

1. Considered MAY 20, 1976 2623-3
2. Name of Applicant KENNETH T. HEARON
3. Post Office Address JEFFERSON
4. Amount of water claimed 2.28
5. Source of water supply GROUND WATER (100' WELL)
6. Water to be used for IRRIGATION
- Acres to be irrigated 160
7. Water to be diverted and used in UNION county
about 24.15 miles of JEFFERSON
8. Proof of Publication Received 4-23-76
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

No. 2623-3App. No. 1990-3 Water Division No. 3 Big Sioux River

(Blanks to be filled by the Engineer for the W. R. C.)



APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE-Draw a line through items not applicable)

1. Name of Applicant Kenneth Shearon
 Postoffice address Jefferson State South Dakota 57038
 If a corporation show date and place of incorporation none
2. Method of accomplishing work (contract, employment of others, or by direct labor) contract
3. Name of diversion work Shearon Irrigation project.
4. Amount of water claimed (cubic feet per second) 2.25-2.7 CFS MAXIMUM ALLOWABLE
5. Source of water supply well
6. Location of point of diversion 1320 feet North and 1320 feet West of the SE Corner of
Section 23, T90N R49W
 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 160 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>SE 1/4 Section 23,</u>			
<u>T90N R49W</u>	<u>160 acres</u>		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system five (5) years. Additional time required to complete application of water to the proposed beneficial use five (5) years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Leader-Courier, Elk Point, South Dakota
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 \$ 10,000.00Attachments: 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 UnionI, Kenneth Shearon 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 Kenneth ShearonSubscribed and sworn to before me this 11 day of April 1990

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2623-3
KENNETH SHEARON JEFFERSON
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57038 With the following modifications:

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 MARCH 15 19 76
 Date of return to applicant for correction, amendments or changes required — 19 —
 Date of receipt of corrected application — 19 —
 Approved MAY 20 19 76 Recorded in Book 15 Page 96

WATER RIGHT PERMIT NO. 2623-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2623-3 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 MARCH 15 19 76
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before NOVEMBER 20 19 78
3. The whole of said work is to be completed on or before MAY 20 19 81
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MAY 20 19 81
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 2.28 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 use 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 MAY 20 19 81; said water to be used during the following described annual period: JUNE THRU SEPTEMBER

Witness my hand this 26TH day of MAY 19 76

WATER RIGHTS COMMISSION

John Hatch
 Chief Engineer, Executive Officer

Certificate of Construction Issued NOVEMBER 9 19 79
 Water License Issued NOVEMBER 9 19 79

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter 30 inches, Depth 100 feet
- (2) Casing, Type transite Diameter 16" I.D. Thickness 3/4 inch
(wood, concrete, steel, etc)
- (3) Perforated Screen
Type 1/8" slotted, Diameter 16" I.D., Length 20 feet
- (4) Gravel Pack, Thickness 6-9 inches, Length of gravel pack 20 + feet

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 gravels and rock

Depth to top of water bearing material 30 feet

Depth to bottom of water bearing material 100 feet

Thickness of water bearing material 70 feet

Depth to water (ground surface to water level) 14 feet (drawdown)

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

On same owner's property 210 rds. On property owned by others 230 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.

Kenneth A. Brown
Signature of Applicant

January 22, 1976

Mr. Kenneth Shearon
Jefferson, SD 57038

Dear Mr. Shearon:

Enclosed please find the original copy of the report of analysis of water sample #76-014 received here about 2 weeks ago. The quality of this water for irrigation purposes is indicated on the outside back cover of extension circular 634 by the red cross I have drawn thereon. It is in the high salinity, low sodium category. This means that the water normally has a considerable hazard for increasing the total salt content of the root zone and may have a hazard in the increase of sodium on the clay minerals. These are 2 separate problems, and the probability of the sodium problem developing is only a result of the fact that the water has residual sodium carbonate to the extent of 2.5 meq/l. The actual sodium content is not low but because of the high bicarbonate content, the water has a tendency to precipitate calcium and magnesium when it becomes a soil solution and thus the water is relatively increased in sodium and decreased in calcium and magnesium. This being the situation, you should be on the lookout for changes in soil structure, difficulties in plant emergence, and lowering of the infiltration rate of the soil. If any of these phenomena begin to show up, you should get in touch with us or with your extension service for advice and management recommendations to decrease the problem caused by this occurrence.

There is also the modest chance of increase in total salt in the root zone. This is because the water has considerable mineral content and the electrical conductivity is 1387 micromhos/cm. Frequent, light irrigations as with a center pivot often is the case, will aggravate this tendency to increase the salt in the upper part of the soil. You should be cautious to irrigate as seldom as possible and in as large quantities as possible. I would suggest never more than 4 irrigations in a season and always use at least 3 inches in an operation, preferably 2 or even 1 irrigation per season, if you can get by with it. Under this kind of management, the salt load will be fairly uniformly distributed through the soil profile, and there will be a better chance that natural precipitation will cause leaching. Also, if salt problems begin to develop as indicated by gray or whitish crusts on the soil surface or poor performance of crops, you should irrigate as thoroughly as possible so as to completely load the soil profile with water, and hope for effective winter and spring precipitation to leach the salts down and out of the soil. This may not be necessary more than once every 5 or 6 years, but it is a key practice to the management of marginal quality water such as this. *in late fall*

Mr. Shearon
January 22, 1976
Page 2

A copy of this letter, and of the water analysis, and the WI-1 form are being sent to the State Conservation Commission.

Sincerely yours,

L. O. Fine

L. O. Fine
Water Quality Lab

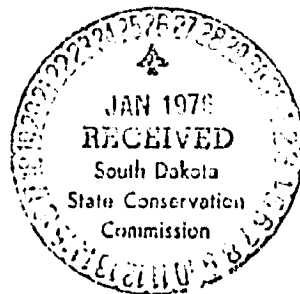
LOF:ckh

Enclosure

cc State Conservation Commission

D. Pahl

Louie DeSmet, County Extension Agent



W-11-1

CONSERVATION
COMMISSION
WI #1

FOR COMMISSION USE ONLY

IRRIGATION SYSTEM _____

WATER QUALITY _____

SOILS CAPABILITY _____

APPROVED [Signature]

DISAPPROVED _____

STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SOCL 46-6-3 AS AMENDED
(THIS FORM REQUIRED FOR PROPOSED WELL IRRIGATION ONLY)

NAME Kenneth Shearon

ADDRESS Telfordson So. Dakota

COUNTY Deuel

LEGAL DESCRIPTION

1. WELL LOCATION 1320' North and 1520' West of SE corner of Section 33, T70N R47W
2. AREA TO BE IRRIGATED 160 acres

TYPE OF IRRIGATION

3. GRAVITY _____ SPRINKLER (INDICATE TYPE) Center Pivot
4. CROPS TO BE IRRIGATED Corn and Beans

LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE _____
6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION 2M45 X 121 - Deep Medium textured soils with sandy silty subsoils downland nearly level bottomland.

WATER QUALITY (TO BE COMPLETED BY COMMISSION)

7. SAMPLE NUMBER 76-014
8. SALINITY EC = 1387 μ mhos/cm (high)
9. SODIUM Sodium Adsorption Ratio = 1.91 (low)
Residual Sodium Carbonate = 2.50 meq/L

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

Soil Conservation Service

AND:

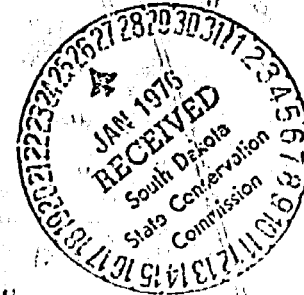
THAT THE LEGAL DESCRIPTION FOR THE LOCATION OF THE WELL AND LAND TO BE
IRRIGATED IS TRUE AND CORRECT.

Kenneth H. Hume

SUBSCRIBED AND SWORN BEFORE ME THIS

9th DAY OF December 19 75
J. E. Olson

Notary Public
(TITLE)



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

Submitted by: Kenneth Pearson

Date Rec'd JAN 27 1978

Address Jefferson, SD 57038

Sample No. 76-014

Identification Well-201

SEA, SEA 23, T 90H, R 42H

WATER ANALYSIS

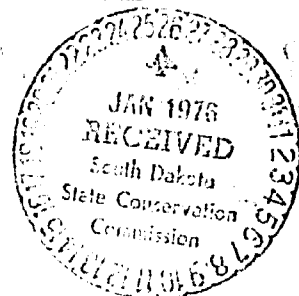
Calcium (Ca)	170	ppm*	8.50	me/l**
Magnesium (Mg)	61	ppm	5.00	me/l
Sodium (Na)	114	ppm	4.96	me/l
Potassium (K)	12	ppm	0.32	me/l
Sulfate (SO ₄)	63	ppm	1.32	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	0.5	ppm	0.01	me/l
Bicarbonate (HCO ₃)	975	ppm	16.00	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	800	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	1387	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	1.91			
Sodium	26.41	% of cations		
Residual sodium carbonate	2.50	me/l		
pH	7.31			
Others:				

*ppm=parts per million

**me/l=millequivalents per liter

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

COMMENTS: Total cations 18.73 me/l
 Total anions 17.32 me/l



By Shirley E. Egan

Service Performed
 Investigation, analysis

Amount Due

\$8.00

Make checks payable to Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 76-014

Amount Enclosed \$

Signed

Form 15

Permit No. 2623-3

Water Diversion No. 3 Big Sioux River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Kenneth Shearon

_____ the holder _____ of
Permit No. 2623-3, issued upon Application No. 2623-3, bearing date of priority of
March 15, 1976 authorizing the diversion of 2.28 cu. ft. per second of the waters of
ground water (one well) County of Union, State of South Dakota
In the center of the SE $\frac{1}{4}$, Section 23, T90N, R49W

_____, for Irrigation

purpose, has _____ complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 1.66 cu. ft. per second of water

Date November 9, 1979


JOHN HATCH, Chief Engineer
Water Rights, WMD

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2623-3

(1) WHEREAS, On the 15th day of March A. D. 1976
Kenneth Shearon

made Water Right Application No. 2623-3 for a permit to use 2.28 cubic feet per second of the waters
 of ground water (one well)

County of Union, State of South Dakota, for Irrigation

purposes; and
 (2) WHEREAS, On the 20th day of May A. D. 1976

Permit No. 2623-3, with a date of priority of March 15, 1976
 was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water
 supply system therein described on or before the 20th day of May A. D. 1981 and for the
 application to beneficial use of said water on or before the 20th day of May A. D. 1981

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
 relating to completion of the construction of the water supply system and is entitled to divert 1.66 cubic feet
 per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
 relating to the application of water to beneficial use of the following extent,

to irrigate a 136 acre circle in the SE¼, Section 23, T90N, R49W

(5) NOW, THEREFORE, by the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to Kenneth Shearon

of Jefferson, South Dakota

the holder _____ and owner _____ of said permit No. 2623-3 a water right dating from March 15, 1976

to use of 1.66 cubic feet per second of the waters of ground water (one well)

in the County of Union and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted ~~xx~~ in the center of the SE $\frac{1}{4}$ Section 23, T90N, R49W

and conduct to and upon a 136 acre circle in the SE $\frac{1}{4}$ Section 23, T90N, R49W

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 2623-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal in our office at Pierre, South Dakota
this 9th day of November A. D.
Nineteen Hundred and seventy-nine

Board of Water Management

By: John Hatch
Chief Engineer JOHN HATCH

Publish first publication, on or before May 6, 1976NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

April 9, 1976

Kenneth Shearon

Notice is hereby given that

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 use2.28 cubic feet of water per second of time from ~~the~~ ground water through theShearon Irrigation Project, the point of diversion of which is to be located in theCenter of the SE $\frac{1}{4}$ of Section 23, Twp. 90N, Range 49W. Said water to be used for the purposeof providing irrigation on ^{portions of} the following described land:SE $\frac{1}{4}$, Section 23, T90N, R49WThis application No. 2623-3 will be considered by the Water Rights Commission at their office atPierre upon the 20th day of May, 1976, at 1:00 P..M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES
Water Rights SpecialistBFJ/bw
cc:

Kenneth Shearon, Jefferson, S.D. 57038

503 R

No. 2623-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Union) ss.

I, Lester E. Emerson hereby

certify that the annexed printed 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:

April 15, 1976

April 22, 1976

Lester E. Emerson
(Signature)

Burton F. Jones
(Title)

April 22, 1976
(Date Signed)

NOTICE OF INTENT TO
APPROPRIATE WATER
Pierre, South Dakota 57501
April 9, 1976

Notice is hereby given that
Kenneth Shearon, whose post off-
ice 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 2.28 cubic feet of
water per second of time from
ground water through the Shear-
on Irrigation Project, the point
of diversion of which is to be lo-
cated in the Center of the SE $\frac{1}{4}$ of
Section 23, Twp. 90N, Range 49
W. Said water to be used for
the purpose of providing irrigat-
ion on portions of the following
described land: SE $\frac{1}{4}$ Section 23,
T90N, R49W.

This application No. 2623-3
will be considered by the Water
Rights Commission at their off-
ice at Pierre upon the 20th day
of May, 1976, at 1:00 P.M. All
interested persons may appear
and be heard.

WATER RIGHTS COMMISSION

By: Burton F. Jones
Water Rights Specialist
Publish: April 15, 22



Permit No. 2623-3Water 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/POSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by KENNETH
SILVARCH of JEFFERSON holder
of Permit No. 2623-3, bearing date of priority of MARCH 15, 1976
authorizing the diversion of 2.28 cu. ft. per second of the waters of CHICAGO WATER
for IRRIGATION purposes, in DANIEL 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:

100' DEEP WELL WITH 16" DIA TRANSITE CASING
WESTERN LAND PUMP 8" PUMP
POWERED BY 50 HP US ELECTRIC MOTOR

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

C. Works used to apply water to beneficial use.

ELECTROPISTOL ELECTRIC DRIVE CENTER PIVOT
SYSTEM WITH END GUN

The system is in the following condition: GOODThe point of diversion is located IN THE CENTER OF THE SE⁴
SECTION 23, T90N, R49WThe works are capable of diverting and conveying to the place of use 1.66 (750 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:

FOR IRRIGATING A 136 ACRE CIRCLE IN THE
SE⁴ SECTION 23, T90N, R49W

comprising a total of 136 acres of land.Date: SEPTEMBER 13, 1979

(Signature)

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 7074

PIERRE, October 12, 1915

RECEIVED OF Kenneth Shearson, 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. <u>2623-3</u>		
Fee for inspecting Beneficial Use, and issuing Water License No. <u>2623-3</u>		50 00
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 (Signature)
Chief Engineer, Executive Officer
JOHN HATCH 29



Department of Water & Natural Resources

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

March 31, 1986

Notice

Kenneth Shearon
RR 2, Box 195
Jefferson, SD 57038

Re: Violation of Requirement to Submit 1985 Irrigation Questionnaire

Our records indicate that the 1985 Irrigation Questionnaire has not been submitted for Water Permit No(s). 2623-3. The request for the Questionnaire was dated November 13, 1985. The Water Management Board has directed that owners of water permits who have not submitted 1985 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 2:00 p.m., May 14, 1986 in Room 216, Joe Foss Building, Pierre, South Dakota.

The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11, and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 2623-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

The hearing(s) 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.

Sincerely,

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

Note: If the questionnaire(s) is received in this office before the May 14 hearing date, your name will be deleted from the agenda for the hearings.

 **Department of
Water & Natural Resources**

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

Attachment to Water Permit No. 2623-3

Pursuant to the provisions of the notice dated May 20, 1986, and following the Hearing May 14, 1986, the Water Management Board has amended Water Permit No. 2623-3 to add the following qualification:

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

Equal Opportunity Employer

South Dakota
Department of
Water & Natural Resources

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



May 20, 1986

NOTICE OF AMENDMENT TO WATER PERMIT(S)

To: Kenneth Shearon
RR2 Box 195
Jefferson SD 57038

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352

SUBJECT: Amendment to Water Permit No(s). 2623-3

Pursuant to the provisions of the notice dated March 31, 1986, and following the Hearing May 14, 1986, the Water Management Board has amended Water Permit No(s). 2623-3 to add the following qualification:

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

The addition of this qualification to your Permit means that failure to submit the required irrigation questionnaire in the future could result in suspension of the water permit and no use of water for up to one year for the first violation. Please include the enclosed attachment with your permit.

John
I'm in a difficult situation with my
farmers - Kline Trudean. I hope to correct that
in 1987. Mr. Trudean was given all three
request or questionnaires, with obvious results.
I have no real knowledge of what was used
except that the electric bill was about the same
as 1984, if that helps. Please consider my
difficult position, Thanks *Ken Trudean*

Equal Opportunity Employer



Department of Water & Natural Resources

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

August 5, 1986

2623-3

Kenneth Shearon
RR #2 Box 195
Jefferson, SD 57038

Dear Mr. Shearon:

I am writing in regard to your letter of July 23, 1986 concerning the amendment placed on your water permit. The Water Management Board amended Water Permit No. 2623-3 to include the irrigation questionnaire qualification since the questionnaire was not returned for 1985.

Your letter explained the difficulties you were having with your tenants and that you had no way of knowing what had actually been irrigated during 1985. While this type of situation may happen it is still the permit owner's responsibility to make sure that the Irrigation Questionnaire is submitted each year. Possibly submission of the Questionnaires could be made a condition of any lease agreement.

The action the Board took to amend your permit does not penalize you for 1986. You are still authorized to irrigate the lands covered under your permit. However, the addition of this qualification to your Permit does mean that failure to submit the required Irrigation Questionnaire in the future could result in a one year suspension of the permit.

Very truly yours,

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

**South Dakota Department of
Water & Natural Resources**

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

March 23, 1987

KENNETH SHEARON
RT 2 BOX 195
JEFFERSON, SD 57038

NOTICE

Re: Violation of Water Permit No(s). 2623-3

Our records indicate that the 1986 Irrigation Questionnaire has not been received for Permit No(s). 2623-3. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearings(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 2623-3 qualification:

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

The hearing(s) will be at 2:00 pm, May 6, 1987, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

Following the hearing(s) the Water Management Board can:

1. Suspend Permit No(s). 2623-3 until either the 1986 Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

The hearing(s) 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.


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

NOTE: If the questionnaire(s) is received in this office before the hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.



Department of Water & Natural Resources

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

April 24, 1987

2623-3

Kenneth Shearon
RR #2 Box 195
Jefferson, SD 57038

Dear Mr. Shearon:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaire. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit No. 2623-3 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 23, 1987. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,

A handwritten signature in black ink that reads "John Hatch". The signature is written in a cursive, flowing style.

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

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- 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:

KENNETH SHEARON
RT 2 BOX 195
JEFFERSON SD 57038

2623-3

4a. Article Number

P 378 080 571

4b. Service Type

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

7. Date of Delivery

FEB 1 1997

5. Received By: (Print Name)

MARY SHEARON

6. Signature: (Addressee or Agent)

X Mary Shearon

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

Domestic Return Receipt



2623-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 4, 1997

NOTICE

TO: KENNETH SHEARON, RT 2 BOX 195, JEFFERSON, SD 57038

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Violation of Water Permit No(s). 2623-3

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 2623-3. The request for the Questionnaire was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 2623-3 qualification:

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

The hearing will be held at 2:30 pm, March 5, 1997 in the Floyd Mathew 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 Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2623-3 in accordance with applicable provisions of SDCL 46-1-12;
2. 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, 1997, 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 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 10, 1997

2623-3

Kenneth Shearon
PO Box 521
Hardin, TX 77561-0521

Dear Mr. Shearon:

I am writing to acknowledge receipt of your 1996 irrigation questionnaire. You may disregard the February 4, 1997, Notice of Violation of Water Permit No. 2623-3.

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



2623-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 22, 1999

NOTICE

TO: KENNETH SHEARON, PO BOX 521, HARDIN, TX 77561
FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaire(s)

Our records indicate that the 1998 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2623-3. The request for the Questionnaire was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2623-3 qualification:

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

The hearing will be held at 9:45 am, March 3, 1999 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 Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2623-3 in accordance with applicable provisions of SDCL 46-1-12;
2. 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 March 1, 1999, 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 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.

2623-3

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete Items 1 and/or 2 for additional services.
- Complete Items 3, 4a, and 4b.
- 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 front face 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:

KENNETH SHEARON
PO BOX 521
HARDIN TX 77561

4a. Article Number

P 378 080 695

4b. Service Type

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

7. Date of Delivery

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

5. Received By: (Print Name)

6.

PS

Receipt

Thank you for using Return Receipt Service.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/derr

January 28, 1999

2623-3

Kenneth Shearon
PO Box 521
Hardin, TX 77561

Dear Mr. Shearon:

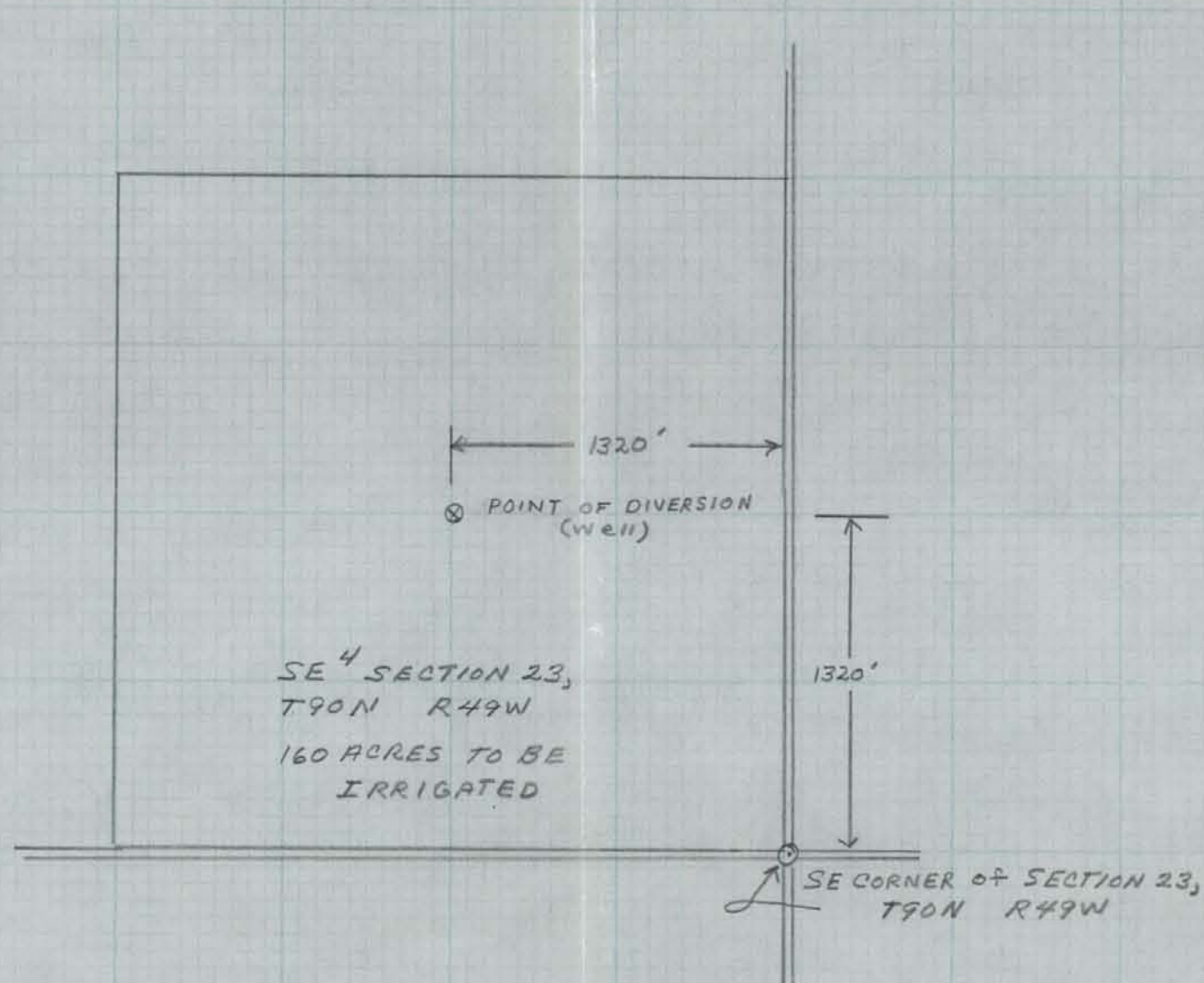
I am writing to acknowledge receipt of your 1998 irrigation questionnaire. You may disregard the January 22, 1999, "Notice" concerning reporting requirements for Water Right No. 2623-3.

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



Scale 8" = 1 mile

KENNETH SHEARON			
JEFFERSON, SOUTH DAKOTA 57038			
SHEARON IRRIGATION PROJECT			
SE 1/4 SECTION 23, T90N R49W			
U. S. DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE			
Designed	J. M. Boline	Date	12/10/75
Drawn	J. M. Boline	Approved by	
Traced		Title	
Checked		Sheet	No. 1
		Drawing No.	1



**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, 2009

NOTICE

TO: KENNETH SHEARON, PO BOX 521, HARDIN, TX 77561 0521

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

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaire(s)

Our records indicate that the 2008 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2623-3. The request for the Questionnaire was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2623-3 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, 2009** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2623-3 in accordance with applicable provisions of SDCL 46-1-12;
2. 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 **March 6, 2009**, 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/efrms/secure/efrms/E0455V7-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.

2623-3

[Home](#) | [Help](#)[Track & Confirm](#)

Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 7415
Status: **Notice Left**

We attempted to deliver your item at 11:25 AM on January 30, 2009 in GRANGER, IN 46530 and a notice was left. It can be redelivered or picked up at the Post Office. If the item is unclaimed, it will be returned to the sender. Information, if available, is updated every evening. Please check again later.

[Additional Details >](#) [Return to USPS.com Home >](#)

Notification Options

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Get current event information or updates for your item sent to you or others by email. [Go >](#)

Proof of Delivery

Verify who signed for your item by email, fax, or mail. [Go >](#)

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U.S. Postal Service™ Signature Confirmation™ Receipt

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 7415

KENNETH SHEARON
PO BOX 521
HARDIN TX 77561 0521

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:

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

- ☐ Priority Mail™ Service
☐ First-Class Mail® parcel
☐ Package Services parcel

PS Form 3838, May 2006

(See Reverse)

Mail was not signed for but questionnaire received & no followup is needed. Sent by

02/23/2009



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 23, 2009

2623-3

Kenneth Shearon
50955 Cobus Ridge Ln
Granger IN 46530

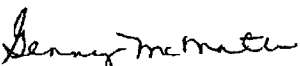
Dear Mr. Shearon:

I am writing to acknowledge receipt of your 2008 irrigation questionnaire. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Right No. 2623-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Thank you for the note about your address change. I have updated 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

McMath, Genny

From: kenny.chicoine@syngenta.com
Sent: Monday, June 10, 2013 8:00 PM
To: McMath, Genny
Subject: RE: transfer of water rights

Put in the mail today.

From: McMath, Genny [<mailto:Genny.McMath@state.sd.us>]
Sent: Friday, May 17, 2013 1:22 PM
To: Chicoine Kenny USMN
Subject: transfer of water rights

Kenny,

I am attaching two partially completed transfer of ownership forms. One is for No. 5184-3 (Dale & Dean Bosse); the second one is No. 2623-3 (Kenneth Shearon).

A filing fee of \$50.00 is due for each transfer of ownership. If you decide NOT to transfer the Shearon water right to your name but would rather just be listed as the renter, just make the notation on the form. No fee is involved for making that change.

The check or money order for the fee can be made payable to the "Water Rights Program". Please mail the completed form(s) and filing fee(s) to us at the following address:

Water Rights Program, DENR, 523 E Capitol, Pierre SD 57501-3181 (you can Attention: Genny)

I will be out of the office until June 3rd. If you would like to visit with someone prior to that time about the ownership changes, you can call in and talk to Ron Duvall or Eric Gronlund at 605 773-3352.

Thank you!
Genny McMath
605 773-5455

This message may contain confidential information. If you are not the designated recipient, please notify the sender immediately, and delete the original and any copies. Any use of the message by you is prohibited.

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

JUN 13 2013

WATER RIGHTS
PROGRAM

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

No. 2623-3

Date: 6/10/2013

I/We request that Water Right No. 2623-3

formerly owned by: Kenneth Shearon

be transferred to: (name & address)

Renter: Kenny Chicaine
48042 329th St Jefferson SD 57038
Telephone No. 808-635-1408

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

136 acres - SE 1/4 Section 23, T90N, R49W

I/We understand that the validity of Water Right No. 2623-3 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 Kenny Chicaine, the new ^{renter}~~owner~~, certify that the above information is true and correct.

Kenny Chicaine - Renter
(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.



2623-3
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 15, 2016

NOTICE

TO: KENNY CHICOINE, RENTER, 48042 329TH ST, JEFFERSON, SD 57038

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

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaire(s)

Our records indicate your 2015 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2623-3. The request for the Questionnaire was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2623-3 qualification:

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

The hearing will be held at **Thursday, March 3, 2016 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2623-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 3, 2016** 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: KENNETH SHEARON, 50955 COBUS RIDGE LN, GRANGER IN 46530

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

January 25, 2016

2623-3

Kenny Chicoine
48042 329th St
Jefferson SD 57038

Dear Mr. Chicoine:

I am writing to acknowledge receipt of your 2015 irrigation questionnaire.

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for Water Right No. 2623-3. 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: Kenneth Shearon



2623-3
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 26, 2018

NOTICE

TO: KENNY CHICOINE, RENTER, 48042 329TH ST, JEFFERSON, SD 57038

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

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaires

Our records indicate your 2017 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 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) 3102A-3 & 3102B-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2623-3 qualification:

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

The hearing will be held at **Wednesday, March 7, 2018 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2623-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3102A-3 & 3102B-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office before the **March 7, 2018** 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>

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

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



2623-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 31, 2018

2623-3
3102A-3
3102B-3

Kenny Chicoine
48042 329th St
Jefferson SD 57038

Dear Mr. Chicoine:

I am writing to acknowledge receipt of your 2017 irrigation questionnaires.

You may disregard the January 26, 2018, "Notice" concerning reporting requirements for Water Right Nos. 2623-3, 3102A-3 & 3102B-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

c: Kenneth Shearon



2623-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2020

NOTICE

TO: KENNY CHICOINE, OPERATOR, 48042 329TH ST, JEFFERSON, SD 57038
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program
SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaires

Our records indicate your 2019 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1092B-3, 2431-3, 3102A-3 & 3102B-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2623-3 qualification:

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

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

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

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

If the questionnaires are received in this office before the **February 26, 2020** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/ig> using this password: YXAPED**

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

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 28, 2020

Kenny Chicoine
48042 329th St
Jefferson SD 57038

RE: Water Right Nos. 1092B-3, 2431-3, 2623-3, 3102A-3 & 3102B-3

Dear Mr. Chicoine:

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

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for Water Right Nos. 1092B-3, 2431-3, 2623-3, 3102A-3 & 3102B-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

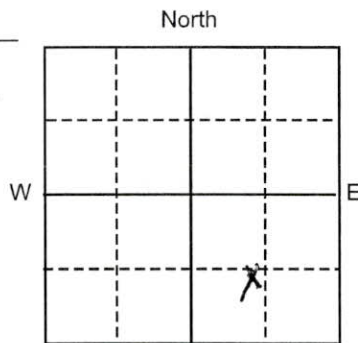
c: Kenneth Shearon

2623-3

SD EForm - 1621LD V1

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SW 1/4 SE 1/4 Sec 23 Twp 49N Rg 49WCounty UnionPlease mark well
location with an "X"

Well Completion Date

4-23-22

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.):
1700 ft. from Septic Tank (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Reverse Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>160</u> LB/FT	<u>16</u> IN	<u>0</u> FT	<u>40</u> FT	<u>28</u> IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Cement</u>	<u>45</u>	Lb/gal	<u>0</u> Ft	<u>26</u> Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 16 Inches Length 40 Feet

Material

Slot Size .085 Set From 40 Feet to 80 Feet

Other information

WAS A PACKER OR SEAL USED? ☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☐ Yes, How?☒ No, Why Not?Lab to which water
quality sample sent for analysisWell Owner: Kenny Shearon

Business Name:

Address: 50955 Cobus Ridge LaneCity, State, Zip: Granger, IN 46530

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Top Soil</u>	<u>0</u>	<u>8</u>
<u>Brown clay</u>	<u>8</u>	<u>33</u>
<u>Coarse Sand</u>	<u>33</u>	<u>52</u>
<u>Coarse Gravel</u>	<u>52</u>	<u>80</u>

STATIC WATER LEVEL 18 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☐ Pumped Describe: Turbine☐ Bailed☐ Other

Pumping Level Below Land Surface

35 Ft. After 2 Hrs. pumped 1000 GPM

Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: 800 40 HP GPM

REMARKS

This well was drilled under license # 444 and this report is true and accurate.Drilling firm: Christensen Well + Irrigation

Signature of License Representative:

Carly Christensen

Signature of Well Owner or Equitable Property Holder:

RECEIVED

FEB 02 2022

Date:

WATER RIGHTS
PROGRAM

McMath, Genny

From: kennychicoine@gmail.com
Sent: Wednesday, January 4, 2023 3:07 PM
To: McMath, Genny
Subject: [EXT] Irrigation permit 2623-3

Genny,

I completed all the questionnaire's in my name today. I am no longer the operator for permit 2623-3. Mr Shearon sold the farm in 2021. Joe Trudeau purchased the farm and operated it for the 2022 permit year.

Thanks,

Kenny Chicoine



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 5, 2023

2623-3

Joe Trudeau
33060 480th Ave
Jefferson SD 57038

Dear Mr. Trudeau:

I am writing in follow-up to our conversation concerning Water Right No. 2623-3, held by Kenneth Shearon (copy enclosed).

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

Also included is a 2022 irrigation questionnaire originally sent to Kenny Chicoine. Please complete and mail that back with the transfer form. Thank you in advance for updating the water right. If you have any questions, please let me know.

Sincerely,

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

enclosures

2623-3

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Agriculture and Natural Resources

Date January 12, 2023RECEIVED OF Joseph/Jacqueline Trudeau 33060 480th Ave., Jefferson SD 57038

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	\$ _____
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>2623-3</u>	\$ <u>50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	
TOTAL	\$ <u>50.00</u>

By Eric Gronlund
Chief Engineer
EG

PAID

JAN 12 2023

Ck# 5978

Rec't# 1/12/23

No. 2623-3

Date: 1-9-23

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

JAN 12 2023

OFFICE OF
WATER

I/We request that Water Right No. 2623-3

formerly owned by: Kenneth Shearon

be transferred to: (name & address) Joseph W Trudeau
33060 480th Ave Jefferson S.D. 57038

Telephone No. 712-259-3149

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

136 acres - SE 1/4 Section 23, T90N, R49W

I/We understand that the validity of Water Right No. 2623-3 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 Joseph W Trudeau, 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 AGRICULTURE
and NATURAL RESOURCES**

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

January 13, 2023

2623-3

Joseph W Trudeau
33060 480th Ave
Jefferson SD 57038

Dear Mr. Trudeau:

Thank you for sending in the irrigation questionnaire, transfer of ownership form and filing fee for Water Right No. 2623-3.

The ownership change for Water Right No. 2623-3 has been completed. The water right formerly held by Kenneth Shearon is now listed in your name.

Enclosed for your records is a receipt for the filing fee you paid. Thank you again for updating the water right and if I can answer any questions, please let me know.

Sincerely,

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

enclosure



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 19, 2024

NOTICE

TO: KEMPS C/O TRUDEAU FARMS INC. OP, JOE TRUDEAU, 33060 480TH AVE, JEFFERSON, SD 57038

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

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaires

Our records indicate your 2023 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 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) 1100-3, 2347-3, 2401-3, 2402-3, 2624-3, 2625-3, 3286-3, 3869-3 & 4370-3 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) 2340-3, 2623-3, 5666-3, 6001-3, 6079-3 & 6956-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 2340-3, 2623-3, 5666-3, 6001-3, 6079-3 & 6956-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1100-3, 2347-3, 2401-3, 2402-3, 2624-3, 2625-3, 3286-3, 3869-3 & 4370-3 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 6, 2024** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: TEFGBZB**

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 13, 2024

1100-3, 2347-3, 2401-3, 2402-3
2624-3, 2625-3, 3286-3, 3869-3
4370-3, 2340-3, 2623-3, 5666-3
6001-3, 6079-3 & 6956-3

Trudeau Farms Inc.
c/o Joseph Trudeau
33060 480th Ave
Jefferson SD 57038

Dear Mr. Trudeau:

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

You may disregard the January 19, 2024, "Notice" concerning the reporting requirements for Water Permit No(s). 1100-3, 2347-3, 2401-3, 2402-3, 2624-3, 2625-3, 3286-3, 3869-3, 4370-3, 2340-3, 2623-3, 5666-3, 6001-3, 6079-3 & 6956-3. The information was received prior to the March 6, 2024, Water Management Board meeting and these permit numbers have been removed from the agenda.

If you have any questions, please contact me.

Sincerely,

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

cc: STEVE HEITMAN, RR 1 BOX 150, JEFFERSON SD 57038
MERYLN KARPEN, BOX 187, JEFFERSON, SD 57038
CLARENCE KNEEBONE, PO BOX 366, ELK POINT SD 57025
PAUL VONDRAK, RT 1, JEFFERSON SD 57038