



**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 15, 2008

3451-3

Mike Chicoine
508 E Clay St
Elk Point SD 57025

Dear Mr. Chicoine:

I am writing in follow-up to your phone conversation with Eric Gronlund with our program concerning ownership of land described in Water Right No. 3451-3. Enclosed is a copy of the water right and map for your review.

If I understand correctly, you own the SE ¼ SW ¼ of Section 20 and the remainder of the land is owned by three other people. In cases where more than one person owns land described in a water right, the water right is divided and reissued to reflect separate ownership. The diversion rate authority is prorated accordingly. The water right will be divided four ways. Water Right Nos. 3451A-3, 3451B-3, 3451C-3 and 3451D-3 will be issued each with the 40 acre parcel they own and a diversion rate of 0.57 cubic feet per second (approximately 260 gallons per minute). While I understand the well is located on your property, we are obligated to split the water right equally among the landowners. The three neighboring property owners will be contacted and if they have no intention of irrigating, their portion of the water right will be cancelled.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change for the portion of land you own under the water right. Please complete the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

Also enclosed is the 2007 irrigation questionnaire pertaining to this water right. One of the requirements for the water right is that the questionnaire be completed annually. Please complete and return the form along with the transfer of ownership form and filing fee.

One item I need to mention about the water right is that validity may be an issue. There were many years that the land was not irrigated (1991 through 2001) and we do not have any record of whether legal excuse existed or not. Under South Dakota Water Law, a water right may be subject to forfeiture for nonuse if water is not used for its intended purpose for a period of three years. There are provisions of law for legal excuse for the non-use of water (see enclosed

January 15, 2008

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Mike Chicoine

excerpts of water laws and Water Management Board Rules). In 2004, we corresponded with an attorney for the Bertrand Estate (copies enclosed). They were notified at that time that simply beginning to irrigate did not cure past years of non-use. We recommended at that time that they seek an opinion from the Water Management Board. The Board is the entity who determines if a water right has legal standing. We would encourage you to follow the same process.

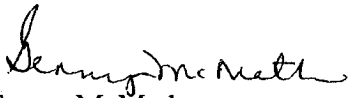
Eric indicated you would also like application forms for filing for an additional water permit. I have included three sets of forms with this packet. With respect to the diversion rate that will be authorized by reissued Water Right No. 3451-3, if you require additional water due to the method of irrigation; you may make an application for the additional amount.

To recap, the items you need to return to us are:

- the 2007 irrigation questionnaire
- "Notice of Transfer of Ownership"
- \$2.50 filing fee for the ownership change

If I can answer any questions for you, please contact me.

Sincerely,



Genny McMath

Environmental Scientist

Water Rights Program

(605) 773-3352

email: genny.mcmath@state.sd.us

enclosures

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/23, 20 08

RECEIVED OF Michael Chicoire 508 E Clay Elk Point SD 57025

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use		
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>3451A-3</u>	2	50
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	2 50

No.

03401

By

Salvador Estrada
Chief Engineer

g

RECEIVED
JAN 23 2008
WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 3451A-3

Date: 1-16-08

I/We request that portions of Water Right No. 3451-3

formerly owned by: Martin Bertrand Estate

be transferred to: (name & address) Mike Chicoine 508 E CLAY ST
EIK Point S. DAK 57025

Telephone No. 1-605-356-3748
cell 712-898-9173

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

SE ¼ SW ¼ Section 20, T90N, R48W

I/We understand that the validity of Water Right No. 3451-3 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 Mike Chicoine, the new owner, certify that the above information is true and correct.

Mike Chicoine
(Signed by new owner)

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

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

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 3451A-3
(TRANSFERRED AND REISSUED FROM WATER RIGHT NO. 3451-3)

(1) Martin Bertrand was issued Water License No. 3451-3, May 12, 1980 for a water right to divert 2.28 cubic feet of water per second from ground water (one well – Missouri Elk Point Aquifer), Union County, South Dakota for irrigation purposes. Water License No. 3451-3, with a priority date of January 7, 1977 was issued to the permit holder for diversion of water with construction of the described water supply and the application of water to beneficial use completed.

In April, 2004, the water right was transferred to the Martin Bertrand Estate. The original water right authorized diversion of 2.28 cfs to irrigate 160 acres. Land authorized for irrigation under the water right has been divided among four separate owners. Mike Chicoine, Elk Point SD filed an ownership change January 23, 2008 to have the 40 acre parcel he owns transferred to his name.

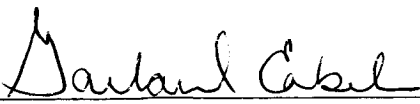
(2) It is certified that the water right holder has complied with the provisions of South Dakota State Law relating to completion of the water supply system and is entitled to divert 0.57 cubic feet of water per second (approximately 256 gallons per minute) for beneficial use. The location of the diversion point is 750 feet north of the S ¼ corner of Section 20, T90N, R48W.

(3) The water right holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land: 40 acres in the SE ¼ SW ¼ Section 20, T90N, R48W.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Mike Chicoine, 508 E Clay St, Elk Point SD 57025 the holder and/or owner of Water Right No. 3451A-3 is issued a license to appropriate water, the right to use 0.57 cubic feet of water per second from ground water (one well - Missouri Elk Point Aquifer) with a priority date of January 7, 1977 from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 3451-3 and subject to the following qualifications:

- 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.
- This water right is subject to the irrigation water use questionnaire being submitted each year *(amended in 1986 to include the qualification).*



Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

FEB 07 2011

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

FEB 07 2011

3451A-3

Mike Chicoine
508 E Clay St
Elk Point SD 57035

Dear Mr. Chicoine:

Enclosed is your Reissued Water License No. 3451A-3. Water Right No. 3451-3 was divided and reissued to reflect separate ownership.

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. 3451A-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,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosure



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

October 20, 2025

*8474-3, *8475-3, *8476-3, *1096-3
*2620-3, *2621-3, *451A-3, *4558-3
*6557-3, *7218-3, *7221-3, *7222-3
*7223-3, *7711-3, *7713-3

Michael Chicoine
32427 472nd Ave
Elk Point SD 57025

Dear Mr. Chicoine:

Enclosed is a "Notice" dated October 8, 2025, concerning the 2025 Irrigation Questionnaires.

The notice was originally mailed to you at 32926 482nd Ave, Jefferson SD 570383. The post office notified our office that your address has changed, and your records have been updated accordingly.

This is a time sensitive matter. Please complete and return the enclosed questionnaire or submit your report online at <https://danr.sd.gov/iq/> using this password **GSPMVA**.

If this change of address is in-correct, please contact our office immediately to update your contact information.

Sincerely,

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

enclosures

CHIC926 570382006-1425
RETURN TO SENDER
CHICOINE, MICHAEL JAMES
32427 472ND AVE
ELK POINT SD 57025-6712
RETURN TO SENDER

10/14/25

