

3102A-3

RECEIVED

APR 10 2017

WATER RIGHTS
PROGRAM

SD EForm - 0495LD V2

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

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

Water Right/Permit No. 3102-3

Date: MARCH 7, 2017

I/We request that Water Right/Permit No. 3102-3 formerly owned by:
MRS LUVERNE WRIEDT be transferred to:

New Owner Name: KENNETH CHICOINE
Address: 48042 329TH ST
City, State, Zip JEFFERSON SD 57038 Telephone No. 605-966-5058

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

THE WEST HALF OF THE NORTHEAST QUARTER (W1/2 NE1/4) OF SECTION 34, TOWNSHIP
90 NORTH, RANGE 49 WEST OF THE 5TH PM, UNION COUNTY, SOUTH DAKOTA

☒ I understand that the validity of Water Right/Permit No. 3102-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

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

I, KENNETH 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.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 4/10, 2017

RECEIVED OF Kenny Chicoine 48042 329th St 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	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>3102-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. 08223

By Jenna Goodman
Chief Engineer

STATE OF SOUTH DAKOTA
REISSUED WATER LICENSE NO. 3102A-3
DIVISION OF NO. 3102-3 INTO 3102A-3 & 3102B-3

(1) Lester Wriedt was issued Water License No. 3102-3, November 26, 1979 for a water right to divert 1.85 cubic feet of water per second (cfs) from ground water, one well (Big Sioux South Aquifer), Union County, South Dakota for irrigation purposes. Water Right No. 3102-3, with a priority date of October 18, 1976 was issued to the permit holder for diversion of water with construction of the described water supply system and the application to beneficial use of water completed. Water Right No. 3102-3 was transferred in April, 1998 to Mrs. LuVerne Wriedt.

Water Right No. 3102-3 authorizes irrigation of 130 acres in the NE $\frac{1}{4}$ Section 34, T90N, R49W. On April 10, 2017, an ownership change was filed by Kenneth Chicoine for a portion of the water right. Water Right No. 3102-3 has been divided and reissued to reflect separate ownership as follows:

- **Water Right No. 3102A-3: Kenneth Chicoine, 48042 329th St., Jefferson SD 57038**
authorizing irrigation of 68 acres in the W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 34, T90N, R49W with a prorated diversion authority of 0.97 cfs.
- **Water Right No. 3102B-3: Mrs. LuVerne Wriedt, Elk Point SD 57025**
authorizing irrigation of 62 acres in the E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 34, T90N, R49W with a prorated diversion authority of 0.88 cfs.

(2) It is certified that the water right holder has complied with the provisions of South Dakota State Law and is entitled to divert 0.97 cubic feet of water per second for beneficial use. The location of the diversion point is 15 feet north of the center of the NE $\frac{1}{4}$ Section 34, T90N, R49W.

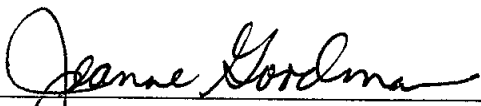
(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

T90N, R49W Section 34	NW $\frac{1}{4}$ NE $\frac{1}{4}$	34 acres
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	34 acres
	Total	68 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Kenneth Chicoine, 48042 329th St., Jefferson SD 57038 the holder and/or owner of Water Right No. 3102A-3 is issued a license to appropriate water, the right to use 0.97 cubic feet of water per second from ground water, one well (Big Sioux South Aquifer) with a priority date of October 18, 1976 from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 3102A-3 and subject to the following qualification:

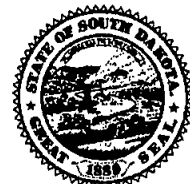
The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having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



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

MAY 17 2017

date





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

MAY 17 2017

3102-3
3102A-3

Kenneth Chicoine
48042 329th St
Jefferson SD 57038

Dear Mr. Chicoine:

Enclosed is Reissued Water License No. 3102A-3. Based on the ownership change you filed in April, 2017, Water Right No. 3102-3 has been divided and reissued as follows:

- **Water Right No. 3102A-3: Kenneth Chicoine, 48042 329th St., Jefferson SD 57038** authorizing irrigation of 68 acres in the W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 34, T90N, R49W with a prorated diversion authority of 0.97 cfs (approximately 435 gallons per minute).
- **Water Right No. 3102B-3: Mrs. LuVerne Wriedt, Elk Point SD 57025*** authorizing irrigation of 62 acres in the E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 34, T90N, R49W with a prorated diversion authority of 0.88 cfs (approximately 395 gallons per minute).

(*Water Right No. 3102B-3 is listed in Mrs. Wriedt's name pending an ownership change by the new land owner)

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 3102A-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

enclosures: License No. 3102A-3, Receipt No. 08223



3102A-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.



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



3102A-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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PMB 2020
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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/iq> 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.

3102A-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 28, 2020

Kenny Chicoine
48042 329th St
Jefferson SD 57038

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

Dear Mr. Chicoine:

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

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

If you have any questions, please contact me.

Sincerely,

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

c: Kenneth Shearon