

WATER PERMIT NO. 7221-3

Name of Applicant: Mike Chicoine

Address: 508 E Clay St, Elk Point SD 57025

Phone: 605 356-3748

Amount of Water Claimed: 2.01 cfs

Total Acres: 141

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation

County: Union

Type of Waste Disposal System: NA

Location: 5 miles west of Elk Point

PRIORITY Date Received: 11-28-2010

Application/License Fee: \$1050.00

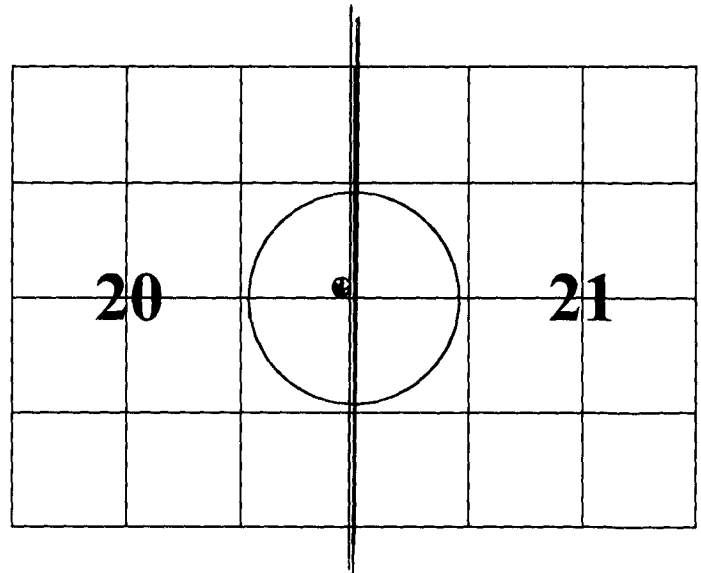
Corrected Application Received: 11-8-2010

Period of Annual Use: May 1 – October 31

Remarks:

Diversion Point: SE ¼ NE ¼ Sec 20-T91N-R50W

Land to be Irrigated: SE ¼ NE ¼, NE ¼ SE ¼, SW ¼ NW ¼, NW ¼ SW ¼ Sec 20-T91N-R50W



Depth of Well: 108 feet deep

Well Driller: Dakota Drilling & Backhoe, Inc.

Remarks:

Type of Map: aerial

Prepared by: Larry D Wilcox, Union Co FSA

Reviewed and the Number Assigned on: 11-8-2010

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>7221-3</u> (office use only) <u>10170101</u>
	Basin <u>Missouri River</u>
	Newspaper <u>Southern Union Leader Courier</u>
	<u>605-356-3626</u> <u>PO Box 310 Elk Point</u>

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OCT 28 2010
WATER RIGHTS
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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.) _____

1. Name of Applicant Mike Chicoine Phone 605-356-3748
(check one) ☒ Owner ☐ Tenant/lessee
- Mailing Address 508 E. Clay St. Elk Point State SD 57025
(Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed 2.01 *CFS or **GPM ***AF Total Acreage 141
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply Well
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
SE 1/4 NE 1/4 Sec 20 T91N R50W
County Union
5. County or counties where water will be used _____
6. Annual period during which water is to be used May 1 - Oct. 31
7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
North River (Attach sheet if more space is needed)

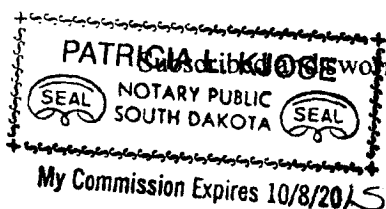
Land Description	Acres	Land Description	Acres
	<u>141</u>	<u>SE 1/4 NE 1/4 Sec 20 T91N R50W</u>	<u>35</u>
		<u>NE 1/4 SE 1/4 Sec 20 T91N R50W</u>	<u>35</u>
		<u>SW 1/4 NW 1/4 Sec 21 T91N R50W</u>	<u>35</u>
		<u>NW 1/4 SW 1/4 Sec 21 T91N R50W</u>	<u>36</u>

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, Mike 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 Mike Chicoine
Notary Public signature Patricia K. Jose

North Pivot

S 1/2	NE NW	20-91-50
S 1/2	NE NE	20-91-50
S 1/2	SW SW	20-91-50
S 1/2	SW SE	20-91-50

middle pivot

S 1/2	SE NW	20-91-50
S 1/2	SE NE	20-91-50
N 1/2	NE NW	29-91-50
N 1/2	NE NE	29-91-50

South pivot

S 1/2	SE NW	29-91-50
S 1/2	SE NE	29-91-50
S 1/2	SW SW	29-91-50
S 1/2	SW SE	29-91-50

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\$1050. per well

3150. ⁴⁰ Total 3 wells

**SOUTH DAKOTA
WATER PERMIT NO. 7221-3**

Date of first receipt of application October 28, 2010.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7221-3 to Mike 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. 7221-3 appropriates 2.01 cubic feet of water per second from one well completed into the Missouri:Elk Point Aquifer (108 feet deep) located in SE 1/4 NE 1/4 Section 20 for irrigation of 141 acres located in the SE 1/4 NE 1/4, NE 1/4 SE 1/4 Section 20, SW 1/4 NW 1/4, NW 1/4 SW 1/4 Section 21; all in T91N-R50W.
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- October 31.
3. The date from which applicant may claim right is October 28, 2010.
4. The date of approval of Permit No. 7221-3 is January 3, 2011.
5. One-fifth of the construction is to be completed on or before July 3, 2013.
6. All construction is to be completed on or before January 3, 2016.
7. Water is to be put to beneficial use on or before January 3, 2020.
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 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

FEB 10 2011

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 22" Depth 108'
- b) Casing Type SCH 40 PVC Diameter 16" Thickness _____
- c) Screen Type PVC Diameter 16" Thickness _____
- d) Gravel Pack Per Gravel Length of Gravel Pack 76'
- e) Depth to Top of Water Bearing Material 95'
- f) Depth to Water (ground surface to water level) 19'
- g) Distance to nearest existing domestic well:
- On applicants property NONE 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 _____

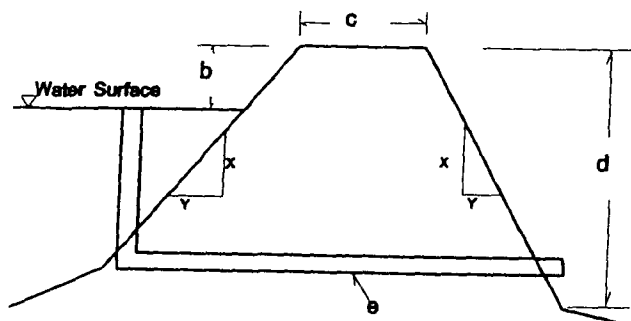
3. Dugout Information

- 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

Union County FSA - Elk Point SD

Larry D. Wilcox
Larry D. Wilcox, CED

Union County FSA - Elk Point SD

Larry D. Wilcox
Larry D. Wilcox, CED

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● Approximate well locations



SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

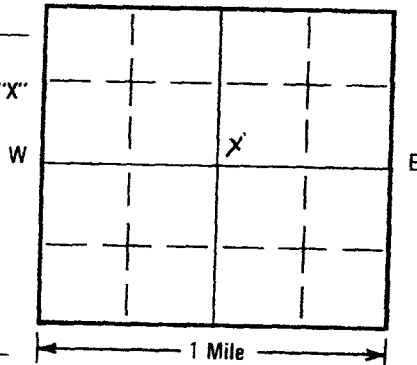
Location SW 1/4 NE 1/4 Sec 21 Twp 91N Rg 50W

County

Union

North

Please mark well location with an "X"



Well Completion Date

2-17-09

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 750 ft. from _____ (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Mud Rotary

CASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>5CH 40 LB/FT</u>	<u>16 IN</u>	<u>0 FT</u>	<u>107 FT</u>	<u>22 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>Concrete</u>	_____	_____ lb./gal	<u>30 ft</u>	<u>64 ft</u>
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure Pumped in w/pump

SCREEN: ☒ Perforated pipe ☐ Manufactured

Diameter 16 IN Length 20 FEET

Material PVC

Slot Size 80 Set From 87 Feet to 107 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: _____

Laboratory sent to for water quality analysis

X NO, Why Not? _____

irrigation

Well Owner: Mike Chicoine

Business Name: _____

Address: 508 E. Clay
Elk Point, SD 57025

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Heavy clay</u>	<u>0</u>	<u>2</u>
<u>Silt</u>	<u>2</u>	<u>45</u>
<u>Dark clay</u>	<u>45</u>	<u>76</u>
<u>Clay w/gravel streaks</u>	<u>76</u>	<u>90</u>
<u>Gravel w/rocks</u>	<u>90</u>	<u>95</u>
<u>Med. gravel</u>	<u>95</u>	<u>108</u>

STATIC WATER LEVEL 19 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? _____

WELL TEST DATA:

- ☐ Pumped Describe: Not completed to date
☐ Bailed _____
☐ Other _____

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

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This well was drilled under license # 667

And this report is true and accurate.

Drilling firm Dakota Drilling & Backhoe, Inc.

Signature of License Representative:

James E. Walker

Signature of Well Owner or Equitable Property Holder:

Date: _____

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 10/28, 2010

RECEIVED OF Michael Chiccone 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>7221-3</u> to Appropriate Water, to construct and to put water to beneficial use	850	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>7221-3</u>	200	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	1050 00

No. 04655

By Harold Estelle
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 28, 2010

Mike Chicoine
508 E Clay
Elk Point SD 57025

Dear Mr. Chicoine:

Well driller's reports recently filed by Dakota Drilling & Backhoe, Inc. indicate they completed three new wells for you in 2009. The reports state the wells are located in E ½ Section 21-T91N-R50W and will be used for irrigation.

A review of our files indicates that Water Right No. 6180-3 issued to Ray Farms is located in the E ½ Section 21-T91N-R50W. Are the well location incorrectly identified on the reports and if so what are the correct locations? Are these wells covered under existing permits? Once the well locations are clarified we can then determine what action, if any, is necessary.

If you have any questions, please contact Eric Gronlund or me at 605 773-3352.

Sincerely,

Karen Schlaak
Water Rights Program
karen.schlaak@state.sd.us



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 29, 2010

Mike Chicoine
508 E. Clay Street
Elk Point SD 57025

Dear Mr. Chicoine:

The Water Rights Program received the four applications you submitted to appropriate water for irrigation. We have questions regarding the legal descriptions on the three applications west of Elk Point.

Two of the applications have all the acreage to be irrigated in Section 20 and the third application indicates all the acreage is in Section 29. The actual pivot locations appear to straddle the north-south line Sections 20, 21, 28 and 29.

I have enclosed the FSA 2008 aerial map with the well and pivot locations from your submitted map transposed on to it. Also attached are the well locations and acreage breakdown by quarter-quarter section for each pivot. Please review and let us know if you concur.

Using the computer mapping function to determine the acreage of each center pivot, it appears that 141 acres is generous for the area to be irrigated. Each of these appears to be a 132 to 136 acre pivot. However, it is fine to request this larger size but be aware that if less than 141 acres is developed the water right will ultimately be limited to the number of acres that are developed.

Please let me know if you concur with the breakdown of acres on the attached sheets and feel free to contact me if you have any questions.

Sincerely,

COPY

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

enclosures

Mike Chicoine's Water Permit Applications

North Pivot

Well location – SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 20, T91N, R50W

Acreage Estimate: Total 141 acres

All in T91N, R50W

SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 20	35 acres	SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 21	35 acres
NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 20	35 acres	NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 21	36 acres

Middle Pivot

Well location – SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 20, T91N, R50W

Acreage Estimate: Total 141 acres

All in T91N, R50W

SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 20	36 acres	SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 21	32 acres
NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 20	3 acres	NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 21	3 acres
NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 29	35 acres	NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 28	32 acres

South Pivot

Well location – SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 29, T91N, R50W

Acreage Estimate: Total 141 acres

All in T91N, R50W

NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 29	5 acres	NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 28	5 acres
SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 29	40 acres	SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 28	40 acres
NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 29	26 acres	NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 28	25 acres

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Mike Chicoine's WP Applications

ADDRESS: COUNTY: Union

DATE: November 8, 2010 TELEPHONE 712 898-9173

RE: Phone call with Mr. Chicoine regarding his application

Mr. Chicoine called regarding my October 29th letter. He had taken the map and acreage breakdown to his local FSA office that they concur with the legal description I provided.

It appears that some of the lands may be accretion land or actual legal description be in Section 7, T31N, R6E under the Nebraska survey designation. I have emailed the Union County Register of Deeds and will await a response.

North Pivot

Well location – SE ¼ NE ¼ Section 20, T91N, R50W

Acreage Estimate: Total 141 acres

All in T91N, R50W

SE ¼ NE ¼ Sec. 20	35 acres	SW ¼ NW ¼ Sec. 21	35 acres
NE ¼ SE ¼ Sec. 20	35 acres	NW ¼ SW ¼ Sec. 21	36 acres

continued

Middle Pivot

Well location – SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 20, T91N, R50W

Acreage Estimate: Total 141 acres

All in T91N, R50W

SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 20	36 acres	SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 21	32 acres
NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 20	3 acres	NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 21	3 acres
NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 29	35 acres	NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 28	32 acres

South Pivot

Well location – SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 29, T91N, R50W

Acreage Estimate: Total 141 acres

All in T91N, R50W

NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 29	5 acres	NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 28	5 acres
SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 29	40 acres	SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 28	40 acres
NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 29	26 acres	NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 28	25 acres

NAME: Eve Hankins

Gronlund, Eric

From: Jana Foltz [ucrod@iw.net]
Sent: Monday, November 08, 2010 12:19 PM
To: Gronlund, Eric
Subject: Re: Legal description assistance for pending water permit applications for Mike Chicoine
I hope this may help you.

Jana Foltz, Union County Register of Deeds

----- Original Message -----

From: Eric.Gronlund@state.sd.us
To: ucrod@iw.net
Sent: Monday, November 08, 2010 11:19 AM
Subject: Legal description assistance for pending water permit applications for Mike Chicoine

The Department of Environment and Natural Resources is requesting assistance in legal descriptions on the deed for lands to be irrigated in Union County west of Elk Point. Mr. Mike Chicoine has filed applications for land very near the Missouri River. Normal South Dakota survey designation would have the land described in portions of the Sections 20, 21, 28 and 29 of T91N, R50W. The attached map (hopefully it's not too large of file) shows the outline of the pivot locations and the standard quarter-quarter lines. However, due to the proximity to the river, some of it may be accretion lands and the actual legal description for the southern most pivot and the south half of the middle pivot may listed on the deed as being in Section 7, T31N, R6E (Nebraska survey). Any help the Union County Register of Deeds can provide is appreciated.

DENR wants to make sure that when the applications are public noticed, the proper legal descriptions are used. Thanks.

Eric Gronlund
Water Rights Program, DENR
Phone: (605) 773-3352
Fax: (605) 773-4068
Email: eric.gronlund@state.sd.us
Web: www.denr.sd.gov

DATE 4/06/2010 9:06			UNION COUNTY REAL ESTATE MASTER FILE EDIT				FILE YEAR 2010 PAGE 330		
PARCEL NUMBER	NAME / ADDRESS	CLASS	ASSESSED VALUE	LOCAL BOARD	COUNTY BOARD	STATE EQUALIZED VALUE	EXEMPT F2N BASE	ACRES	UNITS
15.00.20.5000 15617E DEED 61-7	CHICOINE, MICHAEL 508 E CLAY ST ELK POINT SD 57025	AGA 20-91-50 SE1/4NE1/4 SOIL SURVEY	75,927	75,927	75,927	75,927		40.22	
15.00.20.5010 15617E DEED 61-7	CHICOINE, MICHAEL 508 E CLAY ST ELK POINT SD 57025	AGA 20-91-50 SE1/4NE1/4 SOIL SURVEY	75,927	75,927	75,927	75,927		40.22	
15.00.20.8000 15617E DEED 61-7	CHICOINE, MICHAEL 508 E CLAY ST ELK POINT SD 57025	AGA 20-91-50 SE1/4NE1/4 SOIL SURVEY	75,927	75,927	75,927	75,927		40.22	
15.00.21.6000 15617E DEED 61-7	CHICOINE, MICHAEL 508 E CLAY ST ELK POINT SD 57025	AGA 21-91-50 SW1/4NW1/4 KNOWN AS LOT 4 SOIL SURVEY	71,279	71,279	71,279	71,279		40.00	
15.00.21.7000 15617E DEED 61-7	CHICOINE, MICHAEL 508 E CLAY ST ELK POINT SD 57025	AGA 21-91-50 SW1/4NW1/4 KNOWN AS LOT 4 SOIL SURVEY	71,279	71,279	71,279	71,279		40.00	
15.00.28.6000 15617E DEED 61-7	CHICOINE, MICHAEL 508 E CLAY ST ELK POINT SD 57025	AGA 28-91-50 W1/2NW1/4 & W1/2SW1/4 SOIL SURVEY	219,200	219,200	219,200	219,200		160.00	
15.00.29.5000 15617E DEED 61-7	CHICOINE, MICHAEL 508 E CLAY ST ELK POINT SD 57025	AGA 29-91-50 E1/2NE1/4 & E1/2SE1/4 SOIL SURVEY	236,159	236,159	236,159	236,159		160.57	

20-91-50 N1/2NE1/4 SOIL SURVEY
BUILT IN 1938; 1,216 SQ FT; ONE STORY; WALL FURNACE; SIDING; 8 FTX;
COMP SHINGLE; 448 SQ FT BASEMENT; 128 SQ FT KNEE WALL ENC PORCH; BARN;
THREE SHEDS; ONE 9,000 BUSHEL BIN; TWO 6,000 BUSHEL BINS
BP# 161 - BIN



**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. 7221-3, 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. 7221-3, Mike and Brad Chicoine, 508 E Clay Street, Elk Point SD 57025.

The Chief Engineer is recommending APPROVAL of Application No. 7221-3 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 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
December 3, 2010

**Report on Water Permit Application No. 7221-3, No. 7222-3, No. 7223-3
for Mike Chicoine
November 12, 2010**

Application No. 7221-3 proposes to appropriate 800 gallons per minute (2.01 cfs) from one well approximately 108 feet deep located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 20, T91N R50W in Union County. The water is to be used to irrigate approximately 141 acres located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 20, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 21; all in T91N R50W.

Application No. 7222-3 proposes to appropriate 800 gallons per minute (2.01 cfs) from one well approximately 132 feet deep located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20, T91N R50W in Union County. The water is to be used to irrigate approximately 141 acres located in the E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 20, NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 29, W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 21, and NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 28; all in T91N R50W.

Application No. 7223-3 proposes to appropriate 800 gallons per minute (2.01 cfs) from one well approximately 142 feet deep located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29, T90N R49W in Union County. The water is to be used to irrigate approximately 141 acres located in the E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29, W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 28; all in T91N R50W.

The annual period during which water will be used is May 1 through October 31.

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 water table 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 (Niehus, 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).

Well completion reports have been submitted with this application. The wells appear to be completed according to South Dakota Well Completion Standards.

Observation Well Data:

The Water Rights Program monitors an observation well, UN-77L, located within three miles of the application location for 7222-3, which is located in the middle of the permit locations on a north-south line. 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, 2010). A hydrograph for this observation well is included with this report.

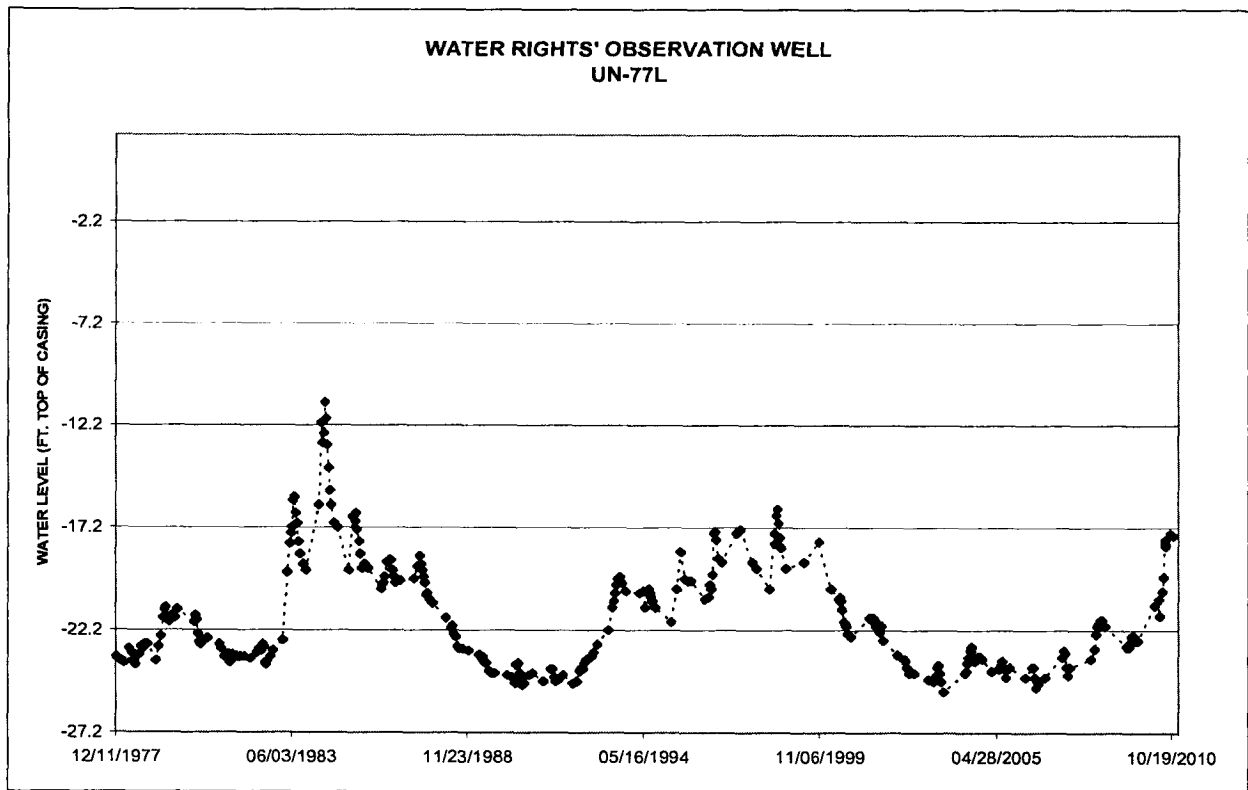


Figure 1. Hydrograph for Water Rights Observation Well UN-77L, completed into the Elk Point management unit of the Missouri Aquifer within one and a half miles of 7222-3

In general, the hydrograph shows 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 each year. The average number of appropriations is just over 304, with the average appropriation being nearly 128,000 acre-feet and the average pumpage reported at over 17,000 acre-feet.

IRRIGATION USE (ac-ft/yr) M:EP			
Year	Number of Appropriations	Appropriation (ac-ft/yr)	Pumpage Reported (ac-ft/yr)
2008	396	151130.4	16261.88
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	304.47	127767.86	17095.79
MAXIMUM	396	151130.4	31052.03
MINIMUM	265	121644.25	1475.2

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

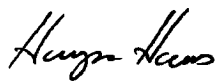
There are six existing water permits/rights for irrigation located within one mile of this application and many more in the surrounding area. Water levels do fluctuate as a result of area pumping but this does not affect the availability of water from the aquifer.

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 Elk Point management unit of the Missouri aquifer.
2. The aquifer is under water table conditions at this location. Drawdown will result from pumping. Interference is not expected to be a problem.
3. If the wells covered by these Permits deplete the domestic supplies or interfere with prior water rights, restrictions or other arrangements may be required to protect these water supplies.
4. These wells appear to 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, 2010, Unpublished Observation Well Records for Union County, SD DENR, Division of Water Rights, Pierre, SD, 57501

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
 County of Union)

I, Susan Odson

certify that the attached printed Notice was taken

from the Southern Union County

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:

December 16, 2010

December 23, 2010

Cost of Printing \$61.60


 (Signature)

Affidavits Coordinator
 (Title)

December 23, 2010

(Date Signed)

NOTICE OF APPLICATION NOS. 7221-3, 7222-3, 7223-3 TO APPROPRIATE WATER

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

Application No. 7221-3 proposes to appropriate 2.01 cubic feet of water per second (cfs) from one well completed into the Missouri:Elk Point Aquifer (108 feet deep) located in SE 1/4 NE 1/4 Section 20 for irrigation of 141 acres located in the SE 1/4 NE 1/4, NE 1/4 SE 1/4 Section 20, SW 1/4 NW 1/4, NW 1/4 SW 1/4 Section 21; all in T91N-R50W.

Application No. 7222-3 proposes to appropriate 2.01 cfs from one well completed into the Missouri:Elk Point Aquifer (132 feet deep) located in the SE 1/4 SE 1/4 Section 20 to irrigate 141 acres located in the E 1/2 SE 1/4 Section 20, NE 1/4 NE 1/4 Section 29, W 1/2 SW 1/4 Section 21 and NW 1/4 NW 1/4 Section 28; all in T91N-R50W.

Application No. 7223-3 proposes to appropriate 2.01 cfs from one well completed into the Missouri:Elk Point Aquifer (142 feet deep) located in the SE 1/4 NE 1/4 Section 29 to irrigate 141 acres located in the E 1/2 NE 1/4, NE 1/4 SE 1/4 Section 29; W 1/2 NW 1/4, NW 1/4 SW 1/4 Section 28; all in T91N-R50W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 7221-3, 7222-3 & 7223-2 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 recommendations. 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 January 3, 2011.

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. Publish December 16 and 23, 2010. Published twice at the total approximate cost of \$61.60 50-9-92

RECEIVED

DEC 27 2010

WATER RIGHTS
 PROGRAM



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 7, 2010

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

ATTENTION: Legal Public Notice

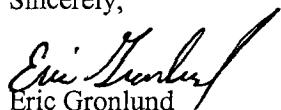
Enclosed is a Notice on Application Nos. 7221-3, 7222-3 & 7223-3 to Appropriate Water to be published twice. Please publish the first notice on December 16, 2010 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 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. 7221-3 7222-3, 7223-2

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

Date _____

We are in receipt of your letter of December 7, 2010 enclosing Notice to Appropriate Water by Application Nos. 7221-3 7222-3 & 7223-2 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.

December 7, 2010

Mike Chicoine
508 E Clay St
Elk Point SD 57025

Dear Mr. Chicoine:

Water Permit Application Nos. 7221-3, 7222-3 & 7223-2 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 Co. Leader-Courier printed at Elk Point SD (Ph # 605-356-3626). 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 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 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
eric.gronlund@state.sd.us

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 applications.

Instruction to Newspaper - Publish first Notice on December 16, 2010 with the second publication 7 days later. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NOS. 7221-3, 7222-3, 7223-3 to Appropriate Water

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

Application No. 7221-3 proposes to appropriate 2.01 cubic feet of water per second (cfs) from one well completed into the Missouri:Elk Point Aquifer (108 feet deep) located in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 20 for irrigation of 141 acres located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 20, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 21; all in T91N-R50W.

Application No. 7222-3 proposes to appropriate 2.01 cfs from one well completed into the Missouri:Elk Point Aquifer (132 feet deep) located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 20 to irrigate 141 acres located in the E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 20, NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 29, W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 21 and NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 28; all in T91N-R50W.

Application No. 7223-3 proposes to appropriate 2.01 cfs from one well completed into the Missouri:Elk Point Aquifer (142 feet deep) located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 29 to irrigate 141 acres located in the E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29; W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 28; all in T91N-R50W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 7221-3, 7222-3 & 7223-2 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 recommendations. 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 January 3, 2011.

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.

Published twice at the total approximate cost of _____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

FEB 10 2011

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

Dear Mssrs. Chicoine:

Enclosed are Water Permit Nos. 7218-3, 7221-3, 7222-3 & 7223-3 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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

October 20, 2025

*8474-3,*8475-3,*8476-3,*1096-3
*2620-3,*2621-3,*3451A-3,*4558-3
*6557-3,*7218-3,*7221-3,*7222-3
*7223-3,*7711-3,*7713-3

Michael Chicoine
32427 472nd Ave
Elk Point SD 57025

Dear Mr. Chicoine:

Enclosed is a "Notice" dated October 8, 2025, concerning the 2025 Irrigation Questionnaires.

The notice was originally mailed to you at 32926 482nd Ave, Jefferson SD 570383. The post office notified our office that your address has changed, and your records have been updated accordingly.

This is a time sensitive matter. Please complete and return the enclosed questionnaire or submit your report online at <https://danr.sd.gov/iq/> using this password **GSPMVA**.

If this change of address is in-correct, please contact our office immediately to update your contact information.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

enclosures

CHIC926 570382006-1425
RETURN TO SENDER
CHICOINE, MICHAEL JAMES
32427 472ND AVE
ELK POINT SD 57025-6712
RETURN TO SENDER

10/14/25

