

WATER PERMIT NO. 6076-3

Name of Applicant: Brian Chicoine

Address: RR 1 Box 211, Elk Point SD 57025

Phone: 605 966-5271

Amount of Water Claimed: 1.11 cfs

Total Acres: 105

Source of Water Supply: groundwater

Water to be used for: irrigation

County: Union

Type of Waste Disposal System: NA

Location: 5 miles east of Elk Point

PRIORITY

Date Received: 5-7-1998

Fee: \$225

Corrected Application Received:

Period of Annual Use: June 1 - August 31

Remarks:

Diversion Point: W ½ SW ¼ Sec 30-T91N-R48W

Land to be Irrigated: SW ¼ Sec 30-T91N-R48W

Depth of Well: 100 feet

Well Driller:

Remarks:

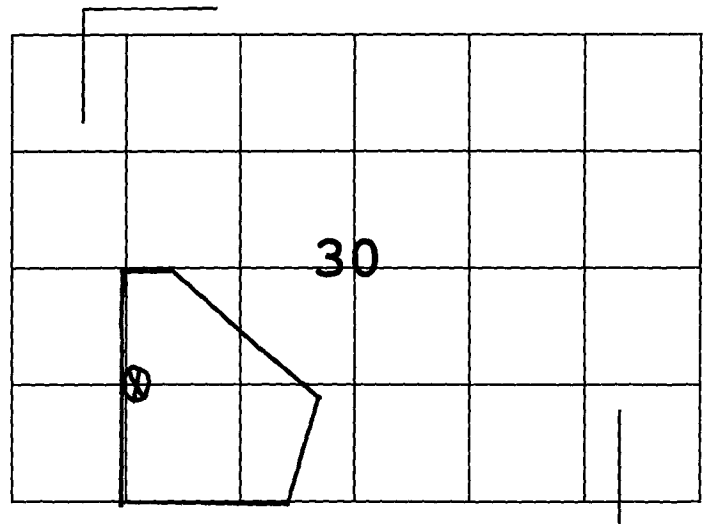
Type of Map: aerial

Prepared by: Larry D Wilcox, Union Co. FSA XX

Reviewed and the Number Assigned on: 5-7-1998

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



**SOUTH DAKOTA
WATER PERMIT NO. 6076-3**

Date of first receipt of application May 7, 1998.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6076-3 to Brian Chicoine, RR 1 Box 211, 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. 6076-3 appropriates 1.11 cubic feet of water from one well (Missouri-Elk Point Aquifer) 100 feet deep located in the W ½ SW ¼ Section 30 to irrigate 105 acres located in the SW ¼ Section 30; all in T91N-R49W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: June 1 – August 31.
3. The date from which applicant may claim right is May 7, 1998.
4. The date of approval of Permit No. 6076-3 is June 22, 1998.
5. One-fifth of the construction is to be completed on or before December 22, 2000.
6. All construction is to be completed on or before June 22, 2003.
7. Water is to be put to beneficial use on or before June 22, 2007.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

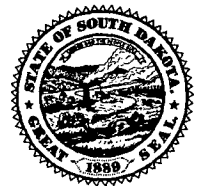
QUALIFICATIONS

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. The well authorized by Permit No. 6076-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. 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

SEP 4 1998
date



Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only) No. <u>6076-3</u> Hydrologic Unit <u>10170203</u>
	Basin <u>Sioux River</u>
	Newspaper <u>Leader-Courier, Elk Point, SD</u>



Application For Permit To Appropriate Water For Irrigation

Type of Application: X New Vested Right Amendment/Correction to Permit No.

(Use predates Mar 2, 1955)

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

- Name of Applicant Brian Chicoine Phone 966-5271
(check one) X Owner Tenant/lessee
Mailing Address RR1 Box 211 Elk Point State SD 57025
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 1.11 *CFS or 500 **GPM ***AF Total Acreage 105
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Ground Water Aquifer
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 1 well in the
W 1/2 South West 1/4 Section 30 T 91N- R 48W
County Union
- County or counties where water will be used Union
- Annual period during which water is to be used June 1 - Aug 31 annually starting 1998
- 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
SW 1/4 SW 1/4 91-49 Sec. 30	40		
NW 1/4 SW 1/4 91-49	40		
SE 1/4 SW 1/4 91-49	25		
E 1/2			

8. Give a description of the project. (Attach sheet if more space is needed)
Drill an 8" well approx 100 foot deep to pump 500 Gpm @ 35 psi
to supply water to a 1500 foot "minigaton" center pivot operating
as a "wind shield wippen" irrigating approx. 105 acres.

STATE OF SOUTH DAKOTA) SS

County of Union

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)

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

Applicant's signature Brian Chicoine

Subscribed and sworn to before me this 1st day of May 19 98
TERRI L. CHICOINE
NOTARY PUBLIC
SOUTH DAKOTA
My Commission Expires 12-18-99
Notary Public signature Terri L. Chicoine

Supplemental Information

(type or print in ink)



1. Well Information - Proposed Construction

- a) Drill Hole Diameter 12 1/4" Depth 100'
- b) Casing Type PVC Diameter 8" Thickness Sch. 40
- c) Screen Type PVC Diameter 8" Thickness Sch. 40
- d) Gravel Pack _____ Length of Gravel Pack 60'
- e) Depth to Top of Water Bearing Material 15'
- f) Depth to Water (ground surface to water level) 18'
- g) Distance to nearest existing domestic well:
On applicants property _____ On property owned by others 1 1/4 miles

2. Wastewater Disposal System Information

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

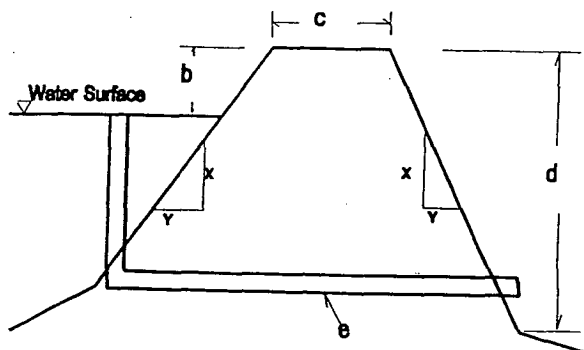
3. Dugout Information

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

4. Water Storage Dams

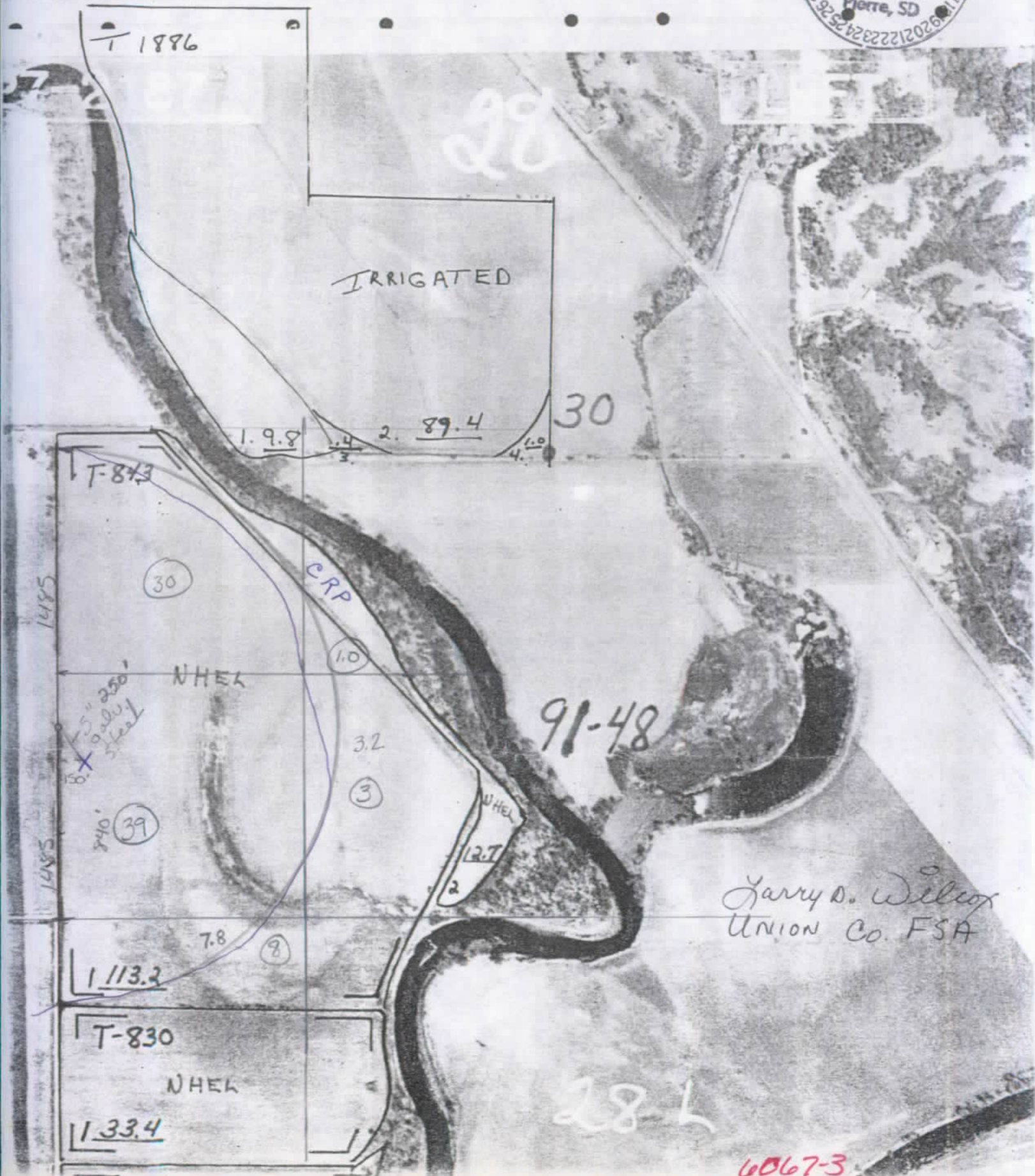
If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- 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

NOT TO SCALE



Garry D. Wilcox
Union Co. FSA

6067-3

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

415761

Pierre, May 8, 19 98

RECEIVED OF Brian Chicoine, RR 1, Box 211, Elk Point, SD 57025
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>6676-3</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 _____
Chief Engineer

John Hatch



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 13, 1998

Brian Chicoine
RR 1 Box 211
Elk Point SD 57025

Dear Mr. Chicoine:

Thank you for submitting your *Application for a Permit to Appropriate Water* for irrigation.

Since this is an area where we have a lot of groundwater data, we will proceed processing the application without the required test log. The application states the well will be 100 feet deep which is the Missouri-Elk Point Aquifer. The application will be advertised for this aquifer. If the well is drilled into a different formation, the public notice will be invalid and will need to be readvertised.

Please submit a well log or driller's test log signed by a South Dakota Licensed well driller upon completion. If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script, reading "Karen Schlaak".

Karen Schlaak
Water Rights Program
605 773-3352

REPORT ON WATER PERMIT APPLICATION NO. 6076-3

for Brian Chicoine

May 22, 1998

Application No. 6076-3 proposes to appropriate 1.11 cfs (500 gpm) from one well approximately 100 feet deep located in the W 1/2 SW 1/4 of Section 30 to irrigate 105 acres located in the SW 1/4 of Section 30; all in T91N-R49W in Union County.

AQUIFER - MISSOURI ELK POINT (M-EP)

The Missouri Elk Point is an alluvium mantled outwash (sand and gravel) which is under confined or artesian conditions in the immediate area but is predominantly water table conditions in southern Union County. The aquifer underlies 180 square miles and contains an estimated 1.5 million acre feet of water in storage in Union County (Niehus, 1994). The aquifer is hydraulically connected to the Big Sioux and Missouri Rivers and to the Big Sioux South and Lower Vermillion Missouri aquifers to the north. The Missouri Elk Point also extends into Clay County to the west. The term Missouri Elk Point is a management unit which is equivalent to the Missouri aquifer as described in the Niehus report. There is no test well information supplied with the application, but there is sufficient information from the county study, Water Rights observation wells and existing irrigation and domestic wells in the area to evaluate this application.

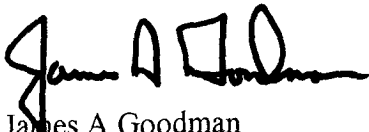
The Water Rights Program monitors an observation well UN-77N located about one mile west of this application. Water levels for this well show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. The water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1998). A hydrograph for observation well UN-77N is included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

This area of Union County is intensely irrigated. There are water permits/rights all around this application. The nearest existing irrigation well would be located about one quarter mile west of this application. Interference is not a concern. Significant drawdown created by pumping does not extend very far from individual production wells. This is verified by the observation well hydrograph.

CONCLUSIONS

1. Water is available from the Missouri Elk Point aquifer.
2. The aquifer may be under confined conditions at this site, however, over most of the area the aquifer is under water table conditions. Drawdown is not expected to be significant and interference is not expected to be a concern.
3. The well authorized by this application, if approved, must be constructed in accordance with SD Well Construction Standards.



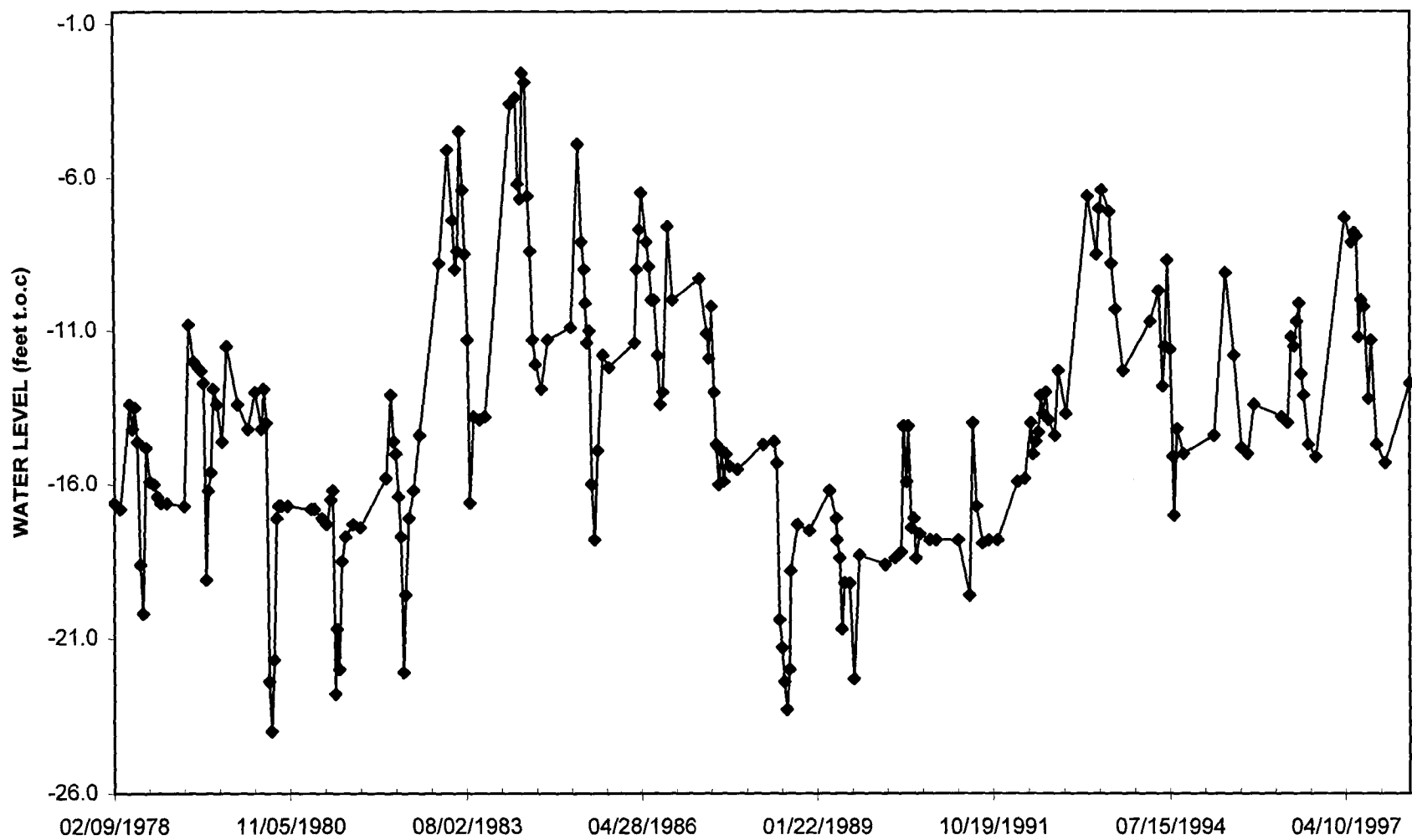
James A. Goodman
Natural Resources Engineer

BIBLIOGRAPHY

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

Water Rights, 1998, Unpublished Observation Well Data for Union County, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

**WATER RIGHTS' OBSERVATION WELL
UN-77N**



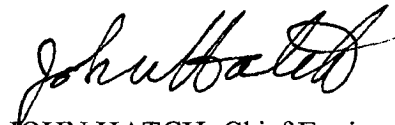
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6076-3, Brian Chicoine**

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. 6076-3, Brian Chicoine, RR 1, Box 211, Elk Point, SD 57025.

The Chief Engineer is recommending APPROVAL of Application No. 6076-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 6076-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. 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
May 28, 1998



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

May 28, 1998

Brian Chicoine
RR 1, Box 211
Elk Point, SD 57025

Dear Mr. Chicoine:

Water Permit Application No. 6076-3 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 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
www.state.sd.us/denr

May 28, 1998

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

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 6076-3 to Appropriate Water to be published twice. Please publish the first notice on June 4, 1998, 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 Brian Chicoine, RR 1, Box 211, Elk Point, SD 57025 (Ph # (605) 966-5271).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 6076-3

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

Date _____

We are in receipt of your letter of May 28, 1998, enclosing Notice of Hearing to Appropriate Water by Application No. 6076-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

Instruction to Newspaper - Publish first Notice on June 4, 1998, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6076-3 to Appropriate Water

Notice is given that Brian Chicoine, RR 1 Box 211, Elk Point SD 57025 has filed an application for a water permit to appropriate 1.11 cubic feet of water from one well (Missouri-Elk Point Aquifer) 100 feet deep located in the W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 30 to irrigate 105 acres located in the SW $\frac{1}{4}$ Section 30; all in T91N-R49W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6076-3 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 June 22, 1998.

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.

Kelly Kruithoff

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. 6076-3

Brian 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 4 day of June 19 98, and that the succeeding publications were

on Thursday, the 11 day of June, 19 98

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 \$36.78, 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.

Kelly Kruithoff

Subscribed and sworn to before me this 11 day of June 19 98

My commission expires 3-22-04

[Signature]

Notary Public

NOTICE OF APPLICATION NO. 6076-3 TO APPROPRIATE WATER

Notice is given that Brian Chicoine, RR 1 Box 211, Elk Point, SD 57025 has filed an application for a water permit to appropriate 1.11 cubic feet of water from one well (Missouri-Elk Point Aquifer) 100 feet deep located in the W1/2SW1/4 Section 30 to irrigate 105 acres located in SW1/4 Section 30; all in T91N-R49W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6076-3 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 June 22, 1998.

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

Publish June 4 and 11, 1998

47-7-64 36.78



NOTICE OF COMPLETION OF WORKS AND APPLICATION OF WATER TO BENEFICIAL USE

Date

10/6/98

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

FROM:

Brian Chicoine
(name)

32650480th Ave.

(address)

Elk Point
(city)

SD
(state)

57025
(zip)

966-5271
(phone)

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 6076-3.

Water Permit No. 6076-3 states that the diversion system is to be constructed by

6/22/03
(date)

, and that the water is put to beneficial use by

6/22/07
(date)

The diversion system was completed on

8/1/98
(date)

Applying the water to beneficial use was completed on

8/2/98
(date)

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

Brian Chicoine
(signature)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 10, 1999

Dick Hammond
Geo-Energy Drilling
27 N. Yale St.
Vermillion, SD 57069

Dear Mr. Hammond:

Our office is in the process of issuing Water Licenses for Water Permit Nos. 6031-3 and 6076-3. In order to complete the files, and before the licenses can be issued, a well log is needed for the following described wells.

6031-3	LaFluer Farms	NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 31, T90N, R48W	drilled in 1997
6076-3	Brian Chicoine	SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 30, T90N, R48W	drilled in 1998

The water licenses are nearly ready to be issued but cannot be done until an "as constructed" log of the well is obtained. If the logs are no longer available, please contact me by phone or mail. Your prompt attention in this matter will be appreciated. If you have any question, please contact me.

Sincerely,

Lynn Beck
Natural Resources Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 24, 2000

Brian Chicoine
RR 1, Box 211
Elk Point, SD 57025

Dear Mr. Chicoine:

Please find enclosed a copy of your well log for Water Right No. 6076-3, thought you would like a copy for your records. I finally got the well log from Wetmore Drilling and will proceed with licensing Permit No. 6076-3.

Sincerely,

Lynn Beck
Natural Resources Engineer
Water Rights Program

REPORT ON WATER PERMIT NO. 6076-3
BRIAN CHICOINE
May 8, 2000

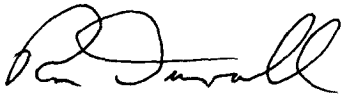
Water Permit No. 6076-3 appropriates 1.11 cubic feet of water per second from one well located in the W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 30 to irrigate 105 acres located in the SW $\frac{1}{4}$ Section 30; all in T91N-R48W. Readvertisement of this permit is necessary to correct the legal description of the lands irrigated and the diversion point prior to issuance of the water license. The legal description was incorrectly advertised in the Leader-Courier on June 4 and 11, 1998 as being located in Section 30-T91N-R49W. An investigation of Water Permit No. 6076-3 found a total of 81 acres developed for irrigation, with 8 of those acres located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 31-T91N-R48W. This readvertisement does not authorize any increase in the developed water appropriation or irrigated acreage.

Conclusions

1. This is a readvertisement of the Notice of Application for Water Permit No. 6076-3.
2. This readvertisement is necessary to correct the legal description of the lands irrigated and the diversion point prior to issuance of the water license. The correct legal description was identified on the map and permit application.
3. This readvertisement also serves to clarify that 8 of the irrigated acres are located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 31-T91N-R48W.
4. The correct legal description of the diversion point is SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 30-T91N-R48W. The correct legal description of the lands irrigated is the SW $\frac{1}{4}$ Section 30 and the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 31; all in T91N-R48W.



Karen Schlaak
Environmental Scientist



Ron Duvall
Natural Resources Engineer

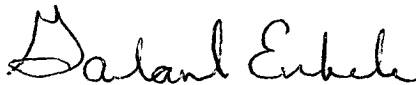
**RECOMMENDATION OF CHIEF ENGINEER FOR READVERTISED WATER
PERMIT APPLICATION NO. 6076-3, Brian Chicoine**

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 readvertised Water Permit Application No. 6076-3, Brian Chicoine, RR 1 Box 211, Elk Point, SD 57025.

The Chief Engineer is recommending APPROVAL of readvertised Application No. 6076-3 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) it is in the public interest with the following qualifications:

1. The well approved under this Permit is located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 6076-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.

See report on application for additional information.



Garland Erbele, Chief Engineer
May 30, 2000



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 1, 2000

Brian Chicoine
32650 480th Ave
Elk Point SD 57025

Dear Mr. Chicoine:

The original notice of application published in 1998 for Water Permit No. 6076-3 contains an error in the legal description. The original notice stated that the well and irrigated land was located in Range 49 West. The correct location is R48W. Therefore, the notice of hearing needs to be readvertised to correct the error.

This publication error was found after Lynn Beck conducted the licensing investigation of your water permit last November. This readvertisement is necessary to ensure your water right is free from any legal entanglements due to insufficient public notice.

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 readvertisement are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

The cost of publication of this notice will be paid by the Water Rights Program. Once this readvertisement is completed, the water permit will be ready for licensing. A licensing fee of \$50.00 needs to be submitted prior to licensing. Please submit this \$50.00 fee at this time. Please contact us if you have any questions.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 1, 2000

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

Attn: Legal Department

Enclosed is a Readvertisement of Notice of Hearing on Permit No. 6076-3 to be published twice. Please publish the first notice on June 8, 2000, with the second publication 7 days later.

Please bill the Water Rights Program for the cost of the advertisement.

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. The permit application cannot be considered by the Water Management Board 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 Readvertisement of Notice of Hearing to Appropriate Water by Permit No. _____ which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

READVERTISEMENT OF NOTICE OF APPLICATION NO. 6076-3 to Appropriate Water

Notice is given of readvertisement of Water Permit No. 6076-3 held by Brian Chicoine, 32650 480th Ave, Elk Point SD 57025. Water Permit No. 6076-3 appropriates 1.11 cubic feet of water per second (cfs) from one well located in the W ½ SW ¼ Section 30 to irrigate 105 acres located in the SW ¼ Section 30; all in T91N-R48W. Readvertisement of this permit is necessary to correct the legal description of the lands irrigated and the diversion point prior to issuance of the water license. The legal description was incorrectly advertised June 4 and 11, 1998 as being located in Section 30-T91N-R49W. An investigation of the permit found the system capable of diverting 1.11 cfs from a well located in the SW ¼ SW ¼ Section 30-T91N-R48W and irrigating 81 acres located in the SW ¼ Section 30 and the NW ¼ NW ¼ Section 31; all in T91N-R48W. This readvertisement does not authorize any increase in the developed water appropriation or irrigated acreage.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Readvertised Permit No. 6076-3 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 June 26, 2000.

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. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 14, 2000

Brian Chicoine
32650 480th Ave
Elk Point SD 57025

Dear Mr. Chicoine:

On June 1, 2000, a letter was sent to you regarding the legal notice of hearing on Water Permit No. 6076-3. As stated in the letter, because of an error in the legal description, it would be necessary to have the notice readvertised. Because of a misunderstanding, the Elk Point Leader Courier did not publish the notice on June 8 and 15.

We have instructed the paper to publish the notice on June 22 and 29. The cost of publication of this notice will be paid by the Water Rights Program.

Once this readvertisement is completed, the water permit will be ready for licensing. A licensing fee of \$50.00 needs to be submitted prior to licensing. **Please submit this \$50.00 fee at this time.** Please contact us if you have any questions.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 14, 2000

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

Attn: Legal Department

Enclosed is a Readvertisement of Notice of Hearing on Permit No. 6076-3 to be published twice. Please publish the first notice on June 22, 2000, with the second publication 7 days later.

Please bill the Water Rights Program for the cost of the advertisement.

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. The permit application cannot be considered by the Water Management Board 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 June 14, 2000 enclosing Readvertisement of Notice of Hearing to Appropriate Water by Permit No. _____ which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

READVERTISEMENT OF NOTICE OF APPLICATION NO. 6076-3 to Appropriate Water

Notice is given of readvertisement of Water Permit No. 6076-3 held by Brian Chicoine, 32650 480th Ave, Elk Point SD 57025. Water Permit No. 6076-3 appropriates 1.11 cubic feet of water per second (cfs) from one well located in the W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 30 to irrigate 105 acres located in the SW $\frac{1}{4}$ Section 30; all in T91N-R48W. Readvertisement of this permit is necessary to correct the legal description of the lands irrigated and the diversion point prior to issuance of the water license. The legal description was incorrectly advertised June 4 and 11, 1998 as being located in Section 30-T91N-R49W. An investigation of the permit found the system capable of diverting 1.11 cfs from a well located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 30-T91N-R48W and irrigating 81 acres located in the SW $\frac{1}{4}$ Section 30 and the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 31; all in T91N-R48W. This readvertisement does not authorize any increase in the developed water appropriation or irrigated acreage.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Readvertised Permit No. 6076-3 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 July 10, 2000.

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. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Union) SS

I, Kelly Kruithoff

certify that the attached printed Notice was taken

from the Leader-Courier

printed and published in Elk Point

County of Union and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

June 22, 2000

June 29, 2000

Cost of Printing \$45.18

Kelly Kruithoff
(Signature)

Editor
(Title)

June 28, 2000
(Date Signed)

READVERTISEMENT OF NOTICE OF APPLICATION NO. 6076-3 TO APPROPRIATE WATER

Notice is given of readvertisement of Water Permit No. 6076-3 held by Brian Chicoine, 32650 480th Ave., Elk Point, SD 57025. Water Permit No. 6076-3 appropriates 1.11 cubic feet of water per second (cfs) from one well located in the W1/2 SW1/4 Section 30 to irrigate 105 acres located in the SW1/4 Section 30; all in T91N-R48W. Readvertisement of this permit is necessary to correct the legal description of the lands irrigated and the diversion point prior to issuance of the water license. The legal description was incorrectly advertised June 4 and 11, 1998 as being located in Section 30-T91N-R49W. An investigation of the permit found the system capable of diverting 1.11 cfs from a well located in the SW1/4 SW1/4 Section 30-T91N-R48W and irrigating 81 acres located in the SW1/4 Section 30 and the NW1/4 NW1/4 Section 31; all in T91N-R48W. This readvertisement does not authorize any increase in the developed water appropriation or irrigated acreage.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Readvertisement Permit No. 6076-3 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 July 10, 2000.

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.

Steven M. Pirner, Secretary,
Department of Environment and
Natural Resources

Publish: June 22 & 29, 2000

PAYMENT REQUEST FORM

PAYEE: Leader-Courier
P.O. Box 310
Elk Point, SD 57025

FROM: Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Invoice No.: SJ018524

Readvertisement of Notice of Application No. 6076-3 to Appropriate Water.

AMOUNT: \$45.18

FUNDING SOURCE:

GENERAL: X

FEDERAL:

COMMENTS:

AUTHORIZATION: _____

David E. Ench

7/6/00

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

Nº 416586

Pierre, July 14, 2000

RECEIVED OF Brian Chicoine, 32650 480th Ave., Elk Point, SD 57025

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

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

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

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

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water
License No. 6076-3

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

By

Chief Engineer

La. Cand. Erbe

Permit No. 6076-3
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 18, 1999** made a thorough examination of the water use system constructed by **Brian Chicoine** of **RR 1 Box 211, Elk Point, SD 57025** holder of Permit No. **6076-3**, bearing the priority of **May 7, 1998** authorizing the diversion of **1.11** cu. ft. per second of the waters of **Missouri-Elk Point Aquifer** for **irrigation** purposes, in **Union** County.

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

A. Works used to divert the water:

One well 120' deep with 60' of 8" pvc casing and 40' of 8" pvc screen, submersible pump and motor with a 500 gpm capacity and 15 hp.

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

250' of 5" steel pipe.

C. Works used to apply water to beneficial use:

Valley center pivot 1430' long with 11 towers and an end gun, low pressure system operating at 500 gpm.

The system is in the following condition **good**. The point of diversion is located **840' N and 150' E of the SW corner of Section 30, T91N, R48W**. The works are capable of diverting and conveying to the place of use **1.11** 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 30, T91N, R48W

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 1 acre

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 30 acres

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 39 acres

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 3 acres

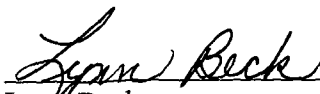
All in Section 31, T91N, R48W

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 8 acres

comprising a total of **81** acres of land and the license should be issued for **1.11** cfs.

Applicable permit qualifications have been complied with: **yes**

Exceptions to compliance are: **none**


Lynn Beck
Natural Resources Engineer
DENR, Water Rights Program

4-24-2000
Date

REPORT ON INSPECTION OF PERMIT NO. 6076-3

DATE OF INSPECTION: 10-18-99

Other permit(s) associated with the project: none

NAME & ADDRESS OF INSPECTION CONTACT: Ronald Chicoine, RR 2 Box 212, Elk Point, SD 57025

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: Father

NAME & ADDRESS OF PERMIT HOLDER: Brian Chicoine, RR 2 Box 211, Elk Point, SD 57025

DIVERSION POINT LEGAL LOCATION: 840' N and 150' E of the SW corner of Section 30, T91N, R48W.

WELL INFORMATION:

- 1) Well Drilling Firm: Wetmore
- 2) No. of Wells 1
- 3) Depth(s) 120 feet
- 4) Well log is available yes

Casing:

- 1) Diameter 8 inches
- 2) Length 60 feet
- 3) Type pvc

Screen:

- 1) Type pvc
- 2) Length 60 feet
- 3) Static water level 18 feet

Pump:

- 1) Make Submersible
- 2) Model #
- 3) Size #
- 4) Capacity 500 GPM

Motor:

- 1) Make Submersible
- 2) Model No. #
- 3) Horsepower rating 15 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type steel 2) Size 5" 3) Length 250' feet

SYSTEM TYPE:**Center Pivot:**

- 1) Make Valley
- 2) Overall length 1430
- 3) Number of towers 11
- 4) End gun yes
- 5) High or low pressure low
- 6) Capacity 500 GPM

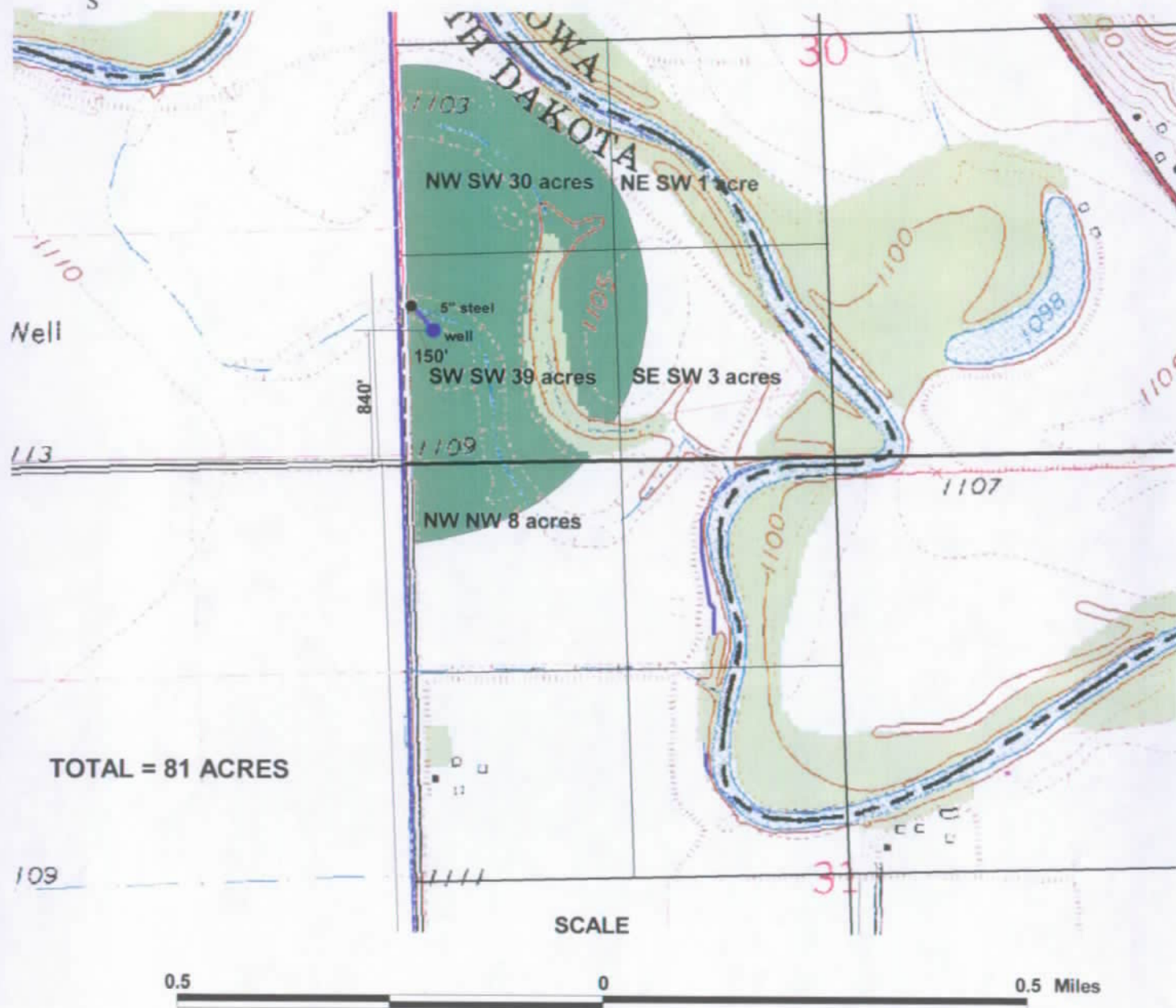
CHEMIGATION EQUIPMENT:

- 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 yes

WATER RIGHT NO. 6076-3



Lynn Beck

Lynn Beck
Natural Resources Engineer
DENR, Water Rights Program
November 23, 1999



South Dakota Department of
Environment and Natural Resources



Protecting South Dakota's Tomorrow... Today

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6076-3

(1) Brian Chicoine, 32650 480th Ave, Elk Point SD 57025 made Application No. 6076-3, May 7, 1998 for a water permit to divert 1.11 cubic feet of water per second from groundwater (one well), Union County, South Dakota for irrigation purposes. Permit No. 6076-3, with a priority date of May 7, 1998 was approved June 22, 1998 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before June 22, 2003 and for the application to beneficial use of said water on or before June 22, 2007.

The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on October 8, 1998. The *Notice* stated the diversion system was completed on August 1, 1998 and the water placed to beneficial use on August 2, 1998.

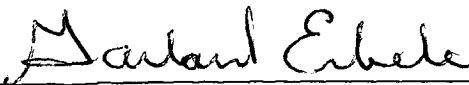
The permit was readvertised June 22 and 29, 2000 to correct an error on the original notice of hearing in the legal description of the diversion point and irrigated acres. The readvertisement of the original notice of hearing did not authorize an increase in the acreage or developed diversion rate.

(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 1.11 cubic feet of water per second for beneficial use. The location of the diversion point is 840 feet north and 150 feet east of the southwest corner of Section 30-T91N-R48W (SW ¼ SW 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:

all in T91N-R48W		
Section 30	NE ¼ SW ¼	1 acre
	NW ¼ SW ¼	30 acres
	SW ¼ SW ¼	39 acres
	SE ¼ SW ¼	3 acres
Section 31	NW ¼ NW ¼	8 acres
Total 81 acres		

(4) Pursuant to South Dakota Water Law 46-5-30.1 Brian Chicoine, 32650 480th Ave, Elk Point SD 57025 the holder and/or owner of Water Right No. 6076-3 is issued a license to appropriate water, the right to use 1.11 cubic feet of water per second from groundwater (one well) with a priority date of May 7, 1998 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. 6076-3 and subject to South Dakota State Law.


GARLAND ERBELE, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

DEC 12 2000

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 12 2000

6076-3

Brian Chicoine
32650 480th Ave
Elk Point SD 57025

Dear Mr. Chicoine:

Enclosed is Water License No. 6076-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 416586 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. 6076-3, 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.

Sincerely,

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

enclosures