

Considered: _____

WATER PERMIT NO. 5653-3

Phone: 356-2580

Name of Applicant: Mark Chicoine

Post Office Address: RR 2, Box 508, Elk Point SD 57025

Amount of Water Claimed: 1.12 add'l Total Acres: 169 (91.6 add'l)

Source of Water Supply: groundwater

Water to be used for: irrigation County: Union

About 3 miles North of Elk Point

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

F.F. & C/.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY Date Received: 3-17-92 Fee: \$225 Remarks transfer

diversion authority authorized by No. 2373-3

Corrected Application Received _____ Period of Annual Use April 1 - Oct 31

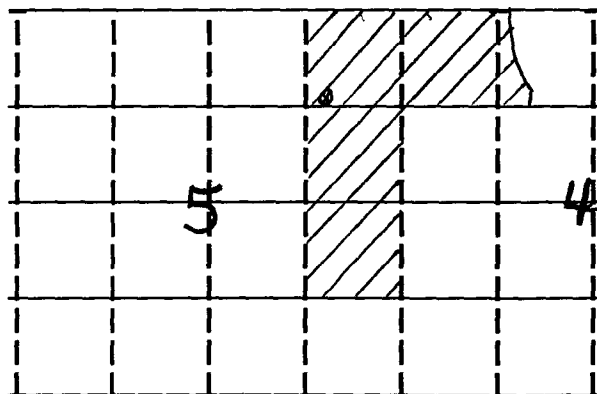
WATER QUALITY APPROVAL RECEIVED 4-6-92 APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES X NO _____ REMARKS _____

Diversion Point: NE 1/4 NE 1/4 Sec 5-T91N-R49W

Land to be Irrigated: NE 1/4 NE 1/4, SE 1/4 NE 1/4,

NE 1/4 SE 1/4 Sec 5; Lot 6 Sec 4; all in T91N-R49W



Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: _____ REMARKS _____

Type of Map: aerial PREPARED BY: Gregory C Johnston Reviewed and the Number

Assigned on 4-7-92 By Karen Schlaak



No. 5653-3 Hydrologic Unit 10170203
Basin Big Sioux
Newspaper Elk Point Leader Courier

Application for Soil/Water Compatibility Permit and Permit To Appropriate Water

- ☒ New ☐ Vested Right ☒ Amend Permit No. 2373-3
- ☐ Change Acreage ☒ Change diversion point(s) ☐ Add diversion point(s)
- ☒ Add Acreage ☒ Increase diversion rate ☐ Other _____
1. Name of Applicant Mark Chicoine Phone No. 356-2580
- Post Office Address RR2 Box 508, Elk Point, SD State SD Zip Code 57025
- (Street, RR or Box) (City)
2. Amount of water claimed (c.f.s.) 1.10 transfer Total acres irrigated 169 (91.6 addl.)
- 1.12 addl. Big Sioux Aquifer - 1 well
3. Source of Water supply _____
4. Location of point of diversion NE1/4 NE1/4 (Lot 2) Section 5-T91N-R49W
- _____ County Union
5. Counties where water will be used Union
6. Annual period during which water is to be used April 1 - October 31
7. 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.
Permitted by 2373-3	
NE1/4 NE1/4 Sec. 5 and Lot 6,	
Sec. 4; all in T91N-R49W	77.4

Land Description	No. Acres Irr.
Addl. Acreage	
SE1/4 NE1/4 5-91-49	40
NE1/4 SE1/4 "	40
Lot 6 4-91-49	11.6

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: X Towline: _____ Center Pivot: _____ Gun: _____ Other: _____
9. Crops to be Irrigated: _____
10. Give a description of proposed project. (Attach sheet if more space is needed)

This application is transfer of diversion authority (1.10 cfs) from a well authorized by No. 2373-3 located in the NE 1/4 SE 1/4 Section 5 to the well described above. This application also appropriates an additional 1.12 cfs (2.22 cfs - total well capacity) and adds 91.6 acres described above. The additional acreage and increase in diversion will be assigned a new priority date. The 1.10 cfs diversion transfer and 77.4 acres will retain the priority date assigned to No. 2373-3 (Sept. 26, 1975).

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps, soils information and any other technical information.

STATE OF SOUTH DAKOTA)
County of Union)^{ss}

I, Mark Chicoine, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is truly representative of the water to be used, and that the matters stated in this application are true and correct.

Signed Mark Chicoine

Subscribed and sworn to before me this 13 day of May, 1992

Sandra Swingate
6-25-92 Notary Public

SOUTH DAKOTA
WATER PERMIT No. 5653-3 FOR IRRIGATION

Date of first receipt of application March 17, 1992.

Date Soil/Water Compatibility Permit received April 6, 1992.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5653-3 to Mark Chicoine, RR 2, Box 508, Elk Point SD 57025 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5653-3 appropriates 1.12 cubic feet of water per second (cfs) and transfers the diversion authority for 1.10 cfs from one well authorized by Water Right No. 2373-3 to one well located in the NE 1/4 NE 1/4 (Lot 2) Section 5-T91N-R49W. This permit adds 91.6 additional acres of irrigation. Water Right No. 2373-3 appropriates 1.10 cfs from one well located in the NW 1/4 SE 1/4 Section 5 to irrigate 77.4 acres located in Lot 6 Section 4 and NE 1/4 NE 1/4 Section 5; all in T91N-R49W. This permit authorizes diversion of 2.22 cfs from the one well located in the NE 1/4 NE 1/4 (Lot 2) Section 5 to irrigate a total of 169 acres. The irrigated acres include the 77.4 acres authorized by Water Right No. 2373-3 as listed above and for 91.6 additional acres located in the SE 1/4 NE 1/4, NE 1/4 SE 1/4 Section 5 and Lot 6 Section 4; all in T91N-R49W
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 - October 31.
3. The dates from which applicant may claim right are:

1.10 cfs - 77.4 acres - September 26, 1975
1.12 cfs - 91.6 acres - March 17, 1992
4. The date of approval of Permit No. 5653-3 is July 8, 1992.
5. One-fifth of the construction is to be completed on or before January 8, 1995.
6. All construction is to be completed on or before July 8, 1997.
7. Water is to be put to beneficial use on or before July 8, 2001.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

(continued)

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The new well authorized pursuant to this permit shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: _____

Chief Engineer, Water Rights Division
Department of Environment and Natural Resources

MAR 17 1993

date

Supplemental Information

4/7/92
 Conversation
 Mark Chicoine

Well No. 2373-3 (Center ^(type or print in ink) sec. 5-92-49) (Drilled '76?)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 16" Depth 80'
- b) Casing Type Tranite Diameter 16" Thickness 40'
- c) Screen Type Tranite Diameter 16" Thickness 40'
- d) Gravel Pack Thickness N/A Length of Gravel Pack N/A
- e) Depth to Top of Water Bearing Material ~9-12'
- f) Depth to Water (ground surface to water level) ~~16'~~ 9'
- g) Distance to nearest existing domestic well:
 On applicants property ~1480' On property owned by others ~2100'

2. Dugout Information Estimates

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam please give their name and address

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____
 If Pipe, diameter _____

f) Secondary Spillway Capacity _____
 Spillway width _____

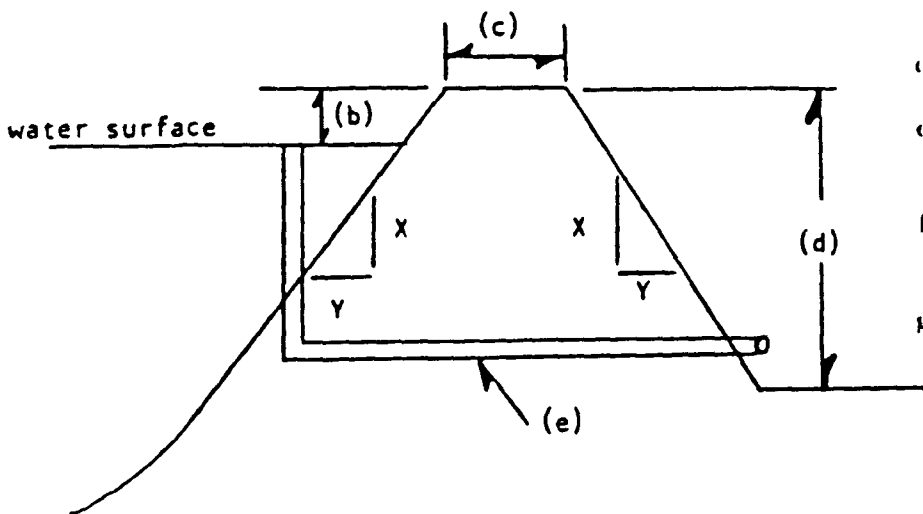
g) X & Y Slope
 Upstream _____

Downstream _____

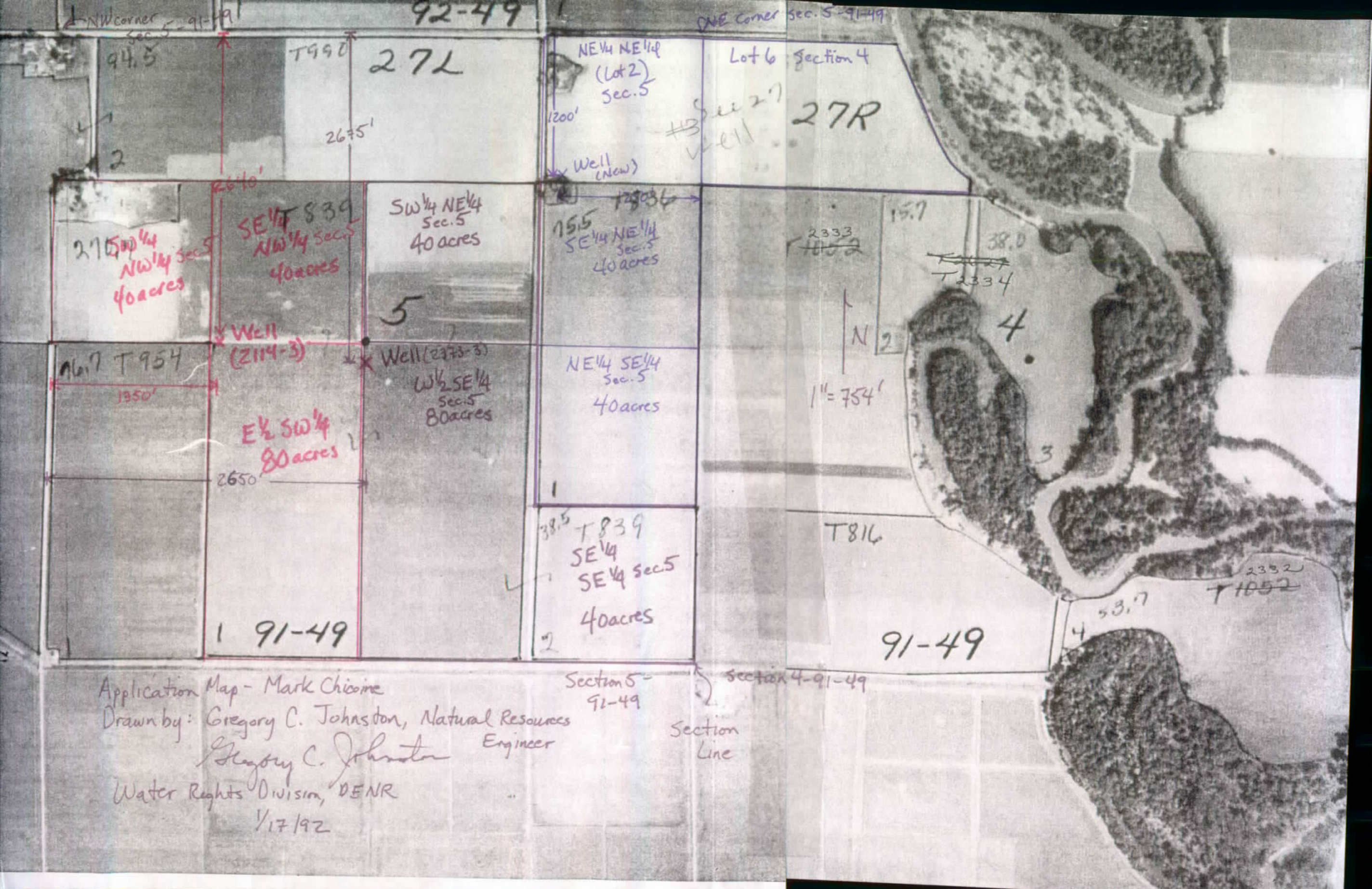
Surface Area of Impoundment _____

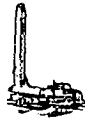
Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant _____





WETMORE DRILLING

P.O. BOX 577 - ELK POINT, SOUTH DAKOTA 57025 - (605) 356-3272



April 4, 1992

Mark Chicoine
Rural Route 2
Box 508
Elk Point, SD 57025

Re: Well log.

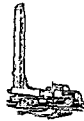
Dear Mr. Chicoine,

Enclosed you will find two copies of the drillers log for your test well. I apologize for the delay in answering your letter. If there is anything else that I can do for you, don't hesitate to give me a call. Thank you.

Sincerely,

Mike Wetmore
Geological Engineer

enclosures



WETMORE DRILLING

P.O. BOX 577 - ELK POINT, SOUTH DAKOTA 57025 - (605) 356-3272



DRILLER'S LOG

Landowner: Mark Chicoine

Address: Rural Route 2
Box 508
Elk Point, SD 57025

Well Location: ~~SW 1/4~~ ^{CORNER} NE 1/4, Sec 5, T 9 N, R 49 W
~~OF NE~~ *corrected by M.E.*

DEPTH BELOW
GROUND LEVEL

LITHOLOGY

0 - 2	Top Soil
2 - 31	Yellow Clay
31 - 140	Sand and Gravel

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

413129

Pierre, March 17, 19 92

RECEIVED OF Mark Chicoline, RR 2, Box 508, Elk Point, SD 57025

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

Fee for Application for Permit No. <u>5653-3</u> to Appropriate Water, to construct works and to put water to beneficial use	225	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form		
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	225 00

By John Hatch (CF)
Chief Engineer

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4696

WR#

OWNERS NAME: CHICOINE, MARK

OWNERS ADDRESS: RR 2 BOX 508

ELK POINT SD 57023

COUNTY LAND LOCATED IN: UNION

PHONE: 356-2580

LEGAL DESCRIPTION:

☒ Well

☐ Surface

1. LOCATION: NE $\frac{1}{4}$ NE $\frac{1}{4}$ (Lot 2) 5-T91N-R49W

Depth: _____

Legal Description	Acres	Legal Description	Acres
NE $\frac{1}{4}$ NE $\frac{1}{4}$ 5-T91N-R49W & Lot 6, 4-T91N-R49W	77.4		
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 5-T91N-R49W	40.0		
NE $\frac{1}{4}$ SE $\frac{1}{4}$ 5-T91N-R49W	40.0		
Lot 6 4-T91N-R49W	11.6		

2. TYPE OF IRRIGATION: GRAVITY XXX TOWLINE: _____ CENTER PIVOT: _____ GUN: _____ OTHER: _____ (Specify) _____

3. CROPS TO BE IRRIGATED: _____

WATER QUALITY:

4. WATER SAMPLE NUMBER: 92-0083

7. ADJUSTED (SAR): 3.82

5. SALINITY (EC X 10⁶): 1800

8. PERCENT SODIUM: 18.98

6. SODIUM (SAR): 1.44

Requirements:

If problems with a high water table develop, internal drainage will be required; i.e., tile drainage.



Russell J. Hane

Director, Division of Conservation

MARCH 30, 1992

Date

XXX APPROVED

DISAPPROVED

WAIVER

XXX REQUIREMENTS

Soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.

Report on Application No. 5653-3
Mark Chicoine
May 29, 1992

Water Permit Application No. 5653-3 is to appropriate 1.12 cfs and transfer the diversion authority for 1.10 cfs from one well authorized by Water Right No. 2373-3 to one well located in the NE1/4 NE1/4 (Lot 2) Section 5-T91N-R49W. This application also proposes to add 91.6 additional acres of irrigation. Water Right No. 2373-3 appropriates 1.10 cfs from one well located in the NW1/4 SE1/4 Section 5 to irrigate 77.4 acres located in Lot 6 Section 4 and the NE1/4 NE1/4 Section 5: all in T91N-R49W. This application, if approved, will authorize diversion of 2.22 cfs from the one well located in the NE1/4 NE1/4 (Lot 2) Section 5 to irrigate a total of 169 acres. The irrigated areas include the 77.4 acres authorized by Water Right No. 2373-3 as listed above and 91.6 additional acres located in the SE1/4 NE1/4, NE1/4 SE1/4 Section 5 and Lot 6 Section 4; all in T91N-R49W.

Aquifer - The Missouri-Elk Point (M-EP)

The Missouri Elk Point aquifer is a glacial outwash deposit generally under water table conditions in the application area. According to the owner, the well located in the NW1/4 SE1/4 of Section 5 is 79 feet deep and water bearing materials (sand and gravel) are encountered from 10 to 79 feet below the ground surface. The water level is approximately 9 feet below the ground surface. The well located in the NE1/4 NE1/4 of Section 5 is 140 feet deep and contains over 100 feet of sand and gravel. The static water level is unknown for this well. The M-EP aquifer underlies 99,600 acres and contains an estimated 1.5 million acre-feet of recoverable water in Union County (Hedges, 1982). The M-EP is hydraulically connected to both the Missouri and Big Sioux Rivers as well as the Dakota Formation which directly underlies the M-EP in southern Union County. In addition, the Big Sioux - South connects laterally with the M-EP in northern Union County and the Missouri- Vermillion aquifer connects with the M-EP to the west in Clay County.

The Division of Water Rights monitors two observation wells, UN66B and UN66C which lie directly to the west and east, respectively, of the application area (Water Rights Division, 1992). The observation wells fluctuate from approximately 5 to 24 feet below ground surface in both wells measured during extremely wet (1969 and 1984) and dry years (1977). In general, the water levels of both wells fluctuate consistently with corresponding changes in seasonal climatic conditions. Abundant water is available from the Missouri-Elk Point Aquifer.

Existing Water Permits

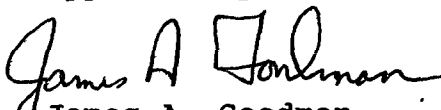
There are 297 permits within the Missouri - Elk Point aquifer which appropriate up to 128,000 acre-feet per year assuming that the maximum amount authorized is pumped (which will probably never occur). Actual reported pumping during 1990 was 19,425 acre-feet (Water Rights Division, 1991). There are several water permits adjacent to No. 5652-3. There have been no reported problems with interference from any of the irrigation wells with each other or other nearby domestic wells. Because the Missouri-Elk Point is a very productive aquifer with over 100 feet of saturated thickness, small amounts of drawdown will not adversely affect this aquifer.

Conclusions

1. Water is available from the Missouri-Elk Point aquifer.
2. Interference should not be a problem.
3. It is a beneficial use of water.
4. The well constructed in the NW1/4 SE1/4 of Section 5 was completed in 1975. It is not known if this well was completed in accordance to SD Well Standards Construction.


Gregory C. Johnston
Natural Resources Engineer

Approved by:


James A. Goodman
Natural Resources Engineer IV

BIBLIOGRAPHY

Hedges, L.S., Et al., 1982, Evaluation of Ground-Water Resources of Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, for US Army Corps of Engineers, DENR, SDGS, Vermillion, SD 57069.

Water Rights Division, 1992, Observation Well Files, UN66B and UN66C, DENR Division of Water Rights, Joe Foss Building, Pierre, SD 57501.

Water Rights Division, 1990 Irrigation Summary Files, DENR Division of Water Rights, Joe Foss Building, Pierre, SD 57501.

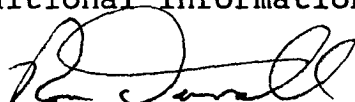
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5653-3, Mark Chicoine

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 5653-3, Mark Chicoine, Box 508, Elk Point, SD 57025.

The Chief Engineer is recommending APPROVAL of Application No. 5653-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The new well authorized pursuant to this permit shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.


for JOHN HATCH, Chief Engineer
June 3, 1992



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.

June 5, 1992

Mark Chicoine
Box 508
Elk Point, SD 57025

Dear Mr. Chicoine:

Water Permit Application Nos. 5652-3 and 5653-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Elk Point Leader-Courier printed at Elk Point, SD (Ph # 356-2632). For your information, a copy of the notice, the recommendations of the Chief Engineer and a report on the applications are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the applications.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendations, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the applications.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 5, 1992

Elk Point Leader-Courier
Box 310
Elk Point, SD 57025

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application Nos. 5652-3 and 5653-3 to be published twice. Please publish the first notice on June 11, 1992, with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Mark Chicoine, Box 508, Elk Point, SD 57025 (Ph # 356-2580).

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to
Appropriate Water by Application No. _____ which was first published in our issue
of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper - Publish first Notice on June 11, 1992, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application Nos. 5652-3 and 5653-3 to Appropriate Water and to Transfer Diversion Authority for Water Permit Nos. 2114-3 and 2373-3

Notice is given that Mark Chicoine, Box 508, Elk Point, SD 57025 has filed applications for water permits.

Water Permit Application No. 5652-3 is to appropriate 1.11 cubic feet of water per second (cfs) and transfer the diversion authority for 1.11 cfs from one well authorized by Water Right No. 2114-3 to one well located in the NE 1/4 SW 1/4 Section 5-T91N-R49W. Water Right No. 2114-3 appropriates 3.33 cfs from one well located 2640 feet south and 1350 feet east of the NW corner of Section 5 to irrigate 320 acres located in the SW 1/4 NE 1/4, S 1/2 NW 1/4, E 1/2 SW 1/4, W 1/2 SE 1/4, SE 1/4 SE 1/4; all in Section 5-T91N-R49W. This application, if approved, will authorize diversion of 2.22 cfs from the one well located in the NE 1/4 SW 1/4 to irrigate 160 acres located in the SW 1/4 NE 1/4, W 1/2 SE 1/4, SE 1/4 SE 1/4; all in Section 5-T91N-R49W. Water Right No. 2114-3 will be reissued for 2.22 cfs from the well located 2640 feet south and 1350 feet east of the NW corner of Section 5 to irrigate 160 acres located in the S 1/2 NW 1/4, E 1/2 SW 1/4; all in Section 5-T91N-R49W.

Water Permit Application No. 5653-3 is to appropriate 1.12 cfs and transfers the diversion authority for 1.10 cfs from one well authorized by Water Right No. 2373-3 to one well located in the NE 1/4 NE 1/4 (Lot 2) Section 5-T91N-R49W. This application also proposes to add 91.6 additional acres of irrigation. Water Right No. 2373-3 appropriates 1.10 cfs from one well located in the NW 1/4 SE 1/4 Section 5 to irrigate 77.4 acres located in Lot 6 Section 4 and NE 1/4 NE 1/4 Section 5; all in T91N-R49W. This application, if approved, will authorize diversion of 2.22 cfs from the one well located in the NE 1/4 NE 1/4 (Lot 2) Section 5 to irrigate a total of 169 acres. The irrigated acres include the 77.4 acres authorized by Water Right No. 2373-3 as listed above and for 91.6 additional acres located in the SE 1/4 NE 1/4, NE 1/4 SE 1/4 Section 5 and Lot 6 Section 4; all in T91N-R49W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 5652-3 and 5653-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendations, the Water Management Board will NOT CONDUCT a HEARING to consider these applications and the chief engineer will issue the permits as recommended. Petitions filed in support of the applications will NOT require the Board to hear the applications.

Any person interested in opposing or supporting the applications must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 29, 1992. The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearings on Application Nos. 5652-3 and 5653-3 and 2) the chief engineer's recommendations, a meeting at the Division of Water Rights office to hear the applications is scheduled for July 8, 1992, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If the applications are opposed or the recommendations are contested, the July 8, 1992, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing,

may contact the Division of Water Rights to confirm a hearing date and location. The July 8, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the applications. The request for an automatic delay must be filed by June 29, 1992.

If a hearing is held, the Chief Engineer's recommendations are not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny the applications based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to the applications or to assure access to the hearing by the handicapped.

These applications are made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31, 46-5-33 thru 46-5-35; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; 46-5-38 thru 46-5-40; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County _____) ss.



I, Lester E. Emerson

certify that the attached printed Notice 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

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

June 11, 1992

June 18, 1992

Lester E. Emerson
(Signature)

Editor
(Title)

June 18, 1992
(Date Signed)

Cost of Printing: 83.54

Phyllis M. Emerson

My Commission Expires 7-21-92

5-88

NOTICE OF HEARING
on Application Nos. 5652-3 and
5653-3 to Appropriate Water and
to Transfer Diversion Authority
for Water Permit Nos. 2114-3
and 2373-3.
Notice is given that Mark Chi-
come, Box 508, Elk Point, SD,
57025 has filed applications for
water permits.
Water Permit Application No.
5652-3 is to appropriate 1.11 cubic
feet of water per second (cfs) and
transfer the diversion authority
for 1.11 cfs from one well author-
ized by Water Right No. 2114-3 to
one well located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 5-T91N-R49W, Water
Right No. 2114-3 appropriates 3.33
cfs from one well located 2640 feet
south and 1350 feet east of the
NW corner of Section 5 to irrigate
320 acres located in the SW $\frac{1}{4}$
NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$
SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, all in Section
5-T91N-R49W. This application, if
approved, will authorize diversion
of 2.22 cfs from the one well locat-
ed in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ to irrigate
160 acres located in the SW $\frac{1}{4}$
NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, all in
Section 5-T91N-R49W. Water
Right No. 2114-3 will be reissued
for 2.22 cfs from the well located
2640 feet south and 1350 feet east
of the NW corner of Section 5 to
irrigate 160 acres located in the
SW $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, all in Sec-
tion 5-T91N-R49W.
Water Permit Application No.
5653-3 is to appropriate 1.12 cfs
and transfers the diversion
authority for 1.10 cfs from one
well authorized by Water Right
No. 2373-3 to one well located in
the NE $\frac{1}{4}$ NE $\frac{1}{4}$ (Lot 2) Section 5-
T91N-R49W. This application also
proposed to add 91.6 additional
acres of irrigation. Water Right
No. 2373-3 appropriates 1.10 cfs
from one well located in the NW $\frac{1}{4}$
SE $\frac{1}{4}$ Section 5 to irrigate 77.4
acres located in Lot 6 Section 4
and NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 5, all in
T91N-R49W. This application, if
approved, will authorize diversion
of 2.22 cfs from the one well locat-
ed in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ (Lot 2) Sec-
tion 5 to irrigate a total of 169
acres. The irrigated acres include
the 77.4 acres authorized by
Water Right No. 2373-3 as listed
above and for 91.6 additional acres
located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$
SE $\frac{1}{4}$ Section 5 and Lot 6 Section
4, all in T91N-R49W.
Pursuant to SDCL 46-2A-2 the
Chief Engineer recommends AP-
PROVAL of Application Nos.
5652-3 and 5653-3 because 1) unap-
propriated water is available; 2)
existing rights will not be unlaw-
fully impaired; 3) it is a beneficial
use of water; and 4) it is in the
public interest. Unless a petition is
filed opposing the applications or
the applicant files a petition con-
testing the chief engineer's recom-
mendations, the Water Manage-
ment Board will NOT CONDUCT
a HEARING to consider these ap-
plications and the chief engineer
will issue the permits as recom-
mended. Petitions filed in support
of the applications will NOT re-
quire the Board to hear the appli-
cations.

Any person interested in oppos-
ing or supporting the applications
must file a written petition with
BOTH the applicant and Chief En-
gineer. The applicant must also
file a petition if opposed to the
Chief Engineer's recommenda-
tions. The Chief Engineer's ad-
dress is "Water Rights Division,
Foss Building, 523 E. Capitol,
Pierre, SD 57501 (605/773-3852)"
and the applicant's mailing ad-
dress is given above. A petition
filed by either an interested per-
son or the applicant must be filed
by June 29, 1992. The petition
may be informal but must include
a statement describing the peti-
tioner's interest in the applica-
tions, the petitioner's reasons for
opposing or supporting the appli-
cations, and the signature and
mailing address of the petitioner
or the petitioner's legal counsel, if
legal counsel is obtained.

For purposes of publishing 1)
the notice of hearings on Applica-
tion Nos. 5652-3 and 5653-3 and 2)

or the petitioner's legal counsel is obtained.

For purposes of publishing 1) the notice of hearings on Application Nos. 5652-3 and 5653-3 and 2) the chief engineer's recommendations, a meeting at the Division of Water Rights office to hear the applications is scheduled for July 8, 1992, at 9:00 a.m. in Room 413, Joe Foss Building, 523 E. Capitol, Pierre, SD. If the applications are opposed or the recommendations are contested, the July 8, 1992, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Any one not filing a petition but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The July 8, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the applications. The request for an automatic delay must be filed by June 29, 1992.

If a hearing is held, the Chief Engineer's recommendations are not final or binding upon the Board. The Board is authorized to: 1) approve, 2) approve with qualifications, 3) defer, or, 4) deny the applications based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to the applications or to assure access to the hearing by the handicapped.

These applications are made pursuant to SDCL 46-1-1, thru 46-1-9, 46-1-12 thru 46-1-16, 46-2-3-1, 46-2-9, 46-2-11, 46-2-13, 46-2-17, 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30-2, 46-5-30-4, 46-5-31, 46-5-33 thru 46-5-35, 46-6-3, 46-6-3-1, 46-6-6-1, 46-6-10, 46-6-13, 46-6-14, 46-6-26, 46-6-38 thru 46-6-40, and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.
Pub. June 11, 1992 84 8364



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 17 1993

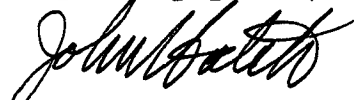
Mark Chicoine
RR 2 Box 508
Elk Point, SD 57025

Dear Mr. Chicoine:

Enclosed are Water Permit Nos. 5652-3 and 5653-3 authorizing construction of your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the systems and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water Licenses may be issued, thus completing your acquisition of a Water Right.

Very truly yours,


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

enclosures

PLEASE NOTE: Certain changes can be made in your permits within the five year construction period, usually without affecting the priority dates provided applications to amend your permits are made within the five year period - i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.

**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**Date 4-6-93

TO: Water Rights Division, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM: Mark Chicino R2 Box 508
(name) (address)
Elk Point S. Dak 57025 356-2580
(city) (state) (zip) (phone)

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 5653-3.

Water Permit No. 5653-3 states that the diversion system is to be constructed by July 8 1997, and that the water is put to beneficial use by July 8 2001.
(date) (date)

The diversion system was completed on Sept 26, 1975 & March 17, 1992
(date)

Applying the water to beneficial use was completed on July 7, 1992.
(date)

You may schedule an inspection so that the Water License may be issued.

Mark Chicino
(signature)

Permit No. 5653-3
Big Sioux - 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, August 19, 1996, made a thorough examination of the water use system constructed by Mark Chicoine of RR2 Box 508, Elk Point, SD 57025 holder of Permit No. 5653-3, bearing the priorities of March 17, 1992 (1.12 cfs) and September 26, 1975 (1.10 cfs transferred from Water Right No. 2373-3) authorizing diversions of ~~Water License No. 2373-3 bears a priority of September 26, 1975 (2.22 cfs). Combined Water Permit No. 5653-3 and Water Right No. 2373-3 authorize diversion of 3.34~~ cu. ft. of water per second from ground water for irrigation purposes, in Union County.

NOTE:

Water Permit No. 5653-3 appropriates 1.12 cfs and transfers the diversion authority for 1.10 cfs FROM one well authorized by Water Right No. 2373-3 (NE1/4 SW1/4 Section 5) TO well no. 3 (NE1/4 NE1/4 Section 5). (See aerial photo for more details).

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

A. Works used to divert the water:

**A 30 HP Ronk electric motor with a 1500 GPM Western Land Roller pump (well #2).
 An 80 HP Case tractor motor with a 1000 GPM Western Land Roller pump (well #3).**

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

**2640 feet of 8" aluminum flood irrigation pipe with 40" gates.
 3000 feet of 10" aluminum flood irrigation pipe with 30" gates.**

C. Works used to apply water to beneficial use:

Gated 8" and 10" aluminum pipe as described in part B above.

The system is in the following condition good. The point of diversion is located Well #3: 1200 feet S and 1250 feet W (NE1/4 NE1/4) from the NE corner of Section 5; Well #2: (covered by Water Right No. 2373-3) 2675 feet S and 2550 feet E (NE1/4 SW1/4) from the NW corner of Section 5; both in T91N R49W. The works are capable of diverting and conveying to the place of use 5.55 cu. ft. of water per second which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

T91N R49W	Section 5	NE1/4 NE1/4	40 acres
		SE1/4 NE1/4	40 acres
		NE1/4 SE1/4	40 acres
	Section 4	LOT 6	49 acres

comprising a total of 169 acres of land and the incorporated license should be issued for 2.41 cfs. Water Permit No. 5653-3 and Water Right No. 2373-3 may be incorporated.

(2.22) permitted rate

Applicable permit qualifications have been complied with: Yes ☒ No

Exceptions to compliance are: None Date Report Completed: September 10, 1996

A handwritten signature in black ink, reading "Barry A. McLaury". The signature is written in a cursive style with a horizontal line underneath the name.

Barry A. McLaury
Natural Resources Scientist
DENR, Water Rights Program

REPORT ON INSPECTION OF PERMIT NO. 5653-3

Other permit(s) associated with the project: Water Right No. 2373-3.

DATE OF INSPECTION: August 19, 1996

NAME OF INSPECTION CONTACT: Mark Chicoine

NAME & ADDRESS OF PERMIT HOLDER: Mark Chicoine, RR2 Box 508, Elk Point, SD 57025

DIVERSION POINT LEGAL LOCATION: Well #3: 1200 feet S and 1250 feet W (NE1/4 NE1/4) from the NE corner of Section 5; Well #2: (covered by Water Right No. 2373-3) 2675 feet S and 2550 feet E (NE1/4 SW1/4) from the NW corner of Section 5; both in T91N R49W.

WELL INFORMATION:

1) Well Drilling Firm: Nichols

3) Depth(s) 84 feet

2) No. of Wells 1

4) Well log is available N

1) Well Drilling Firm: Wetmore Drilling

3) Depth(s) 140 feet

2) No. of Wells 1

4) Well logs are available Y

Casing: (Well #3)

Screen: (Well #3)

1) Diameter 16 inches

1) Type PVC

2) Length 100? feet

2) Length 40? feet

3) Type PVC

3) Static water level 2 feet

Casing: (Well #2)

Screen: (Well #2)

1) Diameter 16 inches

1) Type Transite

2) Length 40 feet

2) Length 40 feet

3) Type Transite

3) Static water level 2 feet

Motor: (#2)

- 1) Make Ronk
- 2) Model No. ?
- 3) Horsepower rating 30 HP

Pump: (#2)

- 1) Make Western Land Roller
- 2) Size 10"
- 3) Capacity 1500 GPM

Motor: (#3)

- 1) Make Case
- 2) Model No. 2096
- 3) Horsepower rating 80 HP

Pump: (#3)

- 1) Make Western Land Roller
- 2) Serial No. 46252 (belt driven)
- 3) Capacity 1000 GPM

DISTRIBUTION LINES OR CANALS:

- 1) Type ALU 2) Size 10 inches 3) Length 3000 feet
- 1) Type ALU 2) Size 08 inches 3) Length 2640 feet

SYSTEM TYPE:**Flood:**

- 1) Pipe style Aluminum
- 2) Diameter 8 & 10 inches
- 3) Spacing of gates 30 & 40 inches
- 4) Length 2640' of 8" & 3000 feet of 10"

CHEMIGATION EQUIPMENT:

- 1) Does chemigate N

PERMIT QUALIFICATIONS AND REGULATIONS:

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

COMMENTS:

Gated pipe used interchangeably on Water Permit No. 5652-3.

Water Right No. 2373-3 will be incorporated into Water Permit No. 5653-3 during licensing.

See Water Right Nos. 2114-3 & 2373-3 for more information on the wells and irrigated acreage's.

Water Permit No. 5653-3 appropriates 1.12 cfs and transfers the diversion authority for 1.10 cfs **FROM** one well authorized by Water Right No. 2373-3 (NE1/4 SW1/4 Section 5) **TO** well no. 3 (NE1/4 NE1/4 Section 5). (See aerial photo for more details).

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5653-3

(1) Mark Chicoine, RR 2 Box 508, Elk Point SD 57025 made Application No. 5653-3, March 17, 1992 for a water permit to divert 1.12 cubic feet of water per second (cfs) from groundwater (one well), Union County, South Dakota for irrigation purposes. Permit No. 5653-3, with a priority date of March 17, 1992 was approved July 8, 1992 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 8, 1997 and for the application to beneficial use of said water on or before July 8, 2001.

Water Right No. 2373-3 authorizes diversion of 1.10 cfs to irrigate 77.4 acres. Water Permit No. 5653-3 added acreage and transferred the diversion authority for 1.10 cfs from one well authorized by Water Right No. 2373-3 (priority date of September 26, 1975) to one well located NE 1/4 NE 1/4 (Lot 2) Section 5. The applicable portions of Water Right No. 2373-3 are incorporated into this Water License.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 2.22 cubic feet of water per second for beneficial use. The location of the diversion point is Well #3 - 1,200 feet south and 1,250 feet west from the northeast corner of Section 5-T91N-R49W (NE 1/4 NE 1/4 [Lot 2]).

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

All in T91N-R49W		
Section 5	NE 1/4 NE 1/4	40 acres
	SE 1/4 NE 1/4	40 acres
	NE 1/4 SE 1/4	40 acres
Section 4	Lot 6	49 acres
Total 169 acres		

(4) Pursuant to South Dakota Water Law 46-5-30.1 Mark Chicoine, RR 2 Box 508, Elk Point SD 57025 the holder and/or owner of Incorporated Water Permit No. 5653-3 is issued a license to appropriate water, the right to use 2.22 cubic feet of water per second from groundwater (two wells) with priority dates of March 17, 1992 (1.12 cfs) and September 26, 1975 (1.10 cfs) from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Incorporated Water Permit No. 5653-3 and subject to South Dakota State Law.



JOHN HATCH, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

SEP 24 1998

date



Section
corner

LOT 6

49 Acres

NEL

IRRIGATED

T2333

T2334

NHEL

15.7

NHEL

NHEL

4.

2 380

106R

106R = 4-91-49

88.2

T816

106R

NHEL

91-49

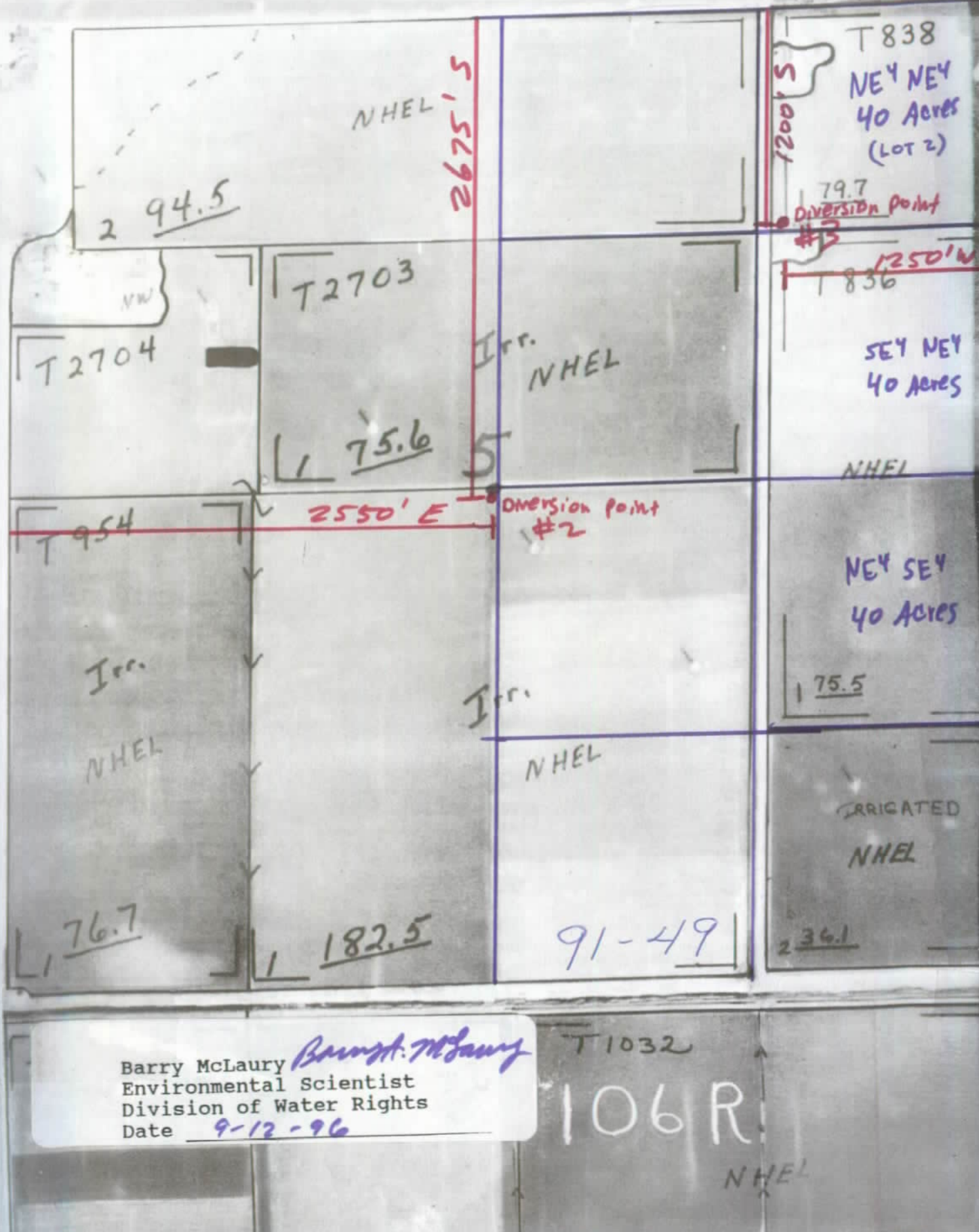
74.8

T2332

53.7

NHEL

MAP NOT TO SCALE 5653-3
THIS IS NOT AN OFFICIAL WETLAND MAP.





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 17, 1996

5652-3

5653-3

Mark Chicoine
RR 2, Box 508
Elk Point, SD 57025

Dear Mr. Chicoine:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit Nos. 5652-3 and 5653-3, has been completed. Your final water right documents, the Water Licenses, can now be issued.

Statutes require that we charge a \$50.00 fee per license for the inspection and issuance of the Water Licenses. Upon receipt of the \$50.00 fee per license from you (\$100.00 total), we will begin processing your Water Licenses.

**Please remit fee to:
Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181**

Sincerely,

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

NOTE: On check or money order, please specify your permit numbers. This will insure proper handling of the fee.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 19, 1996

SECOND NOTICE
Permit No. 5652-3
5653-3

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

Mark Chicoine
RR 2, Box 508
Elk Point, SD 57025

Dear Mr. Chicoine:

On September 17, 1996, you were notified the final inspection fee of \$50.00 per permit (\$100.00 total) is due before Water License Nos. 5652-3 and 5653-3 can be issued. As of this date, the fee has not been received.

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-13(3). Upon receipt of the \$100.00 fee, your Water Licenses will be sent to you. This is the final document for the perfection of your Water Rights. A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used.

Please remit fee to:
Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

According to South Dakota Water Law 46-5-30.1, you may not divert water until the License fee is paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Program
(605) 773-3352

RECEIPT

415189

Division of Water Rights

South Dakota Department of Environment and Natural Resources

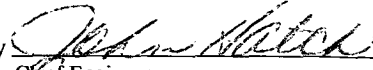
Pierre, _____ November 25, 19 96

RECEIVED OF Mark Chicoine, RR 2, Box 508, 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. <u>5653-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By  Chief Engineer 

Explanation of Report of Examination of Works for Water Permit No. 5653-3

NOTE: The following is a summary of Barry McLaury's licensing investigation conducted August 19, 1996 for Water Permit No. 5653-3 and Water Right No. 2373-3. Since Mr. McLaury is no longer with the Water Right Program, I have reviewed the file for the purpose of making sure the licensing of Mark Chicoine's water permit reflects the system in the field and complies with water rights statutes. See Mr. McLaury's report of examination of works for more specific information.

Water Permit No. 5653-3 and Water Right No. 2373-3 can be incorporated into one water right license. The specifics of the water license are:

The point of diversion: one well located 1200 feet South and 1250 feet West [NE1/4 NE1/4 (Lot 2)] Section 5, T91N, R49W.

Diversion rate: - 1.10 cfs with a priority date of September 26, 1975 established by Water Right No. 2373-3 (this diversion authority was transferred to current well by No. 5653-3)

- 1.12 cfs with a priority date of March 17, 1992 established by Water Permit No. 5653-3.

TOTAL: - 2.22 cfs

Acreage Irrigated: - Total of 169 acres as described on Mr. McLaury's licensing investigation report.



Eric Gronlund
Water Right Program
August 24, 1998



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 24 1998

Mark Chicoine
RR 2 Box 508
Elk Point SD 57025

Dear Mr. Chicoine:

Enclosed are Water License Nos. 5652-3, 5653-3, Reissued Water License No. 2114-3 and receipts for payment of the license fees. These water licenses are the final documents completing the process of obtaining a water right.

The wells authorized under Water License Nos. 5652-3 and 5653-3 are capable of diverting far more water than the statutory limit for the number of acres being irrigated. The licensing investigation of the permits found each system capable of diverting at a rate of 5.57 cfs (2500 gpm). Water License No. 5652-3 and 5653-3 have been issued to reflect the maximum diversion allowed by law. These water rights do not give a legal right to diversion of water in excess of 4.44 cfs (2000 gpm) authorized by No. 5652-3 and 2.22 cfs (1000 gpm) authorized by No. 5653-3.

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

Very truly yours,

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

ks

enclosures



January 22, 1999

5653-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: MARK CHICOINE, RR 2 BOX 508, ELK POINT, SD 57025

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

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaires

Our records indicate that the 1998 Irrigation Questionnaires have not been submitted for Permit Nos. 5427-3, 5652-3, 5653-3 & 5904-3, 2114-3. The request for the Questionnaires was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 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) 2114-3 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) 5427-3, 5652-3, 5653-3 & 5904-3 qualification:

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

The hearing will be held at 9:45 am, March 3, 1999 in Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5427-3, 5652-3, 5653-3 & 5904-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2114-3 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 on/or before March 1, 1999, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 28, 1999

Mark Chicoine
RR 2 Box 508
Elk Point, SD 57025

RE: Water Permit/Right Nos. 2114-3, 5427-3, 5652-3, 5653-3 & 5904-3

Dear Mr. Chicoine:

I am writing to acknowledge receipt of your 1998 irrigation questionnaires. You may disregard the January 22, 1999, "Notice" concerning reporting requirements for Water Permit/Right Nos. 2114-3, 5427-3, 5652-3, 5653-3 & 5904-3.

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



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 22, 2010

NOTICE

TO: MARK CHICOINE, 32120 477TH AVE, ELK POINT, SD 57025

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

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaires

Our records indicate that the 2009 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 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) 2114-3 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) 5652-3, 5653-3, 5904-3 & 6155-3 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 10, 2010** 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) 5652-3, 5653-3, 5904-3 & 6155-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2114-3 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 5, 2010**, 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 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.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.



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January 28, 2010

Mark Chicoine
32120 477th Ave
Elk Point SD 57025

RE: 2009 Irrigation Questionnaires for Water Right Nos. 2114-3, 5652-3, 5653-3, 5904-3 & 6155-3

Dear Mr. Chicoine:

I am writing to acknowledge receipt of your 2009 irrigation questionnaires. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Right Nos. 2114-3, 5652-3, 5653-3, 5904-3 & 6155-3.

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

If you have any questions, please contact me.

Sincerely,

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

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