

No.

53-3

Office of State Engineer
DOCUMENT FILE

James Curran
Jefferson

Will

Map No. 34-3

NO. 53-3Water Division No. 3 Sioux River District
(Blanks to be filled by the State Engineer.)APPLICATION FOR PERMIT
To appropriate Water within the State of South Dakota

(NOTE—Draw a line through items not applicable.)

1. Name of applicant James Curran
Postoffice address Jefferson, County Union, State S. Dak.

I. If a corporation

- (a) Name of same
- (b) Date and place of incorporation
- (c) Amount of capital stock
- (d) Amount paid in
- (e) Names and address of directors:

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

(a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor) Contract

(b) Cash on hand, \$

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of well James Curran Well3. Quantity of water claimed 1000 gal. per min. 2.22 cfsEstimated annual amount of water to be used: 40 acre feet4. Source of water supply (estimated depth) Ground water supply5. Location of well (subdivision) NE 1/4 Sec. 5-90-10

6. Annual periods during which water is to be used

7. To be used for: Irrigation

I. Irrigation or domestic use:

(a) Number of acres to be irrigated 100 acres.

The irrigable portion of Lots 1, 2, 3 & 4 in the NE 1/4 Sec. 5-T 90N-R 48W

(b) Legal subdivisions to be irrigated

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

(c) Statement as to domestic use (giving location, etc.)

II. Mining, power, manufacturing, transportation, or other purposes:

(a) Nature of use

(b) Amount of power to be generated horse power.

(c) Location of plant

(d) Method of developing power

(e) Point where return water will be diverted to stream

8. Estimated cost of works:

(a) Head gates, \$..... (b) Pumping plant, \$.....
 (c) Fluming, \$..... (d) Canal-earth, \$..... Rock, \$.....
 (e) Other structures \$..... Total, \$.....

9. Description of works:

Hydraulic drilling machine, 36 inch hole, 78 inch CMP 14 guage,
 (a) Head gate: Width feet; height sand packed well;
 Material

(b) Log of well: Log recorded by M. Merryman, Wood River, Neb. Copy below.

FEET TO	FROM	LOG OF WELL
0	2	black top soil
2	6	black gumbo
6	28	sticky grey clay or gumbo
28	34	black crumbly soil
34	48	blue clay
48	52	sand and clay
52	57	sand, gravel and some clay
57	65	sand and clay
65	68	sand
68	74	sand and gravel
74	88	course gravel
88	94	course gravel and some boulders
94	104	course gravel
104		boulders, could not get any deeper

(c) Measuring device Parshall flume used for measurement. This well has
 (d) an 8 inch turbine pump powered by a farm tractor
 Canal: Total length miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER LINE	GRADE PER MILE
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet

(Give dimensions where reductions in size are made.)

(e) Was water tested for irrigation purpose?

Result:

10. Time required for completion of workone..... years.

11. Time required for complete application of water to the proposed beneficial useone..... years.

12. Choice of newspaper for publication of notice of intention to appropriate

Leader - Courier, Elk Point, S. Dak.

STATE OF SOUTH DAKOTA

County ofUNION..... ss.

I,JAMES CURRAN....., 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 and foregoing statement, and examined the map accompanying the same,
 and that I know of my own person, knowledge that the matters herein stated and shown are true.

Signed/s/ James Curran.....

Subscribed and sworn to before me this25th..... day ofAugust....., 19.....49

...../s/ Jerome H. Tru can.....
 Notary Public (or other qualified officer.)

Remarks by State Engineer:

STATE OF SOUTH DAKOTA

County of HUGHES

SS.

Pierre, South Dakota, April 4, 1950.

This is to certify that the foregoing application was received at this office at 10:00 o'clock
1 m. upon the 27 day of August, 1949 and that after examination it
was ~~found to comply with the State Water Code and a notice was duly advertised as~~
~~required by law and no protests or objections were received.~~

Number of permit 53-3

DEAN W. LOUCKS,

State Engineer.

Date of first receipt of application August 27, 1949

Date of return to applicant for correction - - - -, 19- -

Date of receipt of corrected application - - - -, 19- -

Date from which applicant may claim right August 27, 1949

Approved April 4, 1950, Recorded in Book 2 Page 663-669

This is to certify that I have examined the foregoing application for a permit to appropriate water of the state of South Dakota, and I hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth, of the work above specified is to be completed on or before October 4, 1950

2nd. The whole of said work is to be completed on or before April 4, 1951

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is April 4, 1951

4th. The water appropriated shall be used for the purpose of irrigation

5th. 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.

6th. The amount of the appropriation herein granted shall not exceed 2.2 cfs or
gallons per minute; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must 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 4, 1951; said water to be used during the following described annual period:

April 1st to Oct. 1st

Witness my hand this 4th day of April, 1950

DEAN W. LOUCKS,

State Engineer.

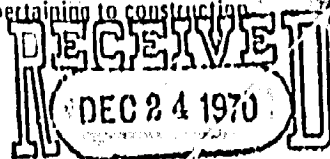
CERT OF CONS ISSUED
WATER LICENSE ISSUED

JANUARY 26, 1971
JANUARY 26, 1971

NOTE.

This Form is supplemental to Form 2, and is to be used when an affidavit pertaining to construction and water use, already completed, is needed.

**AFFIDAVIT OF CONSTRUCTION OF WATER USE
SYSTEM AND APPLICATION OF WATER TO BENEFICIAL USE**



Name of Applicant (Same as Form 2) James Curran STATE WATER RESOURCES COMMISSION
SIOUX FALLS, SOUTH DAKOTA

Post Office Address Jefferson, State South Dakota

If a Corporation show date and place of incorporation _____

13. Notice of Appropriation (If available)

Date of Posting August 27, 1949 Date of Recording August 4, 1950

Recording Data Water Permit No. 53-3

14. Date of start of construction of water supply system 1948

15. Date that water was first applied to beneficial use 1948

16. Name of owner of original water supply system James Curran

17. Amount of water originally applied to beneficial use 2.69 c. f. s.

18. Present Use of Water

Amount of water now being used 2.69 c. f. s.

Date that this amount of water was first used 1948

19. Chronological History of Water Use

The well is 104 feet deep, cased with 18 inch steel casing.
The static water level is about 12 feet. The bowl setting is about 52 feet.
The pump is a Western Land Roller pump, 8 inch, Mod. 8 B 030.
The pump is run by a 960 Ford gasoline tractor, 48 HP.

The well was completed in 1948 and has been used to irrigate the land as needed since that date using open ditches and siphons.
The location of the land to be irrigated and the location of the diversion point is as shown in Water Permit No. 53-3.

Attach to this Form 2B. any copies of notices, postings, filings, publications, affidavits, or other records that apply. You may also attach any written statement by you, or by others, that you deem pertinent.

STATE OF SOUTH DAKOTA)

County of Union)

I, James Curran, the applicant, certify that I have read the foregoing and that the matters therein stated are true.

Signed James Curran

Subscribed and sworn to before me this 9th day of November, 19 70

Vincent M. Bill
(Notary Public - or other qualified Officer)

I, the undersigned, do hereby certify that I know about the water use system described above that I have read the foregoing and that the matters therein stated are true.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 53-3

(1) WHEREAS, On the 27th day of August A. D. 19 49
James Curran

made Water Right Application No. 53-3 for a permit to use 2.22 cubic feet per second of the waters of ground water

County of Union State of South Dakota, for irrigation

purpose; and

(2) WHEREAS, On the 4th day of April A. D. 19 50

Permit No. 53-3 with a date of priority of August 27, 1949

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 4th day of April A. D. 19 51 and for the application to beneficial use of said water on or before the 4th day of April A. D. 19 51

and, Whereas, on the 24th day of December, 1970, an Affidavit of Construction of Water Use System and Application of Water to Beneficial Use of Water was filed with the Commission, verifying the use of 2.69 cubic feet per second of water from a well drilled in 1948, and the Commission recognized the use of this amount of water and this priority date under the "vested right" portion of the South Dakota Water Laws,

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 2.69 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.

for irrigating the following land in Section 5, T90N, R48W

Lot 1 of the NW $\frac{1}{4}$ 80 acres

Lot 2 of the NW $\frac{1}{4}$ 50 acres

Lot 3 of the NW $\frac{1}{4}$ 33 acres

Lot 4 of the NE $\frac{1}{4}$ 30 acres

Total 193 Acres

(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 _____

James Curran

of **Jefferson**

the holder _____ and owner _____ of said permit No. **53-3** a water right, dating from **1948**

to use of **2.69** cubic feet per second of the waters of **ground water**

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 div. at **a point South 41° 45' East, 2,217 feet from the NW corner, Section 5, T90N, R48W**

and conduct to and upon **portions of Section 5, T90N, R48W, described on the face of this license**

for the purpose of **irrigation**

Subject to any limitations listed in Water Right Permit No. **53-3** and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this **26th** day of **January** A. D.

Nineteen Hundred and **Seventy - one**

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J.W. GRIMES

Form 15.

Permit No. 53-3

Water Diversion No. 3 BIG SIOUX RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That James Curran

_____ the holder _____ of
Permit No. 53-3, issued upon Application No. 53-3, bearing date of priority of August 27,
1949 authorizing the diversion of 2.22 cu. ft. per second of the waters of _____
ground water County of Union, State of South Dakota at _____
a point South 41° 45' East, 2,217 feet from the NW Corner, Section 5,
T90N, R48W
_____, for irrigation

_____ purposes, 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 recognized as
satisfactory for diverting and conveying to the place of intended use 2.69 cu. ft. per second of water.

Date January 26, 1971

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

(First Publication _____, 19____)

APPROPRIATION OF WATER

Office of State Engineer,

Pierre, So. Dak., August 29, 1940

Notice is hereby given that James Curran whose postoffice address is Jefferson, So. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.22 cubic feet of water per second of time from the ground water supply through the James Curran well the point of diversion of which is to be located on the bank of said stream in the 1/4 of the NW 1/4 of Section 6 Twp. 90N Range 48W. Said water to be used for the purpose of providing irrigation for lots 1, 2, 3, and 4 in the NW 1/4 Sec. 6, Twp. 90N, R. 48W. This application will be taken up by the State Engineer at his office at Pierre for consideration upon the 19th day of October, 1942, at 10:00 AM. All persons who be-

lieve that their prior rights would be injuriously affected, or that the allowance of the permit would be detrimental to the public welfare shall file such protest with the State Engineer in writing prior to the above date and may appear on the day above mentioned in person for the purpose of discussing further, the information presented.

Appropriate action will be taken by the State Engineer after suitable time has elapsed for the consideration of any or all information presented.

DEAN W. LOUCKS
State Engineer

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County of Union } ss.

Wm. J. Ryan being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the

The Leader-Courier a newspaper which during the whole time of publication of said notice hereinafter 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 dates:

September 15, 1949

September 22, 1949

September 29, 1949

October 6, 1949

in each and every issue of the full number thereof, the first publication being made on the 15th day of September 1949 and the last publication on the 6th day of October 1949, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was Manager the printer and publisher of the said newspaper.

Subscribed and sworn to before me this 7th day of October A. D. 1949

Notary Public Union County, S. D.

OFFICE OF STATE ENGINEER
SOUTH DAKOTA

APPROPRIATION OF WATER

Office of State Engineer, Pierre, So. Dak., August 29, 1949.

Notice is hereby given that James Curran, whose postoffice address is Jefferson, So. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.22 cubic feet of water per second of time from the ground water supply through the James Curran well, the point of diversion of which is to be located in the NW 1/4 of Section 5, Township 80N, Range 48W. Said water to be used for the purpose of providing irrigation for Lots 1, 2, 3, and 4 in the NW 1/4 Section 5, Township 80N, Range 48W.

This application will be taken up by the State Engineer at his office at Pierre for consideration upon the 19th day of October, 1949, at 10:00 A. M. All persons who believe that their prior rights would be injuriously affected, or that the allowance of the permit would be detrimental to the public welfare shall file such protest with the State Engineer in writing prior to the above date and may appear on the day above mentioned in person for the purpose of discussing further, the information presented.

Appropriate action will be taken by the State Engineer after suitable time has elapsed for the consideration of any or all information presented.

DEAN W. LOUCKS, State Engineer.

(Sept. 15-22-29 Oct. 6 - 4w - 2-5)

May 24, 1966

Mr. James Curran
Jefferson, South Dakota 57038

Dear Mr. Curran:

On returning to the office, I find that your Water Right is recorded. So, your brother or father has a Water Right record. Either one has had a final inspection made or the water license issued. As we discussed last week, this in no way affects your water right. The date of your priority is the important thing and this you both have had recorded some years ago.

Sometime in the near future Mr. Jones or myself will make the final inspection on the above mentioned water rights. The final papers can then be completed. This office will inform you when we will be able to be in the area to make the inspections.

Thank you for your assistance in drilling the observation well and your very useful information.

Sincerely,

WILLIAM H. MILLER
Engineering Geologist

WHM/bw

STATEMENT OF THE WATER RIGHT SITUATION PERTAINING TO PIONEER IRRIGATION WELLS IN UNION COUNTY

In 1948 and 1949 a small number of water right applications proposing to irrigate from irrigation wells in Union County were received and accepted by the State Engineer. The apparent required fees were also accepted by the State Engineer and the intent of the applicants to irrigate was advertised in local papers. After public hearings the State Engineer then issued water right permits to the applicants authorizing them to construct their irrigation wells and commence irrigation.

The issuing of the water right permit was not the final step in acquiring a water right. South Dakota water laws, then, and now, specified that after the irrigation system had been completed and the land had been irrigated, an inspection was to be made and a water license was to be issued authorizing the diversion rate and irrigation acreage to the extent actually accomplished not exceeding the amount authorized in the water permit. By 1953 none of the required inspections or water licenses had been completed for these pioneer irrigation wells in Union County.

On July 23rd, 1953 the Ninth Judicial Circuit Court in the case of FRANK T. DVORAK VS. STATE OF SOUTH DAKOTA AND DEAN W. LOUCKS, in a Memorandum Decision stated that the State Engineer was without authority to issue water permits authorizing irrigation from ground water and that such authority must come by legislative enactment.

The 1955 Legislature did pass such legislative enactment. SDCL 1967, Section 46-6-1 passed in 1955 states, "The term 'vested rights' used in this chapter, unless the context otherwise plainly requires, shall mean:

- (1) Beneficial uses of ground water under diversions and applications of water prior to February 28, 1955;
- (2) The right to take and use ground water for beneficial purposes where an owner or lawful agent was engaged in the construction of works for the actual application of water to a beneficial use on February 28, 1955, provided such works shall be completed and water is actually applied for such use within a reasonable time thereafter."

SDCL 1967, Section 46-6-2 passed in 1955 states:

"Any person claiming to be owner of a vested right to water from any of the underground sources in this chapter described, by application of waters therefrom to beneficial use other than for domestic use, shall make and file with the commission a declaration in a form and manner prescribed by the commission. This should set forth the beneficial use to which said water has been applied, the date of

first application to beneficial use and the continuity thereof, the location of the well, and if such water has been used for irrigation purposes the legal description of the land upon which such water has been so used and the name of the owner of the land or his lawful agent. Such declaration shall be verified, but if the declarant cannot verify the same by his own personal knowledge, he may do so on information and belief. The commission shall also be authorized to require the filing of information setting forth the water level in the wells used for purposes other than domestic at such times and in such manner and form as it may require."

The result of this 1955 legislation as it applies to the pioneer ground water irrigation in Union County is that the owners of these pioneer irrigation wells do have vested rights, but these vested rights are not valid until the well owner files a declaration of his vested right with the Water Resources Commission.

This same situation, of course, applies statewide and the Water Resources Commission has received many such vested right declarations and has issued water licenses based on these vested right declarations.

REPORT OF INVESTIGATION

Unlicensed Water Permits Authorized before January 1, 1964

Water Permit No. 63-5 Approval Date April 1950

This Permit authorized the diversion of 2.22 cubic feet
per second of water from Well to irrigate
193 acres in Section 5-80, Township 8N-70
Range 4E, County Union.

Name and Address shown on Permit James Curran
Tetterson, S. Dak.

Name and Address of present owner of land Same

WATER PERMITS NOT CONSTRUCTED WITHIN THE FIVE YEAR PERIOD ARE
SUBJECT TO CANCELLATION BY ACTION OF THE WATER RESOURCES COMMISSION

Indicate the following:

1. The irrigation system was never started nor was not completed.
The present landowner has been informed that cancellation of
Water Permit No. _____ will be considered by the Water
Resources Commission and he will be notified of the date, time
and place of such consideration. _____
2. Some questions exists and further consideration is advisable.

- 3 ☒ The irrigation system was completed within the five year period
and is being used. A final inspection should be scheduled.

REMARKS:

*Project is in, has been used, Ready
for inspection. Rainfall too much for
use this year.*

Correct Date 7-31-69

Signature

Wm. C. Elliott Jr.



Department of Water & Natural Resources

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

April 15, 1985

James Curran
Jefferson SD 57038

Notice

Re: Violation of Requirement To Submit 1984 Irrigation Questionnaire

Our records indicate that the 1984 Irrigation Questionnaire has not been submitted for Permit No(s) 53-3. The request for the Questionnaire was dated October 17, 1984. The Water Management Board has directed that owners of water permits who have not submitted 1984 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 10:30 a.m., May 15, 1985 in the Civil Defense Room, State Capitol Building, Pierre, South Dakota.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11, and 46-2-17. 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). 53-3 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
John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 773-3352

NOTE: If the questionnaire(s) is received in this office before the May 15th hearing date, your name will be deleted from the agenda for the hearings.

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

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

June 12, 1985

Notice of Amendment to Water Permit(s)

To: James Curran
Jefferson, SD 57038

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

SUBJECT: Amendment to Water Permit No(s). 53-3.

John Hatch

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 53-3 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.

South Dakota
Department of
Water & Natural Resources

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

Attachment to Water Permit No(s). 53-3

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 53-3 to add the following qualification:

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

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

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57601

Division of Water Rights
605 773-3352

No. 53-3

July 23, 1985

Kathleen Fitzpatrick
Box 94
Danbury, Iowa 51019

Dear Ms. Fitzpatrick:

Please find enclosed a copy of a Notice of Transfer of Water Permit form. This form must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50.

Upon receipt of the enclosed form and the \$2.50 filing fee the permit will be transferred to the proper name. 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.

Please advise if you have any questions.

Sincerely,

Maxine Stirling
Staff Assistant

ms/
Enc.

DWNR-820A-8/83

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

No 4-10151

Pierre, August 9, 1935

RECEIVED OF Kathleen Fitzpatrick, Box 94, Danbury, IA 51019

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works 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 53-3 _____

Fee for Filing Extension Request _____

Fee for Certified Copy of _____

Fee for Print Copy of Map _____

Fee for Certifying _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50=

2 50

By

John Hatch

Chief Engineer

JOHN HATCH

(MS)

WATER RIGHTS DIVISION
(605) 773-3352

August 12, 1985

Kathleen Fitzpatrick
Box 94
Danbury, Iowa 51019

Dear Ms. Fitzpatrick:

Enclosed is Receipt No. 4 10151 in the amount of \$2.50 which you paid for the transfer of Water Right No. 53-3. The water right is now listed under Kathleen Fitzpatrick and Patricia Sackett.

In checking over the Water License for Water Right No. 53-3, I discovered an error in the legal description of the lands to be irrigated. In order to correct this error, the license will need to be re-issued. As soon as this is done, a copy of the re-issued license will be forwarded to you for your records.

If you have any questions please contact us.

Sincerely,

Genny McMath
Natural Resources Analyst

GM:ms
Enc.

WATER RIGHTS DIVISION
(605) 773-3352

Kathleen Fitzpatrick
Box 94
Danbury, Iowa 51019

Dear Ms. Fitzpatrick:

August 12, 1985, a letter was sent to you from our office concerning reissuance of Water License No. 53-3 due to an error in the legal description of the lands irrigated. Upon further checking and after comparing the map with the license, I found the legal description on the license is correct and no re-issuance is necessary.

If you have any questions, please contact us.

Sincerely,

Genny McMath
Natural Resources Analyst

GM:ms

**SOUTH DAKOTA Department of
Water & Natural Resources**

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

March 23, 1987

KATHLEEN FITZPATRICK
BOX 94
DANBURY, IA 51019

NOTICE

Re: Violation of Water Permit No(s). 53-3

Our records indicate that the 1986 Irrigation Questionnaire has not been received for Permit No(s). 53-3. 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). 53-3 qualification:

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

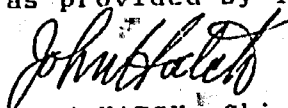
The hearing(s) will be at 2:00 pm, May 6, 1987, Room 211, Joe Foss Building, 523 E Capitol, Pierre SD.

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). 53-3 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.

SOUTH DAKOTA
Department of
Water & Natural Resources

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

April 15, 1987

53-3

Kathleen Fitzpatrick
Box 94
Danbury, IA 51019

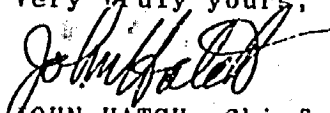
Dear Ms. Fitzpatrick:

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 Right No. 53-3 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,



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

cc: Alex Chicoine, operator
RR #2 Box 194, Jefferson, SD 57038

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

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

September 21, 1988

NOTICE

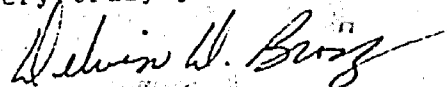
K. Fitzpatrick & P. Sackett
Box 94
Danbury IA 51019

Dear Sirs:

I am writing to notify you that pursuant to the Notice of Intent to Validate Vested Water Right Claims dated June 20, 1988 that I intend to oppose validation of your water right claim No(s). 53-3 until a field inspection has been completed. The claim has either never been inspected or an inspection was conducted so long ago that a new inspection is needed. An inspection is needed to determine the current state of your vested water right claim.

A staff member from the Division of Water Rights will be contacting you and scheduling an inspection of your water project. If we can answer any questions, please contact us.

Very truly yours,



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



Permit No. 53-3Missouri River Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

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

I have this day made a thorough examination of the water use system constructed by Kathleen Fitzpatrick of 2925 Safford Avenue Dansbury, Iowa 51019 holder of Permit No. 53-3, bearing the priority of August 27, 1949 authorizing the diversion of 2.69 cu. ft. per second of the waters of Missouri Aquifer for irrigation purposes, in Union County.

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

A. Works used to divert the water:

One well - 104' deep (no well completion report available) with 18' steel casing, Western Land Roller pump Model No. 8B C30, 3 stages, 8" 1200 GPM @ 30 PSI, Massey Ferguson 1085 PTO with Amarillo gearhead, 100 HP

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

60' of 10" PVC

C. Works used to apply water to beneficial use:

240' of 8" gated pipe with 30" and 40" spacings

The system is in the following condition good. The point of diversion is located 1469'E and 16' S from the NW corner of Section 5-T910N-R48W. The works are capable of diverting and conveying to the place of use 2.69 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 5-T90N-R48W:

Lot 1 NW1/4 = 80 acres Lot 4 NE1/4 = 30 acres

Lot 2 NW1/4 = 50 acres

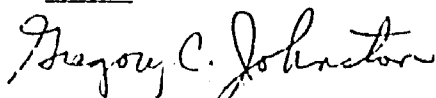
Lot 3 NW1/4 = 33 acres

comprising a total of 193 acres of land and the license should be issued for 2.69 cfs.

Applicable permit qualifications have been complied with X Yes No

Exceptions to compliance are: None

Date 9/9/92


Gregory C. Johnston
Natural Resources Engineer
DENR, Water Rights Division

REPORT ON INSPECTION OF VESTED RIGHT 53-3DATE 9/9/92

Other permit(s) associated with the project

DIVERSION POINT LEGAL LOCATION: 1469'E and 1660'S of the NW corner of Section 5-T90N-R48WWELL INFORMATION: Well Drilling Firm Merryman Drilling (No well completion report available)No. of Wells 1 Depth(s) 104'

- | | |
|---|--|
| a) Casing: 1) diameter <u>18</u> inches | b) Screen: 1) type <u>unknown</u> |
| 2) length <u>unknown</u> feet | 2) length <u>unknown</u> feet |
| 3) type <u>steel</u> | c) Pump 1) make <u>Western Land Roller</u> |
| d) Static Water Level <u>unknown</u> feet | 2) model <u>8B 030</u> |
| e) Motor: | 3) size <u>8</u> inches |
| 1) make <u>Massey Ferguson PTO with Amarillo gearhead</u> | 4) capacity <u>1200</u> GPM |
| 2) model No. <u>1085</u> | 5) turbine pump - No. of stages <u>3</u> |
| 3) horsepower rating <u>100</u> hp | 6) operating pressure <u>30</u> PSI |

DISTRIBUTION LINES OR CANALS:

- | | | |
|--------------------|--------------------------|--------------------------|
| a) type <u>PVC</u> | b) size <u>10</u> inches | c) length <u>60</u> feet |
|--------------------|--------------------------|--------------------------|

System Type:

d) Gated pipe:

- 1) length 2640' feet
- 2) diameter 8 inches
- 3) spacing of gates 30" and 40" inches

CHEMIGATION EQUIPMENT:

- a) does chemigate
- N
- (Y/N)

PERMIT QUALIFICATIONS AND REGULATIONS:

- a) Soil and water permit lands agree with lands being irrigated and lands listed on permit N/A (Y/N)
- b) Special qualifications to permit being abided by Y (Y/N)
- c) All structures, wells and lands on map Y (Y/N)
- d) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period N/A (Y/N)

SOUTH DAKOTA

VESTED WATER RIGHT NO. 53-3 FOR IRRIGATION

Date of Receipt of Claim August 27, 1949.

Date of Validation May 5, 1993.

The Water Management Board validated Vested Water Right Claim No. 53-3 for irrigation purposes for Kathleen Fitzpatrick and Patricia Sackett, 2925 Safford Avenue, Dansbury IA 51019 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 53-3 appropriates 2.69 cubic feet of water per second from groundwater located in the SE 1/4 NW 1/4 Section 5 to irrigate 193 acres located in Lots 1, 2, 3 & 4, Section 5; all in T90N-R48W.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. Water is to be used during the following annual period: April 1 - October 1.
3. The priority date of the Vested Water Right is January 1, 1948.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: *[Signature]*
Chief Engineer

JUN 11 1993

date

Division of Water Rights
Dept. of Environment and Natural Resources

53-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

JUN 11 1993

Kathleen Fitzpatrick
and Patricia Sackett
2925 Safford Avenue
Dansbury CT 06819

Dear Ms. Fitzpatrick and Ms. Sackett:

The Water Management Board has validated the enclosed Vested Water Right No. 53-3. This validation gives legal status to the claim and is the final document for your vested right.

As long as you use the water beneficially, as stated in the validation, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,
John Hatch

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

enclosure



53-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 14, 2004

NOTICE

TO: KATHLEEN FITZPATRICK, 2925 SAFFORD AV, DANBURY, IA 51019

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

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaire(s)

Our records indicate that the 2003 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 53-3. The request for the Questionnaire was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 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) 53-3 qualification:

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

The hearing will be held at 8:30 am, March 3, 2004 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 53-3 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 27, 2004, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath 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.



53-3

Track & Confirm

Current Status

You entered 2301 3460 0000 8515 9067

Your item was delivered at 11:53 am on January 16, 2004 in DANBURY, IA 51019. The item was signed for by K FITZPATRICK.

[Shipment Details >](#)

Notification Options

► Track & Confirm by email

[What is this?](#)

[Go >](#)

► Request Proof of Delivery

[What is this?](#)

[Go >](#)

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)



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SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8515 9067

KATHLEEN FITZPATRICK
2925 SAFFORD AV
DANBURY IA 51019

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

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☐ Package Services



**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 6, 2004

53-3

Kathleen Fitzpatrick
2925 Safford Ave
Danbury IA 51019

Dear Ms. Fitzpatrick:

I am writing to acknowledge receipt of your 2003 irrigation questionnaire. You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Right No. 53-3.

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

NOT TO SCALE

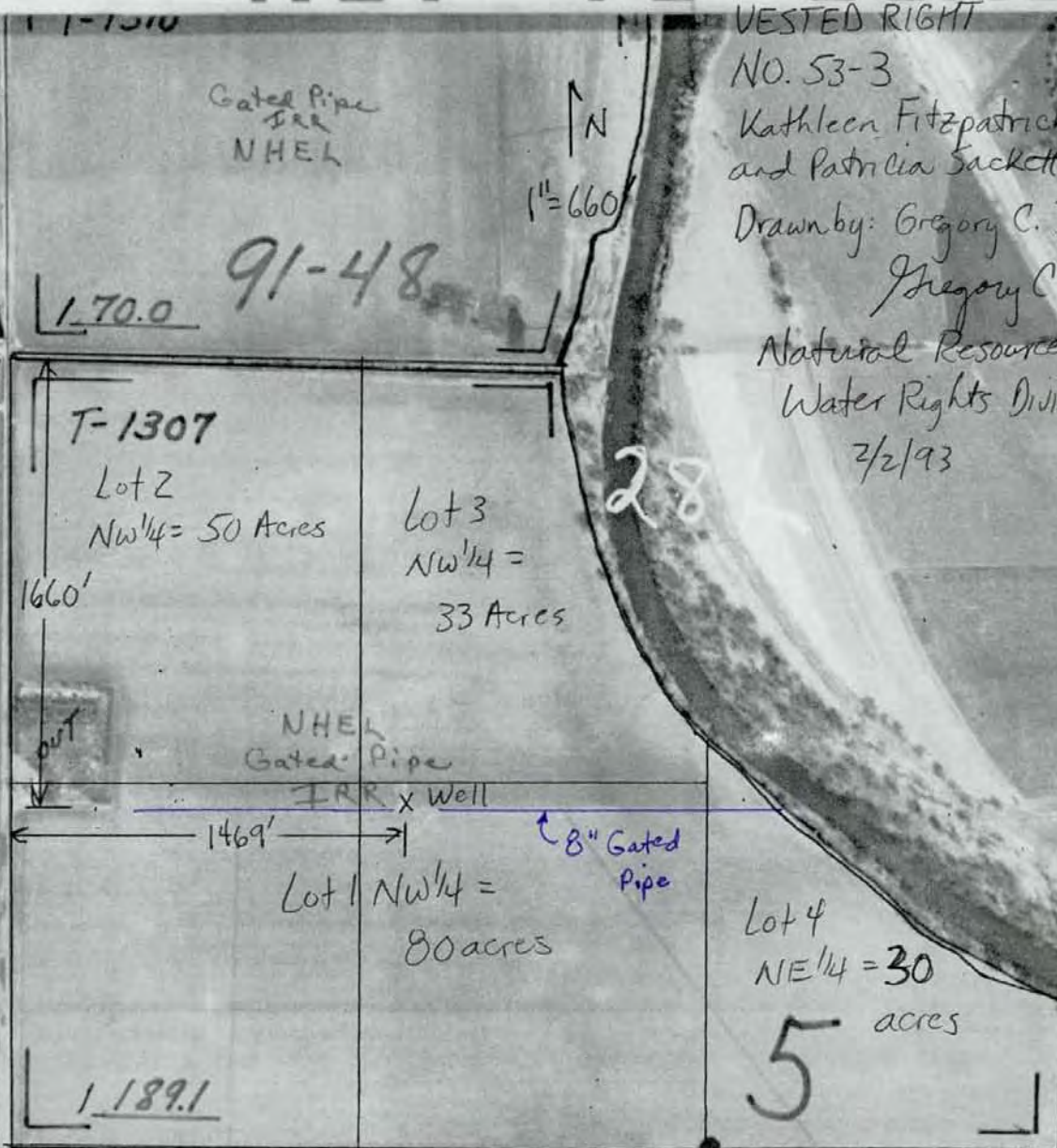
VESTED RIGHT

NO. 53-3

Kathleen Fitzpatrick
and Patricia Sackett

Drawn by: Gregory C. Johnston

Gregory C. Johnston
Natural Resources Engineer II
Water Rights Division, D.E.N.R.
2/2/93



ALL IN SECTION 5-T90N-R48W:

Lot 2 NW 1/4 = 50 acres

Lot 3 NW 1/4 = 33 acres

Lot 1 NW 1/4 = 80 acres

Lot 4 NE 1/4 = 30 acres

Total = 193 acres

90-48



SURVEYOR'S CERTIFICATE

I, W. R. EDGINGTON, REGISTERED PROFESSIONAL ENGINEER AND LAND SURVEYOR, NO. 258, STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT A CAREFUL SURVEY OF THE JAMES CURRAN IRRIGATION PROJECT, UNION COUNTY, SOUTH DAKOTA, WAS MADE UNDER MY DIRECTION BY CARL C. WEISZ, AGRICULTURAL ENGINEER, SOIL CONSERVATION SERVICE, AND THAT THE MAP HEREON IS A TRUE AND CORRECT REPRESENTATION OF THE SAME.

WITNESS MY HAND AND SEAL THIS 12 DAY OF August 1949, A. D.

W. R. Edgington
REGISTERED PROFESSIONAL ENGINEER
AND LAND SURVEYOR

SUBSCRIBED AND SWORN TO BEFORE ME, A NOTARY PUBLIC, THIS 12 DAY OF August 1949, A. D.

Madeline Hillman
NOTARY PUBLIC

Scale: 1" = 200'

Land to be irrigated.

Location	Sec.	Twp.	Rge.	Acres
Lot 1 of NW $\frac{1}{4}$	5	90N	48W	80
" 2 " "	"	"	"	50
" 3 " "	"	"	"	33
" 4 " NE $\frac{1}{4}$	"	"	"	30
Total				193

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

H. H. Bennett, Chief
Aug. 11, 1949

REGION FIVE

LINCOLN, NEBRASKA



53-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 18, 2008

NOTICE

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

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

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaires

Our records indicate that the 2007 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 59-3, 1092-3, 1106-3 & 2410-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 53-3, 5282-3 & 5340-3 qualification:

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

The hearing will be held at **10:00 am, March 11, 2008** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 53-3, 5282-3 & 5340-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 59-3, 1092-3, 1106-3 & 2410-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaire(s) is(are) received in this office on/or before **March 3, 2008**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V6-IQ.pdf>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 1, 2008

Dennis Chicoine
32703 483rd Ave
Jefferson SD 57038

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

Dear Mr. Chicoine:

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

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

If you have any questions, please contact me.

Sincerely,

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



53-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 16, 2015

NOTICE

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

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

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaires

Our records indicate your 2014 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 59-3, 1092-3 & 2410-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 53-3, 5340-3 & 7608-3 qualification:

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

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

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

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

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

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

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 28, 2015

Dennis Chicoine
32703 483rd Ave
Jefferson SD 57038

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

Dear Mr. Chicoine:

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

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Right or Permit Nos. 53-3, 59-3, 1092-3, 2410-3, 5340-3 & 7608-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2017

NOTICE

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

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

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaires

Our records indicate your 2016 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 59-3, 1092-3 & 2410-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 53-3, 5340-3 & 7608-3 qualification:

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

The hearing will be held at **Wednesday, March 1, 2017 at 11:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

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

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

If the questionnaires are received in this office before the **March 1, 2017** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



53-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

January 31, 2017

Dennis Chicoine
32703 483rd Ave
Jefferson SD 57038

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

Dear Mr. Chicoine:

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

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Permit/Right Nos. 53-3, 59-3, 1092-3, 2410-3, 5340-3 & 7608-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



53-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2020

NOTICE

TO: DENNIS CHICOINE, OPERATOR, 32703 483RD AVE, JEFFERSON, SD 57038
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaires

Our records indicate your 2019 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 59-3, 1092A-3, 2410-3 & 3807-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 53-3, 5340-3, 6680-3 & 7608-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 53-3, 5340-3, 6680-3 & 7608-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 59-3, 1092A-3, 2410-3 & 3807-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

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

c: LISA WEYER, SD PARKS & WILDLIFE FOUNDATION, 523 E CAPITOL, PIERRE SD

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 3, 2020

Dennis Chicoine
32703 483rd Ave
Jefferson SD 57038

RE: Water Right/Permit Nos. 53-3, 59-3, 1092A-3, 2410-3, 3807-3, 5340-3, 6680-3 & 7608-3

Dear Mr. Chicoine:

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

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for Water Right/Permit Nos. 53-3, 59-3, 1092A-3, 2410-3, 3807-3, 5340-3, 6680-3 & 7608-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script, reading "Genny McMath".

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

c: Lisa Weyer, SD Parks & Wildlife Foundation



Scale: 1" = 200'

Land to be irrigated.

Location	Sec.	Twp.	Rge.	Acres
Lot 1 of NW 1/4	5	90N	48W	80
" 2 " "	"	"	"	50
" 3 " "	"	"	"	33
" 4 " NE 1/4	"	"	"	30
Total				193

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE
REGION FIVE
H. H. Bennett, Chief
Aug. 11, 1949
LINCOLN, NEBRASKA

SURVEYOR'S CERTIFICATE

I, W. R. EDGINGTON, REGISTERED PROFESSIONAL ENGINEER AND LAND SURVEYOR, NO. 258, STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT A CAREFUL SURVEY OF THE JAMES CURRAN IRRIGATION PROJECT, UNION COUNTY, SOUTH DAKOTA, WAS MADE UNDER MY DIRECTION BY CARL O. WEISZ, AGRICULTURAL ENGINEER, SOIL CONSERVATION SERVICE, AND THAT THE MAP HEREON IS A TRUE AND CORRECT REPRESENTATION OF THE SAME.

WITNESS MY HAND AND SEAL THIS 12 DAY OF August 1949, A. D.

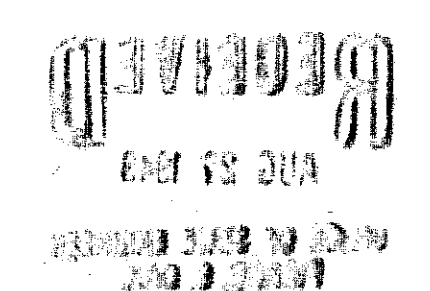
W. R. Edgington
REGISTERED PROFESSIONAL ENGINEER
AND LAND SURVEYOR

SUBSCRIBED AND SWORN TO BEFORE ME, A NOTARY PUBLIC, THIS 12th DAY OF August 1949, A. D.

Medina Hillman
NOTARY PUBLIC

Map No. 34-3
(Water Right 53-3)

JAMES CURRAN
Water Right
Union County
South Dakota





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

November 30, 2021

50-3

Mark Heeren
47828 310th St
Akron IA 51001

Dear Mr. Heeren:

In follow-up to our phone conversation, enclosed are copies of Water Right Nos. 50-3 & 2366-3.

You mentioned that Steven needed to be removed from Water Right No. 50-3. I can change the label on the irrigation questionnaire mailing but can not edit a water right without an ownership change being filed. If you want to do that, I am enclosing a "Notice of Transfer of Ownership" form for your use. A \$50 fee is required for filing the ownership change.

For informational purposes, you can view the entire administrative record for both of your water rights online from our database <https://danr.sd.gov/OfficeOfWater/WaterRights/default.aspx>. Once you get to the site, along the left side you will see a tab for databases. Click on "Water Rights" and you should be able to navigate from there.

If you have any questions, please let me know.

Sincerely,

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

enclosures