

WATER PERMIT NO. 7061-3

Name of Applicant: **Mike and Brad Chicoine**

Address: **508 E Clay St, Elk Point SD 57025**

Phone: **605 356-3748**

Amount of Water Claimed: **1.78**

Total Acres: **152**

Source of Water Supply: **groundwater (one well)**

Water to be used for: **irrigation**

County: **Union**

Type of Waste Disposal System:

Location: **1 mile north of Jefferson**

PRIORITY Date Received: **9-4-08**

Application/License Fee: **\$300.00**

Corrected Application Received: **9-9-08**

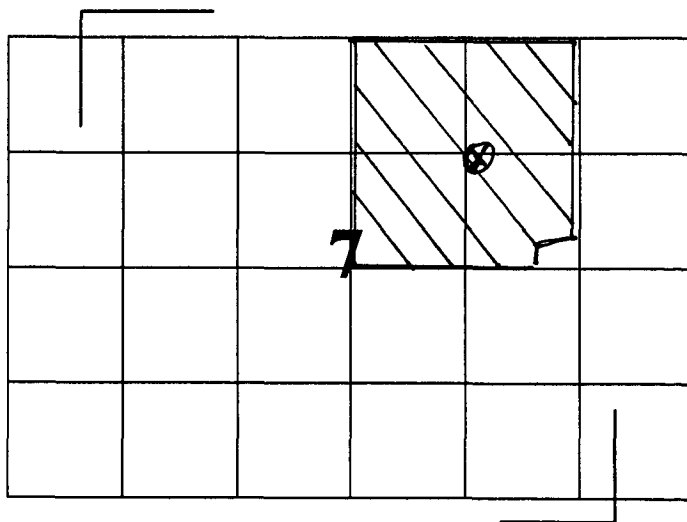
Period of Annual Use: **April 1 – October 1**

Remarks:

Diversion Point: **approximate center of the NE ¼**

Sec 7-T90N-R48W

Land to be Irrigated: **NE ¼ Sec 7-T90N-R48W**



Depth of Well: **128 feet deep**

Well Driller: :

Remarks:

Type of Map: **aerial**

Prepared by: **Larry D Wilcox, Union Co FSA**

Reviewed and the Number Assigned on: **9-9-08**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

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

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>7061-3</u> (office use only)	Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u>	
	Newspaper <u>Southern Union Co. Leader Courier</u>	
	<u>605-356-2632 (hus)</u>	<u>PO Box 310 Elk Point SD 57025</u>

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SEP - 4 2008
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ 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 Mike & Brad Chicove Phone 1-605-356-3748
(check one) ☐ Owner ☒ Tenant/lessee
Mailing Address 508 EC 1457 Elk Point State SDAK 57025
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 1.78*CFS or 800**GPM 152***AF Total Acreage 152
(*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
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
~~West 1/2 of the East 1/2 of NE 1/4 7-90-48~~
(Approximate Center) County Union
- County or counties where water will be used Union
- Annual period during which water is to be used April 1 - Oct 1
- 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
West 1/2 of the East 1/2 of NE 1/4 7-90-48	<u>152</u>		
<u>NE 1/4 S 7 T 90 N R 48 W</u>			

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

1/2 Owner is Helen Chicove ~~Address~~

1/2 Owner is Mark Kerr Address

STATE OF SOUTH DAKOTA) SS

County of Union)

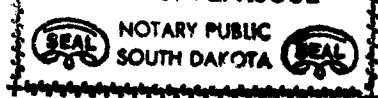
Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, Mike & Brad Chicove, 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 Mike Chicove Brad Chicove

Subscribed and sworn to before me this 5th day of Sept 2008

PATRICIA L. KJOSE



Patricia L. KJose
Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 7061-3**

Date of first receipt of application September 4, 2008.

Date of return to applicant for corrections, amendments or changes September 4, 2008.

Date of receipt of corrected application September 9, 2008.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7061-3 to Mike & Brad Chicoine, 508 E Clay St, 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. 7061-3 appropriates 1.78 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (approximately 128 feet deep) located in the approximate center of the NE ¼ Section 7 to irrigate 152 acres located in the NE ¼ Section 7; all in T90N-R48W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 1.
3. The date from which applicant may claim right is September 4, 2008.
4. The date of approval of Permit No. 7061-3 is December 1, 2008.
5. One-fifth of the construction is to be completed on or before June 1, 2011.
6. All construction is to be completed on or before December 1, 2013.
7. Water is to be put to beneficial use on or before December 1, 2017.
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. 7061-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump 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.

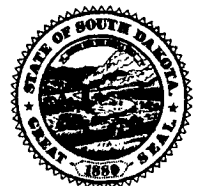
WATER MANAGEMENT BOARD

By: Garland Erbele

Garland Erbele, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

JUN 12 2009
date



Supplemental Information

(type or print in ink)

Sec 7

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 18" Depth 128'
- b) Casing Type PVC Diameter 12" Thickness SCH 40
- c) Screen Type PVC Diameter 12" Thickness SCH 40
- d) Gravel Pack Akron well pack Length of Gravel Pack 98'
- e) Depth to Top of Water Bearing Material 62'
- f) Depth to Water (ground surface to water level) 18'
- g) Distance to nearest existing domestic well: more than 1/4 mi. to any
- On applicants property _____ On property owned by others _____

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 _____

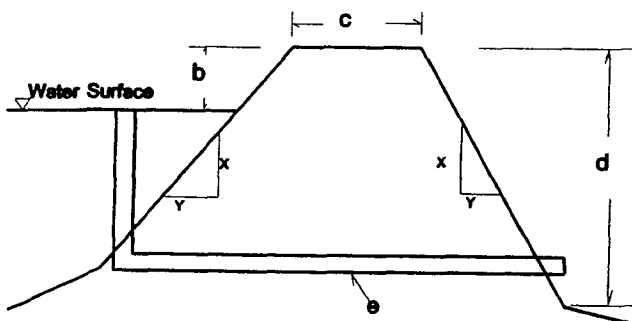
Upstream _____

Downstream _____

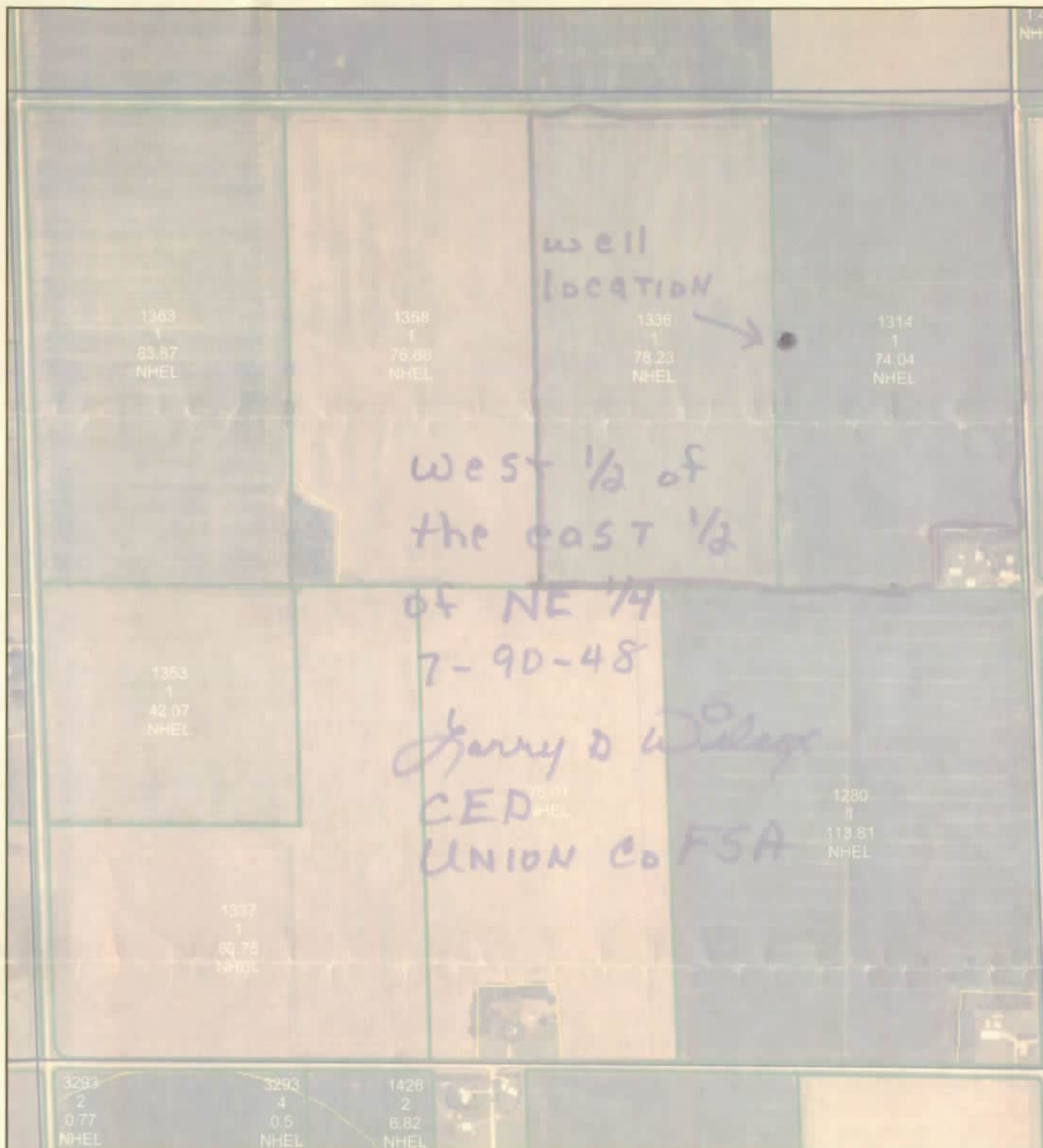
h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



Helen Chicoine



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SEP - 9 2008

WATER RIGHTS PROGRAM



USDA - Farm Service Agency Union County, SD

7-90N-48W

1:9,051

April 24, 2008

N



Legend

- Tract Boundaries
- Section-Township-Range
- Easements
- CRP
- Common Land Units
- Rangeland

Wetland Determination Identifiers

- Restricted Use
- Limited Restrictions
- Exempt from Conservation Compliance Provisions

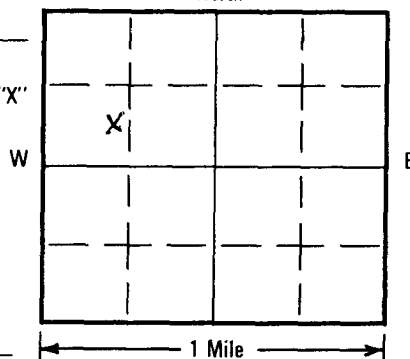
USDA FSA maps are for FSA Program administration only. There is no guarantee or representation to the user as to the accuracy, currency, suitability or reliability. FSA MAPS DO NOT REPRESENT A LEGAL SURVEY. The user accepts the data 'as is' and assumes all risks associated with its use. Wetland points reflect records available with NRCS and may or may not constitute a full inventory of the property. The USDA Farm Service Agency assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data. Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location SW 1/4 NW 1/4 Sec 14 Twp 90 N Rg 49WCounty Union NorthUnion

Please mark well location with an "X"



Well Completion Date

7-17-07

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? N/A ft. from N/A (identify source).

PROPOSED USE:

- ☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Mud RotaryCASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>5CH 40 LB/FT</u>	<u>12 IN</u>	<u>0 FT</u>	<u>100 FT</u>	<u>18 IN</u>
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Bentonite</u>	_____	_____ lb./gal	<u>30 ft</u>	<u>10 ft</u>
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure Pumped in with grout pumpSCREEN: ☒ Perforated pipe ☐ ManufacturedDiameter 12 IN Length 40 FEETMaterial PVCSlot Size 50 Set From 100 Feet to 140 Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

____ YES, How: _____

☒ NO, Why Not? _____

Laboratory sent to for water quality analysis

Irrigation well

Well Owner: _____

Business Name: Chicoine FarmsAddress: 508 E. ClayElk Point, SD 57025

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Heavy clay</u>	<u>0</u>	<u>36</u>
<u>Sand</u>	<u>36</u>	<u>39</u>
<u>Wet clay</u>	<u>39</u>	<u>58</u>
<u>Coal</u>	<u>58</u>	<u>59</u>
<u>Med. sand</u>	<u>59</u>	<u>78</u>
<u>Med. gravel</u>	<u>78</u>	<u>145</u>

STATIC WATER LEVEL 17'6" Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? Yes

WELL TEST DATA:

☒ PumpedDescribe: Pumped with customer's☐ BailedPermanent pump☐ Other _____

Pumping Level Below Land Surface

29 ft. After 2 Hrs. pumped 950 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate 725 GPM

REMARKS

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JAN 30 2008

WATER RESOURCES
PROGRAMThis well was drilled under license # 667

And this report is true and accurate.

Drilling firm Dakota Drilling & Backhoe, Inc.

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: _____

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 9/4, 20 08

RECEIVED OF Brad & Mike Chicoine 508 E Clay Elk Point SD 57025

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

Fee for Application for Permit No. <u>7061-3</u> to Appropriate Water, to construct and to put water to beneficial use	150	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>7061-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	300 00

No.

By

[Signature]
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 4, 2008

Mike & Brad Chicoine
508 E Clay St
Elk Point SD 57025

Dear Sirs:

Thank you for submitting the *Applications for a Permit to Appropriate Water* for irrigation. In order to complete the applications, the following is required.

- Enclosed are the application forms. Each form needs to be signed and notarized.
- On each map, please outline the acres to be irrigated and then complete Item No. 7 of the application, listing the location and acres.
- If available, please submit a well log or test hole log signed by a licensed South Dakota well driller.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7061-3, Mike and Brad 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. 7061-3, Mike and Brad Chicoine, 508 East Clay Street, Elk Point SD 57025.

The Chief Engineer is recommending APPROVAL of Application No. 7061-3 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. 7061-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump 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.

Garland Erbele, Chief Engineer
November 5, 2008

**Report on Water Permit Application No. 7061-3
for Mike and Brad Chicoine
September 24, 2008**

Application No. 7061-3 proposes to appropriate 800 gallons per minute (1.78 cfs) from one well approximately 128 feet deep located in the NE ¼ of Section 7, T90N R48W in Union County. The water is to be used to irrigate approximately 152 acres located in the NE ¼ Section 7; all in T109N R60W. The annual period during which water will be used is April 1 through October 1.

AQUIFER: Missouri Elk Point

This report will address the availability of unappropriated water from the Elk Point management unit of the Missouri aquifer.

WATER AVAILABILITY

Aquifer Characteristics:

The Missouri Elk Point is a buried outwash (sand and gravel) that is under confined conditions in the area of this application. The aquifer underlies 115,200 acres and contains an estimated 1.5 million acre feet of recoverable water in storage in Union County (Niehaus, 1994). The aquifer underlies the flood plains of the Missouri and Big Sioux Rivers in southern Union County (Niehus, 1994). Groundwater movement is basically from northwest to southeast in the area of this application (Niehus, 1994).

Observation Well Data:

The Water Rights Program monitors three observation wells, UN-87C, UN-87D and UN-87E which are located within a mile and a half of this application location. Water levels for these wells show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years due to natural discharge and to pumping. The water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2008).

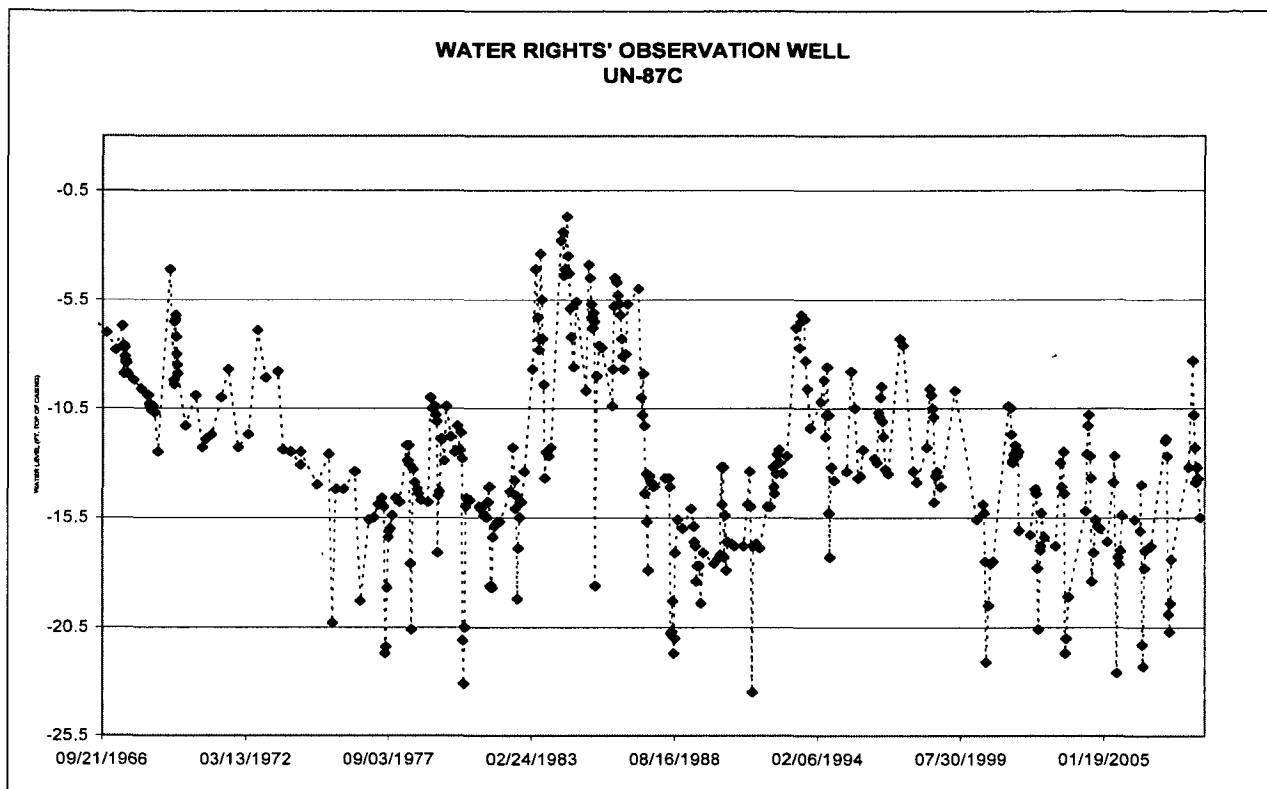


Figure 1. Hydrograph for Water Rights Observation Well completed into the Elk Point management unit within two miles of 7061-3

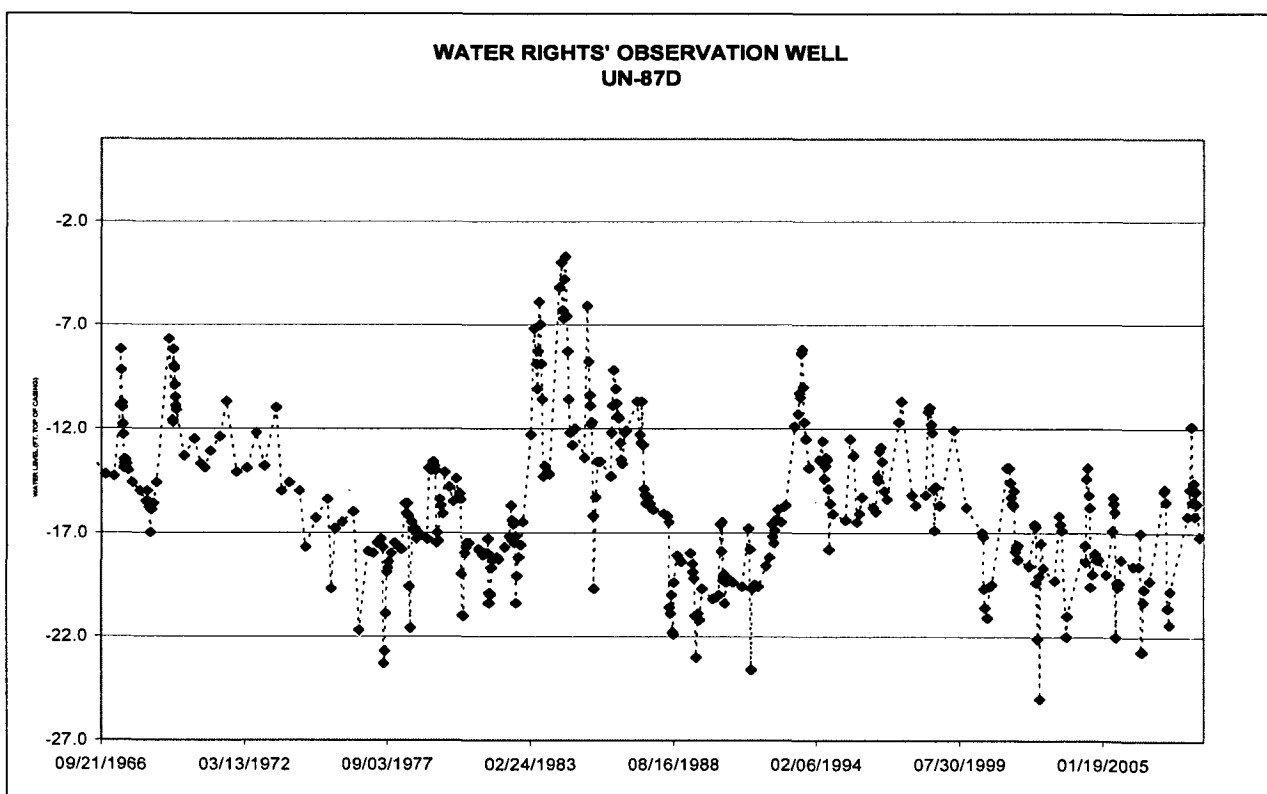


Figure 2. Hydrograph for Water Rights Observation Well completed into the Elk Point management unit within one and a half miles of 7061-3

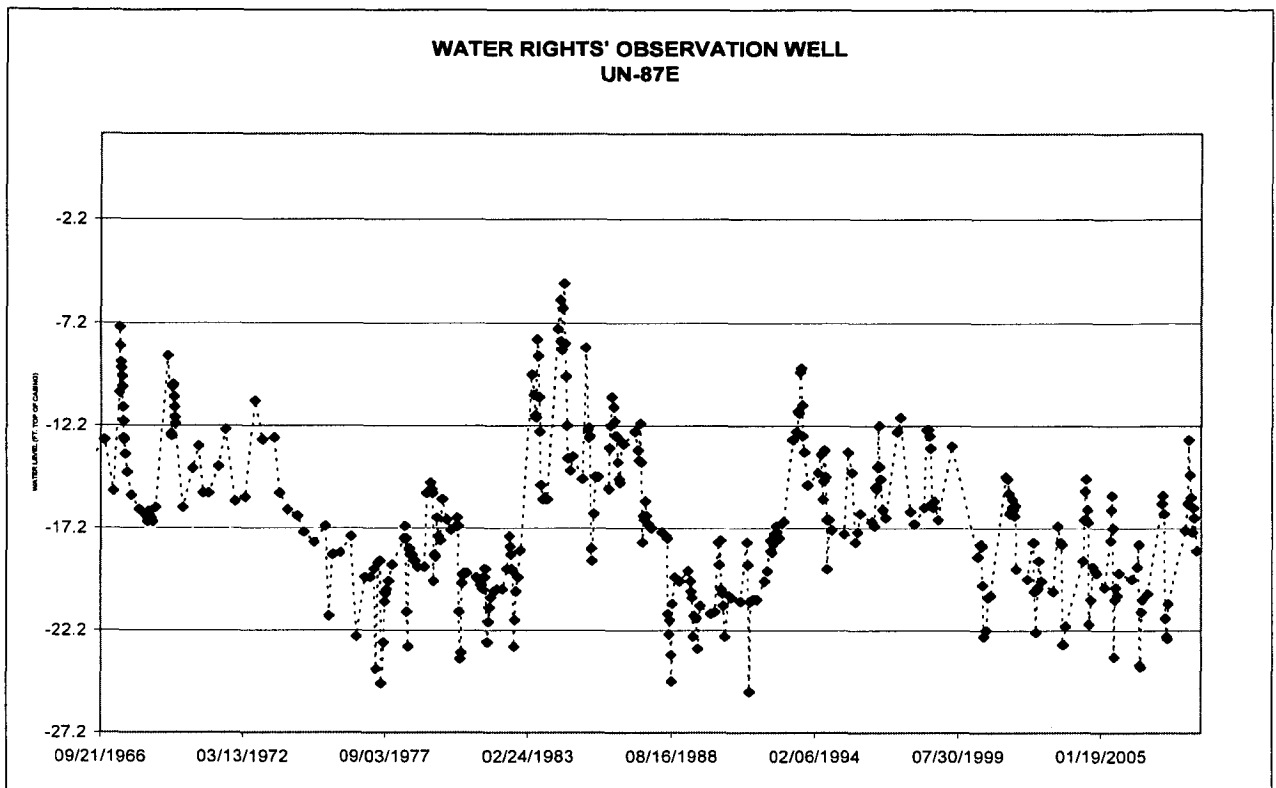


Figure 3. Hydrograph for Water Rights Observation Well completed into the Elk Point management unit within one and a half miles of 7061-3

In general, the hydrographs show that over the period of record, withdrawals have not exceeded recharge.

Review of Existing Water Permits/Rights/Water Use:

Records of irrigation use from the Missouri aquifer, which includes the Peoria management unit, the Pierre management unit, the Greenwood management unit and the Elk Point management unit date back to 1979. The Elk Point management unit typically includes the majority of irrigators; irrigators in the other management units typically total less than ten.

Table 1 shows the number of appropriations, the total amount of water appropriated, and the reported amount of water pumped for each year. The average number of appropriations is just over 301, with the average appropriation being nearly 148,000 acre-feet and the average pumpage reported at over 17,000 acre-feet.

IRRIGATION USE (ac-ft/yr)			
Year	Number of Appropriations	Appropriation (ac-ft/yr)	Pumpage Reported (ac-ft/yr)
2007	368	140746.6	31052.03
2006	355	137411.6	28874.29
2005	337	130966.6	24176.62
2004	323	127635.8	24515.85
2003	315	126059.8	27161.56
2002	316	126235.8	24105.36
2001	314	126217.4	19451.93
2000	310	125532.2	27070.99
1999	308	125225.6	14748.02
1998	313	127862.6	11127.24
1997	305	126518.2	17182
1996	296	124606.2	9412.78
1995	292	121644.25	18320.24
1994	297	123656.75	10323.94
1993	299	125656.3	1475.2
1992	296	125336.68	1881.95
1991	301	126551.68	18798.6
1990	299	128458.33	19694.5
1989	294	126847.33	25941.9
1988	283	124014.13	28756.35
1987	282	124104.33	13439.7
1986	288	125842.47	6451.6
1985	284	125068.47	13983.5
1984	283	126743.35	9194.3
1983	274	121895.73	10834.04
1982	272	123559.28	18822.35
1981	302	136318	14233
1980	267	126362	15205
1979	265	124828	10377
AVERAGE	301.31	126962.26	17124.55
MAXIMUM	368	140746.6	31052.03
MINIMUM	265	121644.25	1475.2

Table 1. Irrigation usage from the Missouri aquifer (Water Rights, 1979-2008).

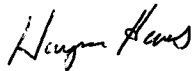
There are eighteen existing water permits/rights for irrigation located within one and a half miles of this application. Water levels do fluctuate as a result of area pumping but this does not affect the availability of water from the aquifer.

Recharge:

The Missouri aquifer is recharged from several sources. Recharge to the Missouri aquifer occurs through infiltration and subsequent percolation of precipitation in areas where the aquifer is near land surface (Niehus, 1994). Recharge to the aquifer also occurs from the Lower Vermillion-Missouri aquifer at the northern boundary and from the Big Sioux aquifer at the extreme northeastern boundary of the Missouri aquifer (Niehus, 1994). The aquifer is also recharged from the underlying Dakota aquifer and some recharge also is from the Missouri River during periods of high flow and stage (Niehus, 1994).

Conclusions:

1. Water is available from the Missouri Elk Point aquifer.
2. The aquifer is under confined conditions at this location. Drawdown will result from pumping. Interference is not expected to be a problem.
3. If the well covered by this Permit adversely impacts the domestic supplies or interferes with prior water rights, restrictions, to the extent necessary, of the capacity of the well or periods of operation or other arrangements may be required to protect these water supplies.
4. This well must be constructed in accordance with SD Well Construction Standards.



Hayes Haas
Natural Resources Engineer

Bibliography:

Niehus, C.A., 1994, Water Resources of Lincoln and Union Counties, South Dakota, USGS WRI Report 93-44195, United States Geological Survey, Rapid City, SD 57702

Water Rights, 2008, Unpublished Observation Well Records for Union County, SD DENR, Division of Water Rights, Pierre, SD, 57501

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NOV 24 2008

WATER RIGHTS
PROGRAM

Form 8

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:

Nov. 13, 2008

Nov. 20, 2008

Cost of Printing \$ 53.57

Su Odson

(Signature)

Affidavits Coordinator

(Title)

11/20/08

(Date Signed)

NOTICE OF APPLICATION NOS. 7061-3 AND 7062-3 TO APPROPRIATE WATER

Notice is given that Mike and Brad Chicoine, 508 E Clay St., Elk Point, SD 57025 have filed the following applications for a water permit.

Application No. 7061-3 proposes to appropriate 1.78 cubic feet of water per second (cfs) from one well to be completed into the Missouri: Elk Point Aquifer (approximately 128 feet deep) located in the approximate center of the NE 1/4 Section 7 to irrigate 152 acres located in the NE 1/4 Section 7; all in T90 N-R48W.

Application No. 7062-3 proposes to appropriate 1.78 cfs from one well to be completed into the Missouri: Elk Point Aquifer (approximately 140 feet deep) located in the E 1/2 SW 1/4 Section 15 to irrigate 156 acres located in the SW 1/4, W 1/2 SE 1/4 Section 15; all in T90N-R49W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 7061-3 and 7062-3 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 these applications, as recommended, unless a petition is filed opposing the applications 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 these applications. 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 December 1, 2008.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner'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 these applications.

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

Publish November 13 and 20, 2008
46-1-80



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 5, 2008

Southern Union County Leader-Courier
PO Box 310
Elk Point SD 57025

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 7061-3 & 7062-3 to Appropriate Water to be published twice. Please publish the first notice on November 13, 2008 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Mike & Brad Chicoine, 508 E Clay St., Elk Point SD 57025 (Ph # 605-356-3748).

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-----

Nos. 7061-3 & 7062-3

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

Date _____

We are in receipt of your letter of November 5, 2008 enclosing Notice to Appropriate Water by Application Nos. 7061-3 & 7062-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

November 5, 2008

Mike & Brad Chicoine
508 E Clay St
Elk Point SD 57025

Dear Mssrs. Chicoine:

Water Permit Application Nos. 7061-3 & 7062-3 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Southern Union County Leader-Courier printed at Elk Point SD (Ph #605-356-2632). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and reports on the applications are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks. The newspaper has also 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 recommendations, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

Instruction to Newspaper - Publish first Notice on November 13, 2008 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NOS. 7061-3 and 7062-3 to Appropriate Water

Notice is given that Mike and Brad Chicoine, 508 E Clay St, Elk Point SD 57025 have filed the following applications for a water permit.

Application No. 7061-3 proposes to appropriate 1.78 cubic feet of water per second (cfs) from one well to be completed into the Missouri:Elk Point Aquifer (approximately 128 feet deep) located in the approximate center of the NE $\frac{1}{4}$ Section 7 to irrigate 152 acres located in the NE $\frac{1}{4}$ Section 7; all in T90N-R48W.

Application No. 7062-3 proposes to appropriate 1.78 cfs from one well to be completed into the Missouri:Elk Point Aquifer (approximately 140 feet deep) located in the E $\frac{1}{2}$ SW $\frac{1}{4}$ Section 15 to irrigate 156 acres located in the SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 15; all in T90N-R49W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 7061-3 and 7062-3 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 these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. 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 December 1, 2008.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to these applications. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 12 2009

Mike & Brad Chicoine
508 E Clay St
Elk Point SD 57025

Dear Mssrs. Chicoine:

Enclosed are Water Permit Nos. 7061-3 & 7062-3 authorizing construction of your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Form 10's, *Notice of Completion of Works and Application of Water to Beneficial Use*, are enclosed. Please return the completed forms after you have finished the systems and have put the water to beneficial use. An investigation can then be scheduled so the water licenses may be issued, thus completing the acquisition of a water right.

An informational sheet ? *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

enclosures



7061-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 7, 2018

Brad Chicoine
1705 Arnold Palmer
Elk Point SD 57025

RE: Water Right Nos. 1208A-3 & 1208B-3; Water Permit Nos. 7061-3, 7062-3 & 7714-3

Dear Mr. Chicoine:

I am writing in follow-up to our telephone conversation concerning water permits/rights that should be transferred to you. I have included copies of them for your review.

In summary, the water rights and permits involve the following land:

- No. 1208A-3: SW ¼ Section 5, T90N, R48W
- No. 1208B-3: W ½ NW ¼ Section 8, T90N, R48W (well in Section 5)
- No. 7061-3: NE ¼ Section 7, T90N, R48W
- No. 7062-3: SW ¼ and W ½ SE ¼ Section 15, T90N, R49W
- No. 7714-3: W ½ NW ¼ Section 8, T90N, R48W (well in Section 8)

Enclosed are partially completed Notice of Transfer of Ownership forms for filing ownership changes. Upon completion, please sign and return the forms to our office with a required filing fee of \$50.00 **each** (total of \$250.00). The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please contact me.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP
RECEIVED

PAID
DEC 13 2018
Ck# 7821

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

DEC 13 2018

WATER RIGHTS
PROGRAM

No. 7061-3

Date: 12-11-18

I/We request that Water Permit No. 7061-3

formerly owned by: Mike & Brad Chicoine

be transferred to: (name & address) Brad Chicoine

1705 Arnold Palmer Lane Elk Point S.D 57025

Telephone No. 712-253-2613

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

152 acres - NE 1/4 Section 7, T90N, R49W

I/We understand that the validity of Water Permit No. 7061-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Brad Chicoine, the new owner, certify that the above information is true and correct.

Brad Chicoine

(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date December 18, 2018

RECEIVED OF Bradley Chicoine 1705 Arnold Palmer Lane 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	50	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 <u>7061-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No. **08836**

By

Jeanne Goodman
Chief Engineer
ZM

7061-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 14, 2018

Brad Chicoine
1705 Arnold Palmer Lane
Elk Point SD 57025

RE: Water Right Nos. 1208A-3 & 1208B-3; Water Permit Nos. 7061-3, 7062-3 & 7714-3

Dear Mr. Chicoine:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for changing ownership on Water Right Nos. 1208A-3 & 1208B-3; Water Permit Nos. 7061-3, 7062-3 and 7714-3.

The ownership changes have been completed. The above listed water permits and water rights are now listed in your name.

Enclosed for your records are receipts in the amounts of \$50 each which you paid for filing the ownership changes. If you have any questions, please contact me.

Sincerely,

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

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

Permit No. 7061-3

June 14, 2021

Brad Chicoine
1705 Arnold Palmer Lane
Elk Point SD 57025

Dear Mr. Chicoine:

On June 9, 2021, a staff member from the Department of Agriculture and Natural Resources (DANR) observed overspray from the irrigation system located in the NE 1/4 Section 7-T90N-R48W onto the adjacent north/south road (see attached). This irrigation system is covered by Water Permit No. 7061-3.

It is common for center pivots to have stops which are used to shut off the end gun when the pivot nears a road. Please take steps to ensure end gun stops are functioning properly so there is not direct overspray on to the road.

A water right holder is not allowed to waste water or operate an irrigation system in violation of state water law, which includes end gun overspray upon lands, including roadways, not covered by the water right. Application of water to a roadway or unauthorized lands is a waste and unreasonable use of water pursuant to SDCL 46-1-4.

If you don't believe this irrigation system is causing the overspray, or if you have any questions, please contact me at (605) 773-3352 or by email at ron.duvall@state.sd.us.

Thank you for your cooperation,

Ron Duvall
Water Rights Program, DANR

On June 9, 2021 at 8:44pm DANR Water Rights Seasonal Staff documented overspray occurring from a center pivot authorized by Water Permit No. 7061-3. Additional documentation is shown below.

Documentation Sheet

Irrigation Overspray Documentation

Date: June 9th 2021 Time: 8:44

Take a picture with your tablet; try to show road and end of pivot.

Direction facing in picture: ☒ N ☐ E ☐ W ☐ S ☐ NW ☐ SW ☐ NE ☐ SE

Location (gps from tablet): 42.628, -96.547

Location (nearest intersection & direction and distance): _____

Can also take a screenshot of your map by pressing (at the same time) power and volume up and can then attach screenshot to e-mail of picture (make sure your blue dot shows up in the correct location)

Windy: Yes ☒ No

Picture of Overspray Occurring



Map of picture/report location and area water rights/permits



**Water Rights Program
File Documentation**

NAME OF PERSON OR FILE: Brad Chicoine

DATE: June 17, 2021 TELEPHONE: 712-253-2613 (mobile)

RE: Overspray remediation

COMMENTS:

Brad Chicoine called regarding a letter warning him of an overspray violation by his irrigation system authorized under Water Permit No. 7061-3. The letter was dated June 14, 2021. Mr. Chicoine stated that he had an irrigation guy out there to install stops, but the "kid" they sent out apparently didn't. Furthermore, since that time, the "kid" has become significantly injured and Brad would not like to pressure his irrigation guy during this time. Mr. Chicoine also stated there is very, very little traffic along the road that was getting sprayed. I discussed the issue with Chief Engineer Eric Gronlund. Mr. Gronlund concluded that since he is making a good faith effort and that there are extenuating circumstances, Mr. Chicoine can irrigate. Particularly since they are experiencing drought conditions in their area and have a low traffic volume along this particular gravel road. I called Mr. Chicoine back and informed him of the Chief Engineer's decisions. Mr. Chicoine stated that he may run the system "dry" in the area that would cause overspray or run his pivot in the morning after sunrise so there is likely minimal traffic and the road has time to dry before night fall.



Adam Mathiowetz
Natural Resources Engineer
DANR-Water Rights Program