

WATER PERMIT NO. 5904-3

Name of Applicant: Mark E. & Joseph F. Chicoine

Address: RR 2, Box 502, Elk Point SD 57025

Phone: 605 356-3567

Amount of Water Claimed: 1.64 cfs

Total Acres: 115 acres

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation

County: Union

Type of Waste Disposal System: NA

Location: 4 miles northeast of Elk Point

PRIORITY

Date Received: 2-1-96

Fee: \$225

Corrected Application Received:

Period of Annual Use: May 1 - November 30

Remarks: Lands were originally covered by Permit No. 3911-3 which has been cancelled.

Diversion Point: SE 1/4 SW 1/4 Sec 32-T92N-R49W

Land to be Irrigated: SE 1/4 SW 1/4, S 1/2
SE 1/4 Sec 32-T92N-R49W

Depth of Well: 120 feet

Well Driller: Wetmore Drilling

Remarks:

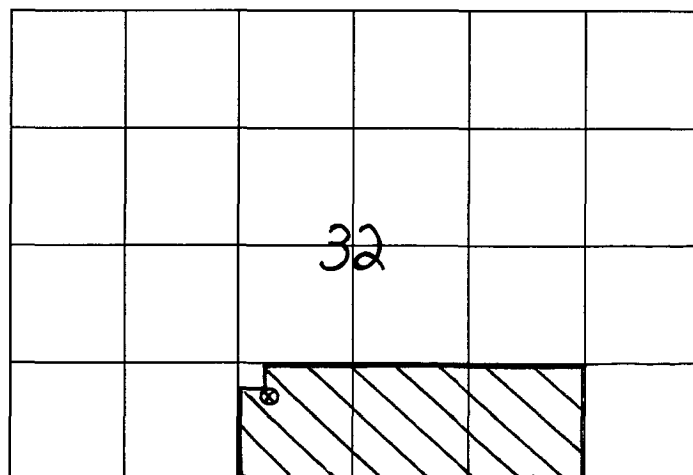
Type of Map: aerial photo

Prepared by: Howard P. Wagner, NRCS

Reviewed and the Number Assigned on: 2-1-96

By: Karen Schlaak

Notice of Hearing - date to intervene: _____





Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)	
	No. <u>5904-3</u> Hydrologic Unit <u>10/70203</u>	Basin <u>Sioux River</u>
	Newspaper <u>EIK Point Leader Courier, EIK Point, SD</u>	

Application For Permit To Appropriate Water For Irrigation

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 Mark E. and Joseph F. Chievin ☐ Owner
Mailing Address RR 2 Box 502 Elk Point ☐ Tenant/Lessee (check one) Phone 605-356-3567
144 (Street, RR, or Box) State S.D. 57025 (Zip Code)
2. Amount of water claimed ~~1.44~~ *CFS or **GPM ***AF Total Acreage 115
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout if applicable)
3. Source of water supply ~~well~~ Missouri River aquifer
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 1 well in SE 1/4 SW 1/4 Sec 32
T92 R49 W County Union
5. County or counties where water will be used Union
6. Annual period during which water is to be used May 1 ~ September 30
7. List below each forty acre division, 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
32 SE 1/4 SW 1/4 T92N R49W	35		
32 SW 1/4 SE 1/4 T92N R49W	40		
32 SE 1/4 SE 1/4 T92N R49W	40		

8. Give a description of the project. (Attach sheet if more space is needed)

gated pipe irrigation

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

STATE OF SOUTH DAKOTA)

County of Union)

I, MARK E. CHICONE Jr., the applicant, have read this application, examined the attached map, and certify that the matters stated are true. I intend and am able to complete the necessary construction.

Signed Mark E. Chicorine Jr.

Subscribed and sworn to before me this 30th day of JANUARY, 19 96

Notary Public - SD

My Commission EXPIRES: 5-31-2001.

Supplemental Information

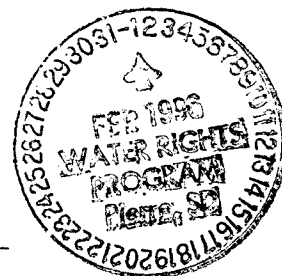
(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 22" Depth 120'
- b) Casing Type PVC Diameter 16" Thickness sch 40
- c) Screen Type PVC Diameter 16" Thickness sch 40
- d) Gravel Pack Thickness 3" Length of Gravel Pack 40'
- e) Depth to Top of Water Bearing Material 51'
- f) Depth to Water (ground surface to water level) 15'
- g) Distance to nearest existing domestic well:
On applicants property 400' On property owned by others 1500'

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ c) Year Constructed _____
- d) Connected to the City of _____ Sanitary System.



3. Dugout Information

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

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to 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

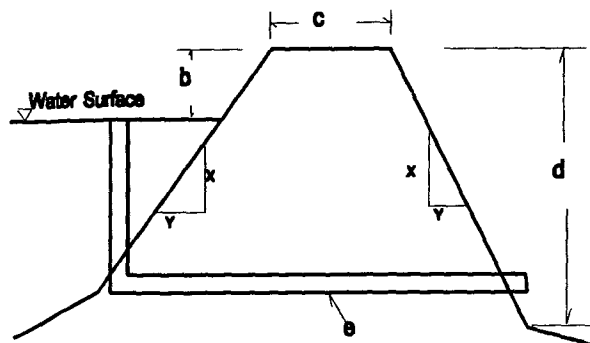
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



**SOUTH DAKOTA
WATER PERMIT NO. 5904-3**

Date of first receipt of application February 1, 1996.

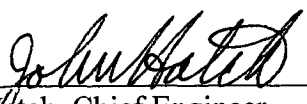
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5904-3 to Mark E. and Joseph F. Chicoine, RR 2 Box 502, Elk Point SD 57025 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5904-3 appropriates 1.64 cubic feet of water per second from one existing well (Missouri:Elk Point Aquifer) 120 feet deep located in the SE 1/4 SW 1/4 Section 32 to irrigate 115 acres located in the SE 1/4 SW 1/4, S 1/2 SE 1/4 Section 32; all in T92N-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: May 1 - September 30.
3. The date from which applicant may claim right is February 1, 1996.
4. The date of approval of Permit No. 5904-3 is March 11, 1996.
5. One-fifth of the construction is to be completed on or before September 11, 1998.
6. All construction is to be completed on or before March 11, 2001.
7. Water is to be put to beneficial use on or before March 11, 2005.
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. 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. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

APR 3 1996
date



RECEIPT

414775

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ February 1, 19 196

RECEIVED OF Mark Chicoine, Jr., Rt 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>5964-3</u> to Appropriate Water, to construct 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 _____		

(Any Other Work Provided by Law)	Total	225 00

By John Hitchcock 
Chief Engineer

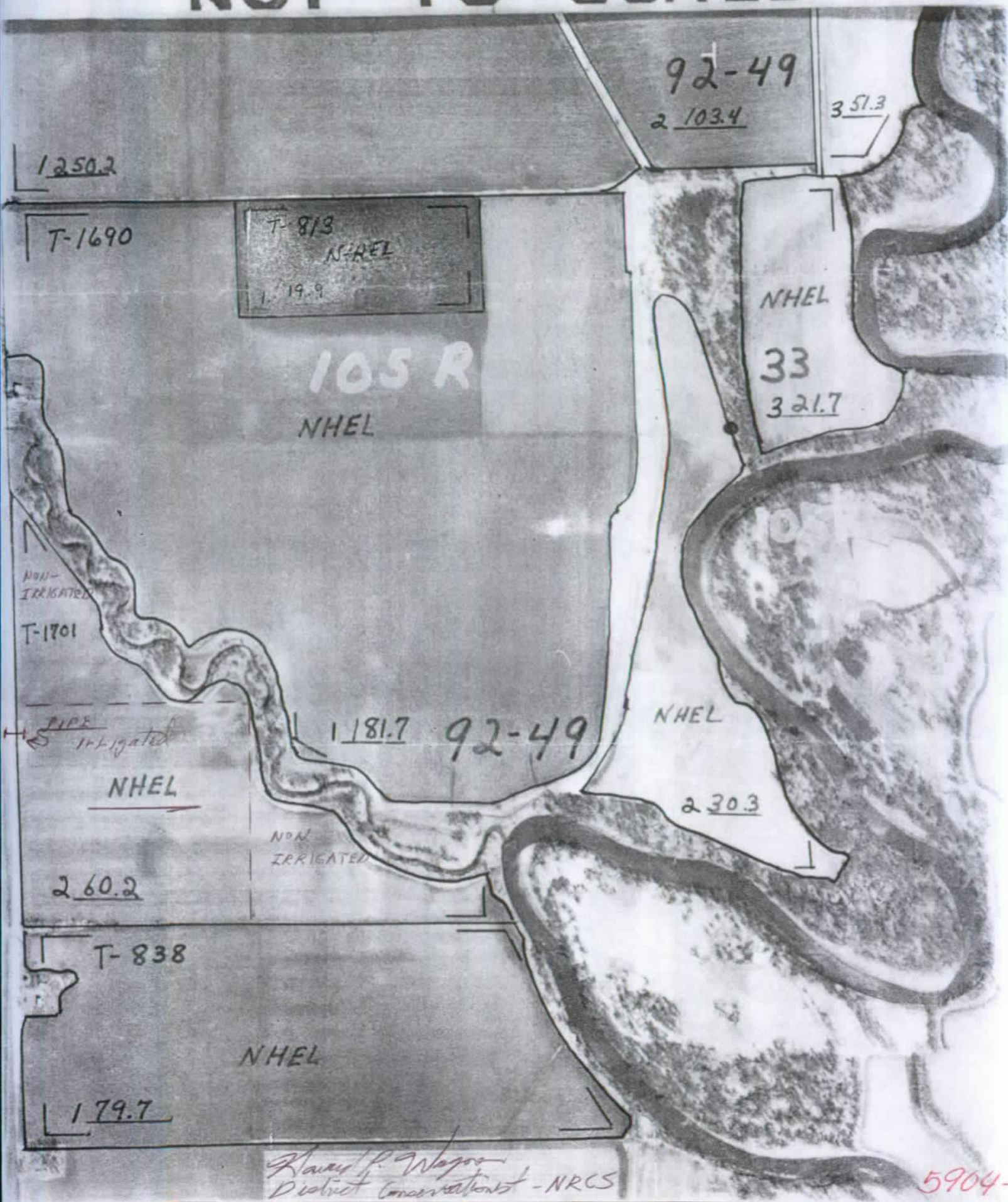
NOT TO SCALE



David P. Wagner
District Conservationist
NRCS

5904-3

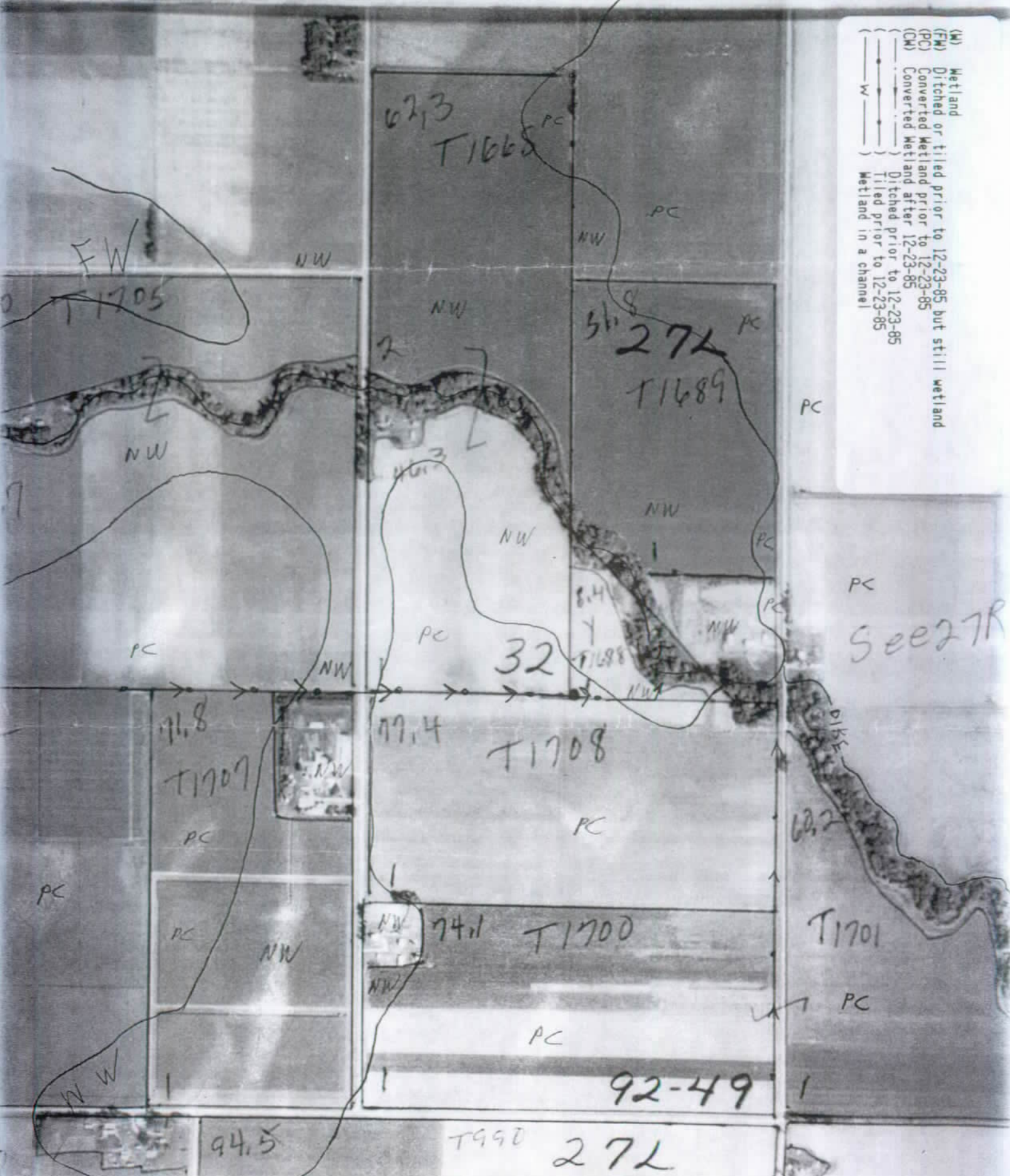
NOT TO SCALE



WETLAND INVENTORY

NOT TO SCALE

- (W) Wetland
- (FW) Ditched or tilled prior to 12-23-85 but still wetland
- (PC) Converted Wetland prior to 12-23-85
- (CN) Converted Wetland after 12-23-85
- () Ditched prior to 12-23-85
- () Tilled prior to 12-23-85
- () Wetland in a channel



Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Mark and Joseph Chicoine -- Water Permit Application No. 5904-3

ADDRESS: COUNTY: Union

DATE: February 2, 1996 TELEPHONE: 356-3567

RE: Diversion Rate

COMMENTS:

Mark Chicoine returned my phone call. I explained the one cfs per 70 acre statute (SDCL 46-5-6). I stated that this equates to 1.64 cfs (740 gpm) for the irrigation of 115 acres as stated on the application. The amount of water ~~claimed~~ on the application (2.3 cfs) is in excess of the statutory limit. Mr. Chicoine stated that it was okay to change the amount of water claimed to the statutory limit of 1.64 cfs for irrigation of 115 acres.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Eric Lundberg

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit Application No. 5904-3

ADDRESS: COUNTY: Union

DATE: 2/12/96 TELEPHONE: 356-3567

RE: Call regarding whether well to be used is constructed

COMMENTS:

I contacted the Chicoine residence. Neither Mark or Joseph were home but I asked the gentleman on the phone whether the well intended to be used for their pending irrigation system existed. He stated that the well has been there for a numerous years.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Eric Hankland

REPORT ON WATER PERMIT APPLICATION NO. 5904-3
for Mark E and Joseph F Chicoine
February 5, 1996

Application No. 5904-3 proposes to appropriate 1.64 cfs (740 gpm) from one existing well approximately 120 feet deep located in the SE 1/4 SW 1/4 of section 32 to irrigate 115 acres located in the SE 1/4 SW 1/4, S 1/2 SE 1/4 of section 32; all in T92N R49W in Union County.

AQUIFER - MISSOURI ELK POINT (M-EP)

The Missouri Elk Point is composed of glacial outwash (sand and gravel) and alluvium. The aquifer is confined and under artesian conditions in the area of this application. The aquifer underlies 180 square miles and contains an estimated 1.5 million acre feet of water in storage in Union County (Niehus, 1993). The aquifer is also hydraulically connected to the Big Sioux River to the east and to the Missouri River to the west and south. In general ground water movement is to the southeast and locally towards the nearest river. In the Union and Lincoln county study this aquifer is referred to as the Missouri. The management unit name of Elk Point is used for this report for clarification purposes. The driller's log filed with the application indicates clay was encountered from 2 to 51 feet below land surface, sand from 51 to 77 feet below land surface followed by coarse sand and gravel from 77 to 120 feet below land surface. The well had a static water level of 19 feet below land surface and was capable of producing 1200 gpm at a pumping level of 38 feet below land surface. The well appears to be completed in accordance with SD Well Construction Standards.

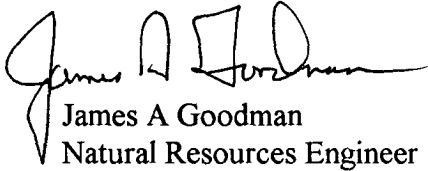
The Water Rights Program monitors two observation well, UN-87I and UN-87H, which are completed into the Missouri Elk Point aquifer and located within a one mile radius of this application. Hydrographs for these two wells are included with this report. Water levels for these wells show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1996).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are seven existing water rights within a one mile radius of this application. Interference is not expected to be a concern. The aquifer is highly productive and drawdown caused by pumping does not appear to be significant very far from individual production wells. One of the existing wells (Water Right No. 3112-3) is located about 700 feet northwest of this application. Drawdown caused by pumping will overlap but this should not be adverse. All of the existing rights have been used for many years with no apparent problems and the observation well hydrographs verify this conclusion.

CONCLUSIONS

1. Water is available from the Missouri Elk Point aquifer.
2. The aquifer is confined and under artesian conditions. The aquifer is highly productive and historically the water levels do not fluctuate significantly in this area. Interference is not expected to be a concern. Even though the aquifer is technically under artesian conditions the aquifer behaves like it is under water table conditions. The observation wells do not indicate that water levels fluctuate significantly.
3. The well for this application has been completed in accordance with SD Well Construction Standards.



James A Goodman
Natural Resources Engineer

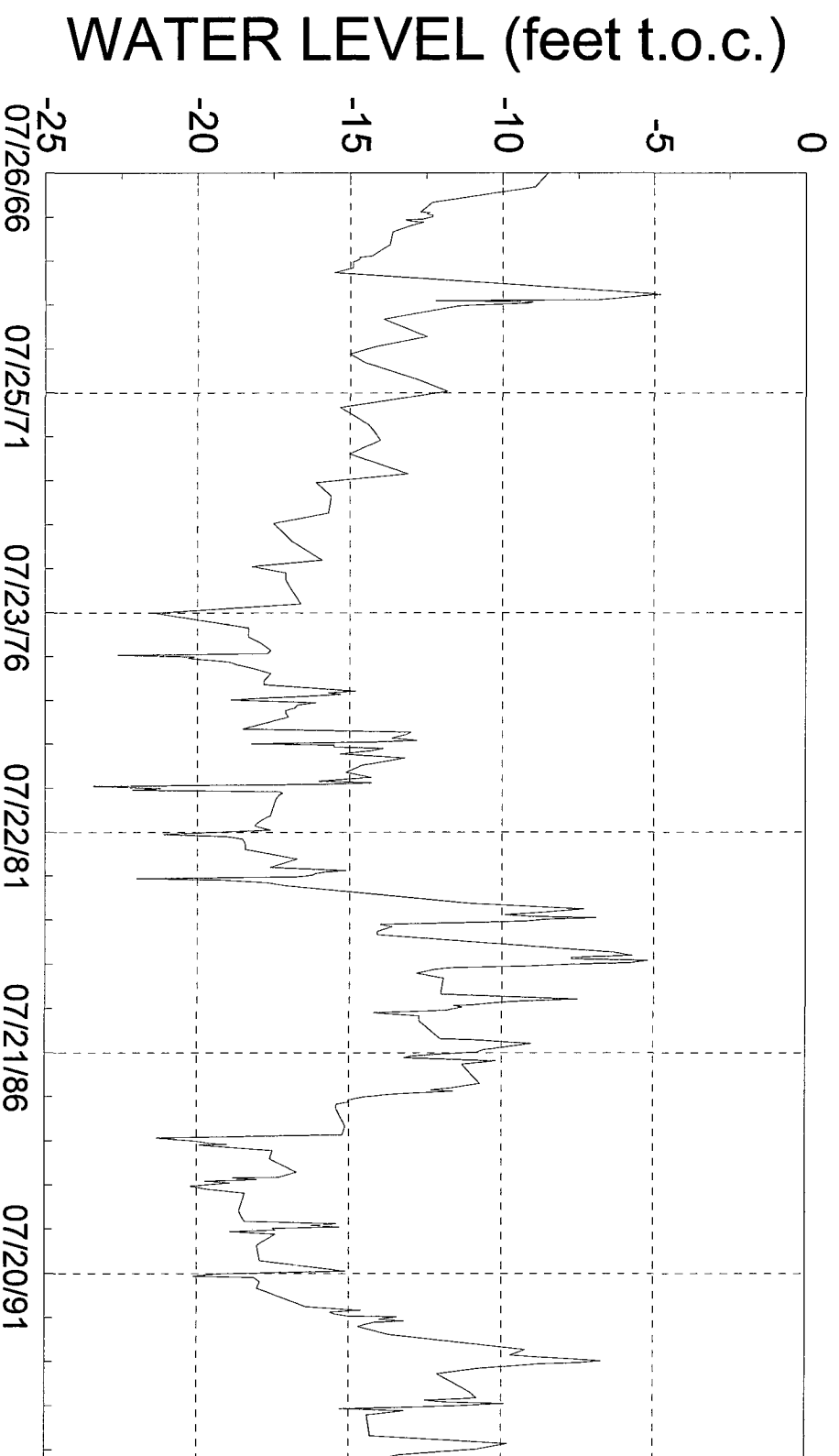
BIBLIOGRAPHY

Niehus, C.A., 1994, Water Resources of Lincoln and Union Counties, South Dakota, USGS WRI 93-4195, USGS, Rapid City, SD, 57702.

Water Rights, 1996, Unpublished Observation Well Records for Union County, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

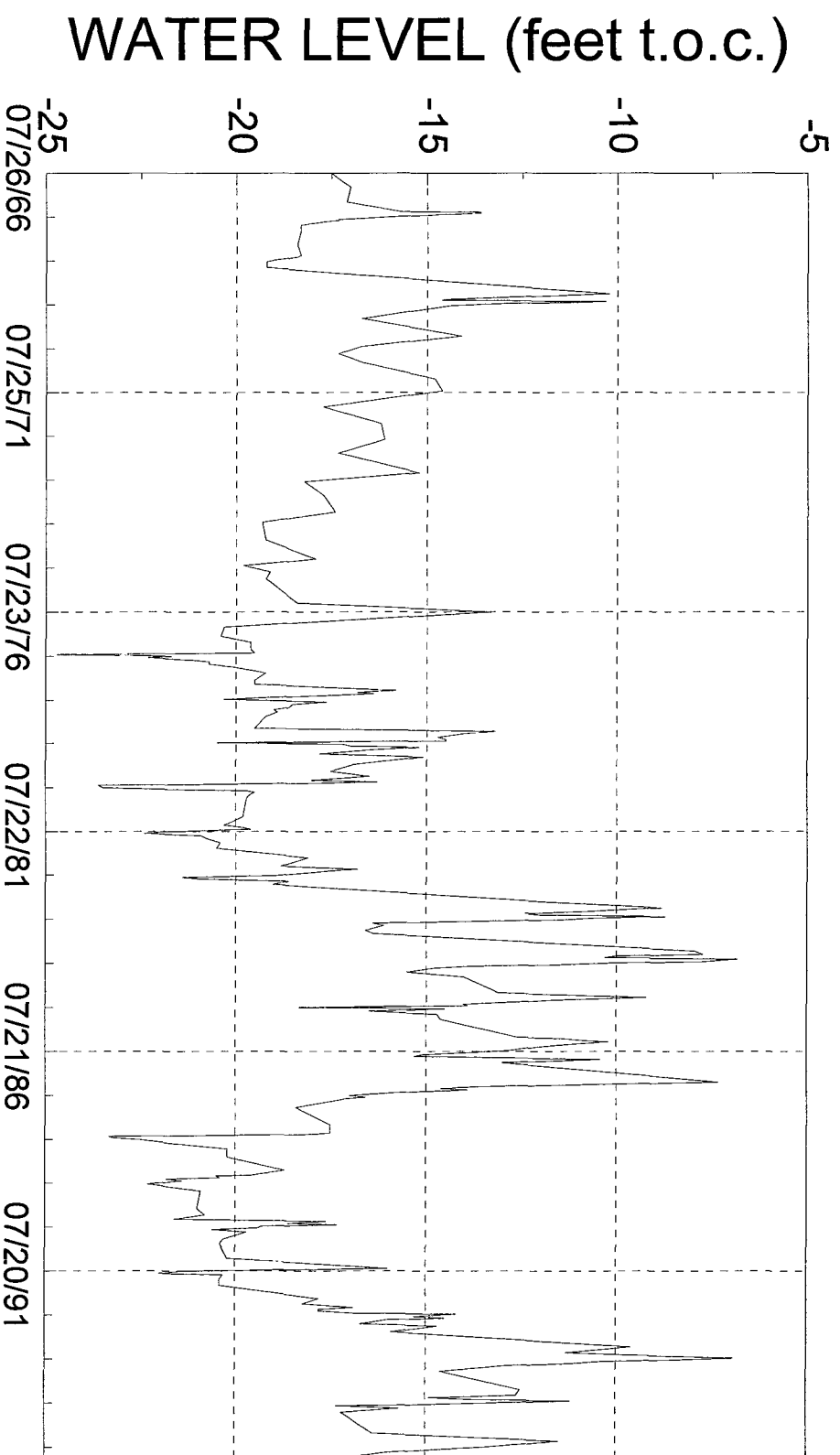
WATER RIGHTS OBSERVATION WELL

UN-87H



WATER RIGHTS OBSERVATION WELL

UN-871



**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5904-3, Mark and Joseph Chicoine**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 5904-3, Mark and Joseph Chicoine, RR 2, Box 502, Elk Point, SD 57025.

The Chief Engineer is recommending APPROVAL of Application No. 5904-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion has been 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. The wells 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. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.



JOHN HATCH, Chief Engineer
February 9, 1996



**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.

February 13, 1996

Mark E. and Joseph F. Chicoine
RR 2, Box 502
Elk Point, SD 57025

Dear Sirs:

Water Permit Application No. 5904-3 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 # (605) 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

February 13, 1996

Elk Point Leader Courier
Box 310
Elk Point, SD 57025-0310

ATTENTION: Legal Department

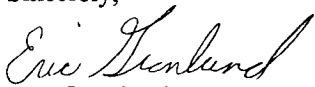
Enclosed is a Notice of Hearing on Application No. 5904-3 to be published twice. Please publish the first notice on February 22, 1996, with the second publication 7 days later.

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 E. and Joseph F. Chicoine, RR 2, Box 502, Elk Point, SD 57025 (Ph # (605) 356-3567).

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. 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 Program
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 February 22, 1996, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 5904-3 to Appropriate Water

Notice is given that Mark E. and Joseph F. Chicoine, RR 2, Box 502, Elk Point, SD 57025 have filed an application for a water permit to appropriate 1.64 cubic feet of water per second from one existing well (Missouri:Elk Point Aquifer) 120 feet deep located in the SE 1/4 SW 1/4 Section 32 to irrigate 115 acres located in the SE 1/4 SW 1/4, S 1/2 SE 1/4 Section 32; all in T92N-R49W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5904-3 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. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Program, 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 March 11, 1996.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

AFFIDAVIT OF PUBLICATION

State of South Dakota, County of Union, ss.

Scott Munger

being first duly sworn, deposes and says: That he/she is a resident of the county of Union and State of South Dakota; that

The Leader-Courier

is a legal weekly newspaper of a general circulation, printed and published in Elk Point, in said County and State, and that has been such legal newspaper during the time hereinafter mentioned, and that affiant is and was during all the time hereinafter mentioned in charge of the advertising department thereof, and has personal knowledge of all the facts stated in this affidavit: and that the notice and advertisement headed:

Notice of Application No. 5904-3 to Appropriate Water

Mark E. and Joseph F. Chicoine

a printed copy of which is hereunto attached and made a part hereof, was printed and published in the said newspaper at least once in each week

for 2 successive weeks; that said newspaper at the time of the first publication of said notice hereinafter stated, had, and still has, a bona fide circulation of over two-hundred paid copies weekly, and had been published in the said county of Union for more than one year immediately prior to the date of the said publication of said notice, and that said newspaper during said times, was, and is, printed in part in an office maintained at said city of Elk Point, the said place of publication; that the first publication of said notice in said newspaper as

The first publication being made on Thursday, the 22 day of February 19 96, and that the succeeding publications were

on Thursday, the 29 day of February, 19 96

on Thursday, the _____ day of _____, 19 _____

on Thursday, the _____ day of _____, 19 _____

on Thursday, the _____ day of _____, 19 _____

on Thursday, the _____ day of _____, 19 _____

that the fees for the printing and publishing of said notice and advertisement in said newspaper

as aforesaid were \$33.71, that the full amount of the fee charged insures to the benefit of the publisher of the said newspaper, that no agreement or understanding for the division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

Scott Munger

Subscribed and sworn to before me this 20 day of March 19 96

ROSE MARY MORROW

NOTARY PUBLIC
SOUTH DAKOTA

My Commission Expires 9-1-2000

Notary Public

NOTICE OF APPLICATION NO. 5904-3 TO APPROPRIATE WATER

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NETTIE H. MYERS
Secretary, Department of Environment and Natural Resources

Pub. Feb. 22 and 29, 1996





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 3 1996

Mark E. and Joseph F. Chicoine
RR 2, Box 502
Elk Point, SD 57025

Dear Sirs:

Enclosed is Water Permit No. 5904-3 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.

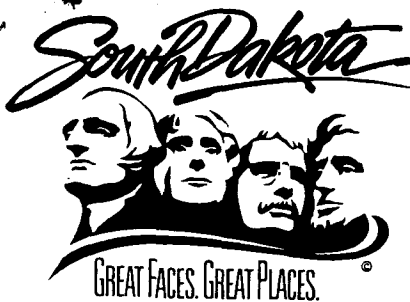
Very truly yours,

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

enclosures

PLEASE NOTE: Certain changes may be made to your water permit usually without affecting the priority date. The location of a point of diversion may be changed or additional points of diversion may be approved if the water source remains unchanged; no additional water is appropriated; and, if irrigating, no additional land is irrigated. The change may be allowed without application or publication, if the Water Rights Program is contacted and the chief engineer makes a finding that the change does not increase the potential for interference with existing diversions.

A new water permit application is required to change water sources, increase the permitted diversion rate, or increase the irrigated acreage. If the application is approved, the water permit will receive a new priority date.



5904-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 1999

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

October 14, 1999

5904-3

Mark E. and Joseph Chicoine
32120 477th Ave.
Elk Point, SD 57025

Dear Sirs:

The investigation of your water use system was conducted on August 10, 1999, by Eric Gronlund, staff engineer. The investigation included the extent of application of water to beneficial use, as developed under Water Permit No. 5904-3. 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.

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N^o 416260

Pierre, November 17, 19 99

RECEIVED OF Mark Chicoine, Jr., Rt 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>5904-3</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 *John Hitchcock*
Chief Engineer

Permit No. 5904-3
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, August 10, 1999, made a thorough examination of the water use system constructed by Mark E. and Joseph Chicoine of 32120 477th Ave., Elk Point SD 57025 holder of Permit No. 5904-3, bearing the priority of February 1, 1996 authorizing the diversion of 1.64 cu. ft. per second of Missouri:Elk Pint Aquifer for irrigation purposes, in Union County.

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

A. Works used to divert the water:

A 40 HP US Electric motor and pump in the 120 foot well

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

Underground pipeline from the well to the three pivot points

C. Works used to apply water to beneficial use:

A 4 tower towable Valley center pivot

The system is in the following condition excellent. The point of diversion is located approximately 1,680 feet east and 925 feet north of the SW corner (SE¼ SW¼) of Section 32, T92N, R49W. The works are capable of diverting and conveying to the place of use 1.56 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 32, T92N, R49W

SE ¼ SW ¼ 28 acres

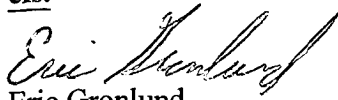
SW ¼ SE ¼ 34 acres

SE ¼ SE ¼ 34 acres

comprising a total of 96 acres of land and the license should be issued for 1.37 cfs.

Applicable permit qualifications have been complied with: Yes X

Exceptions to compliance are: The pivot rating is for 700 gpm (1.56 cfs) which is greater than the statutory limit for irrigation of 96 acres of 1.37 cfs. The license should be issued for 1.37 cfs.



Eric Gronlund
Natural Resources Engineer
DENR, Water Rights Program

Date Report Completed

9/24/99

FIELD INVESTIGATION REPORT FOR PERMIT NO. 5904-3

DATE OF INVESTIGATION:	August 10, 1999
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Mark E. and Joseph F. Chicoine
NAME & ADDRESS OF PERMIT HOLDER	Mark Chicoine 32120 477th Ave. Elk Point SD 57025
DIVERSION POINT LEGAL LOCATION	<u>approximately 1,680 feet east and 925 feet north of the SW corner (SE¼ SW¼) of Section 32, T92N, R49W</u>

Other associated permits: This well was authorized by Water Permit No. 3911-3 for the acreage that includes the acreage under Permit No. 5904-3. Water Permit No. 3911-3 was cancelled.

WATER SUPPLY Source: Missouri Elk Point Aquifer

Well Information:

- | | |
|---|-------------------------------------|
| 1) Well Drilling Firm: <u>Wetmore – drilled in 1982</u> | 2) No. of Wells <u>1</u> |
| 3) Depth(s) <u>120</u> feet | 4) Well log is available <u>yes</u> |

Casing:

- | | |
|------------------------------|--------------------------|
| 1) Diameter <u>16</u> inches | 2) Length <u>80</u> feet |
| 3) Type <u>plastic</u> | |

Screen:

- | | |
|--------------------------------------|--------------------------|
| 1) Type <u>PVC</u> | 2) Length <u>40</u> feet |
| 3) Static water level <u>19</u> feet | |

Pump:

- | | |
|------------------|--------------------------|
| 1) Make <u>#</u> | 2) Model <u>#</u> |
| 3) Size <u>#</u> | 4) Capacity <u>#</u> GPM |

Motor:

- | | |
|-----------------------------------|-------------------------------|
| 1) Make <u>U.S. Electric</u> | 2) ID No. <u>Z03Y317R054E</u> |
| 3) Horsepower rating <u>40</u> hp | |

SYSTEM TYPE:

Center pivot:

- | | |
|------------------------------------|-----------------------------------|
| 1) Make <u>Valley (Model 8000)</u> | 2) Overall length <u>636</u> feet |
| 3) Number of towers <u>4</u> | 4) End gun <u>yes</u> |
| 5) High or low pressure <u>Low</u> | 6) Capacity <u>700</u> GPM |

CHEMIGATION EQUIPMENT: **Does not Chemigate**

PERMIT QUALIFICATIONS AND REGULATIONS:

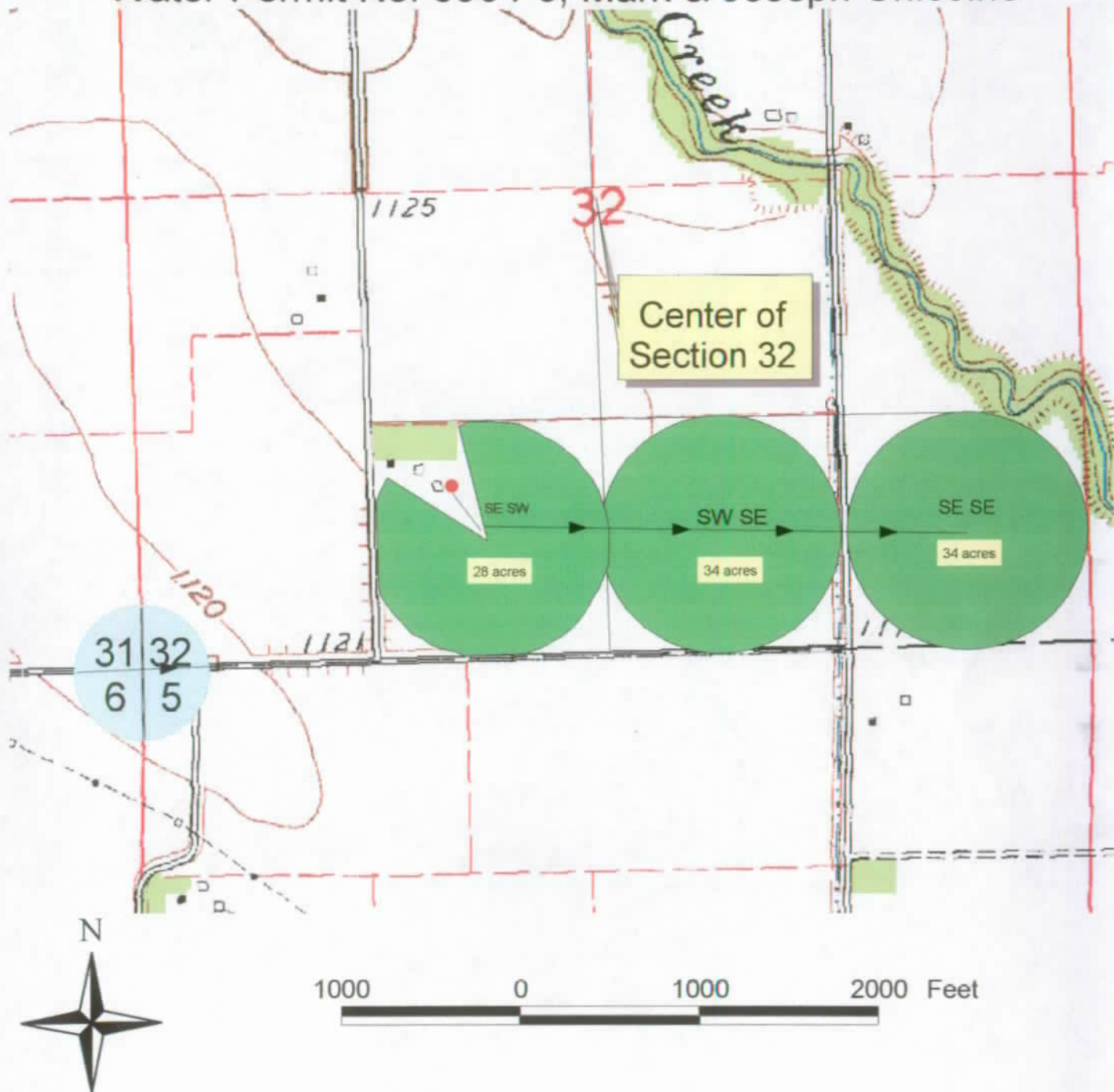
- 1) Special qualifications to permit being abided by yes
- 2) All structures, wells and lands on map yes

- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period: **construction has not expired at time of inspection but the system was constructed and operational**

COMMENTS:

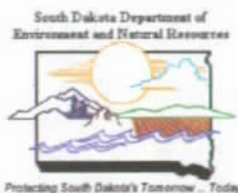
- ◆ The towable pivot was located in the SE ¼ SE ¼ of Section 32 at time of licensing investigation.
- ◆ Pivot was set to operate at 21 psi.
- ◆ The well was constructed in 1982 by the previous landowner.

Water Permit No. 5904-3, Mark & Joseph Chicoine



Well location - 1,680 feet east & 925 feet north of the SW corner (SE 1/4 SW 1/4) of Section 32, T92N, R49W

At time of investigation, one towable pivot was used between three locations. Pivot was located in the SE 1/4 SE 1/4



Eric Gronlund
Eric Gronlund
Water Rights Program
Licensing Investigation
Conducted - August 10, 1999

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5904-3

(1) Mark E and Joseph Chicoine, 32120 477th Ave, Elk Point SD 57025 made Application No. 5904-3, February 1, 1996 for a water permit to divert 1.64 cubic feet of water per second from groundwater (one well), Union County, South Dakota for irrigation purposes. Permit No. 5904-3, with a priority date of February 1, 1996 was approved March 11, 1996 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before March 11, 2001 and for the application to beneficial use of said water on or before March 11, 2005.

(2) It is certified that the permit holders have 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 1.37 cubic feet of water per second for beneficial use. The location of the diversion point is approximately 1,680 feet east and 925 feet north of the southwest corner of Section 32-T92N-R49W (SE ¼ SW ¼).

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

Section 32-T92N-R49W	SE ¼ SW ¼	28 acres
	SW ¼ SE ¼	34 acres
	SE ¼ SE ¼	34 acres
Total 96 acres		

(4) Pursuant to South Dakota Water Law 46-5-30.1 Mark E and Joseph Chicoine, 32120 477th Ave, Elk Point SD 57025 the holders and/or owners of Water Right No. 5904-3 are issued a license to appropriate water, the right to use 1.37 cubic feet of water per second from groundwater (one well) with a priority date of February 1, 1996 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. 5904-3 and subject to South Dakota State Law.



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

DEC 10 1999

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 10 1999

5904-3

Mark E. and Joseph Chicoine
32120 477th Ave.
Elk Point, SD 57025

Dear Sirs:

Enclosed is Water License No. 5904-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 416260 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 5904-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Very truly yours,

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

ks
enclosures



5904-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 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.

5904-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 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 cursive script that reads "Genny McMath".

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