

1. Considered: APRIL 7, 1982 Water Right No. 4874-3
2. Name of Applicant LUCILLE LYLE
3. Post Office Address RT 1, Box 110, ELK POINT, SD 57025
4. Amount of Water Claimed .5 maximum acre feet W/L
5. Source of Water Supply 110' existing well (well under 1932-3)
6. Water to be used for IRR acres to be irrigated 40
7. County Union about 1S, 5E miles of ELK POINT
8. PROOF OF PUBLICATION: Received ☒ Not Received ☐
- APPLICATION: Approved ☐ Subject to ☐
- Not Approved ☐ Action Deferred ☐

PRIORITY 2-5-82 Dated Received 2-5-82 Application complete-yes ☒ no ☐ FEE \$150.00

Remarks _____

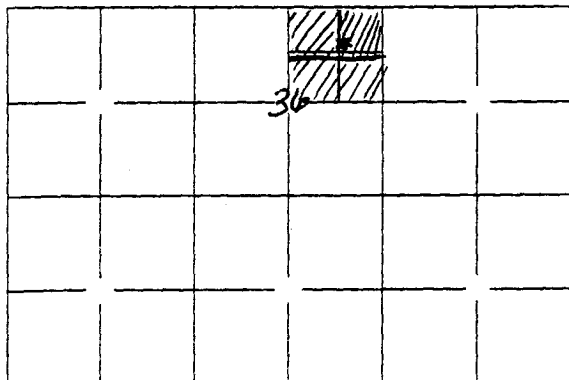
Corrected Application received _____ Period of Annual Use April-October

WATER
QUALITY

Received yes 3/8/82 no ☐ ☒ APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as application-yes ☒ no ☐ Remarks _____

Disapproved _____ Returned _____



Diversion Point SW 1/4 NE 1/4

Land to be irrigated NE 1/4 NE 1/4
36-91-49

Red cross hatched area covered
under 1932-3

WELL LOG

Driller Unknown Licensed - yes ☐ no ☐

Depth 110' Existing

Remarks Form 24 in file

Water Right No. 4874-3

MAP Map No. 4078-3
249-3

Map located in Water Right #1932-3 Map file

Type of Map drawn
Prepared by Robert W. Kye
Ray. K. Kuyper

REVIEWED This Application was received within 30 days of the date received, accepted as complete, Number assigned and written up for advertisement before the Board on:

3/9/82

Barry Neilson
(signed)

PROTESTS Letters/Petitions in file - yes _____ no _____ Remarks _____

REMARKS
Date
Final Decision, including F.F. & C. of Law were adopted
Date
Final Decision mailed to parties and/or parties notified that Final Decision was adopted
Remarks

DECISIONS
FINAL
OF LAW,
F.F. & C.
Etc.

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No.

4874-3

LUCILLE LYLE

(Applicant)

Rt 1, Box 110 - ELA Point

(Post Office Address)

SOUTH DAKOTA

(State)

57025

With the following qualifications.

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 adequate domestic wells or in irrigation wells having prior water rights.

This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

Date of first receipt of application

FEBRUARY 10, 1982

Date of return to applicant for correction, amendments or changes required

FEBRUARY 17, 1982

Date of receipt of corrected application

MARCH 8, 1982

Approved

APRIL 7

, 1982, Recorded in Book

Page

WATER RIGHT PERMIT NO.

4874-3

The Water Management Board hereby grants and issues this Water Right Permit No. 4874-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is FEBRUARY 10, 1982
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before OCTOBER 7, 1984
3. The whole of said work is to be completed on or before APRIL 7, 1987
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is APRIL 7, 1991
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 .50 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for irrigation purposes said appropriation must be limited to not more than 2 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 APRIL 7, 1991; said water to be used during the following described

annual period: APRIL THRU OCTOBER

Witness my hand this

13TH

day of

APRIL

, 1982

THE WATER MANAGEMENT BOARD

By:

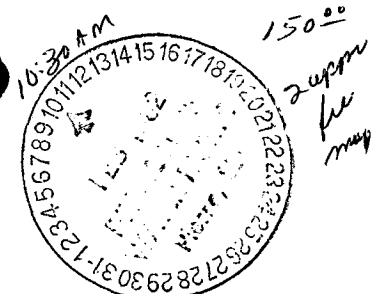
John Hatch
Chief Engineer, Water Rights

Certificate of Construction Issued

, 19

Water License Issued

, 19



Map No. 4078-3 249-3 Water Division No. 3 BIG SIOUX RIVER District
 Above for Office Use 10170203

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

Check one of the following:

New ☐ Vested Right ☐ Future Use ☐Change in Diversion ☐ Additional Diversion ☐Change in Acreage ☐ Additional Acreage ☒ ON WL 1932-3

1. Name of Applicant Lucille Lyle Phone No. 356-2935
 Post Office Address Rt. 1 Box 110 Elk Point State South Dakota 57025
 (Street, RR, or Box) (Town) (Zip Code)
 If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract3. Name of diversion work LUCILLE LYLE Irrigation Project4. Amount of water claimed (cubic feet per second) .5 cfs5. Source of water supply Existing well permit #1932-3

6. Location of point of diversion 1920' W & 1000'S of the NE Corner, (NW⁴ NE⁴) Section 36, T91N, R49W (Set)
 _____ County UNION

7. Annual period or periods during which water is to be used April thru October8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation9. For irrigation use, _____ Total number of acres to be irrigated 40

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>NE 1/4 NE 1/4 Sec 36-91-49</u>	<u>40</u>		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 85 years. Additional time required to complete application of water to the proposed beneficial use 84 years.

11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Elk Point Leader Courier

12. Principal Features of the Proposed Water Supply System.

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

Pump

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

Pipe

C. Works proposed to apply water to beneficial use.

Gates

Estimated Total Cost \$ 5000.00

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

STATE OF SOUTH DAKOTA)

County of Union) ss.

I, Lucille Lyle 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 Lucille Lyle
5th day of Feb 1982
Jarrett Smith
 Notary Public (or other qualified officer)

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

D. Well Information or Estimates

(1) Drill Hole, Diameter 36", Depth 110 Ft.

(2) Casing, Type Concrete Diameter 18 in. Thickness 6 in.
(wood, concrete, steel, etc)

(3) Perforated Screen.

Type Concrete, Diameter 18 in., Length 40 ft.

(4) Gravel Pack. Thickness 6 in., Length of gravel pack entire well

E. Dugout Information or Estimates.

(1) Surface dimensions None, 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 Coarse gravel and glacial rock

Depth to top of water bearing material 20 ft.

Depth to bottom of water bearing material 110 ft.

Thickness of water bearing material 60 ft.

Depth to water (ground surface to water level) 20 ft.

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

On same owner's property 80 rds. On property owned by others 120 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.

Drillers Log

0'-43' Clay
43'-53' gravel
53'-65' Clay
65'-110' Gravel

NOT TO SCALE

139L

(6-m372)
151.8

(6-m372)
75.6

Point of
diversion
EXISTING
Well
Permit
#1932-3

(+)

Sec 36-91-49

Prepared by
Janice E De Smet
Union Co Egypt
Jan 29-82

N

(6-165)
39.6

(6-m372)
37.3

36

(6-292)
150.8

(6-400)
79.7

77.6 (6-401)

91-49

139L

(8-m247)
47.7

(8-301)
140.4

~~map # 4078-3~~ Appl 4874-3

& map # 249-3 appl 331-3 & 1932-3

DRILLER'S LOG OF WELL

Union

Location of well: _____, Section 36, Township 91, Range 49

Well to be drilled for: Raymond Lyle Elk Point, So. Dakota
(Name) (Address)

Owner of land (if other than above): _____
(Name) (Address)

Date well drilling started June 13, 1972 finished June 15, 1972

Purpose of well irrigation
(domestic, irrigation, municipal, industrial, other)

Diameter <u>16"</u> inches		
5 Feet	Black Dirt Top Soil	Ground Surface Elevation: _____ (If Available)
41 Feet	Yellow & grey clay mixed	Kind and thickness of casing to be installed: <u>16" transite</u>
57 Feet	coarse gravel & sand	Size of casing to be installed: <u>69</u> feet of <u>16</u> inches diameter
59 Feet	grey clay mixed sand & gravel	Type of Seal between casing sizes: <u>none</u>
62 Feet	coarse sand & gravel	Kind of perforated screen to be installed: Material <u>transite</u> (steel, wood, concrete, etc.)
103 Feet	1" rock & coarse gravel	Size of Screen: Diameter <u>16</u> inches Length <u>39</u> feet Size openings <u>1/8</u> inches
	Water bearing material	Depth below ground surface to which water rises in well <u>71</u> feet.



STRAIGHT APPROVAL

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT Lucille Eyle
NE# 36-91-49 = 40

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

THE SOIL(S) LISTED BELOW CAN BE IRRIGATED WITH THE FOLLOWING RESTRICTIONS:

RECOMMENDED MANAGEMENT

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or printed text on the paper.

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

STATE CONSERVATION COMMISSION

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

OWNERS NAME: Lucille Lyle OWNERS ADDRESS: RT 1 Box 110

COUNTY LAND LOCATED IN: Union PHONE: 356-2935 57025

TENANT'S NAME AND ADDRESS: (If Other Than Owner) _____

In accordance with State Law SDCL 46-5-6.5, if a water permit is granted with a conditional Soil/Water Compatibility permit, a copy of such conditional soil/water compatibility permit must be filed with the County Register of Deeds. This action must be taken by the holder of a water permit within 6 months of receipt of such water permit.

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

1. WELL LOCATION OR DIVERSION POINT: ~~NE 1/4 Sec 36-91-49~~
2. SURFACE WATER SOURCE: NW 1/4 NE 1/4 Sec 36-91-49
3. LOCATION OF AREA TO BE IRRIGATED. NOTE: SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)

Legal Description	Acres	Legal Description	Acres
NE 1/4 Sec 36-91-49	<u>40</u>		

4. TYPE OF IRRIGATION: GRAVITY: X TOWLINE: _____ CENTER PIVOT: _____ GUN: _____ OTHER: _____ (Specify)
5. CROPS TO BE IRRIGATED: corn beans Etc.
6. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: _____ LEGAL DESCRIPTION: _____ IN WHAT NAME: _____

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

7. WATER SAMPLE NUMBER: 82-0690
8. SALINITY (EC X 10⁶): 1100
9. SODIUM (SAR): 1.41
10. ADJUSTED (SAR): 3.87



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

I understand that the Division of Conservation or agents thereof may obtain another water sample for the purpose of validating the water sample analysis taken at the time of application (SDCL 46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS

5th DAY OF Feb, 1982

(NOTARY PUBLIC)

APPLICANT'S SIGNATURE

Director, Division of Conservation

IMPORTANT

Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application. In all cases a WATER PERMIT must be obtained from the Board of Water Management.

X APPROVED

DISAPPROVED

CONDITIONALLY APPROVED



Department of Agriculture

DIVISION OF CONSERVATION

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

March 3, 1982

Lucille Lyle
Rt. 1, Box 110
Elk Point, SD 57025

Dear Mrs. Lyle:

Enclosed is your copy of the laboratory report of analysis for
water sample No. 82-~~0690~~⁰⁷⁵⁹

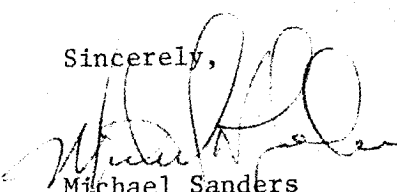
I have plotted the approximate quality of your water by means of
a red cross in the chart located on the back cover of the accompanying
AES pamphlet #13.

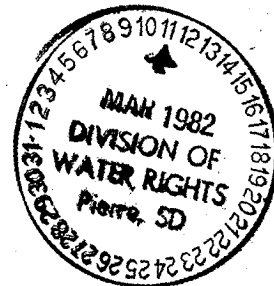
Sample No. 82-~~0690~~⁰⁷⁵⁹ is classified as a high saline, low sodium water.
It is suitable for a source for irrigation.

The Forney silt clay soil found in the NE $\frac{1}{4}$ of 36-91-49 is compatible
with the quality of your water. However, this soil series is
subject to a seasonal high water table and flooding. This soil
should not be worked early in the spring due to excessive wetness.

I will forward your WI-1 form, soils information, and a water
analysis to the Conservation Commission for their action.

Sincerely,


Michael Sanders
Water Quality Lab
Division of Conservation



REPORT OF ANALYSIS
Water Quality Laboratory
Water Resources Research Institute
South Dakota State University
Brookings, South Dakota 57007

Name: LUCILLE LYLE
Address: ELK POINT SD 57025

Date Rec'd
Sample No.
Identification

Mar 01, 1982
82-0759

091N 49W 36 b

WATER ANALYSIS

Calcium (Ca)	160	ppm*	7.98	me/l**
Magnesium (Mg)	19	ppm	1.56	me/l
Sodium (Na)	88	ppm	3.83	me/l
Potassium (K)	11	ppm	0.28	me/l
Sulfate (SO4)	165	ppm	3.44	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	10	ppm	0.28	me/l
Bicarbonate (HCO3)	571	ppm	9.36	me/l
Carbonate (CO3)	0	ppm	0.00	me/l
Iron (Fe)		ppm		me/l
Flouride (F)		ppm		me/l
Manganese (Mn)		ppm		
Boron (B)		ppm		
Hardness (EDTA asCaCO3)		ppm		g.p.g.***
Total solids		ppm		
Total Cations			13.65	me/l
Total Anions			13.08	me/l
Alkalinity (Methyl Orange)	468	ppm(as CaCO3)		
Alkalinity (Phenolphthalein)	0	ppm(as CaCO3)		
Electrical Conductivity	1150	micromhos per cm at 25 C		
Sodium Adsorption Ratio	1.75	Adjusted SAR	4.80	
Sodium	28.02	% of Cations		
Residual sodium carbonate	0.00	me/l		
pH	7.45			

Others:

*ppm=parts per million

**me/l=millequivalents per liter

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

COMMENTS

By: Shirley Mitten

Service Performed:

Irrigation Analysis

Total Cost: \$ 28.00

Amount Received: 0.00

Balance Due: 28.00

Make checks payable to: "SDSU Water Quality Lab"

Please write lab number on your check!

Lab No. 82-0759

Publish first publication, on or before March 18, 1982

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

March 9, 1982Notice is hereby given Lucille Lyle whose post office

address is Rt 1, Box 110, Elk Point, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9; 46-1-12 thru 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-25, 46-5-41 (~~ground~~) 46-6-3 thru 46-6-5, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, (~~future use~~) 46-5-38; (~~transfer lands~~) 46-5-33 thru 46-5-35 and Board Rules ARSD 74:02:01:01 thru 74:02:01:15, (~~future use~~) 74:02:01:23 thru 74:02:01:26 (10,000 AFA) 74:02:07:01 thru 74:02:07:03, for a permit to appropriate for beneficial use

0.57 cubic feet of water per second of time from ~~groundwater~~ (~~1 well existing~~) through the Lucille Lyle Irrigation Project, the point(s) of diversion which is ~~located~~ located in the SW 1/4 NE 1/4

of Section 36, Twp. 91N, Range 49W. Said water to be used for purpose of providing irrigation on portions of the following described land:

NE 1/4 NE 1/4 Section 36, T91N, R49W (additional acreage on an existing Water Right)

This Application No. 4874-3 will be considered by the Water Management Board at Meeting Room #1, Kneip Bldg. Church & Illinois, Pierre SD upon the 7th day of April, 1982.

at 10 A.M. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWNR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

For the Water Management Board

cc: applicant

BETTY WESTLUND, Water Rights Specialist

WNR-806-2/82

No. 4874-3

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 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, S. Dak.

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

Thursday March 18 1982

Thursday March 25, 1982

Lester E. Emerson
(Signature)

Editor/Publisher
(Title)

March 25, 1982
(Date Signed)

Cost of Printing: \$2.77



NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER

Pierre, South Dakota 57501

March 9, 1982

Notice is hereby given Lucille Lyle whose post office address is Rt. 1, Box 110, Elk Point, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9; 46-1-12 thru 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-25, 46-5-41, 46-6-3 thru 46-6-5, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, and Board Rules ARSD 74:02:01:01 thru 74:02:01:15, for a permit to appropriate for beneficial use 0.57 cubic feet of water per second of time from groundwater (1 well existing) through the Lucille Lyle Irrigation Project, the point of diversion which is located in the SW 1/4 NE 1/4 of Section 36, Twp. 91W, Range 49W. Said water to be used for purpose of providing irrigation on portions of the following described land: NE 1/4 NE 1/4 Section 36, T91N, R49W (additional acreage on an existing Water Right).

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For the Water Management Board

BETTY WESTLUND, Water Rights Specialist

Pub. Mar. 18, 25.

3-25



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 22, 1993

Philip E Lyle
Cherry Creek Law Bldg.
255 Clayton Street
Denver, CO 80206

Dear Mr. Lyle:

Enclosed, as we discussed, is a partially completed "Notice of Transfer of Ownership" for use in filing an ownership change on Water Permit No. 4874-3. The water permit is currently listed in the name of Lucille Lyle. I am enclosing a copy of the water permit for your records.

Please complete the form and sign it in the presence of a notary public. Upon completion, return the transfer form to our office with a required filing fee of \$2.50.

I reviewed our files and was unable to find any other permits listed in either Lucille Lyle, Raymond Lyle or R E Lyle. If there were any, they have already been transferred to your name.

Thank you again for getting back to me with reference to the transfer for Lucille. If I can answer any questions for you, please contact me.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 4874-3

Date: 9/24/93

I\We request that Water Permit No. 4874-3

formerly owned by: Lucille Lyle

be transferred to: (name & address) Phillip E. Lyle 255 CLAYTON ST.,
DENVER, CO 80206 (Telephone No) (303) 399-1070

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

NE¼NE¼ Section 36, T91N, R49W - 40 acres

I\We understand that the validity of Water Permit No. 4874-3 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 at the Division of Water Rights, as evidence of the change of ownership.

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

STATE OF COLORADO)
County of DENVER)

I\We Phillip E. Lyle being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Phillip E. Lyle
(Signed)

Subscribed and sworn to before me this 24th day of SEPTEMBER, 19 93.

Beverly Bass
(Notary Public) My commission expires 11.5.94

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. 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

413905

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ September 29, 19 93

RECEIVED OF Phil Lyle, 255 Clayton St, Denver, CO 80206

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>Water Permit No. 4874-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By

John Hatch
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 6, 1993

No. 4874-3

Phillip E. Lyle
55 Clayton St.
Denver, CO 80206

Dear Mr. Lyle:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Permit No. 4874-3.

Our records now show you as the owner of Water Permit No. 4874-3.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

enclosure



4874-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 27, 1998

Phillip E Lyle
1800 W Littleton Blvd
Littleton, CO 80120-2021

RE: Water Permit/Right Nos. 232-3, 331-3, 1932-3, 4874-3, 4882-3 and 4884-3

Dear Mr. Lyle:

Enclosed is a "Notice" dated October 16, 1998 concerning the 1998 irrigation questionnaires. The notice was originally mailed to 255 Clayton St, Denver, CO. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures

Water Rights Division - DENR

Conversation or File Documentation

Name of Owner: **Phillip Lyle** File No. **4874-3**
Address: **1800 W. Littleton Blvd., Littleton, CO 80120** County: **Union**
Name of operator: **Brian Chicoine, RR 1 Box 211, Elk Point, SD 57025**
Date: **October 18, 1999** Telephone: **(605) 966-5271**
RE: **Status of Permit No. 4874-3.**

Comments:

Water Right No. 1932-3 irrigates 120 acres located in the NW, SW, and SE of the NE of Section 36, T91N, R49W and authorizes 1.7 cfs of water from one well. Permit No. 4874-3 irrigates 40 acres located in the NE NE Section 36, T91N, R49W and authorizes 0.5 cfs of water from the same well as 1932-3.

Mr. Chicoine irrigated the entire 160 acres in 1999 and put in a new center pivot at the end of the season. The center pivot covers 136 acres. However Mr. Chicoine is planning on adding a cornering system to the new center pivot. Since he irrigated the entire 160 acres in 1999, I explained that he has three more years to put the cornering system. If this permit were licensed at this time it would be for the 136 acres the pivot currently covers. Mr. Chicoine would like to have the appropriate time to decide if he wants to add the cornering system. I told him we would check back in three years and if the cornering system had been added we would license for the lands covered by the system.

The inspection was done on October 18, 1999, for the system that is currently on site.



Lynn Beck
Natural Resources Engineer

REPORT ON INSPECTION OF PERMIT NO. 4874-3

DATE OF INSPECTION: 10-18-99

Other permit(s) associated with the project: 1932-3

NAME & ADDRESS OF INSPECTION CONTACT: Brian Chicoine, RR 1, Box 211, Elk Point, SD 57025

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: son-in-law

NAME & ADDRESS OF PERMIT HOLDER: Phillip Lyle, 1800 W. Littleton Blvd., Littleton, CO 80120

DIVERSION POINT LEGAL LOCATION: 1920' W and 1000' S of the NE corner Section 36, T91N, R49W, in the NW NE Section 36.

WELL INFORMATION:

- 1) Well Drilling Firm: Wetmore Drilling
- 2) No. of Wells 1
- 3) Depth(s) 110 feet
- 4) Well log is available no, well covered by Water Right No. 1932-3.

Casing:

- 1) Diameter 10 inches
- 2) Length 70 feet
- 3) Type pvc

Screen:

- 1) Type slotted pvc
- 2) Length 40 feet
- 3) Static water level 20 feet

Pump:

- 1) Make Western Landroller
- 2) Model #
- 3) Size #
- 4) Capacity 750 GPM

Motor:

- 1) Make US Electric
- 2) Model No. 220TPH
- 3) Horsepower rating 30 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type pvc
- 2) Size 10"
- 3) Length 745 feet

SYSTEM TYPE: Current system as of October 1999. May add a cornering system.

Center Pivot:

- 1) Make Valley
- 2) Overall length 1320'
- 3) Number of towers 8
- 4) End gun yes
- 5) High or low pressure low
- 6) Capacity 900 GPM

CHEMIGATION EQUIPMENT:

- 1) Does chemigate no

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by #
- 2) All structures, wells and lands on map #
- 3) Irrigation questionnaires checked to determine if permit owner started irrigation by the end of construction period #

1114

R49W/3

1109

May add cornering system.
Last irrigated the whole 160
acres the summer of 1999.

9 ac.

9 ac.

1000'

10" pvc

1920'

NW NE 31 ac.

NE NE 31 ac.

Permit No. 4874-3 covers 40 acres in the
NE NE.
Water Right No. 1932-3 covers 120 acres
in the NW NE, SW NE, and SE NE.

SW NE 32 ac.

SE NE 32 ac.

T91N

1113

36

8 ac.

8 ac.

1111

1110

1113

1111

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

STATE CONSERVATION COMMISSION

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

OWNERS NAME: Lucille Lyle OWNERS ADDRESS: RT 1 Box 110

COUNTY LAND LOCATED IN: UPPER PHONE: 356-2935 57025

TENANT'S NAME AND ADDRESS: (If Other Than Owner) _____

In accordance with State Law SDCL 46-5-6.5, if a water permit is granted with a conditional Soil/Water Compatibility permit, a copy of such conditional soil/water compatibility permit must be filed with the County Register of Deeds. This action must be taken by the holder of a water permit within 6 months of receipt of such water permit.

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

1. WELL LOCATION OR DIVERSION POINT: ~~RT 1 Box 110~~
2. SURFACE WATER SOURCE: NW 4 NE 4 Sec 36-91-49
3. LOCATION OF AREA TO BE IRRIGATED. NOTE: SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)

Legal Description	Acres	Legal Description	Acres
<u>NW 4 NE 4 Sec 36-91-49</u>	<u>40</u>		

4. TYPE OF IRRIGATION: GRAVITY: X TOWLINE: _____ CENTER PIVOT: _____ GUN: _____ OTHER: _____ (Specify)
5. CROPS TO BE IRRIGATED: corn beans Etc.
6. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: _____
LEGAL DESCRIPTION: _____
IN WHAT NAME: _____

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

7. WATER SAMPLE NUMBER: 82-0690
8. SALINITY (EC X 10⁶): 1100
9. SODIUM (SAR): 1.41
10. ADJUSTED (SAR): 3.87



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

I understand that the Division of Conservation or agents thereof may obtain another water sample for the purpose of validating the water sample analysis taken at the time of application (SDCL 46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS

5th DAY OF Feb, 1982

(NOTARY PUBLIC)

APPLICANT'S SIGNATURE

Director, Division of Conservation

IMPORTANT

Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application. In all cases a WATER PERMIT must be obtained from the Board of Water Management

X APPROVED

DISAPPROVED

CONDITIONALLY APPROVED

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8714

PIERRE, February 10, 19 82

RECEIVED OF Lucille Lyle, Route #1, Box 110, Elk Point, SD 57025

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

Fee for Application for Permit to appropriate Water No. <u>4874-3</u> (examination, processing, recording and filing) -----	150	00
Fee for inspecting Construction, and issuing Cert. of Construction No. -----		
Fee for inspecting Beneficial Use, and issuing Water License No. -----		
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	150	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH (ms)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 24, 2000

1932-3
4874-3

Arlene Wells
403 Cascio Dr
Bellevue, NE 68005

Dear Ms. Wells:

I am contacting you in regard to ownership of Water Right No. 1932-3 and Water Permit No. 4874-3. Phillip Lyle called yesterday and indicated that these two numbers should be transferred.

Enclosed are two partially completed "Notice of Transfer of Ownership" forms for use in filing the ownership change. Please fill in the portion titled "*be transferred to: (name & address)*". Upon completion, please sign the forms in the presence of a notary public and return them to our office with a required filing fee of \$2.50 each (total of \$5.00). The check or money order for the fee can be made payable to the "Water Rights Program".

I am including a copy of Water Right No. 1932-3 and Water Permit No. 4874-3. You may keep these for your records. If I can answer any questions for you, please let me know.

Thank you in advance for your help.

Sincerely,

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
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October 24, 2000

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Thank you in advance for your help.

Sincerely,

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

enclosures

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N^o 416680

Pierre, November 8, 2000

RECEIVED OF Lyle Family Partnership, 403 Cascio Dr., Bellevue NE 68005
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 Water Permit No. 4874-3

2 50

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

By Harland Ebele
Chief Engineer

RS



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 9, 2000

1932-3
4874-3

Arlene Lyle Wells
403 Cascio Dr
Bellevue, NE 68005

Dear Ms. Wells:

Thank you for following up on the ownership changes for Water Right No. 1932-3 and Water Permit No. 4874-3. The transfers have been completed and Nos. 1932-3 and 4874-3 are now listed in your name.

Enclosed are your Receipt Nos. 416679 and 416680 in the amount of \$2.50 each.

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

Sincerely,

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

enclosures



Sea Things

IN A WHOLE NEW WAY

11-3-00

Genny -

Enclosed 2 notarized
transfer of ownership forms
and check for required filing
fee for same, per your
letter of 10-24-2000

Thank you

Adeline Lyle Wells

(402) 291-6995

Permit No. 4874-3
Big Sioux River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, **September 27, 2007**, made a thorough examination of the water use system constructed by **Brian Chicoine and Phillip Lyle** of **32650 480th Ave, Elk Point, SD 57025** holder of Permit No. **4874-3**, bearing the priority of **February 10, 1982** authorizing the diversion of **0.5** cu. ft. per second of the waters of **Missouri: Elk Point Aquifer** for **irrigation** purposes, in **Union** County.

Inspection contact & relationship to permit holder, if applicable: **Brian Chicoine – Operator and part owner 605.966.5271**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Wetmore Drilling**
- 2) No. of Wells **1**
- 3) Depth(s) **110** feet
- 4) Well log is available **yes, well covered under Water Right No. 1932-3**

Casing:

- 1) Diameter **10** inches
- 2) Length **70** feet
- 3) Type **pvc**

Screen:

- 1) Type **pvc**
- 2) Length **40** feet
- 3) Static water level **20** feet

Pump:

- 1) Make **Western Landroller**
- 2) Model
- 3) Size
- 4) Capacity **750** GPM

Motor:

- 1) Make **US Electric**
- 2) Model No. **220TPH**
- 3) Horsepower rating **50** hp

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

- 1) Type **pvc**
- 2) Size **10** inches
- 3) Length **700** feet

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Valley
- 2) Overall length 1320' feet
- 3) Number of towers 8
- 4) End gun yes
- 5) High or low pressure low
- 6) Capacity 750 GPM

Chemigation Equipment:

- 1) Does chemigate no

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by yes
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period yes
- 3) Exceptions to compliance are: list

The system is in fair condition with the point(s) of diversion located as follows: 1260' S and 2000' W of the NE corner Section 36-T91N-R49W in the NW¼ NE¼ Section 36; 42.660483, -96.574425. The works are capable of diverting and conveying to the place of use 1.67 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

All in Section 36-T91N-R49W:

Under 4874-3

NE¼ NE¼ 32 acres

Under 1932-3

NW¼ NE¼ 32 acres

SW¼ NE¼ 32 acres

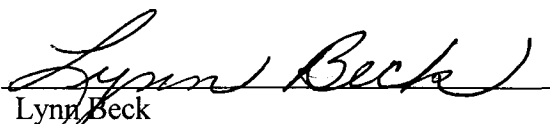
SE¼ NE¼ 32 acres

comprising a total of 128 acres of land and the license should be issued for 1.67 cfs.

All structures, wells and lands on map yes

Comments or other permit(s) associated with the project:

Water Right No. 1932-3 covers acres irrigated as described above and the diversion point. Land under 1923-3 and 4874-3 was flood irrigated and is now irrigated with a center pivot at 750 gpm or 1.67 cfs. The priority date for land irrigated under 4874-3 is February 10, 1982 (0.50 cfs). The priority dates for land irrigated under 1932-3 are May 12, 1971 (1.14 cfs) and March 28, 1972 (0.56 cfs). The water rights should be incorporated.



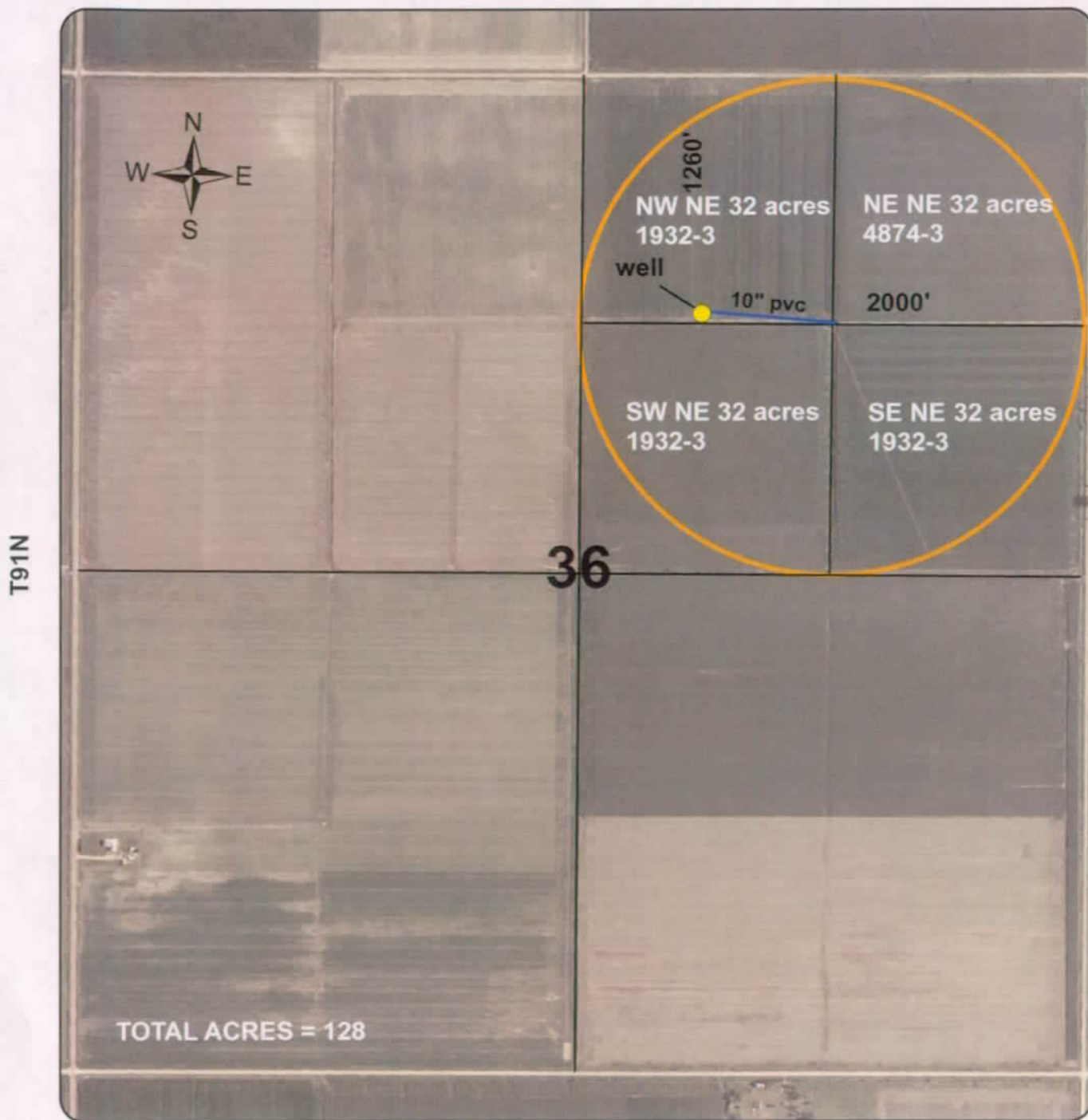
Lynn Beck

Natural Resources Engineer Specialist
DENR, Water Rights Program

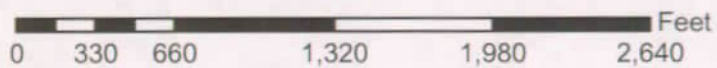
Date report completed: October 31, 2007

WATER RIGHT NO. 4874-3
Brian Chicoine and Phillip Lyle
November 1, 2007

R49W



SCALE



Lynn Beck

Lynn Beck
Natural Resources Engineer Specialist
DENR - Water Rights Program



Approval of Location Change and/or Additional Diversion Point(s)

NAME: Brian Chicoine

ADDRESS: 32650 480th Ave, Elk Point, SD 57025

DATE: 4/11/2008 **COUNTY:** Union **TELEPHONE:** (605) 966-5271

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

Same water source, Missouri: Elk Point Aquifer, and no additional water appropriated.

- **If irrigation, no new land is irrigated**

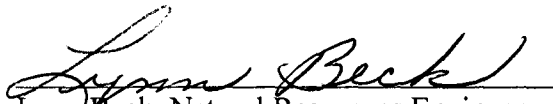
No new lands irrigated.

- **Review of Existing Diversions**

This diversion point is already licensed under 1923-3 and was advertised in the correct location. The advertisement for 4874-3 lists the diversion point in the wrong location though it is correct on the permit. The diversion point is located in the NW¼ NE¼ Section 36-T91N-R49W.

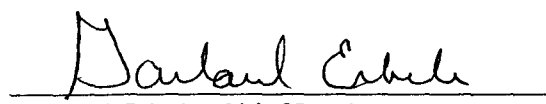
RECOMMENDED ACTION

Based on the above criteria, it is recommended that the diversion point(s) be licensed as developed.


Lynn Beck, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.


Garland Erbele, Chief Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 8, 2008

No. 1932-3 and 4874-3

Brian Chicoine
32650 480th Ave
Elk Point SD 57025

Dear Mr. Chicoine:

Enclosed are partially completed "Notice of Transfer" forms for use in filing an ownership change on Water Permit/Right Nos. 1932-3 and 4874-3. The water permits are currently listed in the name of Arlene Lyle Wells.

The transfer forms should be checked over for accuracy and **signed by the new owner**. Upon completion, return the forms to our office with a required filing fee of \$2.50 each (\$5.00 total).

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact Lynn Beck or me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352
email: karen.schlaak@state.sd.us

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

APR - 3 2008

WATER RIGHTS
PROGRAM

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

No. 4874-3

Date:

4/1/08

I/We request that Water Right/Permit No. 4874-3

formerly owned by: Arlene Lyle Wells

be transferred to: (name & address) Brian Chicoine, 32650 480th Ave, Elk Point SD 57025

Telephone No. 605 966-5271

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

40 acres - NE 1/4 NE 1/4 Section 36-T91N-R49W

I/We understand that the validity of Water Right/Permit No. 4874-3 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 Brian 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 4/3, 20 08

RECEIVED OF Brian Chicoine 32650 480th Ave 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>4874-3</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.

03610

By

Richard Erbe
Chief Engineer



4874-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 8, 2008

Brian Chicoine
32650 480th Ave
Elk Point SD 57025

RE: Water Right Nos. 845-3, 1932-3, 3313-3 and 4874-3

Dear Mr. Chicoine:

I am writing to acknowledge receipt of the ownership changes you filed for Water Right Nos. 845-3, 1932-3, 3313-3 and 4874-3.

With reference to the transfer forms for Water Right Nos. 845-3 and 3313-3 (Roland Chicoine); a legal description was not included on either form showing what property was transferred. Water Right No. 845-3 authorizes irrigation of the S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 34 and NW $\frac{1}{4}$ Section 35, T91N, R49W and No. 3313-3 authorizes irrigation of the N $\frac{1}{2}$ Section 35, T91N, R49W. Since no legal description was included, we are assuming that you own the entire acreage. If this is incorrect, please contact me so corrections can be made.

The transfers have been completed. The water rights are now listed in your name. Enclosed are your Receipt Nos. 3610, 3611, 3612 and 3613 in the amounts of \$2.50 each which you paid for filing the ownership changes.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAY 07 2000

4874-3

Brian Chicoine
32650 480th Ave
Elk Point SD 57025

Dear Mr. Chicoine:

Enclosed is Water License No. 4874-3. This is the final water right document completing your process of obtaining a Water Right. Also, included with your license is a map prepared by the staff engineer who conducted the investigation.

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

enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 4874-3

(1) Lucille Lyle, Elk Point SD made Application No. 4874-3, February 10, 1982 for a water permit to divert 0.50 cubic feet of water per second from groundwater (one well), Union County, South Dakota for irrigation purposes. Permit No. 4874-3, with a priority date of February 10, 1982 was approved April 7, 1982 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before April 7, 1987 and for the application to beneficial use of water on or before April 7, 1991.

An investigation conducted for licensing purposes found the well under Water Permit No. 4874-3 was not in the location authorized by the permit. Pursuant to SDCL 46-5-13.1, the Chief Engineer makes a finding that the change in location of diversion point does not increase the potential for interference with existing water rights.

Water Right No. 1932-3 with priority dates of May 12, 1971 and March 28, 1972 authorized irrigation of 120 acres. No. 4874-3 was obtained to add acreage to Water Right No. 1932-3. The applicable portions of No. 1932-3 are incorporated into No. 4874-3.

On April 3, 2008, Water Permit Nos. 1932-3 and 4873-4 were transferred to Brian Chicoine, 32650 480th Ave, Elk Point SD 57025.

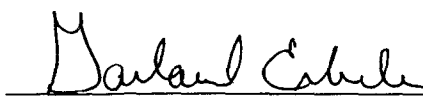
(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Incorporated Water Right No. 4874-3 is issued a license, bearing priority dates of May 12, 1971 (1.14 cfs), March 28, 1972 (0.53 cfs) and February 10, 1982 to appropriate 1.67 cubic feet of water per second from groundwater (one well) to irrigate 128 acres.

The diversion point is located: 1,260 feet south and 2,000 feet west of the northeast corner of Section 36-T91N-R49W (NW ¼ NE ¼). The acres authorized for irrigation and priority dates are as follows:

Section 36-T91N-R49W		Priority date
NE ¼ NE ¼	32 acres	February 10, 1982
NW ¼ NE ¼	32 acres	May 12, 1971
SW ¼ NE ¼	32 acres	May 12, 1971
SE ¼ NE ¼	32 acres	March 28, 1972
Total 128 acres		

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Permit No. 4874-3 including the following now applicable qualifications:

- 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 adequate domestic wells or in irrigation wells having prior water rights.
- This permit is approved subject to the irrigation water use questionnaire being submitted each year.



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

MAY 07 2008
date



Permit No. 4874-3
Big Sioux River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, **September 27, 2007**, made a thorough examination of the water use system constructed by **Brian Chicoine and Phillip Lyle** of **32650 480th Ave, Elk Point, SD 57025** holder of Permit No. **4874-3**, bearing the priority of **February 10, 1982** authorizing the diversion of **0.5** cu. ft. per second of the waters of **Missouri: Elk Point Aquifer** for **irrigation** purposes, in **Union** County.

Inspection contact & relationship to permit holder, if applicable: **Brian Chicoine – Operator and part owner 605.966.5271**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Wetmore Drilling**
- 2) No. of Wells **1**
- 3) Depth(s) **110** feet
- 4) Well log is available **yes, well covered under Water Right No. 1932-3**

Casing:

- 1) Diameter **10** inches
- 2) Length **70** feet
- 3) Type **pvc**

Screen:

- 1) Type **pvc**
- 2) Length **40** feet
- 3) Static water level **20** feet

Pump:

- 1) Make **Western Landroller**
- 2) Model
- 3) Size
- 4) Capacity **750** GPM

Motor:

- 1) Make **US Electric**
- 2) Model No. **220TPH**
- 3) Horsepower rating **50** hp

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

- 1) Type **pvc**
- 2) Size **10** inches
- 3) Length **700** feet

C. Works used to apply water to beneficial use:**Center pivot:**

- 1) Make Valley
- 2) Overall length 1320' feet
- 3) Number of towers 8
- 4) End gun yes, turned on at corners
- 5) High or low pressure low
- 6) Capacity 750 GPM

Chemigation Equipment:

- 1) Does chemigate no

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by yes
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period yes
- 3) Exceptions to compliance are: list

The system is in fair condition with the point(s) of diversion located as follows: 1260' S and 2000' W of the NE corner Section 36-T91N-R49W in the NW¼ NE¼ Section 36; 42.660483, -96.574425. The works are capable of diverting and conveying to the place of use 1.67 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

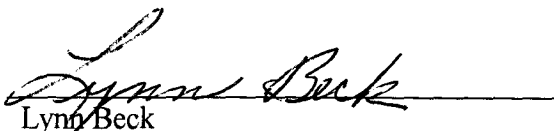
All in Section 36-T91N-R49W:**Under 4874-3****NE¼ NE¼ 34.5 acres****Under 1932-3****NW¼ NE¼ 34.5 acres****SW¼ NE¼ 34.5 acres****SE¼ NE¼ 34.5 acres**

comprising a total of 138 acres of land and the license should be issued for 1.67 cfs.

All structures, wells and lands on map yes

Comments or other permit(s) associated with the project:

Water Right No. 1932-3 covers acres irrigated as described above and the diversion point. Land under 1923-3 and 4874-3 was flood irrigated and is now irrigated with a center pivot with an end gun at 750 gpm or 1.67 cfs. The priority date for land irrigated under 4874-3 is February 10, 1982 (0.50 cfs). The priority dates for land irrigated under 1932-3 are May 12, 1971 (1.14 cfs) and March 28, 1972 (0.56 cfs). The water rights should be incorporated.



Lynn Beck

Natural Resources Engineer Specialist
DENR, Water Rights Program

Date report completed: October 31, 2007



FLONASE

(fluticasone propionate)

Lynn.

As per our phone cons.

on 5/28/08 here is the

map for License # 4874-3

from the Union Co FSA.

Thanks for your help - call
if any questions.

Brian
Chicoine

License # 4874-3



USDA - Farm Service Agency Union County, SD

36-91N-49W
1:8,777
April 24, 2008

N



Legend

- Tract Boundaries
- Section-Township-Range
- Easements
- CRP
- Common Land Units
- Rangeland

Wetland Determination Identifiers

- Restricted Use
- Limited Restrictions
- Exempt from Conservation Compliance Provisions

USDA FSA maps are for FSA Program administration only. There is no guarantee or representation to the user as to the accuracy, currency, suitability or reliability. FSA MAPS DO NOT REPRESENT A LEGAL SURVEY. The user accepts the data 'as is' and assumes all risks associated with its use. Wetland prints reflect records available with NRCS and may or may not constitute a full inventory of the property. The USDA Farm Service Agency assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data. Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.

License # 48747

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Water Rights Program - File Documentation

NAME: Brian Chicoine

ADDRESS: Elk Point

DATE: 5-28-08 **COUNTY:** UN **TELEPHONE:** 712 251-0061

RE: Water License

COMMENTS:

Brian Chicoine called Lynn Beck and stated that the water license was incorrect. The end guns on his irrigation system pick up another 10 acres. The total number of acres irrigated is 138 acres. The map he received from the FSA office indicates the same.

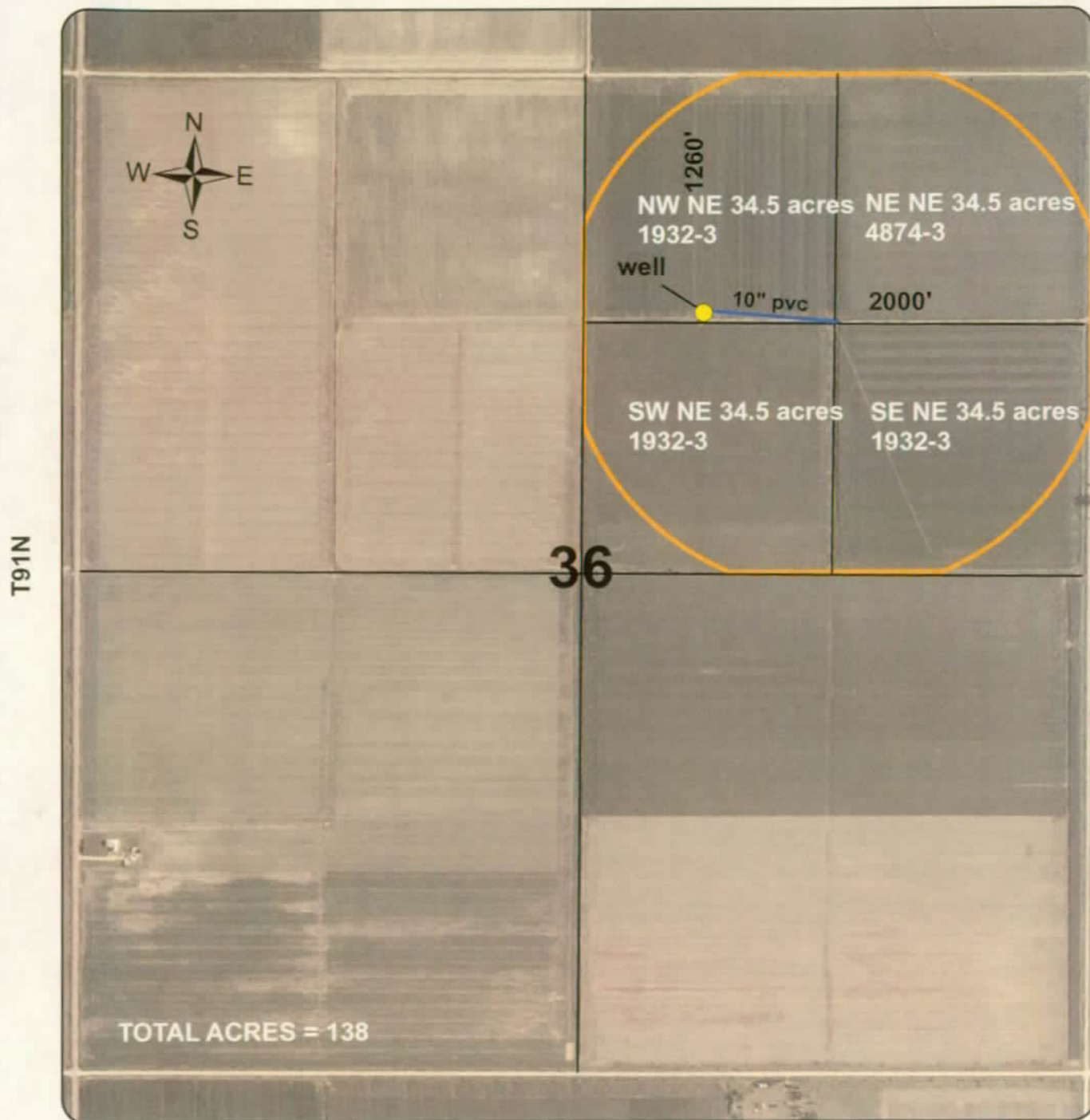
Therefore, the water license is being reissued to correct the acreage.



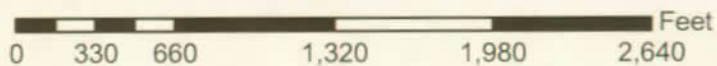
Karen Schlaak
Environmental Scientist

WATER RIGHT NO. 4874-3
Brian Chicoine and Phillip Lyle
November 1, 2007

R49W



SCALE



Lynn Beck
Lynn Beck
Natural Resources Engineer Specialist
DENR - Water Rights Program





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

4874-3

JUN 12 2003

Brian Chicoine
32650 480th Ave
Elk Point SD 57025

Dear Mr. Chicoine:

Enclosed is Reissued Water License No. 4874-3. The water right is being reissued to correct the number of acres irrigated. Also, included with your license is a revised map.

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

enclosures

REISSUED
STATE OF SOUTH DAKOTA
WATER LICENSE NO. 4874-3

(1) Lucille Lyle, Elk Point SD made Application No. 4874-3, February 10, 1982 for a water permit to divert 0.50 cubic feet of water per second from groundwater (one well), Union County, South Dakota for irrigation purposes. Permit No. 4874-3, with a priority date of February 10, 1982 was approved April 7, 1982 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before April 7, 1987 and for the application to beneficial use of water on or before April 7, 1991.

An investigation conducted for licensing purposes found the well under Water Permit No. 4874-3 was not in the location authorized by the permit. Pursuant to SDCL 46-5-13.1, the Chief Engineer makes a finding that the change in location of diversion point does not increase the potential for interference with existing water rights.

Water Right No. 1932-3 with priority dates of May 12, 1971 and March 28, 1972 authorized irrigation of 120 acres. No. 4874-3 was obtained to add acreage to Water Right No. 1932-3. The applicable portions of No. 1932-3 are incorporated into No. 4874-3.

On April 3, 2008, Water Permit Nos. 1932-3 and 4874-3 were transferred to Brian Chicoine, 32650 480th Ave, Elk Point SD 57025.

The water license is being reissued to correct the number of acres being irrigated.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Incorporated Water Right No. 4874-3 is issued a license, bearing priority dates of May 12, 1971 (1.14 cfs), March 28, 1972 (0.53 cfs) and February 10, 1982 to appropriate 1.67 cubic feet of water per second from groundwater (one well) to irrigate 138 acres.

The diversion point is located: 1,260 feet south and 2,000 feet west of the northeast corner of Section 36-T91N-R49W (NW ¼ NE ¼). The acres authorized for irrigation and priority dates are as follows:

Section 36-T91N-R49W		Priority date
NE ¼ NE ¼	34.5 acres	February 10, 1982
NW ¼ NE ¼	34.5 acres	May 12, 1971
SW ¼ NE ¼	34.5 acres	May 12, 1971
SE ¼ NE ¼	34.5 acres	March 28, 1972
Total 138 acres		

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Permit No. 4874-3 including the following now applicable qualifications:

- 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 adequate domestic wells or in irrigation wells having prior water rights.
- This permit is approved subject to the irrigation water use questionnaire being submitted each year.



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

JUN 12 2008

date

