

WATER PERMIT NO. 5760-3

Phone: 966-5794

Name of Applicant: Glenn W. Bosse

Post Office Address: RR 1, Box 190, Jefferson SD 57038

Amount of Water Claimed: 0.48 cfs Total Acres: 33.4

Source of Water Supply: Big Sioux River

Water to be used for: irrigation County: Union

About 6 miles SE of Elk Point

PRIORITY Date Received: 3-5-93 Fee: \$150 Remarks: _____

Corrected Application Received: 3-12-93 Period of Annual Use: April 1 - Oct 31

WATER QUALITY APPROVAL RECEIVED: 3-23-93 APPROVED/CONDITIONAL (Circle one)

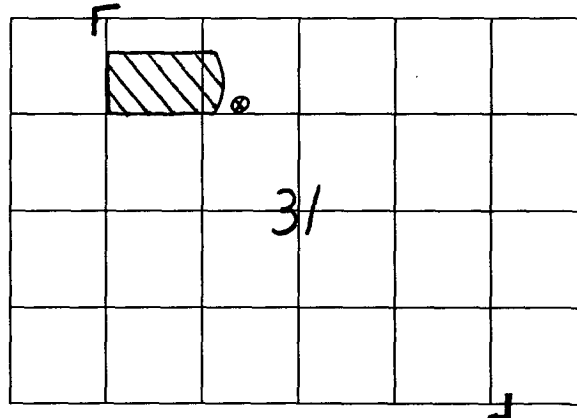
WI-1 Description same as Application YES _____ NO _____ REMARKS: _____

Diversion Point: Lot 4 (NE 1/2 NW 1/4)

Section 31-T91N-R48W

Land to be Irrigated: Lot 4 (N 1/2 NW 1/4)

Section 31-T91N-R48W



Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: _____ REMARKS: _____

Type of Map: aerial PREPARED BY: John C. McIntosh Reviewed and the Number

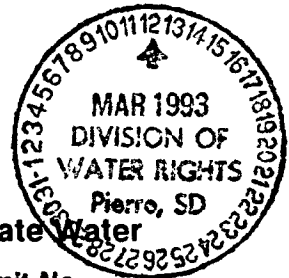
Assigned on: 3-23-93 By: Karen Schlaak

FORM 2: Application for Irrigation in South Dakota
(type or print)

Originally received
March 5, 1993

Mail to:
Water Rights Division
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181
605 773-3352

No. 5760-3 Hydrologic Unit 10170203
Basin Big Sioux River
Newspaper Elk Point Leader-Courier, Box 310
356-2632 (office use only)



Application For Soil/Water Compatibility Permit And Permit To Appropriate Water

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____
(check one) (Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. acreage change, change diversion point(s), add diversion point(s), etc.) _____

1. Name of Applicant Glenn W. Bosse Phone 605-966-5794
Mailing Address RR 1, Box 190 Jefferson State SD 57038
(Street, RR, or Box) (City) (Zip Code)
2. Amount of water claimed 0.48 *CFS or **GPM ***AF Total Acreage 33.4
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout if applicable)
3. Source of water supply Big Sioux River
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) _____
Lot 4 (NE1/4 NW1/4) Section 31-T91N-R48W
- County Union
5. County or 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.

(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>Lot 4 (NE1/4 NW1/4) Sec 31-T91N-R48W</u>	<u>33.4</u>		

8. Type of Irrigation: Gravity: ☒ Towline: ☐ Center Pivot: ☐ Gun: ☐ Other (Specify): _____
9. Crops to be irrigated: Corn & Beans
10. Give a description of the project. (Attach sheet if more space is needed)

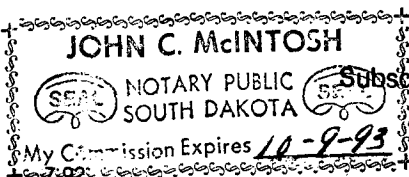
I would like to pump water from the Big Sioux River,
pump straight west in gated pipe & gravity flow
from south to north

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

STATE OF SOUTH DAKOTA)

County of Union)^{ss}

I, Glenn W. Bosse, 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 representative of the water to be used, and that the matters stated in this application are true and correct.



Signed John C. McIntosh
Subscribed and sworn to before me this 11 day of MARCH 19 93

Notary Public

**SOUTH DAKOTA
WATER PERMIT NO. 5760-3 FOR IRRIGATION**

Date of first receipt of application March 5, 1993.

Date Soil/Water Compatibility Permit received March 23, 1993.

Date of return to applicant for corrections, amendments or changes March 8, 1993.

Date of receipt of corrected application March 12, 1993.

The Chief Engineer on behalf of the Water Management Board, issues Water Permit No. 5760-3 for Glenn W. Bosse, RR 1, Box 190, Jefferson SD 57038 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. 5760-3 appropriates 0.48 cubic feet of water per second from the Big Sioux River located in Lot 4 (NE 1/4 NW 1/4) Section 31 to irrigate 33.4 acres located in Lot 4 (N 1/2 NW 1/4) Section 31; all in T91N-R48W.
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 date from which applicant may claim right is March 5, 1993.
4. The date of approval of Permit No. 5760-3 is June 2, 1993.
5. One-fifth of the construction is to be completed on or before December 2, 1995.
6. All construction is to be completed on or before June 2, 1998.
7. Water is to be put to beneficial use on or before June 2, 2002.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. This permit is approved subject to the irrigation water use questionnaire being submitted each year.
2. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.

WATER MANAGEMENT BOARD

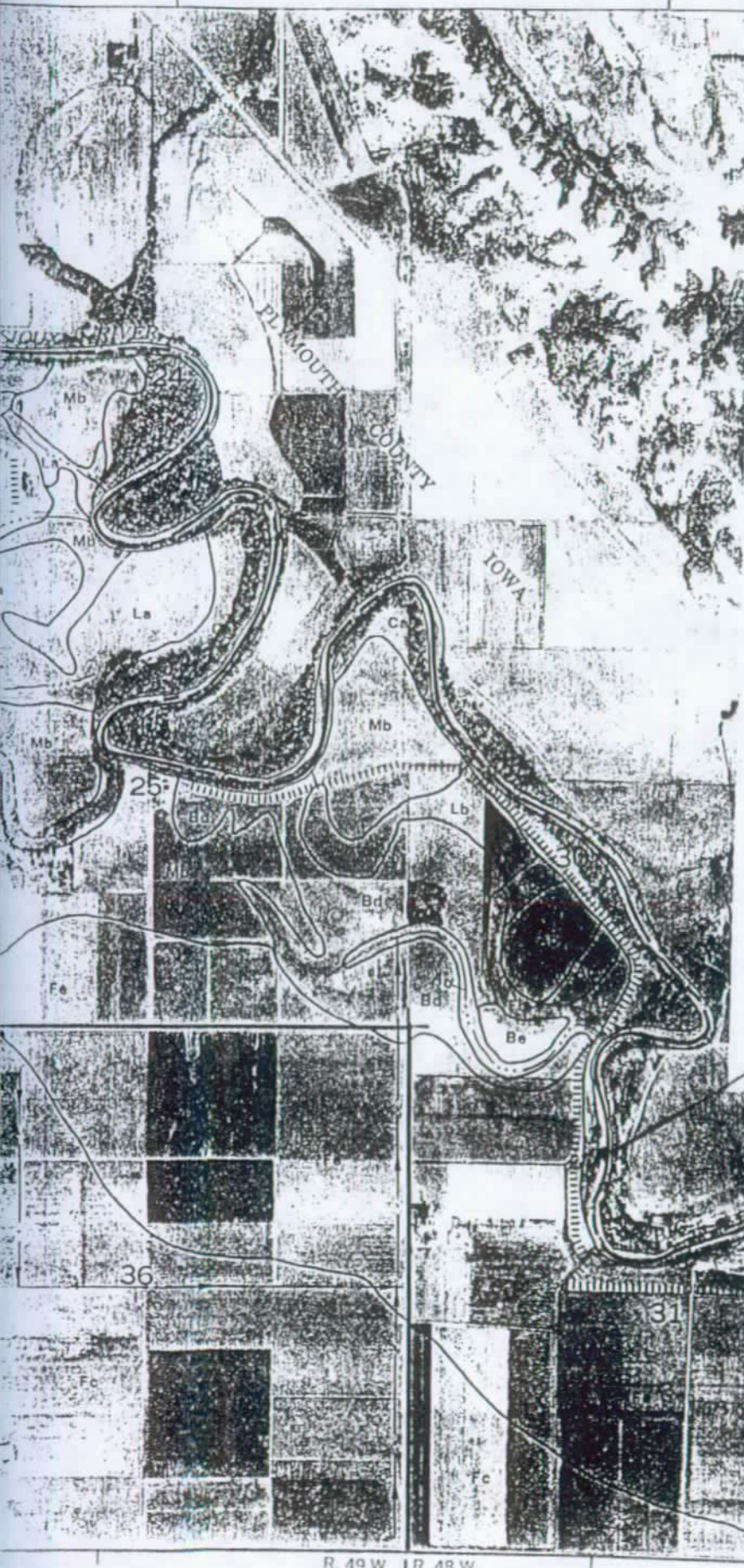
By: 
John Hatch, Chief Engineer
Water Rights Division
Department of Environment and
Natural Resources

SEP 17 1993
date

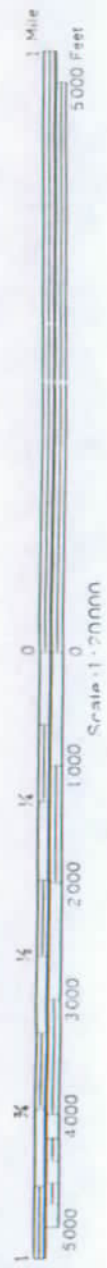
DIVERSION POINT

NOT TO SCALE





DIVERSTON POINT SOIL Fe

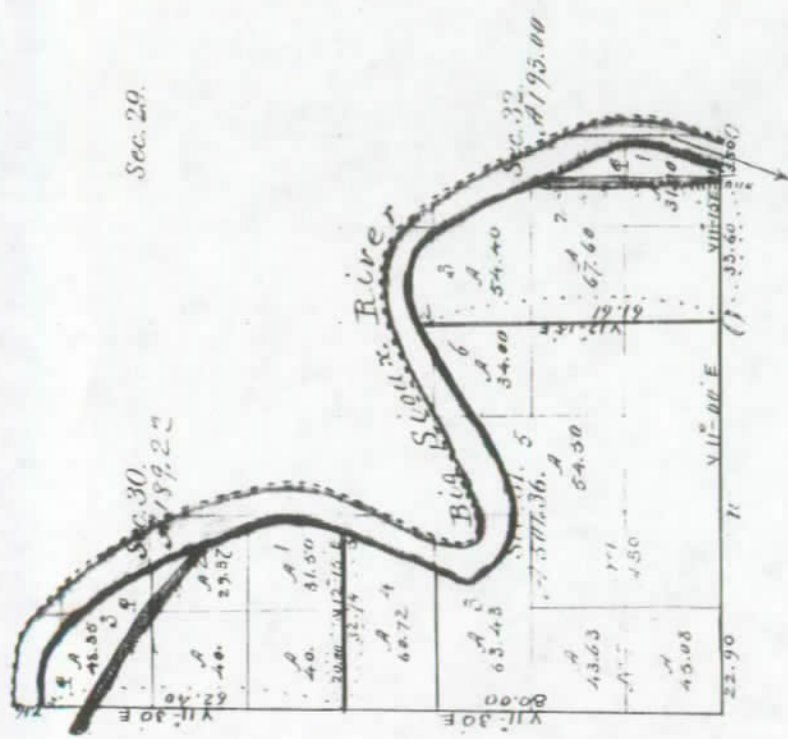


R. 49 W. | R. 48 W.

(Joins sheet 33)

3020 000 FEET

140 000 FEET



Sec. 28.

Sec. 27.

Sec. 26.

Sec. 33.

Sec. 34.

Sec. 35.

Total number of Acres. 883.58

Surveys Designated	By Whom Surveyed	Date of Contract	Amount of Surveys	When Surveyed
Township lines	John Bell	Aug 1st 1860	M. 2. 14.	Nov 1860
Subdivisions	Charles H. Spencer	July 24th 1861	4 31 47	Sept 1861

The above Map is
Principal
notes of the survey
Surveyor
- (Name)

RECEIPT

413663

Division of Water Rights

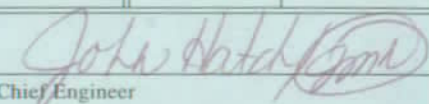
South Dakota Department of Environment and Natural Resources

Pierre, March 8, 1993RECEIVED OF Glenn Bosse, RR 1 Box 190, Jefferson, SD 57038

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

Fee for Application for Permit No. <u>5760-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	150	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 _____		

(Any Other Work Provided by Law)	Total	150 00

By 
Chief Engineer

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4760

WR#

OWNERS NAME: GLENN W BOSSE

OWNERS ADDRESS: RR 1 BOX 190

JEFFERSON SD 57038

COUNTY LAND LOCATED IN: UNION

PHONE: (605) 966-5794

LEGAL DESCRIPTION:

☐ Well

Big Sioux River
☒ Surface

1. LOCATION Lot 4 NE $\frac{1}{4}$ NW $\frac{1}{4}$ 31-T91N-R48W

Depth: _____

Legal Description	Acres	Legal Description	Acres
<u>Lot 4 NE$\frac{1}{4}$ NW$\frac{1}{4}$ 31-T91N-R48W</u>	<u>33.4</u>		

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

3. CROPS TO BE IRRIGATED: CORN & BEANS

WATER QUALITY:

4. WATER SAMPLE NUMBER: Big Sioux River

7. ADJUSTED (SAR): _____

5. SALINITY (EC X 10⁶): _____

8. PERCENT SODIUM: _____

6. SODIUM (SAR): _____

Requirements:

Under irrigation, the water table may become perched and adversely affect the leaching of salts and crop production. Should this occur, a form of artificial drainage; i.e., tile drainage may be necessary. Adequate drainage shall be provided, as deemed necessary.

Russell J. Howe

Director, Division of Conservation

MARCH 16, 1993

Date

XXX APPROVED

DISAPPROVED

WAIVER

XXX REQUIREMENTS

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 8, 1993

Glenn W. Bosse
RR 1, Box 190
Jefferson SD 57038

Dear Mr. Bosse:

In regard to your water permit application received on March 5, 1993, the following information needs to be completed in order to process your application.

1. Enclosed is the aerial photo submitted with the application. The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local SCS or ASCS office). The initials JM are not sufficient to meet this requirement.
2. When I spoke with you on the phone, I was unaware that you had the old application forms. The application for soil/water compatibility permit and permit to appropriate water are now combined on one form. I have transferred the information you submitted to the new form. Item Nos. 8, 9 and 10 need to be completed. Please review, make any necessary changes and have the application signed and notarized.

From the aerial photo submitted, it would appear that the location of the point of diversion from the Sioux River would be Lot 4 (NE 1/4 NW 1/4 Section 31-T91N-R48W. I have put that location in Item No. 4 of the application.

3. On the application, Item No. 2 you indicated the amount of water claimed to be 0.5 cfs. Under State Statutes you are allowed 1 cubic foot of water per second (cfs) for each 70 acres irrigated. This would mean that you are allowed 0.48 cfs for the 33.4 acres to be irrigated. That change has been made on the application also. Please let us know if you disagree with this change.

The water permit application can not be considered until the application is complete and a soil/water permit is obtained from the Department of Agriculture. Upon receipt of the above, further processing of your application will continue.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosures

REPORT ON WATER PERMIT APPLICATION NO. 5760-3
GLENN W. BOSSE
MARCH 31, 1993

Application No. 5760-3, Glenn W. Bosse, proposes to appropriate 0.48 cubic feet of water per second (cfs) from the Big Sioux River located in Lot 4 (NE 1/4 NW 1/4) Section 31 to irrigate 33.4 acres located in Lot 4 (N 1/2 NW 1/4) Section 31; all in T91N-R48W in Union County.

WATER SOURCE - BIG SIOUX RIVER

The Big Sioux River has unappropriated water available at the location of this proposed project. This project is located in the lower reach of the Big Sioux River approximately 25 river miles north of the mouth of the Big Sioux River. A gaging station is located north of this application near Akron, IA. The flows at this station usually have an average mean of 486 cfs in April, 788 cfs in May, 1670 cfs in June, 882 cfs in July, 362 cfs in August, and 243 cfs in September.

REVIEW OF EXISTING WATER RIGHTS/PERMITS

There are 5 water rights/permits located below this application above the mouth of the Big Sioux River appropriating 10.22 cfs for 716.50 acres.

CONCLUSIONS

1. This reach of the Big Sioux River has available water for Water Permit Application No. 5760-3.
2. Prior water rights/permits located below this application will not be adversely effected.
3. If this application is approved, it should contain the following qualifications:
 - a. Subject to the irrigation water use questionnaire being submitted each year.
 - b. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.

Norma C. Job

NORMA C. JOB
Natural Resources Engineer II

Approved by:

Delvin D. Brosz

DELVIN D. BROSZ, PE
Natural Resources Engineer IV

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5760-3, Glenn Bosse

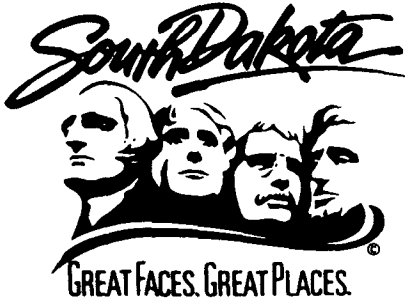
Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 5760-3, Glenn Bosse, RR 1 Box 190, Jefferson, SD 57038.

The Chief Engineer is recommending APPROVAL of Application No. 5760-3 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) in the public interest with the following qualifications:

1. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

for Eric Hunkeler
JOHN HATCH, Chief Engineer
April 27, 1993



**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.

April 29, 1993

Glenn W. Bosse
RR 1 Box 190
Jefferson, SD 57038

Dear Mr. Bosse:

Water Permit Application No. 5760-3 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 recommendation of the Chief Engineer and a report on the application 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 application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, 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 application.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 29, 1993

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

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5760-3 to be published twice. Please publish the first notice on May 6, 1993, 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 Glenn W. Bosse, RR 1 Box 190, Jefferson, SD 57038 (Ph # 966-5794).

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
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 May 6, 1993, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5760-3 to Appropriate Water

Notice is given that Glenn W. Bosse, RR 1 Box 190, Jefferson, SD 57038 has filed an application for a water permit to appropriate 0.48 cubic feet of water per second from the Big Sioux River located in Lot 4 (NE 1/4 NW 1/4) Section 31 to irrigate 33.4 acres located in Lot 4 (N 1/2 NW 1/4) Section 31; all in T91N-R48W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5760-3 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 application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT A HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application 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 recommendation. 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 May 24, 1993. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, 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 hearing on Application No. 5760-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for June 2, 1993, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the June 2, 1993, 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 June 2, 1993, 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 application. The request for an automatic delay must be filed by May 24, 1993.

If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application 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 Eric Gronlund by May 24, 1993, at the above Water Rights Division address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application is 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, 46-2A-20, 46-2A-21; 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; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County of Union) ss

I, Lester E Emerson

certify that the attached printed Notice was

taken from the The Leader-Courier

printed and published in El P0int,

County of Union and State of

South Dakota. The notice was published in
 the newspaper on the following two dates:

May 6, 1993

May 13 1993

Cost of Printing: 62.78

Lester E. Emerson
 (Signature)

Editor/Publisher
 (Title)

May 13, 1993
 (Date Signed)



NOTICE OF HEARING
 ON APPLICATION NO. 5760-3
 TO APPROPRIATE WATER

Notice is given that Glenn W. Bosse, RR 1 Box 190, Jefferson, SD 57038 has filed an application for a water permit to appropriate 0.48 cubic feet of water per second from the Big Sioux River located in Lot 4 (NE 1/4 NW 1/4) Section 31 to irrigate 33.4 acres located in Lot 4 (N 1/2 NW 1/4) Section 31; all in T91N-R48W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5760-3 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 application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application 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 recommendation. 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 May 24, 1993. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

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(over)

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This application is 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, 46-2A-20, 46-2A-21; 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; and Board Rules ARSD 74:02:01:01: thru 74:02:01:15. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

Pub. May 6, 13



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 17 1993

Glenn W. Bosse
RR 1 Box 190
Jefferson, SD 57038

Dear Mr. Bosse:

Enclosed is Water Permit No. 5760-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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 system and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water License 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 permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is 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.

REPORT ON INSPECTION OF PERMIT NO. 5760-3

DATE OF INSPECTION: 10-19-99

Other permit(s) associated with the project: #

NAME & ADDRESS OF INSPECTION CONTACT: Glenn Bosse, RR1 Box 190, Jefferson, SD 57038

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: owner

NAME & ADDRESS OF PERMIT HOLDER: same as above

DIVERSION POINT LEGAL LOCATION: 1320' N and 1815' E of the NW corner of Section 31, T91N, R48W.

Diversion Point at the Big Sioux River:

Pump:

- 1) Make #
- 2) Model #
- 3) Size #
- 4) Capacity 800 GPM

Motor:

- 1) Make diesel tractor
- 2) Model No. #
- 3) Horsepower rating 60 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type aluminum 2) Size 10" 3) Length 330 feet

SYSTEM TYPE:

Gated pipe:

- 1) Length 1485 feet
- 2) Diameter 10 inches
- 3) Spacing of gates 20-40 inches

CHEMIGATION EQUIPMENT:

- 1) Does chemigate no

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by yes
- 2) All structures, wells and lands on map yes
- 3) Irrigation questionnaires checked to determine if permit owner started irrigation by the end of construction period have not mailed a questionnaire to permit holder.

Permit No. 5760-3
Big Sioux River - Water District

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

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

I have this day, **October 19, 1999** made a thorough examination of the water use system constructed by **Glenn W. Bosse** of **RR1 Box 190, Jefferson, SD 57038** holder of Permit No. **5760-3**, bearing the priority of **March 5, 1993** authorizing the diversion of **0.48** cu. ft. per second of the waters of **Big Sioux River** 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:
800 gpm pump and a diesel tractor motor rated at 60 hp.
- B. Works used to transport water to place of use:
330' of 10" aluminum pipe.
- C. Works used to apply water to beneficial use:
1485' of 10" aluminum gated pipe.

The system is in the following condition **good**. The point of diversion is located **1320' N and 1815' E of the NW corner of Section 31, T91N, R48W.** The works are capable of diverting and conveying to the place of use **1.78** 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 31, T91N, R48W:

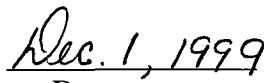
Lot 4 NE¼ NW¼ 8 acres **Lot 4 NW¼ NW¼ 25 acres**

comprising a total of **33** acres of land and the license should be issued for **0.48** cfs.
Applicable permit qualifications have been complied with: **no**

Exceptions to compliance are: **Needs to reduce pump rate to 1 cfs per 70 acres or 216 gpm.**


Lynn Beck

Natural Resources Engineer
DENR, Water Rights Program


Date

WATER RIGHT NO. 5760-3

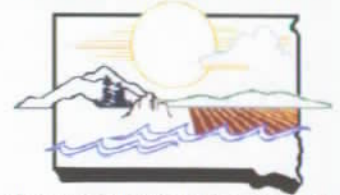


Lynn Beck

Lynn Beck
Natural Resources Engineer
DENR, Water Rights Program
December 1, 1999



South Dakota Department of
Environment and Natural Resources



Protecting South Dakota's Tomorrow ... Today

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5760-3

(1) Glenn W Bosse, 48100 County Rd 1B, Jefferson SD 57038 made Application No. 5760-3, March 5, 1993 for a water permit to divert 0.48 cubic feet of water per second from the Big Sioux River, Union County, South Dakota for irrigation purposes. Permit No. 5760-3, with a priority date of March 5, 1993 was approved June 2, 1993 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before June 2, 1998 and for the application to beneficial use of said water on or before June 2, 2002.

(2) It is certified that the permit holder 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 0.48 cubic feet of water per second for beneficial use. The location of the diversion point is 1,320 feet north and 1,815 feet east of the northwest corner of Section 31-T91N-R48W (Lot 4 NE ¼ NW ¼).

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

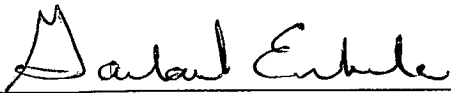
Section 31-T91N-R48W

Lot 4 NE ¼ NW ¼ 8 acres

Lot 4 NW ¼ NW ¼ 25 acres

Total 33 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Glenn W Bosse, 48100 County Rd 1B, Jefferson SD 57038 the holder and/or owner of Water Right No. 5760-3 is issued a license to appropriate water, the right to use 0.48 cubic feet of water per second from the Big Sioux River with a priority date of March 5, 1993 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 Water Right No. 5760-3 and subject to South Dakota State Law.



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

MAY 12 2000

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 8, 1999

5760-3

Glenn W. Bosse
RR 1, Box 190
Jefferson, SD 57038

Dear Mr. Bosse:

The investigation of your water use system was conducted on October 19, 1999, by Lynn Beck, staff engineer. The investigation included the extent of application of water to beneficial use, as developed under Water Permit No. 5760-3. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the investigation and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

**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 number. 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
www.state.sd.us/denr

April 26, 2000

Permit No. 5760-3

REMINDER NOTICE

TO: Glenn W. Bosse
RR 1, Box 190
Jefferson, SD 57038

FROM: Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Water License/Investigation Fee Requirement

On December 8, 1999, we advised you that a \$50.00 fee is due for the completed investigation of Water Permit No. 5760-3. The fee also covers issuance of your water license which is the final document in obtaining and perfecting a water right.

To date, we have not received the \$50.00 fee; therefore, we can not issue the water license. Your licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by any permit requirements.

Please remit the fee as soon as possible to obtain your water license. In addition, South Dakota water law does not allow water to be diverted until the license fee is paid. To avoid jeopardizing your ability to use water, please send the fee to the following address:

Department of Environment and Natural Resources
Water Rights Program
523 E Capitol
Pierre SD 57501-3181

Thank you for your prompt response. If you have any questions or believe our records are in error, please contact Genny McMath at (605) 773-3352.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Glenn W. Bosse
RR 1, Box 190
Jefferson, SD 57038

4a. Article Number

P 422 707 499

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☒ Certified |
| ☐ Express Mail | ☐ Insured |
| ☐ Return Receipt for Merchandise | ☐ COD |

7. Date of Delivery

4-29-00

5. Received By: (Print Name)

Glen Bosse BY: Dan Heaton

6. Signature: (Addressee or Agent)

X *Glenn Bosse*

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

Nº 416492

Pierre, _____ May 3, 2000

RECEIVED OF Glenn Bosse, 48100 County Road 1B, Jefferson, SD 57038
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
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>5760-3</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 Harold Erbe
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAY 12 2000

5760-3

Glenn W. Bosse
48100 County Rd 1B
Jefferson, SD 57038

Dear Mr. Bosse:

Enclosed is Water License No. 5760-3 and Receipt No. 416492 for \$50.00 which was assessed for an investigation and issuance of the license. Water License No. 5760-3 is the final document which completes the process of obtaining a water right.

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

Sincerely,

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

ks
enclosures

NOTE: The investigation found your irrigation system is capable of diverting 1.78 cubic feet of water per second (cfs) which is equivalent to approximately 800 gallons per minute. The statutory limit for 33.0 acres is 0.48 cfs (equivalent to 216 gpm). Diversion of water under this water license is limited to 0.48 cfs.

2001 Water Management Board Irrigation Questionnaire

Please fill out and return before December 1, 2001

No. 5760-3

GLENN W BOSSE
48100 COUNTY RD 1B
JEFFERSON SD 57038

Any address corrections?

See below

Telephone No. 605/866-5271

Return the completed form to the Water Rights Program at 523 E Capitol, Pierre, SD 57501-3181 (605) 773-3352

1. Is the system constructed? *yes ☒ no ☐

*Type of system used (check all that apply):

center pivots ☐ towlines ☐ big gun ☐

flood ☒ sprinklers ☐ other ☐

2. Did you irrigate in 2001? *yes ☐ **no ☒

*If yes, number of acres irrigated

**If no, list reason(s) in comment section:

Comment Section

weather - rain

3. Is land enrolled in CRP? *yes ☐ no ☒

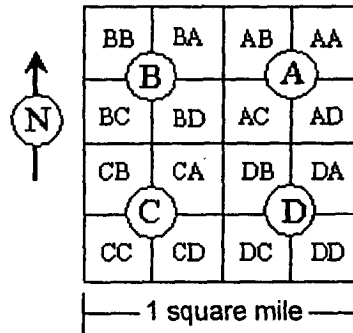
*If yes, through what year?

4. Did you apply chemicals or fertilizer through the system in 2001? yes ☐ no ☒

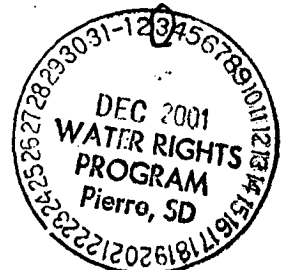
5. If permitted for more than one water source, circle each source used. 1: BIG SIOUX RIVER

2:

3:



Office use only



Acreage permitted for irrigation under No. 5760-3 (see above section map for help reading legal descriptions)

sec 31-T091N-R48W, BA -- 8.00 acres

sec 31-T091N-R48W, BB -- 25.00 acres

Please send form to transfer
permit to: Brian Chicoine

32650 480th Ave

Elk Point SD

57025

land was bought from Glenn
in spring of 2001

Please provide your 2001 water use to irrigate the above acreage on the REVERSE side of this form.

For a sample completed questionnaire, please refer to the reverse side of your cover letter.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 6, 2001

5760-3

Brian Chicoine
32650 480th Ave
Elk Point, SD 57025

Dear Mr. Chicoine:

I have received your 2001 irrigation questionnaires and your request to have Water Right No. 5760-3 transferred to your name. Currently the water right is listed in the name of Glenn W Bosse. Enclosed is a copy for your review.

Also enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change. Please review the form and complete as needed. You will need to sign the form in the presence of a notary public and then return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

You may keep the enclosed copy of the water right for your records. If I can answer any questions for you, please let me know.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 5760-3

Date: 12/12/01

I\We request that Water Right No. 5760-3

formerly owned by: Glenn W Bosse, 48100 County Rd 1B, Jefferson, SD 57038

be transferred to: (name & address) Brian Chicoine, 32650 480th Ave,
Elk Point, SD 57025 Telephone No. 605/966-5271

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

33 acres - Lot 4 of NE 1/4 NW 1/4 and Lot 4 of NW 1/4 NW 1/4 Section 31, T91N, R48W

I understand that the validity of Water Right No. 5760-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

STATE OF SOUTH DAKOTA)
County of Union)

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

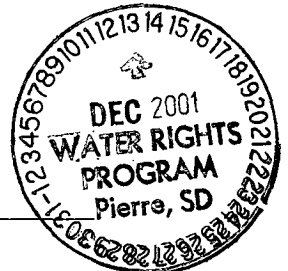
Brian Chicoine
(Signature of new owner)

Subscribed and sworn to before me this 10 day of December, 2001.



My Commission expires 11/2006

Terri L. Chicoine
(Notary Public)



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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 13, 2001

5760-3

Brian Chicoine
32650 480th Ave
Elk Point, SD 57025

Dear Mr. Chicoine:

This will acknowledge receipt of the "Notice of Transfer of Ownership" form and filing fee you submitted for transferring Water Right No. 5760-3 to your name. The transfer has been completed. The water right, formerly listed in the name of Glenn W Bosse, is now listed in your name.

Enclosed is your Receipt No. 417018 in the amount of \$2.50. You may keep this for your records.

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

Sincerely,


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

enclosure

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

FILE 417018

Pierre, DECEMBER 13, 2001

RECEIVED OF BRIAN CHICOINE, 32650 480TH AVE, ELK POINT, SD 57025

the following amount in fees for services rendered as provided for by law: (GLENN W. BOSSE)

Fee for Application for Permit No. _____ to Appropriate Water, to construct
and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water, for Future
Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water
License No. _____

Fee for Filing Transfer Form 5760-3 _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

By

Chief Engineer

Barbara E. Eiche

gm

5760-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

August 6, 2012

Dear Water Right Holder;

Due to low flows I am advising water right holders on the Big Sioux River of the possibility of shutoff orders in 2012 for the river reach from Watertown through Sioux Falls. This is **not a shutoff order**.

As a result of the continuing lack of precipitation, tributary flows throughout the Big Sioux River basin remain well below the historical average. The forecast for improved conditions for the near future is not favorable.

This letter is only intended to give you advanced warning that your ability to divert water may be cut short this year. If shut-off orders are issued, you will receive another letter from the department. In the meantime, water right holders can help by closely monitoring water usage and trying to avoid wasting water.

South Dakota water law gives the highest priority to domestic use, which includes livestock watering. There is generally adequate water available to meet both domestic use and other needs. However, once water availability reaches critical low levels, other uses, including irrigation, will begin to interfere with domestic use. If levels become critically low, the department must issue shut-off orders to protect domestic water uses. Once these orders are issued, the department will continue to monitor water availability and should conditions improve, the shutoff orders would be rescinded.

If you are interested, the US Geological Survey has an Internet site showing real-time river flows at 159 stream gauging stations across the state including three gages sites on the Big Sioux River. To access this information go to <http://waterdata.usgs.gov/sd/nwis/rt> and click on the link "Statewide Streamflow Current Conditions Table".

Thank you for your cooperation. If you have any questions, please contact Lynn Beck or Mark Rath at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

CERTIFICATION

I hereby certify that on August 6, 2012, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated August 6, 2012 regarding shut off warnings on Big Sioux River addressed as stated below:

permitno	fname	lname	addrss2	city	state	zip
1696-3	DONALD G	AHLERS	22920 SD HWY 13	FLANDREAU	SD	57028
5530-3	TERRY & DENISE	ANDERSON	47558 237TH ST 26534 N SHORE PLACE	TRENT	SD	57065
6192-3	BERNE B	BAHNSON	PO BOX 366	HARTFORD	SD	57033
3806-3	BERNARD	BERGDALE	47948 232ND ST	ALCESTER	SD	57001
1175-3	HAROLD	BOEVER	4162 BIRCH AVE	FLANDREAU	SD	57028
4895-3	BILL B	BOYER	403 16TH ST	HAWARDEN	IA	51023
284-3	LUKE	BOYER, MGR	24482 482ND AVE	HAWARDEN	IA	51023
7110-3	BRIAN	BURKHART	32650 480TH AVE	DELL RAPIDS	SD	57022
5760-3	BRIAN	CHICOINE	29509 488TH AVE	ELK POINT	SD	57025
2255-3	JAMES H	COLE	47364 GOLF VIEW DR	HUDSON	SD	57034
6124-3		DELLS ROCKY RUN GOLF COURSE		DELL RAPIDS	SD	57022
4969-3	JOHN GILMAN	FRAZIER FARMS	BOX 423	PARKSTON	SD	57366
4969-3	JOHN TROY D & SANDY F	GILMAN	4162 BIRCH	HAWARDEN	IA	51023
249-3	DARREN & ALLISON	HAHN	6762 SMITH DR	WENTWORTH	SD	57075
2065-3		HAMILTON	22615 480TH AVE	FLANDREAU	SD	57028
2952-3, 956-3	WAYNE	HEADRICK	47926 SD HWY 32	FLANDREAU	SD	57028
279-3	ROBERT	JAGER, MGR	48495 299th ST	HAWARDEN	IA	51023
1350-3, 6042-3	RAYMOND D	JENSEN	24348 478TH AVE	HAWARDEN	SD	57022
1302-3	LARRY J	JORGENSEN	24048 477TH AVE	DELL RAPIDS	SD	57065
1500-3, 213-3	TED	LACEY	24064 478TH AVE	TRENT	SD	57065
	EUGENE	MOLLET	48011 332ND ST	TRENT	SD	57038
3433-3	VIRGIL L	MOLLET JR	47991 334TH ST	JEFFERSON	SD	57038
1801-3	GAIL	MUNK	803 DAKOTA	JEFFERSON	SD	57022
113-3	PATTI	NASH	21660 469TH AVE	DELL RAPIDS	SD	57006
3914-3	OMAR F	PETTERSON	48378 276TH ST	BROOKINGS	SD	57013
2350-3		RIVER VALLEY FARMS	PO BOX 486	CANTON	SD	57001
1801-3	HARVEY JOHN T & MELISSA R	SCHMIDT, OPERATOR	47528 244TH ST	ALCESTER	SD	57022
1454-3		SCHUTTE	47973 W 5TH ST 47844 COUNTY RD 1B	CANTON	SD	57013
5814-3	PATRICK V	WALSH, OPERATOR	11726 NORWAY ST NW	ELK POINT	SD	57025
597-3	DAN & JUDY	WHIPPLE WILLOW RUN MANAGEMENT COMPANY		COON RAPIDS	MN	55448
5055-3		XCEL ENERGY	8000 E HWY 42	SIoux FALLS	SD	57110
519-3A		NORTHERN STATES POWER COMPANY	7100 E RICE ST	SIoux FALLS	SD	57110
43-3, 519-3 5698-3, 6210-3	GREG ANDERSON	CITY SIOUX FALLS	414 NICOLLET MALL	MINNEAPOLIS	MN	55401
			224 W 9TH ST	SIoux FALLS	SD	57102

Gail Jacobson

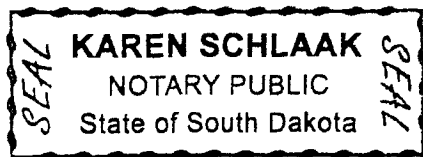
Gail Jacobson
Secretary/Water Rights

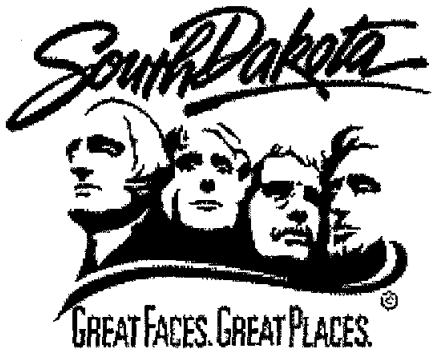
STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 4th day of August, 2012.

Karen Schlaak

Karen Schlaak
Notary Public
My Commission expires April 1, 2013





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 31, 2018

5760-3

BRIAN CHICOINE
32650 480TH AVE
ELK POINT SD 57025

Subject: Bypass Qualifications on Big Sioux River Water Rights

Dear MR CHICOINE,

I am writing to inform you of an effort the SD Dept. of Environment and Natural Resources Water Rights Program is undertaking to review and update a number of water right permits authorized to pump water from the Big Sioux River. Since your water right does not have a bypass qualification, we **are not** proposing to amend your permit by adding a bypass qualification. However, I do want to make you aware of what we are proposing for several other junior priority Big Sioux River permits.

When a number of these Big Sioux River permits were issued, they contained a qualification requiring a minimum flow bypass before the user is able to pump water from the river. The bypass qualification was placed on these permits to protect the use of water by downstream senior priority water right holders and domestic water users, which includes livestock watering. The review found, with the passage of time, a number of senior water right permits have been cancelled due to abandonment or forfeiture. Consequently, it may be possible to lower the flow bypass limitation on the remaining permits. In other words, the amount of flow in the river can be lower and pumping will still be allowed. The review also found an inconsistency between permits on where the bypass flow is to be measured. The intent of this effort is to standardize and make consistent the bypass requirements for the remaining water users.

In order to amend a qualification on an existing water right permit, formal action by the SD Water Management Board is needed. In the next few weeks, you can expect to receive official notification scheduling a hearing before the Water Management Board. Again this does not pertain to amending your permit, only junior permit holders. If you wish to participate in the hearing you can, but you are not required to. There will be instructions with the notification on how to participate in the hearing if you so choose.

If you have any questions concerning this effort, please contact Mark Rath of the Water Rights Program at phone (605) 773-3352.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeanne Goodman". The signature is fluid and cursive, with a large, stylized "J" and "G".

for Jeanne Goodman, Chief Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 12, 2018

5760-3

Brian Chicoine
32650 480th Ave
Elk Point SD 57025

Subject: Bypass Qualifications on Big Sioux River Water Rights

Dear Mr. Chicoine:

The SD Department of Environment and Natural Resources (DENR) has evaluated the minimum flow bypass condition on water rights that pump from the Big Sioux River. The Chief Engineer is recommending amending the bypass qualification on 21 Big Sioux River water rights. The intent is to bring uniformity to the bypass requirement placed on water rights in past years. The water right you own or operate does not have a bypass qualification and will not be amended by the proposed action.

Even though your water right is not being amended, DENR wants to keep you informed of the proposed action since it involves the Big Sioux River. Enclosed is a notice to be published on or before February 15, 2018, in one newspaper from each of the seven counties that the Big Sioux River flows through. Also, the staff report including affected water rights and the proposed changes is available at <http://denr.sd.gov/public> or contact Mark Rath at 605 773-3352 or mark.rath@state.sd.us.

A hearing before the Water Management Board is scheduled at 11:30 AM, Wednesday, March 7, 2018 in the Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre SD. The enclosed notice provides information on the hearing and ability to file a petition in either support or opposition to the proposed amendment. The filing of a petition must be postmarked by February 26, 2018. Additionally filing a petition affords you the opportunity to participate in the March 7th hearing before the Board if you choose.

Again, this does not pertain to amending your water right, only junior water right holders with existing bypass requirements. If you have questions, please call. DENR is willing to work to answer any questions.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352
Eric.gronlund@state.sd.us

enclosure