing material 30'

Depth to bottom of water bearing material 105'

Thickness of water bearing material 75'

Depth to water (ground surface to water level) 14' Drawdown

(2) Distance to nearest existing household or livestock watering wells.

On same owner's property none rds. On property owned by others 340 rds.

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

Alex. Chumov Jr.
 Signature of Applicant

September 26, 1975

Mr. Alex Chicoine, Jr.
R.R. #2
Jefferson, SD 57038

Dear Mr. Chicoine:

We have now received your WI-1 form and it is completed and notarized. We will be sending a copy of this plus copy of the water analysis and of this letter to the State Conservation Commission today.

You will find enclosed the original copy of the report of analysis of the water sample you submitted here on September 9. This is your copy to keep. Also, you will find enclosed a copy of extension circular 654. On the outside back cover of this circular there is a red cross denoting the approximate quality of this water for irrigation purposes. You will note that it is in the high salinity, low sodium bracket. This means that this water has a considerable load of total salt and will tend to increase the salinity of the upper part of the soil profile, especially if used frequently and in rather small quantities. There is fairly good underdrainage for the Onawa soils, however, and if proper management practices are used, this water should result in satisfactory performance of crops for a great number of years. By such management practices, I mean the irrigation in as large quantities as possible and as infrequently as possible plus the use of occasional very late fall irrigation to completely fill the soil profile with the expectation that winter and spring rainfall and snowmelt will cause some leaching. We occasionally have very effective rain for leaching in April and May. If the soil profile is filled with water ahead of time, it will result in a displacement downward of the soil solution, carrying much of the salt out of the root zone of ordinary crops. I would keep these recommendations in mind as the years go by because salinity may interfere with the performance of certain salt-sensitive crops as soon as 6 or 8 years after you begin irrigation.

There is no appreciable sodium hazard (the dispersion of soil aggregates) anticipated from the use of this water. Therefore, the tillage properties of the soil should not change appreciably. Please read carefully the information in circular 654 concerning salt and its effect on crops and some of the management suggestions given therein.

As indicated above, a copy of this letter and the pertinent information are being sent to the State Conservation Commission.

Sincerely yours,

L. C. Fine
L. C. Fine

Water Quality Lab

cc: State Conservation Commission, D. Pahl, Louie DeSmet (County Extension Agent)

REPORT OF ANALY.
Water Quality Laboratory
Water Resources Research Institute
South Dakota State University
Brookings, South Dakota 57006

Submitted by: Alex Chicoline, Jr.
Address Rt. 2
Jefferson, SD 57038

Date Rec'd Sept. 11, 1975

Sample No. 75-845

Identification Cell-

Net, Sec. 9, T 90N, R 42E

WATER ANALYSIS

Calcium (Ca)	120	ppm*	6.00	me/l**
Magnesium (Mg)	95	ppm	7.79	me/l
Sodium (Na)	192	ppm	8.35	me/l
Potassium (K)	4	ppm	0.09	me/l
Sulfate (SO ₄)	680	ppm	14.14	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	4	ppm	0.11	me/l
Bicarbonate (HCO ₃)	665	ppm	10.90	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	545	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	1718	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	3.18			
Sodium	37.56	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.68			
Others:				

*ppm=parts per million

***g.p.g.=grains per gallon

**me/l=milliequivalents per liter

COMMENTS: Total cations 22.23 me/l
Total anions 25.15 me/l

By: Shirley Mitten

Service Performed

Amount Due

Irrigation analysis

\$ 6.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 75-345

Amount Enclosed \$

Signed

Conservation
Commission
Form No. 1

UTAH CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-6-3 AS AMENDED
(This Form Required for Proposed Well Irrigation Only)

FOR COMMISSION USE ONLY

Irrigation System: _____

Water Quality: _____

Soils Capability: _____

Approved: [Signature]

Disapproved: _____

NAME: Alex Phibbs Jr.
ADDRESS: Rt. 2, Tafferton, Co. Utah
COUNTY: Beaver

LEGAL DESCRIPTION

1. WELL LOCATION: 640' E 1530' S. 1/4 of NW 1/4 of Section 9, T. 9 N. R. 48 W.
2. AREA TO BE IRRIGATED: NW 1/4 Sec. 9, T. 9 N. R. 48 W.
5.625 Acres (approx.)

TYPE OF IRRIGATION

3. GRAVITY SPRINKLER (Indicate Type): Pivot
4. CROPS TO BE IRRIGATED: Alfalfa

LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE: 1-2%
6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION: Quartz - Brown, medium to fine textured, moderate to low permeability, good on bottom lands

WATER QUALITY (TO BE COMPLETED BY COMMISSION)

7. SAMPLE NO.: 75-845
8. SALINITY: EC = 1718 (high)
9. SODIUM: SAR = 3.18 (low)

I do hereby certify that a chemical analysis of the ground water to be acquired for irrigation from South Dakota State University and:

the land capability for irrigation information has been acquired from

Ken Dahlgren (Soil Conservation Admin.)

and:

that the legal description for the location of the well and land to be irrigated is true and correct.

Alvin Chicoine Jr.

Subscribed and sworn before me this

25 day of October 1975.

My Comm

Notary Public
(Title)

OCT 23 1975



J. 2410-3

Publish first publication, on or before October 30, 1975

**NOTICE
INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501

October 23, 1975

Notice is hereby given that Alex Chicoine, Jr.

whose post office address is Jefferson, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use

2.7 cubic feet of water per second of time from the ground water through the

Chicoine Irrigation Project, the point of diversion of which is to be located in the

SW $\frac{1}{4}$ S13 $\frac{1}{2}$

of Section 9, Twp. 90N, Range 48W. Said water to be used for the purpose of providing irrigation on the following described land:
SW $\frac{1}{4}$, Section 9, E $\frac{1}{2}$ SE $\frac{1}{4}$, Section 8; N $\frac{1}{2}$ NW $\frac{1}{4}$, Section 16, all in T90N, R48W

This application No. 2410-3 will be considered by the Water Rights Commission at their office at Pierre upon the 12th day of November, 1975, at 2:30 P. M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/bw

cc:
Alex Chicoine, Jr., Rt. 2, Box 163, Jefferson, S.D. 57036

Form 8 - Proof of Publication - Notice of
Intent to Appropriate Water

No. 2410-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Union) ss.

I, Lester E Fynerson hereby
certify that the annexed copy of Notice of Intent to Appropriate
Water was taken from the Leader Courier

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the

City of Elk Point

County of Union and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

October 30, 1975

November 6, 1975

Lester E Fynerson
(Signature)

Publisher
(Title)

November 6, 1975
(Date Signed)

NOTICE OF INTENT TO
APPROPRIATE WATER
Pierre, South Dakota 57501
October 23, 1975
Notice is hereby given that
Alex Chicolin, Jr., whose post
office address is Jefferson, W.
South Dakota, has made an ap-
plication in accordance with the
provisions of the water laws of
South Dakota for a permit to
appropriate for beneficial use
2.7 cubic feet of water per sec-
ond of time from ground water
through the Chicoline Irrigation
Project, the point of diversion
of which is to be located in the
SW 1/4 of Section 9, Twp. 1
90N, Range 48W. Said water to
be used for the purpose of pro-
viding irrigation on portions of
the following described land:
SW 1/4, Section 9, E 1/2, SE 1/4, Sec-
tion 16, all in T90N, R48W.
This application No. 2410-3
will be considered by the Water
Rights Commission at their
office at Pierre upon the 12th
day of November, 1975, at 2:30
p. m. All interested persons
may appear and be heard.
WATER RIGHTS COMMISSION
By Burton F. Jones
Water Rights Specialist
Publish: Oct. 30, Nov. 6

Form 10.

No.

2410-3

NOTICE OF COMPLETION OF WORKS AND/OR APPLICATION OF WATER TO BENEFICIAL USE
DEPARTMENT OF NATURAL RESOURCE DEVELOPMENT

DIVISION OF WATER RIGHTS

JOE FOSS BUILDING

PIERRE, SOUTH DAKOTA 57501

Post Office

Rt 2, Jefferson, S.D.

Date

11-13-76

TO: Water Resources Commission
State Office Building No. 2
Pierre, South Dakota 57501

Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to the maximum extent it is going to be used, not exceeding the amounts as specified in Water Right Permit No. 2410-3

Water Right Permit No. 2410-3 states that the diversion system is to be constructed by 11-13, 1980 and that the water is to be put to beneficial use by 11-13, 1980.

The diversion system was completed on 6-30, 1976. Applying the water to beneficial use was completed on 6-30, 1976.

You may schedule an inspection so that the Certificate of Construction and/or the Water License may be issued, thus completing my acquisition of a water right.

Alvin Phelan Jr.
(Signature)



No. 2410-3

SOUTH DAKOTA
Department of
Water & Natural Resources
Jou Foss Building Water Rights Division
Pierre, South Dakota 57501 (605) 773-3352

December 8, 1981

Alex Chicoine, Jr.
Rt. 2, Box 163
Jefferson, SD 57038

Dear Mr. Chicoine:

The inspection of your water use system and inspection of the extent of your application of water to beneficial use, as developed under your Water Right No. 2410-3 has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuing of the Water License. Upon receipt of the \$50.00 fee from you, your Water License will be sent to you.

You will also receive the Certificate of Construction as required by statute.

Sincerely,

BARD TEMPLETON
Staff Assistant

/bt

NOTE: On form of payment, please include the number of the water permit.
This insures proper handling of the fee.

WNR-B14-7/79
Notification of Water License Ready for Issuing (\$50.00)

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 8621

PIERRE.

February 22

91

RECEIVED OF Alex Chicoina, Jr., RR 1, Box 453, Jefferson SD 57038

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

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording, and filing)		
Fee for Inspecting Construction, and Issuing Cert. of Construction No. 2410-3)	50	00
Fee for Inspecting Beneficial Use, and Issuing Water License No. 2410-3)		
Fee for Issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL	50	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer

JOHN HATCH

Permit No. 2410-3Water Division 3 Big Sioux River Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / FOSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by ALEX
CHICOINE, JR. of JEFFERSON holder
of Permit No. 2410-3, bearing date of priority of OCTOBER 2, 1975
authorizing the diversion of 2.7 cu. ft. per second of the waters of GROUNDWATER
for IRRIGATION purposes, in UNION County.

I have to report on the condition of the same as follows:

The Water Use System consists of,

A. Works used to divert the water:

95' DEEP WELL WITH 16" PLASTIC CASING - 20' SCREEN
WESTERN LAND ROLLER 8" PUMP - 5 1/2 BHP
POWERED BY 75 HP US ELECTRIC MOTOR

B. Works used to transport water to place of use,

115' OF 10" BURIED PVC TO CENTER OF PILOT

C. Works used to apply water to beneficial use.

12 TOWER T&L CENTER PILOT - 1485' LONG
WITH NELSON #100 END GUN

The system is in the following condition. GOOD

The point of diversion is located 1025' E & 1370' S OF THE NW CORNER,
SECTION 9, T90N, R48W

The works are capable of diverting and conveying to the place of use 2.00 (900 GPM)cu. ft. per second of water which is to be used for IRRIGATION

Water has been put to beneficial use to the maximum extent as follows:

SECTION 8		SECTION 9		SECTION 16	
NE ¹ SE ¹	7 AC	NW ¹ SW ¹	38 AC	NW ¹ NW ¹	12 AC
SE ¹ SE ¹	10 AC	NE ¹ SW ¹	33 AC	NE ¹ NW ¹	6 AC
		SW ¹ SW ¹	40 AC		
		SE ¹ SW ¹	34 AC		

comprising a total of 180 acres of land.Date SEPTEMBER 30, 1981

(Signature)

February 1, 1982

2410-3

Alex Chicoline, Jr.
Rt. #1, Box 453
Jefferson, South Dakota 57038

Mr. Chicoline:

In writing up the water license on your Water Permit No. 2410-3, it was discovered that you do not have soil/water compatibility approval for the SW 1/4 of Section 9, T90N, R48W from the State Conservation Commission.

The Will Approval for Permit No. 2410-3 is for lands to be irrigated in the NW 1/4, Section 9, the E 1/2 SE 1/4 Section 9, and 10 acres in the NE 1/4 Section 16, T90N, R48W.

Upon receipt of the soil/water compatibility permit approval for the SW 1/4 Section 9, T90N, R48W, from the State Conservation Commission, your permit will be in compliance with South Dakota Water Laws and the Water License will be sent to you.

Contact Martin Gertenson, State Conservation Commission, Anderson Building, Pierre, South Dakota (773-3259) for forms and instructions.

If you have any questions, please contact this office.

Very truly yours,

John Hatch
Chief Engineer
Water Rights Division
Phone: (605) 773-3352

cc: Martin Gertenson

c12903Jh.wr

SOUTH DAKOTA
Department of Agriculture

DIVISION OF CONSERVATION

Anderson Building, Room 322 Pierre, South Dakota 57501
Phone 605/773-3258

Alex Chicoine
RR 1, Box 453
Jefferson, SD 57038

Dear Mr. Chicoine:

In reference to your letter dated February 26, 1982, I have talked with our legal council. They advised me that submitting a new application and water sample would be the best way to handle this legal description error.

If you have any questions please feel free to contact this office.

Sincerely,

Martin Gertonson
Martin Gertonson
Program Director

cf

Received
3/2/82
bu

2410-3

Febr. 12, 1982

Martin Gertonson
State Conservation Commission
Anderson Building
Pierre, South Dakota 57501

Dear Sir:

I applied for my water license on the water permit No. 2410-3. This was sent in Dec. 28, 1981 along with my check for \$50.00. My check has been cashed; however, I am informed by Chief Engineer John Hatch that I do not have a soil, water compatability approval for a portion of Sect. 9-90-48.

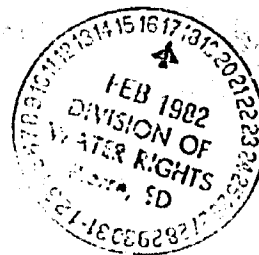
I cannot understand how this can be possible because this is a center pivot and the portion that is left out is like a portion of a slice out of a piece of pie.

Therefore, I would like to know what additional red tape I must go through to get this straightened out.

Very truly yours,

Alex Chicoine
Alex Chicoine, Jr.
Rt. 1 Box 453
Jefferson, S.D.
57038

cc: John Hatch
Water Rights Division



2410-3

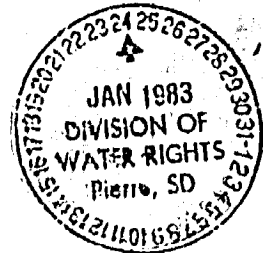
SOUTH DAKOTA
Department of Agriculture

DIVISION OF CONSERVATION

Anderson Building, Room 322 Pierre, South Dakota 57501
Phone 605/773-3258

January 21, 1983

Alex Chilcoine
RR 1, Box 453
Jefferson, SD 57038



Dear Mr. Chilcoine:

Correspondence has been sent to you on several occasions, by the Division of Conservation and the Division of Water Rights, notifying you that Soil and Water Compatibility approval is needed for the SW $\frac{1}{4}$ 9-90-48. Soil and Water Compatibility is required by state law. Without such approval your water permit is not valid and you are in violation of State Statutes.

In order to bring your permit into compliance with state law please complete the enclosed WI-1 form and return it to our office, along with the correct soils information for processing.

If you have any questions please feel free to contact this letter.

Sincerely,

Jim Stukel

Jim Stukel
Irrigation Program Director

cf

cc: Water Rights Division



Department of Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

2410-3

November 22, 1985

Alex Chicoine, Jr.
RR#1, Box 453
Jefferson, South Dakota 57038

Dear Mr. Chicoine:

I am writing to advise you that soil/water compatibility approval is still required for the SW $\frac{1}{4}$ of Section 9, T90N, R48W under Water Permit No. 2410-3. You were notified of this requirement in February, 1982 and January 1983 and with no response from you. The original soil/water approval was for the NW $\frac{1}{4}$ of Section 8. This error was not discovered until after the final inspection.

Soil and Water Compatibility is required by SDCI 46-5-6.2. Without such approval, irrigation of lands in the SW $\frac{1}{4}$ Section 9, T90N, R48W under Permit No. 2410-3 is not authorized and that portion of your permit is not valid. Irrigation of land without a valid water permit is in violation of State Statutes.

Enclosed is a partially completed soil/water compatibility application and an instruction sheet. Please read over the instruction sheet and complete the application accordingly. You should contact the Division of Conservation (773-3259) to see whether or not a water sample will be required. The instruction sheet shows the sampling procedure and gives the address for sending the WI-1 form, water sample and soils information.

Upon submission of the above data, and approval by the State Conservation Commission, your water permit will be validated and the Water License can be issued. If the soil/water compatibility application is not completed and submitted for processing prior to April 1, 1986, it is my intent to give notice of a hearing before the Water Management Board to consider suspension of your water permit.

If you have any questions, please contact us.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Division

JH:GM:ms

Enc.

cc: Division of Conservation

SOUTH DAKOTA
Department of
Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181
Water Rights Division
605 773-3352

April 16, 1986

NOTICE



TO: Alex Chicoine, Jr, RR ² Box ¹⁹⁴ 453, Jefferson SD 57038
FROM: John Hatch, Chief Engineer
Water Rights Division *John Hatch*
SUBJECT: Hearing on Water Permit No. 2410-3 For Failure to Submit
Soil/Water Compatibility Application

Our records indicate you have not submitted a soil/water compatibility application for the SW $\frac{1}{4}$ of Section 9, T90N, R48W under Water Permit No. 2410-3. Soil/water compatibility permits from the Dept. of Agriculture are required by SDCL 46-5-6.2 for all water permits for irrigation purposes. The request for this application was dated November 22, 1985 with a deadline of April 1, 1986 given for submission of the application.

A hearing has been scheduled before the Water Management Board to consider suspension of Water Permit No. 2410-3. The hearing will be at 9:30 am, May 14, 1986, Room 216, Joe Foss Building, Pierre SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-1-17. This is a contested case hearing pursuant to procedures contained in SDCL 1-26. You have 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.

Following the hearing, the Water Management Board can:

1. Suspend Permit No. 2410-3 for a period of up to one year.
2. Suspend Permit No. 2410-3 until the soil/water compatibility application is submitted for processing.
3. Declare that Permit No. 2410-3 is invalid and order water diversions to cease.
4. Take no action.

If the soil/water compatibility application is submitted for processing prior to the May 14, 1986 hearing date, this matter will be deleted from the agenda.

Note:

5/2/86

*Sample sent to Equal Opportunity Employer
Water Quality Lab. - SDSU - Brookings, S.D.
at Eng Bldg. 57007*



Department of Water & Natural Resources

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

May 7, 1986

NOTICE

TO: Alex Chicoine, Jr.
RR 2, Box 194
Jefferson SD 57038

FROM: John Hatch, Chief Engineer
Water Rights Division *John Hatch*

SUBJECT: Hearing on Water Permit No. 2410-3 for Failure to
Submit Soil/Water Compatibility Application

The hearing which was to be conducted by the Water Management Board on May 14, 1986 to consider action to be taken regarding failure to submit Soil/Water Compatibility application has been cancelled.

This action has been taken in response to your letter of May 2, 1986 stating a water sample had been submitted to the Water Quality Laboratory in Brookings. This information was verified by the Laboratory they are processing your soil/water compatibility application.

cc: Jim Stukel, Division of Conservation

Equal Opportunity Employer

Department of Agriculture
Will
3/82

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM
Division of Conservation

Office Use Only

WR#

OWNERS NAME: Alex Chisone

OWNERS ADDRESS: RR 7, Box 453

COUNTY LAND LOCATED IN: Union

PHONE: 966-5755

TENANT'S NAME AND ADDRESS: _____

LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres)

1. WELL LOCATION SW 1/4 Sec 9-70-48

Depth 96'

2. SURFACE WATER SOURCE AND DIVERSION LOCATION: _____

Diversion Location: _____

Legal Description	Acres	Legal Description	Acres
<u>Lots 1 & 2 sec 9-70-48</u>	<u>67</u>	<u>N 1/2 NW 1/4-70-48</u>	<u>18</u>
<u>W 1/2 SW 1/4-70-48</u>	<u>73</u>	<u>E 1/2 SW 1/4-70-48</u>	<u>17</u>

3. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED _____

LEGAL DESCRIPTION: _____

IN WHAT NAME: _____

4. LOCATION OF AREA TO BE IRRIGATED NOTE: SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)

5. TYPE OF IRRIGATION: GRAVITY: _____ TOW LINE: _____ CENTER PIVOT: ☒ GUN: _____ (Specify) _____

6. CROPS TO BE IRRIGATED: _____

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

7. WATER SAMPLE NUMBER: 86-307 10. ADJUSTED (SAR): 3.06

8. SALINITY (EC X 10⁶): 1.00 11. PERCENT SODIUM 19.42

9. SODIUM (SAR): 1.13

I hereby certify that I personally obtained or that I personally observed that taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see instruction sheet) were followed, and that the sample was taken at _____ a.m./p.m., on _____, 19____, at the following location: _____ by (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

Signature

I understand that the Division of Conservation or agents thereof may obtain water samples from wells and surface bodies to be used for irrigation purposes to validate water samples taken at the time of application. The Department of Agriculture may also gather technical information necessary to protect the land. (46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS

DAY OF Feb, 1983.

Walter B. Peterson
(NOTARY PUBLIC)

APPLICANT'S SIGNATURE

Director, Division of Conservation

Date

☒ APPROVED with requirements
☐ DISAPPROVED
☐ CONDITIONALLY APPROVED

Conditional soil/water permits will be recorded by

IMPORTANT
Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application. In all cases a WATER

3177

Approved With Requirement

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT: ALICE CHILDS

LEGAL DESCRIPTION: Lots 1 & 2 Sec 9; 10/2 W 1/2 SW 1/4 2-20-43
10/2 SW 1/4 16; E 1/2 SW 1/4 2-20-43

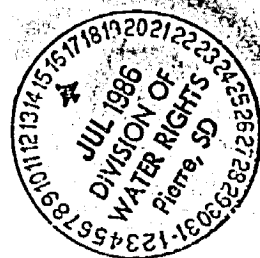
SOIL REQUIREMENTS:

RECOMMENDED PRACTICES:

Due to the clay contents of the soil which slows the movement of water in the soil and the presence of seasonal water tables, internal drainage will be required as needed i.e. tile drainage or irradrains.

RECOMMENDED PRACTICES:

We recommend that a form of conservation tillage be used to control runoff and to improve the soils ability to take in water. We also recommend the use of tensiometers to monitor the water table depth and to more effectively manage your irrigation.



SIGNATURE

DATE

Permit No. 2410-3Water Division 3 Big Sioux River Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / FOSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by ALEX
CHICONE, JR. of JEFFERSON holder
of Permit No. 2410-3, bearing date of priority of OCTOBER 2, 1975
authorizing the diversion of 2.7 cu. ft. per second of the waters of GROUNDWATER
for IRRIGATION purposes, in UNION County.

I have to report on the condition of the same as follows:

The Water Use System consists of,

A. Works used to divert the water:

95' DEEP WELL WITH 16" PLASTIC CASING - 20' SCREEN
WESTERN LAND ROLLER 8" PUMP - 5 12BHC
POWERED BY 75 HP US ELECTRIC MOTOR

B. Works used to transport water to place of use,

115' OF 10" BURIED PVC TO CENTER OF PLOT

C. Works used to apply water to beneficial use.

12 TOWER T&L CENTER PLOT - 1485' LONG
WITH NELSON #100 END GUN

The system is in the following condition. GOOD

The point of diversion is located 1025' E & 1370' S OF THE NW CORNER,
SECTION 9, T 90N, R 48W

The works are capable of diverting and conveying to the place of use 2.00 (900 GPM)
cu. ft. per second of water which is to be used for IRRIGATION

Water has been put to beneficial use to the maximum extent as follows: ALL IN T 90N, R 48W

SECTION 8		SECTION 9		SECTION 16	
NE ¹ SE ¹	7 AC	NW ¹ SW ¹	38 AC	NW ¹ NW ¹	12 AC
SE ¹ SE ¹	10 AC	NE ¹ SW ¹	33 AC	NE ¹ NW ¹	6 AC
		SW ¹ SW ¹	40 AC		
		SE ¹ SW ¹	34 AC		

comprising a total of 180 acres of land.

no well log available

Date SEPTEMBER 30, 1981

(Signature)

2410-3

SOUTH DAKOTA
Department of
Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181
WATER RIGHTS DIVISION
(605) 773-3352

October 31, 1986

Alex Chicoine, Jr.
RR 1, Box 453
Jefferson, South Dakota 57038

Dear Mr. Chicoine:

I am contacting you regarding the final inspection and pending issuance of the Water License for Water Permit No. 2410-3.

The soil/water compatibility approval from the Division of Conservation for your permit was received in our office July 15, 1986. In reviewing the permit file in preparation for issuance of your water license, it was noted that the advertising notice contained errors.

The notice published for Water Permit No. 2410-3 in the ELK POINT LEADER-COURIER on October 30 and November 6, 1975 contained errors regarding the description of lands to be irrigated. Therefore, Permit No. 2410-3 will be readvertised to correct the errors contained in the original notice. The readvertisement cost will be paid by the Division of Water Rights.

When the readvertisement is completed, Permit No. 2410-3 can be licensed. Issuance of the water license is the final step in obtaining a water right.

If I can answer any questions for you, please advise.

Sincerely,

Genny McMath
Natural Resources Analyst

GM:ms
Enc.

Equal Opportunity Employer

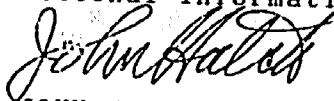
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2410-3

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 2410-3, Alex Chicoine, Jr., Rt 2, Box 163, Jefferson SD.

The Chief Engineer is recommending APPROVAL of Application No. 2410-3 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) in the public interest with the following qualification:

The irrigation well approved under this Permit will be located near domestic wells and other irrigation wells which may obtain water from the same aquifer. The irrigation well owner under this Permit shall control his irrigation withdrawals so there is not a reduction of needed water supplies in existing domestic wells or in irrigation wells having prior water rights.

See the attached report for additional information.



JOHN HATCH, Chief Engineer
October 17, 1986

REPORT ON THE READVERTISEMENT OF PERMIT NO. 2410-3
Alex Chicoine, Jr.
October 16, 1986

The final inspection of Water Permit No. 2410-3 was completed on September 30, 1981. Issuance of the water license was held up due to lack of soil/water compatibility approval on all of the developed acreage. This approval was received July 15, 1986. The project is located within the legal description listed on the permit application; however, a review of the file prior to licensing found an error in the advertisement notice.

The application specified a groundwater appropriation (one well) located in the SW 1/4 SW 1/4 Section 9, T90N, R48W for irrigation of 232 acres in the SW 1/4 Section 9, E 1/2 SE 1/4 Section 8, and NW 1/4 Section 16, T90N, R48W. The permit was originally advertised on October 30, and November 6, 1975. The lands to be irrigated were located in the SW 1/4 Section 9, E 1/2 SE 1/4 of Section 16, T90N, R48W in the original advertisement. The advertisement should have listed the lands in the E 1/2 SE 1/4 as being in Section 8 and also needed to include the land in the NW 1/4 of Section 16. The readvertisement is needed to accurately describe the location of the lands being irrigated.

The readvertisement is not to authorize any increase in the diversion rate or the acres irrigated. Since the correct legal descriptions were listed on the application, the readvertisement cost will be paid by the Division of Water Rights.

Genny McMath

Genny McMath
Natural Resources Analyst

No. 2410-3

Instruction to Newspaper - Publish first publication of the following Notice on or before November 6, 1986 with 2nd publication 1 week later. ~~The applicant is responsible for payment.~~

READVERTISEMENT OF NOTICE OF HEARING on Application No. 2410-3 ~~to Appropriate Water~~
~~and/or to Amend Water Permit or Water Right No. _____~~

Notice is hereby given that Alex Chicolne, Jr. whose mailing address is RR#1, Box 452, Jefferson, South Dakota ~~has~~ made an application for a ~~permit~~ water permit on October 2, 1975. Readvertisement of this notice is to correct the original notice published on October 30 and November 6, 1975 for Permit Application No. 2410-3. The original advertisement gave notice of an intent to irrigate lands with groundwater. The original notice contained errors regarding the description of lands to be irrigated. The correct land description is for 180 acres being irrigated in the SW $\frac{1}{4}$ Sectio. 9, E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 8 and N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 16 all in T90N, R48W from a well located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ section 9, T90N, R48W. This readvertisement is not to authorize any increase in water appropriation or increase in the number of acres irrigated.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 2410-3 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at room 216, Jon Foss Building, 523 E. Capitol, Pierre, South Dakota, December 10, 1986 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and the Chief Engineer by November 28, 1986. The petition may be informal but it must include a statement describing the petitioners interest in the application, the reasons for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2 46-5-30.4, 46-5-31; ~~(ground)~~ 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; ~~(future use)~~ 46-5-38 thru 46-5-40, ~~(transfer lands)~~ 46-5-30.4, 46-5-33 thru 46-5-35; ~~(10,000 AFA)~~ 46-5-20.1, 46-5-20.1; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; ~~(future use)~~ 74:02:01:24 thru 74:02:01:25; ~~(10,000 AFA)~~ 74:02:01:15:02 thru 74:02:01:15:05

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, 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.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNR, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by November 28, 1986.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA

County Union

I, Lester E. Emerson hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the The Leader-Courier

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the

The Leader-Courier of Elk, South Dakota

County of Union and State of South Dakota,
that the said notice was published in said newspaper on the following
two dates

November 6 1986

November 13 1986

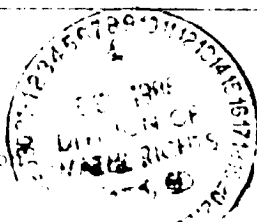
Lester E. Emerson
(Signature)

Publisher / Editor
(Title)

(Date Signed)

Cost of Printing: 44.97

WNR-50-774
Proof of Publication



READVERTISEMENT OF
NOTICE OF HEARING ON
APPLICATION NO. 2410-3 TO
APPROPRIATE WATER

Notice is hereby given that Alex Chicoine, Jr. whose mailing address is RR#1, Box 453, Jefferson, South Dakota made an application for a water permit on October 2, 1975. Readvertisement of this notice is to correct the original notice published on October 30 and November 6, 1975 for Permit Application No. 2410-3. The original advertisement gave notice of an intent to irrigate lands with groundwater. The original notice contained errors regarding the description of lands to be irrigated. The correct land description is for 180 acres being irrigated in the SW 1/4 Section 9, E 1/4 SE 1/4 Section 8 and N 1/4 NW 1/4 Section 18 all in T90N, R48W from a well located in the SW 1/4 SW 1/4 Section 9, T90N, R48W. This readvertisement is not to authorize any increase in water appropriation or increase in the number of acres irrigated.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 2410-3 because 1) unappropriated water is available 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at room 216, Joe Foss Building, 523 E. Capitol, Pierre, South Dakota, December 10, 1986 at 10:00 a.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and the Chief Engineer by November 28, 1986. The petition may be informal, but it must include a statement describing the petitioners interest in the application, the reasons for the petitioners' opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-13, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, 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.

Any person wishing a copy of the Chief Engineer's recommendation further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWRN, Joe Foss Bldg., Pierre, S. D. (605-773-8352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to

State of South Dakota
Water License No. 2410-3

(1) Alex Chilcolne, Jr.
of RR 2, Box 194, Jefferson, South Dakota 57038
made Application No. 2410-3, October 2, 1975 for a water permit to appropriate
2.7 cubic feet per second of water from groundwater (one well),
Union County, South Dakota for Irrigation purposes.
Permit No. 2410-3, with a priority date of October 2, 1975
was approved November 13, 1975 and issued to applicant(s) for diversion of water with construction of the described
water supply system to be completed on or before November 13, 1980 and for the application to beneficial use of said
water on or before November 30, 1980.

and

(2) It is certified that the application has complied with the provisions of South Dakota State Law relating to completion of
the construction of the water supply system and is entitled to divert 2.30 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is 1025'E and 1370'S of the 1/4 Corner,
Section 9, T90N-R48W (CC)

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, to irrigate the following land all in T90N-R48W

Section 8 NE $\frac{1}{4}$ SE $\frac{1}{4}$ 7 Acres

SE $\frac{1}{4}$ SE $\frac{1}{4}$ 10 Acres

Section 9 NW $\frac{1}{4}$ SW $\frac{1}{4}$ 38 Acres

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 33 Acres

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 40 Acres

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 34 Acres

Section 16 NW $\frac{1}{4}$ NW $\frac{1}{4}$ 12 Acres

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 6 Acres

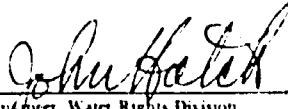
TOTAL 180 ACRES

(4) Pursuant to §46-5-30.1 Alex Chicoline, Jr.

of RR 2, Box 194, Jefferson, South Dakota 57038

the holder(s) and/or owner(s) of Water Permit No. 2410-3 is issued a license to appropriate water, the right to use 2.00 cubic feet per second of water from groundwater (one well) with a priority date of October 2, 1975 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 Permit No. 2410-3 and subject to South Dakota State Law.


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

JOHN HATCH

APR 30 1987

No. 2410-3



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

APR 30 1987

Alex Chicoine, Jr.
Route 2, Box 194
Jefferson, South Dakota 57038

Dear Mr. Chicoine:

Enclosed herewith is, Water License No. 2410-3. This is the final water right document completing your process of obtaining a water right.

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.

Very truly yours,

A handwritten signature in cursive script, appearing to read "John Hatch".

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ms

Enclosures



2410-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 17, 2003

NOTICE

TO: ALEX CHICOINE, 32703 483RD AVE, JEFFERSON, SD 57038

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaire

Our records indicate that the 2002 Irrigation Questionnaire has not been submitted for Permit No(s) 1092-3, 1106-3 & 2410-3. The request for the Questionnaire was dated October 11, 2002. The Water Management Board has directed that owners of water permits who have not submitted the 2002 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 8:30 am, March 5, 2003, 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1092-3, 1106-3 & 2410-3 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 February 28, 2003, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (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.



2410-3

Track & Confirm

Delivery Status

You entered 2301 0370 0000 7540 5652

Your item was delivered at 10:03 am on January 18, 2003 in
JEFFERSON, SD 57038. The item was signed for by A ACHICONE.

[Request Delivery Record >](#)

Track & Confirm

Enter label number: _____

[Track & Confirm FAQs](#)



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U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 0370 0000 7540 5652

ALEX CHICOINE
32703 483RD AVE
JEFFERSON SD 57038

Postmark
Here

POSTAL CUSTOMER:
Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com
or call 1-800-222-1811

CHECK ONE (POSTAL USE ONLY)

- ☐ Priority Mail
☐ Package Services

PS Form 153, February 2001

(See Reverse)



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 28, 2003

1092-3
1106-3
2410-3

Alex Chicoine
32703 483rd Ave
Jefferson SD 57038

Dear Mr. Chicoine:

I am writing to acknowledge receipt of your 2002 irrigation questionnaires. You may disregard the January 17, 2003, "Notice" concerning reporting requirements for Water Right Nos. 1092-3, 1106-3 and 2410-3.

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



February 3, 2003

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

1092-3
1106-3
2410-3

Dennis Chicoine
32703 483rd Ave
Jefferson SD 57038

Dear Mr. Chicoine:

Thank you for calling about the irrigation questionnaires for your water rights and those listed in Alex Chicoine's name. It is my understanding from our conversation that the water rights listed in Alex's name should be transferred.

Enclosed are partially completed "Notice of Transfer of Ownership" forms for use in changing the name on the water rights. Please review them and make any necessary corrections. Upon completion, please sign the forms and return them to our office with a required filing fee of \$2.50 each. The check or money order for the fee can be made payable to the Water Rights Program.

For informational purposes, I have one water right in your name (Dennis & Michelle) and two listed with you as the operator. The two with you listed as operator are held by Francis Chicoine and by Patty Brienzo. If these are in error, please let me know.

If I can answer any questions for you, give me a call. Thank you in advance for your help.

Sincerely,

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

enclosures



June 11, 2003

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

1092-3
1106-3
2410-3

Dennis Chicoine
32703 483rd Ave
Jefferson SD 57038

Dear Mr. Chicoine:

In February, transfer forms were mailed to you for transferring Water Right Nos. 1092-3, 1106-3 and 2410-3 to your name. They are currently listed in Alex Chicoine's name. To date, we have not received the forms back from you.

In the event you no longer have the original forms, enclosed is another set of partially completed "Notice of Transfer of Ownership" forms for use in changing the name on the water rights. Please review them and make any necessary corrections. Upon completion, please sign the forms and return them to our office with a required filing fee of \$2.50 each (total of \$7.50). The check or money order for the fee can be made payable to the Water Rights Program.

If you have decided not to transfer the water rights and wish to leave them in Alex's name, please let me know. Thank you in advance for your help.

Sincerely,

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

enclosures

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date JULY 2, 2003

RECEIVED OF Dennis J. Chicoine, 32703 483rd Ave., Jefferson SD 57038

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

Fee for Application for Permit No. _____ and to put water to beneficial use	to Appropriate Water, to construct	2 50
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 _____	2410=3	
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. _____	2.50
Fee for Renewal of Well Pump Installer's License No. _____	for C.Y. _____	
(Any Other Work Provided by Law)	TOTAL	2.50

No. 000817

By Darlene E. Eide
Chief Engineer gm

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 2410-3

RECEIVED

JUL - 2 2003

Date: _____

I/We request that Water Right No.

WATER RIGHTS
2410-3 PROGRAM

formerly owned by: Alex Chicoine Jr

be transferred to: (name & address)

Dennis J. Chicoine
32703 483rd Ave
Jefferson SD 57038 Telephone No. 605-966-5595

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

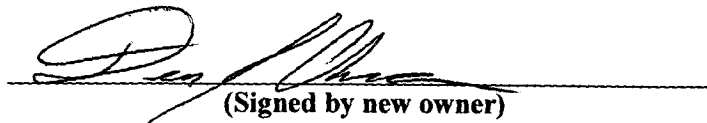
180 acres - E 1/2 SE 1/4 Section 8; SW 1/4 Section 9; N 1/2 NW 1/4 Section 16, T90N, R48W

I/We understand that the validity of Water Right No. 2410-3 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 Two Dollars and Fifty Cents (\$2.50) 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 Dennis 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 3, 2003

1092-3
1106-3
2410-3

Dennis Chicoine
32703 483rd Ave
Jefferson SD 57038

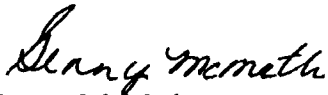
Dear Mr. Chicoine:

Thank you for sending in the transfer of ownership forms and filing fees for Water Right Nos. 1092-3, 1106-3 and 2410-3. The water rights, formerly listed in the name of Alex Chicoine Sr or Alex Chicoine, Jr., are now listed in your name.

Enclosed are your Receipt Nos. 000817, 000818 and 000819 in the amounts of \$2.50 each. You may keep these for your records.

If you have any questions or need copies of the Water Rights, please let me know.

Sincerely,


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

enclosures



January 14, 2004

2410-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE

TO: DENNIS & MICHELLE CHICOINE, 32703 483RD AVE, JEFFERSON, SD 57038

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaires

Our records indicate that the 2003 Irrigation Questionnaires have not been submitted for Permit Nos. 5282-3 & 5340-3, 59-3, 1092-3, 1106-3 & 2410-3. The request for the Questionnaires was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 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, 1092-3, 1106-3 & 2410-3 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) 5282-3 & 5340-3 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 3, 2004 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) 5282-3 & 5340-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 59-3, 1092-3, 1106-3 & 2410-3 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 27, 2004, 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.



February 9, 2004

Dennis Chicoine
32703 483rd Ave
Jefferson SD 57038

Dear Mr. Chicoine:

I am writing to acknowledge receipt of your 2003 irrigation questionnaires. You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Right Nos. 59-3, 1092-3, 1106-3, 2410-3, 5282-3 and 5340-3. We also received from you the questionnaires for the SD Parks and Wildlife Foundation.

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

On a couple of the forms, I noticed you included notations about possible changes to the water rights. With respect to using the well authorized under Water Right 59-3 to irrigate land authorized for irrigation from the Big Sioux River under Water Right No. 5282-3; this change will require a new permit. I am enclosing an application for this purpose. I have included a copy of both water rights for reference purposes.

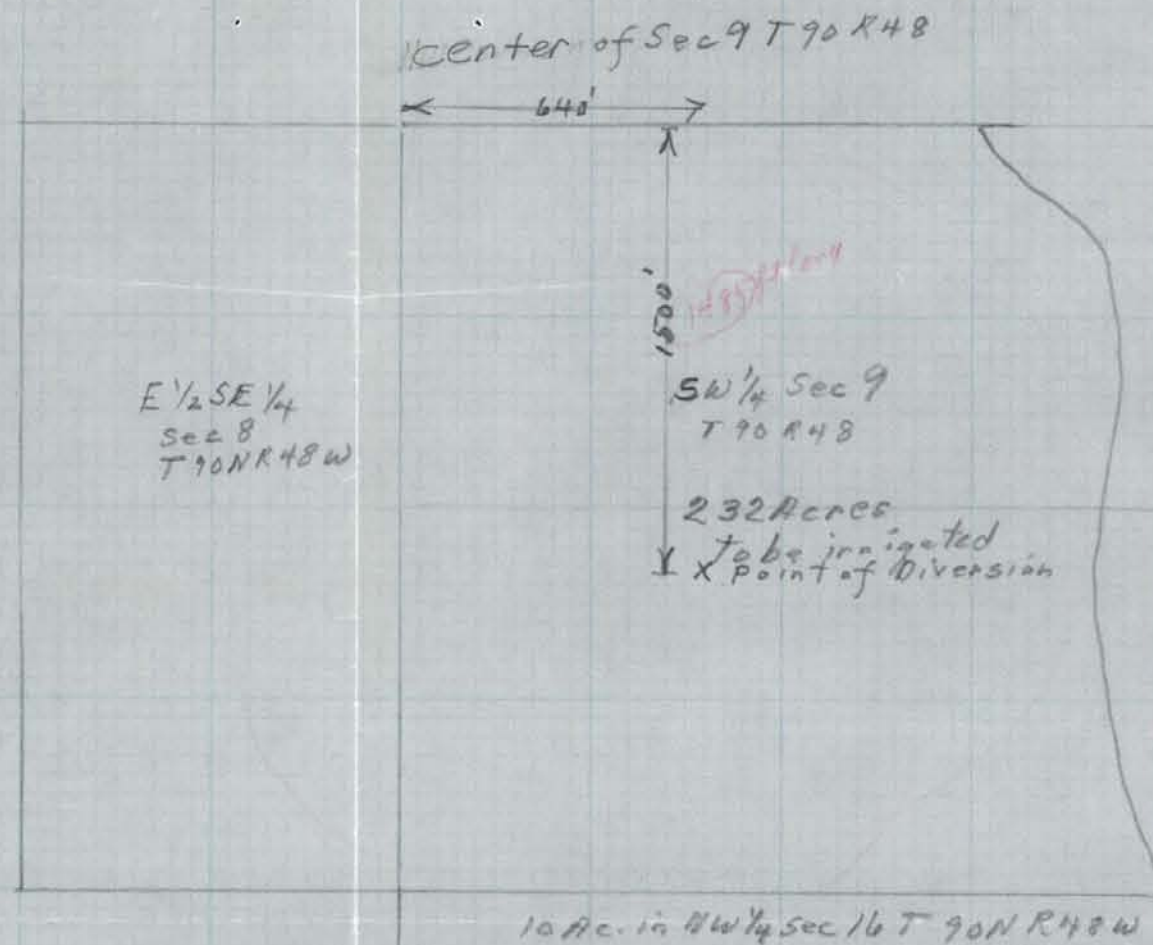
In regard to your notation on the forms for the SD Parks and Wildlife Foundation, I need to visit with Tim Bjork (Director for the Foundation) to see how he wants to handle the application. I will be in touch with you as soon as I have had a chance to talk to Tim.

If you have any questions, please contact me.

Sincerely,

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

enclosures



Scale 8" = 1 mi

Alex Chicaine Jr.
Jefferson, So. Dak 57038
Chicaine Irrigation Project
232 Acres to be irrigated

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Designed by <u>C. K. Dahlberg 8-11-75</u>	Date <u>8-11-75</u>	Approved by <u>[Signature]</u>
Drawn <u>[Signature]</u>	Title <u>[Signature]</u>	
Traced <u>[Signature]</u>	Sheet No. <u>1</u>	
Checked <u>[Signature]</u>	Drawing No. <u>1</u>	

NOT TO SCALE

3645



NOT TO SCALE

115.0 T763

119.0 T811

67L

235.2

T1308

9

21.8

90-48

Iowa

NOT TO SCALE

74.3 T1316

155.2 T1298 94R

See
674

1

1

8

76.6 T1281

157.1 T1315

235.2

T1308

1

1

90-48

1

2

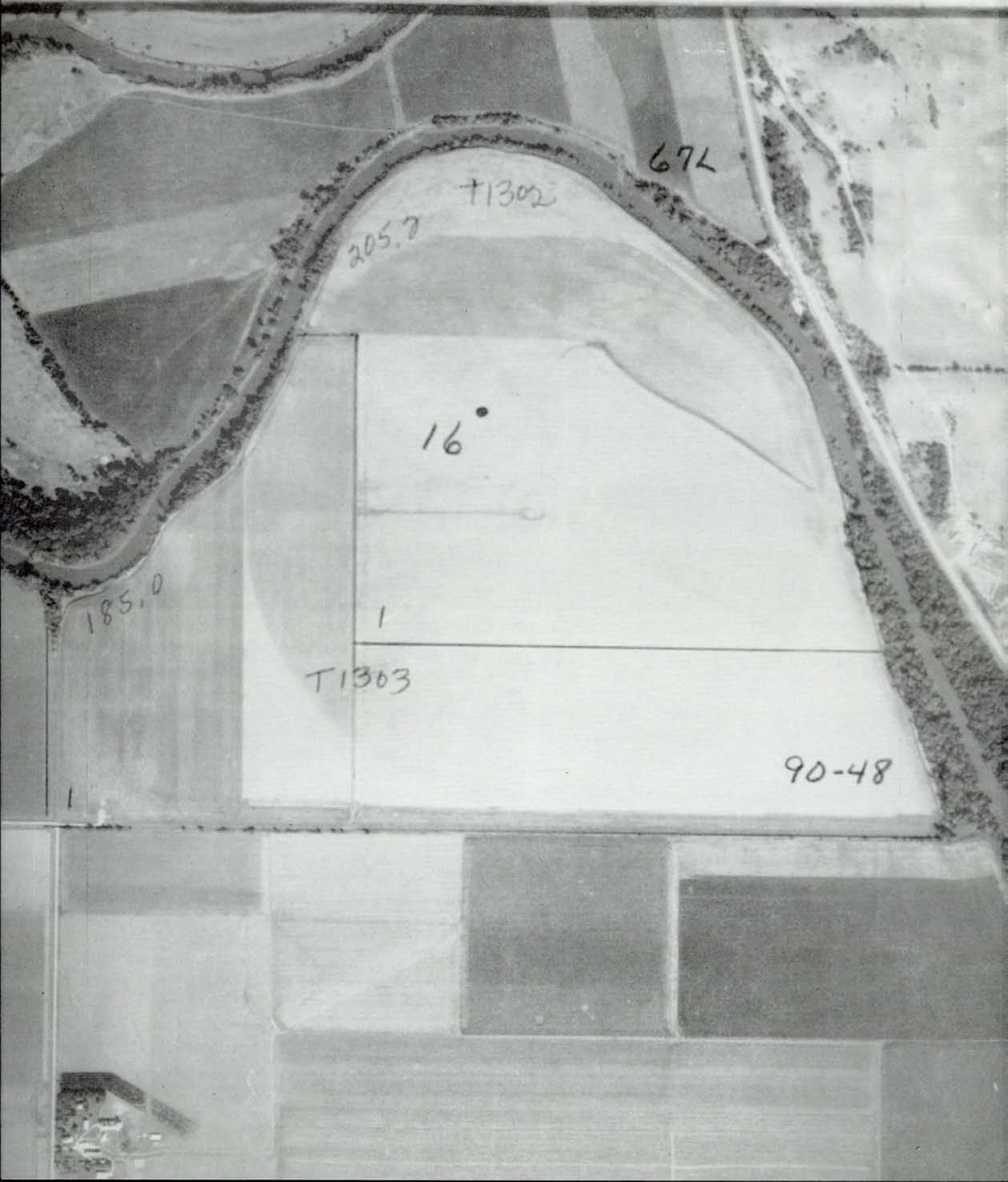
76.6 T1279

160.0 T1386 94R

21.8



NOT TO SCALE





2410-3

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 18, 2008

NOTICE

TO: DENNIS & MICHELLE CHICOINE, 32703 483RD AVE, JEFFERSON, SD 57038

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaires

Our records indicate that the 2007 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 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, 1092-3, 1106-3 & 2410-3 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, 5282-3 & 5340-3 qualification:

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

The hearing will be held at **10:00 am, March 11, 2008** 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, 5282-3 & 5340-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 59-3, 1092-3, 1106-3 & 2410-3 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 3, 2008**, 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/E0455V6-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.



2410-3

**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 1, 2008

Dennis Chicoine
32703 483rd Ave
Jefferson SD 57038

RE: Water Right Nos. 53-3, 59-3, 1092-3, 1106-3, 2410-3, 5282-3 and 5340-3

Dear Mr. Chicoine:

I am writing to acknowledge receipt of your 2007 irrigation questionnaires. You may disregard the January 18, 2008, "Notice" concerning reporting requirements for Water Right Nos. 53-3, 59-3, 1092-3, 1106-3, 2410-3, 5282-3 and 5340-3.

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



2410-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 16, 2015

NOTICE

TO: DENNIS CHICOINE, 32703 483RD AVE, JEFFERSON, SD 57038

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaires

Our records indicate your 2014 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 59-3, 1092-3 & 2410-3 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 & 7608-3 qualification:

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

The hearing will be held at **10:00 am, March 4, 2015** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 53-3, 5340-3 & 7608-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 59-3, 1092-3 & 2410-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 4, 2015** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

c: KATHLEEN FITZPATRICK, 2925 SAFFORD AVE, DANBURY IA 51019

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.



2410-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 28, 2015

Dennis Chicoine
32703 483rd Ave
Jefferson SD 57038

RE: Water Right or Permit Nos. 53-3, 59-3, 1092-3, 2410-3, 5340-3 & 7608-3

Dear Mr. Chicoine:

I am writing to acknowledge receipt of your 2014 irrigation questionnaires.

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Right or Permit Nos. 53-3, 59-3, 1092-3, 2410-3, 5340-3 & 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



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: DENNIS CHICOINE, 32703 483RD AVE, JEFFERSON, SD 57038

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) 59-3, 1092-3 & 2410-3 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 & 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, 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) 53-3, 5340-3 & 7608-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 59-3, 1092-3 & 2410-3 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.



2410-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 31, 2017

Dennis Chicoine
32703 483rd Ave
Jefferson SD 57038

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

Dear Mr. Chicoine:

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

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Permit/Right Nos. 53-3, 59-3, 1092-3, 2410-3, 5340-3 & 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



2410-3
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: 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/iq> 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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

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