

WATER PERMIT NO. 6155-3

Name of Applicant: Mark E Chicoine and Joseph F Chicoine

Address: 32120 477th Ave, Elk Point SD 57025

Phone: 605 356-2580

Amount of Water Claimed: 2.23 cfs Total Acres: 163

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: 11-17-1999 Fee: \$250.00

Corrected Application Received: Period of Annual Use: May 1 – September 30

Remarks: Replaces Water Permit No. 5427-3 which was not completed by the time limit required

Diversion Point: SW ¼ NW ¼ Sec 33-T92N-R49W

Land to be Irrigated: SE ¼ NE ¼, NE ¼ SE ¼,
Sec 32, W ½ SW ¼, S ½ NW ¼, Lot 4 (NE ¼
SW ¼) Sec 33; all in T92N-R49W

Depth of Well: 108 feet deep

Well Driller: Wetmore Drilling

Remarks:

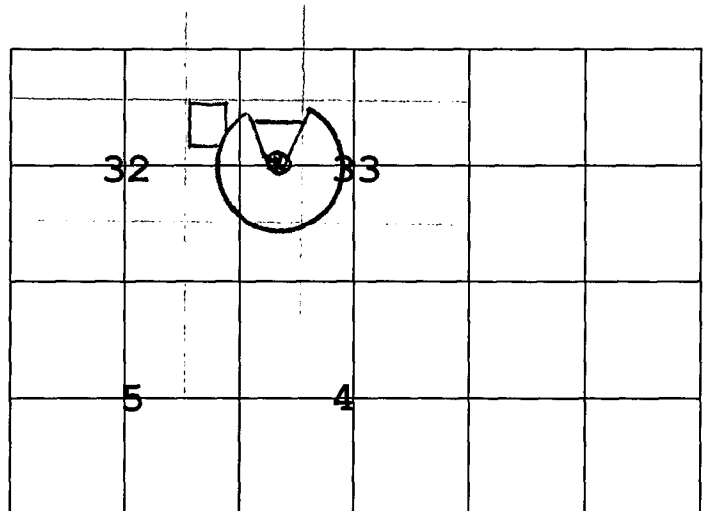
Type of Map: topo

Prepared by: Eric Gronlund

Reviewed and the Number Assigned on: 11-17-1999

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>6155-3</u> Hydrologic Unit <u>10170203</u>
	Basin <u>Sioux River</u>
	Newspaper <u>Elk Point 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.)
replaces Water Permit No. 5427-3 which was not constructed by the time to complete works

- Name of Applicant Mark E. Chicoine & Joseph F. Chicoine Phone 356-2580
(check one) Owner Tenant/lessee
Mailing Address 32120 477th Ave., Elk Point State SD 57025
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 2.23 *CFS or **GPM ***AF Total Acreage 163
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply Well - Missouri:Elk Point Aquifer
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
SW 1/4 NW 1/4 Section 33, T92N, R49W
County Union
- County or counties where water will be used Union
- Annual period during which water is to be used May 1 - September 30
- 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
SE 1/4 NE 1/4 Section 32, T92N, R49W	32	SW 1/4 NW 1/4 Section 33, T92N, R49W	30
NE 1/4 SE 1/4 Section 32, T92N, R49W	14	SE 1/4 NW 1/4 Section 33, T92N, R49W	25
SW 1/4 SW 1/4 Section 33, T92N, R49W	1	NW 1/4 SW 1/4 Section 33, T92N, R49W	39
		Lot 4 (NE1/4SW1/4) Sec. 33, T92N, R49W	22

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

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, Mark E Chicoine Jr, 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 Mark E Chicoine Jr

Subscribed and sworn to before me this 12th day of NOVEMBER 1999

[Signature]
Notary Public signature 5-31-2001.

**SOUTH DAKOTA
WATER PERMIT NO. 6155-3**

Date of first receipt of application November 17, 1999.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6155-3 to Mark E Chicoine & Joseph F. Chicoine, 32120 477th Ave, 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. 6155-3 appropriates 2.23 cubic feet of water per second from one well (Missouri-Elk Point Aquifer) 108 feet deep located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 33 to irrigate 163 acres located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 32; W $\frac{1}{2}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, Lot 4 (NE $\frac{1}{4}$ SW $\frac{1}{4}$) Section 33; all in T92N-R49W. This permit replaces Water Permit No. 5427-3 because the irrigation system was not completed by May 24, 1995, as stated in the permit. Water Permit No. 5427-3 is cancelled with the approval of Permit No. 6155-3.
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 November 17, 1999.
4. The date of approval of Permit No. 6155-3 is February 7, 2000.
5. 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.
3. Water Permit No. 5427-3 which was not completed by May 24, 1995, as stated in the permit is cancelled.

WATER MANAGEMENT BOARD

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

MAR 01 2000

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 27, 1999

Mark Chicoine Jr.
32120 477th Avenue
Elk Point SD 57025

Dear Mr. Chicoine:

On August 10, 1999, I conducted licensing investigations of Water Right Permit Nos. 5427-3 and 5904-3. In conducting my review for the purpose of licensing the water permits I found that Water Permit No. 5427-3 was not completed by the time limit required in the water permit.

Water Permit No. 5427-3 appropriated 3.5 cubic feet of water per second (1,570 gpm) to irrigate 256.7 acres. This is the permit associated with the 8 tower Valley center pivot powered by the Cummings diesel. The permit was approved on May 24, 1990 and all construction was to be completed by May 24, 1995 (see enclosed permit). A review of the file found that the well was not constructed until May of 1996. The annual irrigation questionnaire you submit annually also indicates irrigation did not begin until 1996. According to state law and rules when the necessary works are not constructed within the time limits the permit is invalid and subject to cancellation.

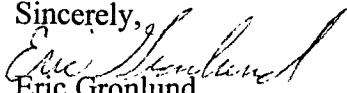
I suspect the reason you did not construct the irrigation system may be because of flooding condition. At least it appeared to me during the site visit that this area may be susceptible to flooding. State law allows for a permit holder to apply for an extension of time if this type of situation occurs. However, the extension of time must be filed prior to expiration of the construction date in which in your case was May 24, 1995.

A new water right permit is now necessary to authorize this irrigation system. I have partially completed an application form for this purpose. The application filing fee is \$300 and will also need to be public noticed. Please note that the original permit appropriated 3.5 cfs for irrigation of 256.7 acres. The licensing investigation found a total of 153 acres capable of being irrigated and the well producing 2.23 cfs (1000 gpm). The partially completed application reflects what I found during my site visit. I have enclosed a copy of my draft investigation report including a map for your review. Please review to see if this accurately reflects the irrigation system (you will note that I also included the two areas you stated may be irrigated by gated pipe). If you do not feel this map accurately reflects the irrigation system, please let me know.

The other water permit that I looked at that day was Water Permit No. 5904-3 for irrigation in the southern part of Section 32 with the 4-tower towable pivot. Everything appears to be in proper order with this permit and you will be receiving a separate letter requesting the \$50 licensing fee when we are ready to issue the water license.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Eric Gronlund", written over the printed name.

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 3, 1999

Mark Chicoine Jr.
32120 477th Avenue
Elk Point SD 57025

Dear Mr. Chicoine:

Enclosed is a revised map of the irrigation system developed in Section 32 and 33, T92N, R49W. I have tried to revise the area irrigated based on our discussion. Note that the depiction shows that the end of the pivot shuts down along the dike on the eastern edge and by the creek in the south west portion of the pivot. I hope this is a fair representation of the area covered by the system.

The number of acres to be irrigated under this depiction is 163 acres. I have likely overestimated the actual number of irrigated acres. A partially completed application which reflects these acres is attached. If you agree that this is the fair representation of the irrigation system you will need to sign the application in the presence of a notary public. The application filing fee remains \$300 as stated in my previous correspondence.

It is my intention to get this irrigation system properly permitted. Please let me know if you have any questions or concerns.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosures

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

№ 416261

Pierre, November 17, 1999

RECEIVED OF Mark E. 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>6155-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	250	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. <u>6155-3</u> _____	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	300 00

By John Hatch
Chief Engineer

December 21, 1999

Application No. 6155-3 proposes to appropriate 2.23 cfs (1000 gpm) from one well approximately 108 feet deep located in the SW 1/4 NW 1/4 of Section 33 to irrigate 163 acres located in the SE 1/4 NE 1/4, NE 1/4 SE 1/4 of Section 32; W 1/2 SW 1/4, S 1/2 NW 1/4, Lot 4 (NE 1/4 SW 1/4) of Section 33; all in T92N-R49W in Union County. This application reflects the as built portion of Water Permit No. 5427-3 which was not completed within the allotted time frame.

AQUIFER - MISSOURI ELK POINT (M-EP)

The Missouri Elk Point is a buried outwash and alluvium (sand and gravel) at this site. 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 under artesian conditions at this site, however, over much of Union County the aquifer is unconfined and under water table conditions. The aquifer is hydraulically connected to the Big Sioux South aquifer to the north, the Lower Vermillion Missouri to the northwest, and to the Big Sioux and Missouri Rivers. Ground water movement is to the southeast with a gradient of 1.5 feet per mile (Niehus, 1994).

The Water Rights Program does monitor an observation well, UN-87I, located about one mile south of this application and completed into the Missouri Elk Point aquifer. Water levels for this well show good response to climatic conditions, that is, rising water levels during wet years 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, 1999). A hydrograph for this well is included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are numerous irrigation permits/rights in this area. The nearest existing irrigation well is located about 1/2 mile from this application. Interference is not a concern. Drawdown created by pumping is not significant at these distances between wells. This is also shown by the observation well record.

CONCLUSIONS

1. Water is available from the Missouri Elk Point aquifer.
2. Interference is not a concern. This is an existing system and has been in use for many years with no apparent problems.
3. The irrigation well is completed in accordance with SD Well Construction Standards.
4. This application has been filed to reflect the irrigation system as developed. Water Permit No. 5427-3 covered these same lands but was not developed in a timely manner as specified in the original permit. Therefore, this application was filed at the request of the Water Rights Program because of an investigation of the original permit.

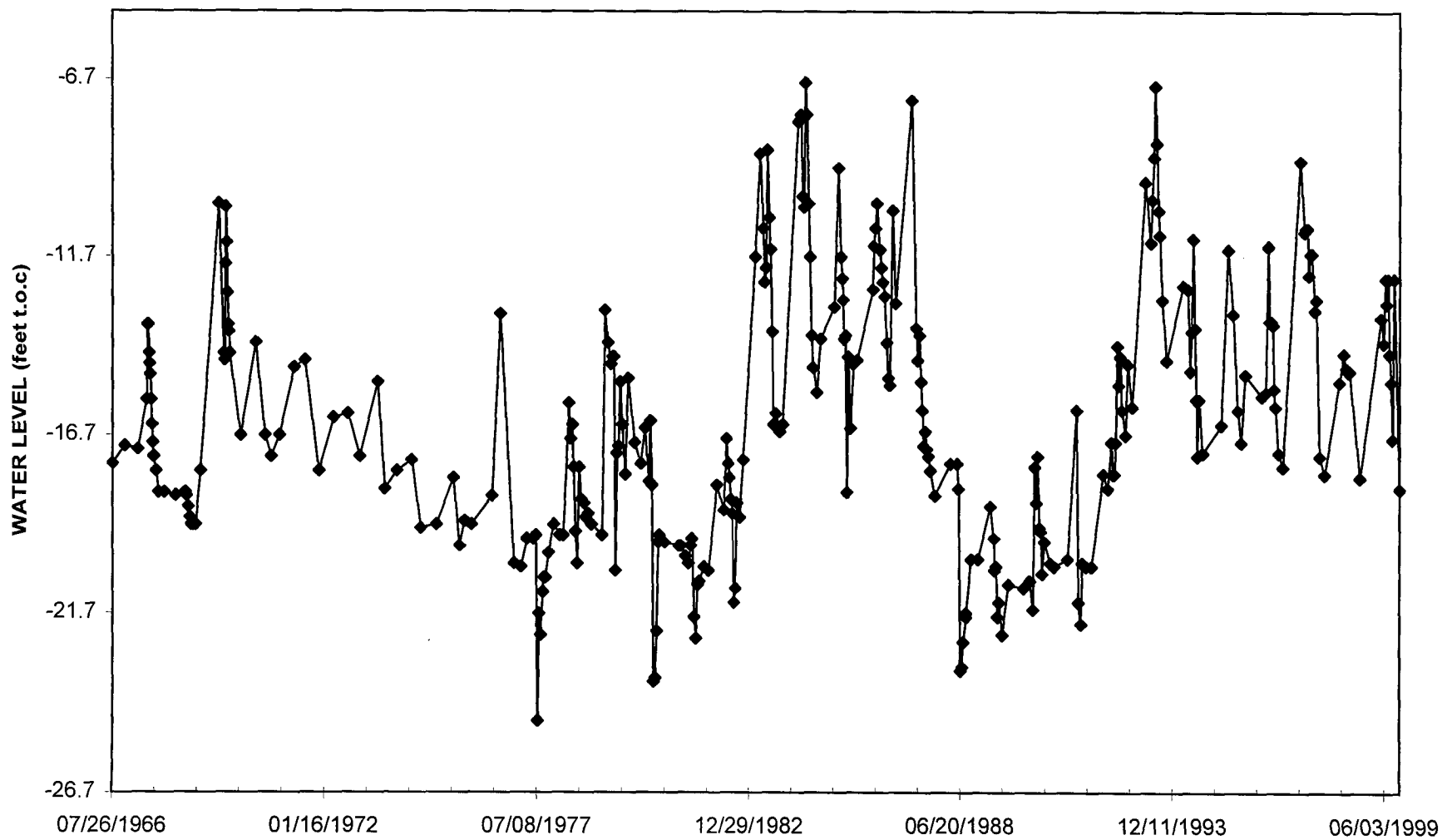

for James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

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

Water Rights, 1999, Unpublished Observation Well Data for Union County, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL
UN-87I



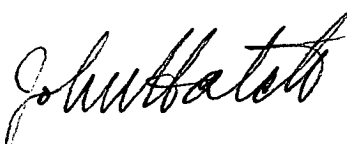
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6155-3, Mark E. Chicoine and Joseph F. Chicoine**

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

The Chief Engineer is recommending APPROVAL of Application No. 6155-3 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. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
3. Water Permit No. 5427-3 which was not completed by May 24, 1995, as stated in the permit is cancelled.

See report on application for additional information.



JOHN HATCH, Chief Engineer
December 23, 1999



**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.

December 29, 1999

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

Dear Sirs:

Water Permit Application No. 6155-3 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
www.state.sd.us/denr

December 29, 1999

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

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6155-3 to Appropriate Water to be published twice. Please publish the first notice on January 6, 2000, 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 APPLICANTS are Mark E. and Joseph E. Chicoine, 32120 477th Ave., Elk Point, SD 57025 (Ph # (605) 356-2580).

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

-----CU T HERE-----

No. 6155-3

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

Date _____

We are in receipt of your letter of December 29, 1999, enclosing Notice of Hearing to Appropriate Water by Application No. 6155-3 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 January 6, 2000, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6155-3 to Appropriate Water

Notice is given that Mark E Chicoine & Joseph F Chicoine, 32120 477th Ave, Elk Point SD 57025 has filed an application for a water permit to appropriate 2.23 cubic feet of water per second from one well (Missouri-Elk Point Aquifer) 108 feet deep located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 33 to irrigate 163 acres located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 32; W $\frac{1}{2}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, Lot 4 (NE $\frac{1}{4}$ SW $\frac{1}{4}$) Section 33; all in T92N-R49W. This application replaces Water Permit No. 5427-3 because the irrigation system was not completed by May 24, 1995, as stated in the permit. Water Permit No. 5427-3 is cancelled with the approval of Application No. 6155-3.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6155-3 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 January 24, 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. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

Water Rights Program - File Documentation

NAME: Mark & Joseph Chicoine

ADDRESS: Elk Point

DATE: 1-11-00 **COUNTY:** Union **TELEPHONE:** 356-2580

RE: Publication Notice

COMMENTS:

I called the Leader-Courier requesting the first clipping of the publication notice. Lisa from the paper informed me that the paper did not receive authorization to publish the notice from the Chicoines.

I told her to disregard the notice and we would send out another notice to be published on January 20 & 27, 2000.

Karen Schlaak

Karen Schlaak
Environmental Scientist



**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.

January 11, 2000

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

Dear Sirs:

Water Permit Application No. 6155-3 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 is 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

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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 11, 2000

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

ATTENTION: Legal Public Notice

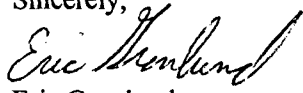
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The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANTS are Mark E. and Joseph E. Chicoine, 32120 477th Ave., Elk Point, SD 57025 (Ph # (605) 356-2580).

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.

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Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 6155-3

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

Date _____

We are in receipt of your letter of December 29, 1999, enclosing Notice of Hearing to Appropriate Water by Application No. 6155-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

NOTICE OF APPLICATION NO. 6155-3 to Appropriate Water

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**PROOF OF PUBLICATION**

STATE OF SOUTH DAKOTA)
 County of Union) SS

I, Susan Odson

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:

January 20, 2000

January 27, 2000

Cost of Printing 39.92

Susan Odson
 (Signature)

Affidavits Coordinator
 (Title)

Jan. 27, 2000
 (Date Signed)

**NOTICE OF APPLICATION
 NO. 6155-3 TO
 APPROPRIATE WATER**

Notice is given that Mark E. Chicoine & Joseph F. Chicoine, 32120 477th Ave, Elk Point, SD 57025 has filed an application for a water permit to appropriate 2.23 cubic feet of water per second from one well (Missouri-Elk Point Aquifer) 108 feet deep located in the SW1/4 NW1/4 Section 33 to irrigate 163 acres located in the SE1/4 NE1/4, NE1/4 SE1/4 Section 32; W1/2 SW1/4, S1/2 NW1/4, Lot 4 (NE1/4 SW1/4) Section 33; all in T92N-R49W. This application replaces Water Permit No. 5427-3 because the irrigation system was not completed by May 24, 1995, as stated in the permit. Water Permit No. 5427-3 is cancelled with the approval of Application No. 6155-3.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6155-3 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 February 7, 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.

Nettie H. Myers, Secretary
 Department of Environment and
 Natural Resources

Publish: January 20 & 27, 2000 39.92
 3-4-68

Permit No. 6155-3
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. Chicoine Jr. and Joseph F. Chicoine of 32120 477th Ave., Elk Point SD 57025 holder of Permit No. 6155-3, bearing the priority of January 26, 1990 authorizing the diversion of 3.5 cu. ft. per second 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:

A Cummings Diesel (100 HP @ 2500 RPM & 80 HP @ 1800 rpm) powers via a PTO an Amarillo pump

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

Well is near the pivot center. For the areas that are irrigated using gated pipe, and over ground pipe would be laid

C. Works used to apply water to beneficial use:

An 8 tower Valley center pivot and gated pipe

The system is in the following condition **excellent**. The point of diversion is located **approximately 1,980 feet west of the center of Section 33 , T92N, R49W**. The works are capable of diverting and conveying to the place of use **2.23** 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 T92N, R49W

SE ¼ NE ¼ Section 32	32 acres	SW ¼ NW ¼ Section 33	30 acres
NE ¼ SE ¼ Section 32	14 acres	SE ¼ NW ¼ Section 33	25 acres
NW ¼ SW ¼ Section 33	39 acres	SW ¼ SW ¼ Section 33	1 acre
Lot 4 (NE ¼ SW ¼) Section 33	22 acres		

comprising a total of **163** acres of land and the license should be issued for **2.23** cfs.

Applicable permit qualifications have been complied with: Yes X

Exceptions to compliance are: none


Eric Gronlund

Natural Resources Engineer
DENR, Water Rights Program

Date Report Completed Feb 8, 2000

FIELD INVESTIGATION REPORT FOR PERMIT NO. 6155-3

DATE OF INVESTIGATION: **August 10, 1999**

NAME & ADDRESS OF INVESTIGATION CONTACT/

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE - **Mark E. Chicoine Jr. and Joseph F. Chicoine**

NAME & ADDRESS OF PERMIT HOLDER

Mark Chicoine Jr.
32120 477th Ave.
Elk Point SD 57025

DIVERSION POINT LEGAL LOCATION approximately 1,980 feet west of the center of Section 33,
T92N, R49W

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: Wetmore 2) No. of Wells 1
3) Depth(s) 108 feet 4) Well log is available yes

Casing:

- 1) Diameter 16 inches
2) Length 58 feet
3) Type **plastic**

Screen:

- 1) Type PVC
2) Length 50 feet
3) Static water level 15 feet

Pump:

- 1) Make Amarillo
2) Serial S408-200954
3) Size #
4) Capacity # GPM

Motor:

- 1) Make Cummings Diesel (portable) 2) ID No. _____
3) Horsepower rating 100 hp

SYSTEM TYPE:

Center pivot:

- 1) Make **Valley (Model 8000)** 2) Overall length **1442** feet
3) Number of towers **8** 4) End gun **yes (with 103' throw)**
5) High or low pressure **Low** 6) Capacity **1000** GPM

** The pink areas on the map can be irrigated using gated pipe. Although at the time of the inspection there was not any gated pipe in place.

CHEMIGATION EQUIPMENT: Does not Chemigate

PERMIT QUALIFICATIONS AND REGULATIONS:

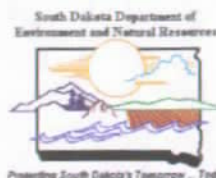
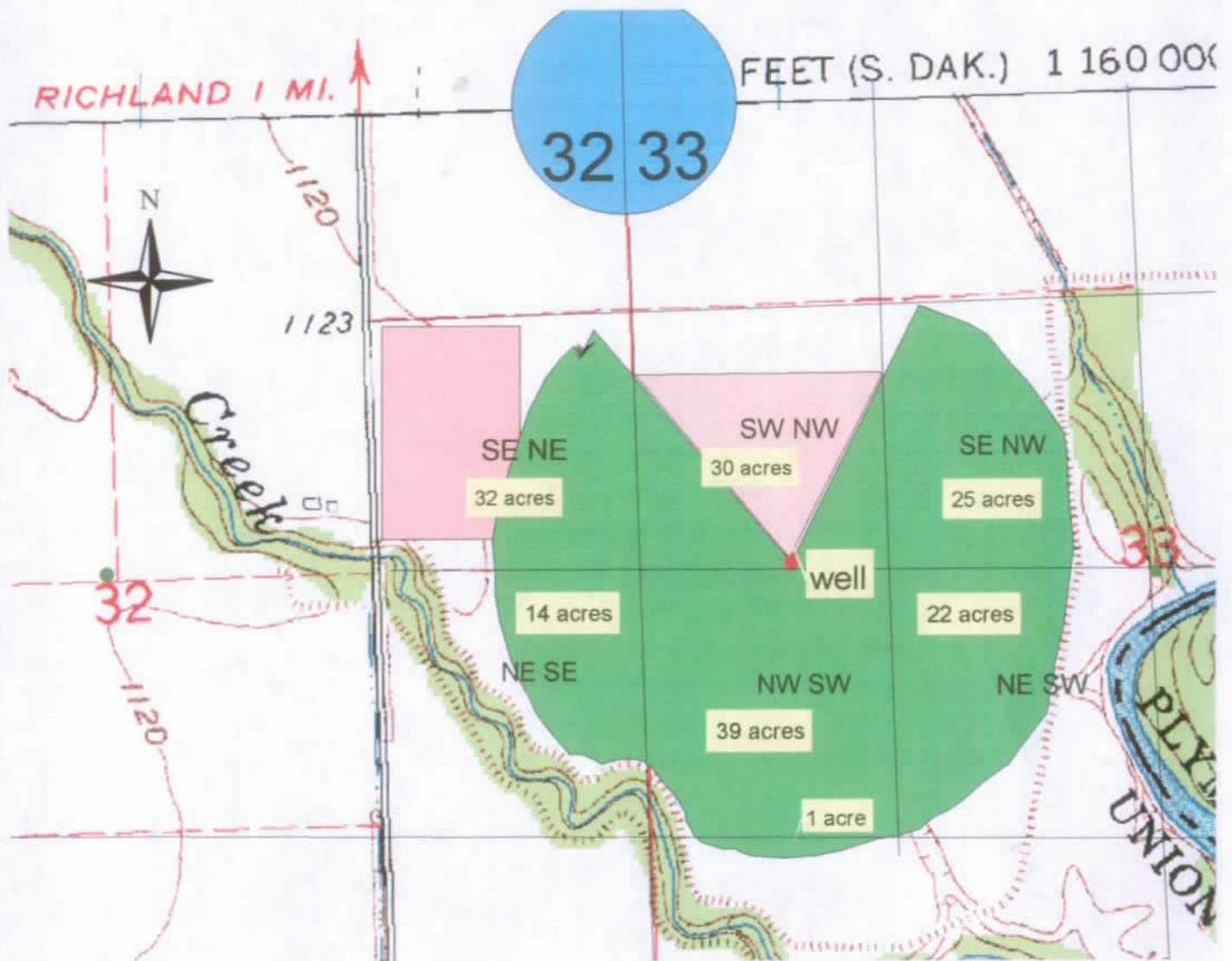
- 1) Special qualifications to permit being abided by yes

- 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 of the well and irrigation system does not appear to have been completed by May 24, 1995. According to the well completion report, the well was not completed until May of 1996. I believe because of this Water Permit No. 6155-3 is subject to cancellation for not being constructed in the time frame authorized by the water right permit.**

COMMENTS:

- ◆ The area did have notable flood damage
- ◆ Mr. Chicoine and I discussed the land not irrigated in the N ½ SW ¼ NW ¼ . This land is currently owned by someone else and this is the reason the pivot does not make a full rotation. I stated that this land can not be included on the water right but that in the future if he purchases or leases this property, he may apply for a new water permit for the additional acres.
- ◆ Mr. Chicoine filed for and obtained Water Permit No. 6155-3 to replace Water Permit No. 5427-3 which was subject to cancellation.

Water Permit No. 5427-3. Mark and Joseph Chicoine



Eric Gronlund

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

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6155-3

(1) Mark E Chicoine and Joseph F Chicoine, 32120 477th Ave, Elk Point SD 57025 made Application No. 6155-3, November 17, 1999 for a water permit to divert 2.23 cubic feet of water per second from groundwater (one well), Union County, South Dakota for irrigation purposes. Permit No. 6155-3, with a priority date of November 17, 1999 was approved February 7, 2000 and issued to the applicants for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

(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 2.23 cubic feet of water per second for beneficial use. The location of the diversion point is approximately 1,980 feet west of the center of Section 33-T92N-R49W (SW ¼ NW 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:

All in T92N-R49W					
Section 33	NW ¼ SW ¼	39 acres	Section 32	SE ¼ NE ¼	32 acres
	Lot 4 (NE ¼ SW ¼)	22 acres		NE ¼ SE ¼	14 acres
	SW ¼ NW ¼	30 acres			
	SE ¼ NW ¼	25 acres			
	SW ¼ SW ¼	1 acre			
Total 163 acres					

(4) Pursuant to South Dakota Water Law 46-5-30.1 Mark E Chicoine and Joseph F Chicoine, 32120 477th Ave, Elk Point SD 57025 the holders and/or owners of Water Right No. 6155-3 are issued a license to appropriate water, the right to use 2.23 cubic feet of water per second from groundwater (one well) with a priority date of November 17, 1999 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. 6155-3 and subject to South Dakota State Law.


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

MAR 01 2000

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 01 2000

6155-3

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

Dear Sirs:

Enclosed are Water Permit and Water License No. 6155-3. This is the final water right document completing your process of obtaining a Water Right.

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. 6155-3, 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

ks
enclosures



6155-3
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.



6155-3

[Track & Confirm](#)[FAQs](#)

Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 9686

Service(s): **Signature Confirmation™**Status: **Delivered**

Your item was delivered at 3:14 PM on January 23, 2010 in ELK POINT, SD 57025. The item was signed for by B B CHICOINE.

Track & Confirm

Enter Label/Receipt Number.

[Go >](#)

Detailed Results:

- Delivered, January 23, 2010, 3:14 pm, ELK POINT, SD 57025
- Out for Delivery or Available at PO Box, January 23, 2010, 8:22 am, ELK POINT, SD 57025
- Sorting Complete, January 23, 2010, 7:52 am, ELK POINT, SD 57025
- Arrival at Post Office, January 23, 2010, 7:41 am, ELK POINT, SD 57025

Notification Options

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No FEAR Act EEO Data

FOIA

Signature Confirmation Number: 2303 2160 0000 0802 9686

MARK CHICOINE
32120 477TH AVE
ELK POINT SD 57025

Waiver of Signature ☐ YES ☐ NO

Postmark Here

Postal Customer:
Keep this receipt. For inquiries:
Access internet web site at
www.usps.com®
or call 1-800-222-1811

☐ Priority Mail™ Service
☐ First-Class Mail® parcel
☐ Package Services parcel

6155-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
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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

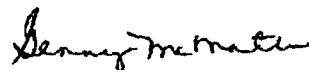
Dear Mr. Chicoine:

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,


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