

WATER PERMIT NO. 7606-3

Name of Applicant: Mark E and Joseph F Chicoine

Address: 32080 477th Ave, Elk Point SD 57025 Phone: 605 356-3567

Amount of Water Claimed: no add'l Total Acres: 78.8 acres

Source of Water Supply: groundwater (one existing well)

Water to be used for: irrigation County: Union

Type of Waste Disposal System:

Location: 4 miles northeast of Elk Point

PRIORITY Date Received: 12-31-12 Application/License Fee: \$ 950

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

Remarks: add'l acres to Water Right No. 6155-3

Diversion Point: Sw 1/4 NW 1/4 Sect 33-T92N-
R49W

Land to be Irrigated: W 1/2 NE 1/4 (Lot A), SE
1/4 NE 1/4 Sec 32 and S 1/2 NW 1/4 Sec 33; all in
T92N-R49W

Depth of Well: 108 feet deep

Well Driller: Wetmore Drilling

Remarks:

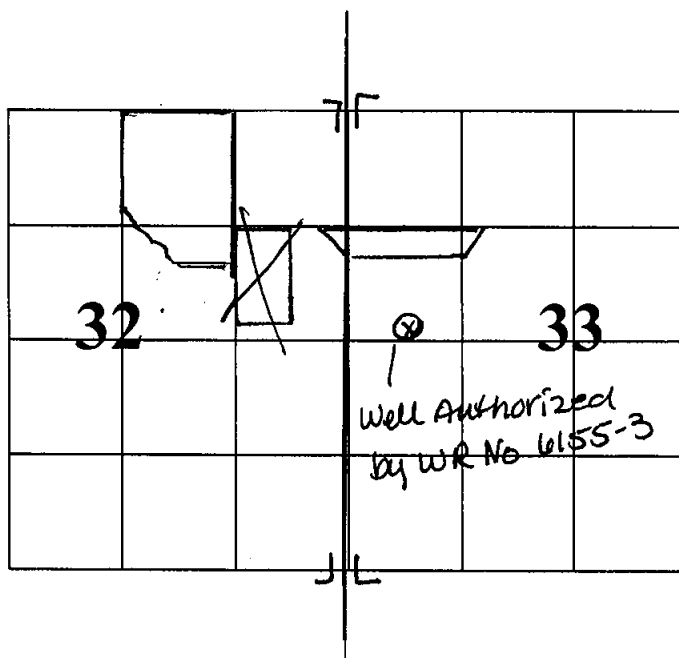
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 1-3-13

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



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

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>7606-3</u> (office use only) Hydrologic Unit <u>10170203</u>
	Basin <u>Sioux River</u> <u>605-356-2632</u>
	Newspaper <u>Leader-Courier Box 310 Elk Point 57025</u>
	<u>Press & Democrat 319 Walnut Yankton 57026</u>

RECEIVED
DEC 31 2012
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 6155-3
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)
adding additional acres to permit 6155-3 using same well

1. Name to Appear on Irrigation Permit Mark E. Chicoine and Joseph F. Chicoine
(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent

Mailing Address 32080 477 Ave Elk Point SD 57025
(Address) (City) (State) (Zip Code)

Home Phone 605-356-3567 Cell 712-898-2273 Email m.chicoine@longlines.com

2. Amount of water claimed no add *CFS or **GPM ***AF Total Acreage additional 78.8
(*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply groundwater (well in Missouri - Elk Point Aquifer)

4. Location of point of diversion 1980' west of the center of sec 33 T2N R49W (SW 1/4 NW 1/4)
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Union

5. County or counties where water will be used Union

6. Annual period during which water is to be used May 1 - September 30

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>56.6 A Lot A W 1/2 NE 1/4 Sec 32 92N-49W</u>	<u>53.8</u>		
<u>SW 1/4 NW 1/4 Sec 33 92N-49W</u>	<u>20.</u>		
<u>SE 1/4 NE 1/4 Sec 32 92N-49W</u>	<u>3</u>		
<u>SE 1/4 NW 1/4 Sec 33 92N-49W</u>	<u>2</u>		

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

Adding 53.8 acres west of land covered by permit 6155-3 these are to be irrigated by center pivot, also Joseph purchased the north half of SW 1/4 NW 1/4 of sec 33 92-49 these also need to be included. will be using existing well at same g.p.m.

I, Mark E. Chicoine, the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true.

SOUTH DAKOTA
WATER PERMIT NO. 7606-3

Date of first receipt of application December 31, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7606-3 to Mark E and Joseph F Chicoine, 32080 477 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. 7606-3 authorizes irrigation of 78.8 new acres. Water Right No. 6155-3 appropriates 2.23 cubic feet of water per second from one well (Missouri:Elk Point Aquifer) located in the SW 1/4 NW 1/4 Section 33 for irrigation of 163 acres located in the S 1/2 NW 1/4, NW 1/4 SW 1/4, Lot 4, SW 1/4 SW 1/4 Section 33 and SE 1/4 NE 1/4, NE 1/4 SE 1/4 Section 32; all in T92N-R49W. This permit authorizes irrigation of 78.8 additional acres located in the S 1/2 NW 1/4 Section 33 and SE 1/4 NE 1/4, Lot A (W 1/2 NE 1/4) Section 32-T92N-R49W from the existing well. This permit does not authorize any increase in the developed diversion rate.
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 December 31, 2012.
4. The date of approval of Permit No. 7606-3 is March 18, 2013.
5. One-fifth of the construction is to be completed on or before September 18, 2015.
6. All construction is to be completed on or before March 18, 2018.
7. Water is to be put to beneficial use on or before March 18, 2022.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

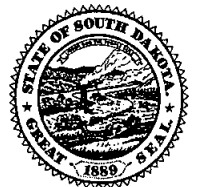
WATER MANAGEMENT BOARD

By: 

Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

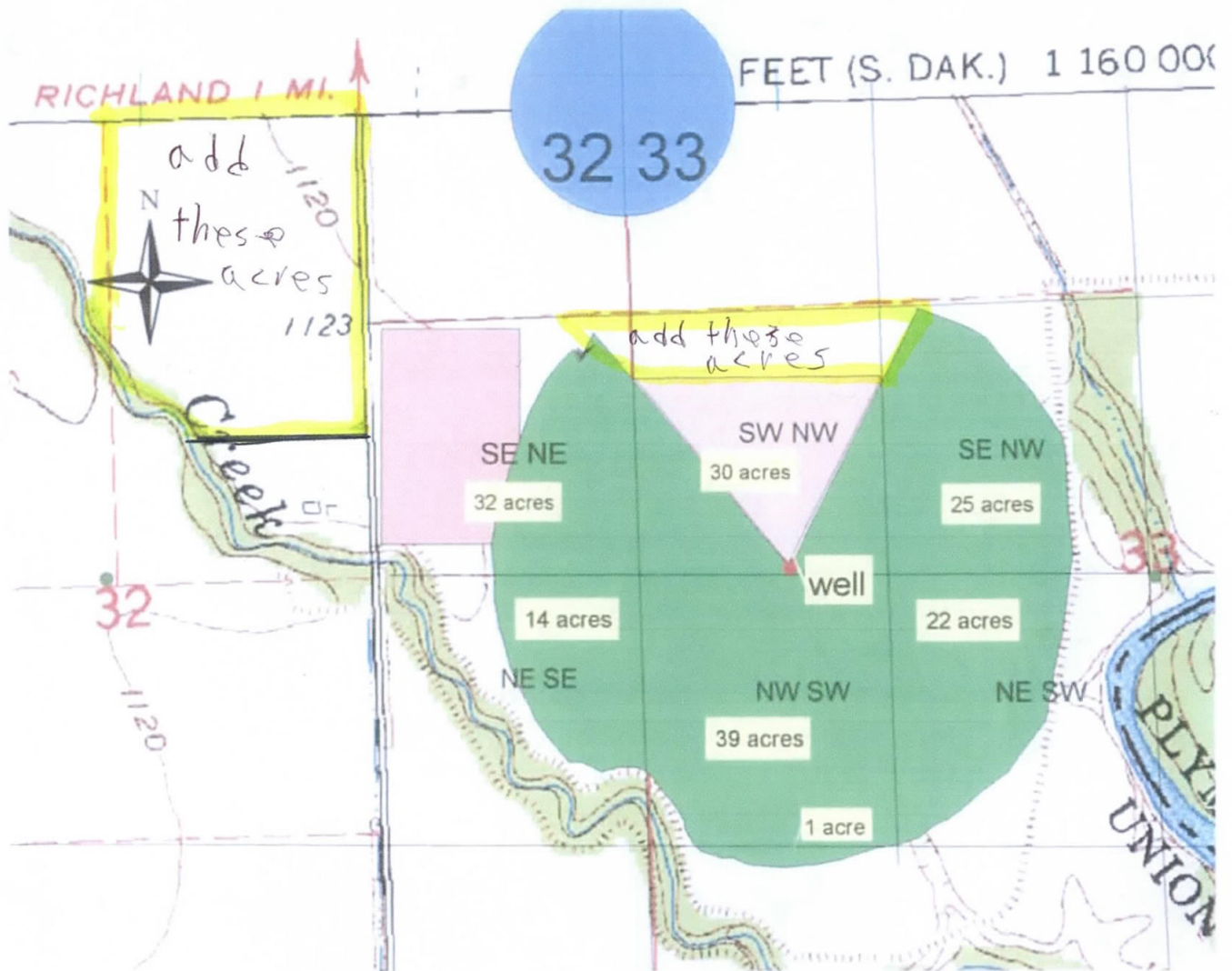
APR 26 2013

date



6155-3

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

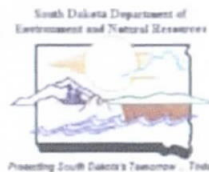


center pivot



gated pipe

well location - approximately 1,980 feet west of the Center of Section 33, T92N, R49W



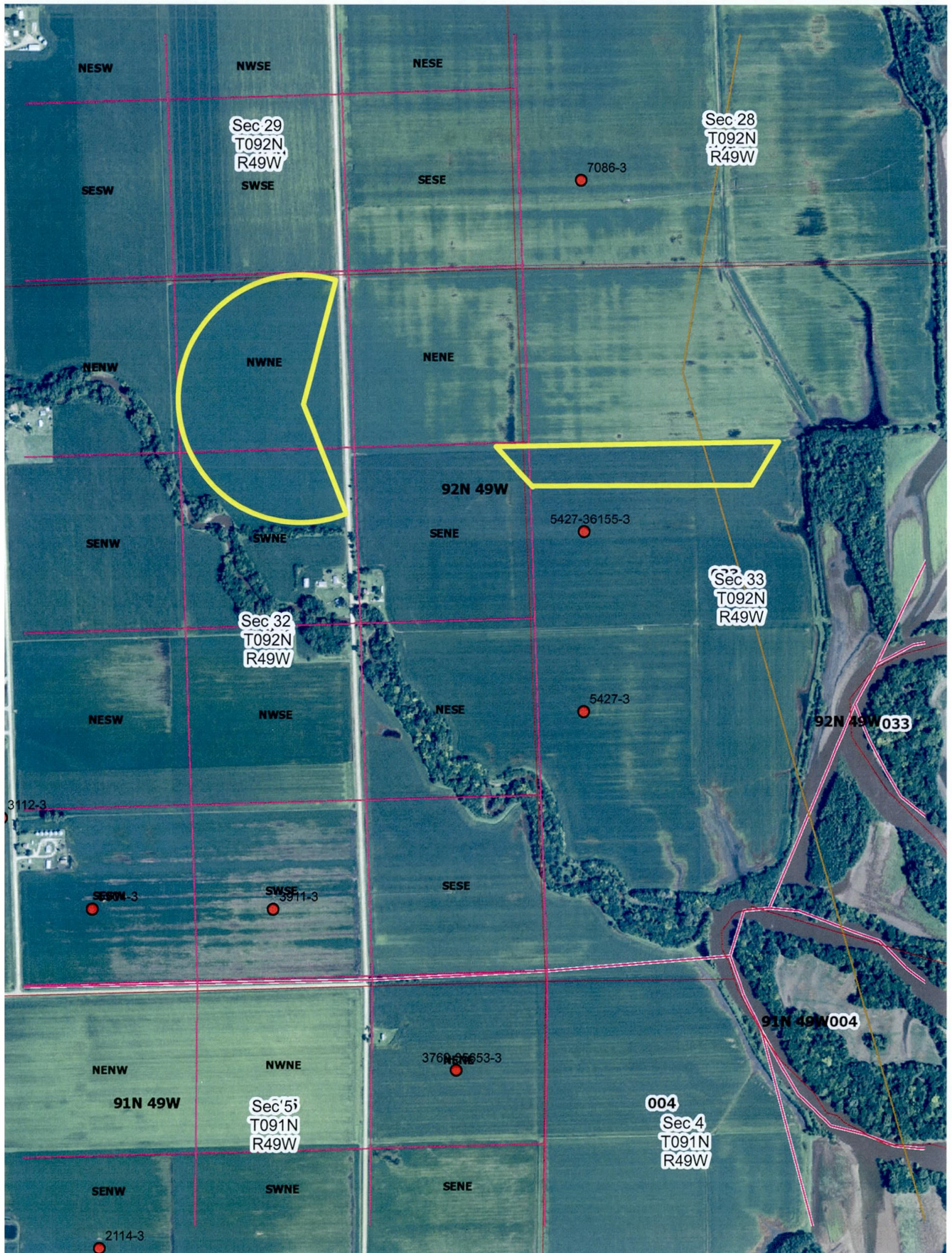
Eric Gronlund

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



To see all the details that are visible on the screen, use the "Print" link next to the map.





RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/4, 20 13

RECEIVED OF Mark E Chicoine 32120 477th Ave Elk Point SD 57025

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

Fee for Application for Permit No. <u>7606-3</u> to Appropriate Water, to construct and to put water to beneficial use	750	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>7606-3</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	950 00

No. **05853**

By

[Signature]
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7606-3, Mark E 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. 7606-3, Mark E and Joseph F Chicoine, 32080 477th Avenue, Elk Point SD 57025.

The Chief Engineer is recommending APPROVAL of Application No. 7606-3 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.

See report on application for additional information.

Garland Erbele, Chief Engineer
February 21, 2013

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 7606-3
MARK E CHICOINE & JOSEPH F CHICOINE
February 13, 2013

Water Permit Application No. 7606-3 proposes to appropriate up to 157.6 additional acre-feet annually (ac-ft/yr) from an existing well completed into the Elk Point management unit of the Missouri aquifer authorized under Water Right No. 6155-3, which authorizes up to 2.23 cubic feet of water per second (cfs). The well is 108 feet deep and is located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, T92N-R49W for irrigation of 163 acres located in the S $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Lot 4 (NE $\frac{1}{4}$ SW $\frac{1}{4}$), SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 33 and SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, all in T92N-R49W. This application proposes to irrigate 78.8 additional acres located in the S $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 33 and SE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ (Lot A) of Section 32, all in T92N-R49W from the existing well in Union County. This application, if approved, does not authorize any increase in the developed diversion rate.

AQUIFER: Elk Point management unit of the Missouri aquifer (M: EP)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The Elk Point management unit of the Missouri aquifer is a surficial aquifer composed of unconsolidated glacial outwash material ranging from fine sand to coarse gravel (Niehus, 1994). The aquifer generally lies below the flood plains of the Missouri and Big Sioux Rivers in the southern part of Union County (Niehus, 1994). The existing well site is approximately one half mile west of the Big Sioux River. The aquifer directly overlies and is hydraulically connected to the Dakota aquifer, and is hydraulically connected to the Big Sioux aquifer in the northeast and the Lower Vermillion-Missouri aquifer in the north (Niehus, 1994). The aquifer is primarily unconfined in Union County, but is confined in the area of this application. The Elk Point management unit of the Missouri aquifer encompasses regions of Clay, Union, and Yankton Counties. The Missouri: Elk Point aquifer underlies approximately 99,600 acres of Union County alone and contains an estimated 1,494,600 acre-feet of recoverable water in storage in the county (Hedges and others, 1982). Niehus estimated that the aquifer underlies approximately 115,200 acres of Union County and contains an estimated 1.5 million acre-feet of water in storage (1994). The maximum thickness of the Missouri aquifer is 146 feet with an average thickness of 84 feet (Niehus, 1994). The well completion report submitted with the application shows a saturated thickness of approximately 85 feet plus eight feet of artesian head pressure in May, 1996.

SDCL 46-2A-9

In accordance with SDCL 46-2A-9, a permit may be issued to appropriate water only if there is reasonable probability that there is unappropriated water available for the applicant's proposed use, that the proposed diversion can be developed without unlawful impairment of existing rights and that the proposed use is a beneficial use and in the public interest. This report will review the availability of unappropriated water and existing rights within the Missouri: Elk Point aquifer.

WATER AVAILABILITY:

This application proposes to appropriate an additional 157.6 ac-ft/yr from the Missouri: Elk Point aquifer. If this application is approved, it is likely that the actual water use will be less than the appropriated amount. The probability of unappropriated water available from the aquifer can be evaluated using SDCL 46-6-3.1 which requires “No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source.”

Recharge versus Discharge:

Recharge:

Recharge to the Missouri: Elk Point aquifer occurs through infiltration and percolation of precipitation falling in areas where the aquifer is near land surface (Niehus, 1994). Recharge is also provided to the aquifer from the Big Sioux, Lower Vermillion-Missouri, and Dakota aquifers as well as during times of high flow and stage from the Missouri and Big Sioux Rivers (Niehus, 1994). The average annual recharge rate to the Missouri: Elk Point aquifer is an estimated 3.8 in/yr based on observation well analysis (Hedges and others, 1985). Given the area of the management unit in Union County of 115,200 acres by Niehus, average annual recharge to the aquifer in Union County alone is estimated to be 36,480 ac-ft/yr (1994).

Discharge:

Discharge from the Missouri: Elk Point aquifer is by evapotranspiration, discharge to the Big Sioux and Missouri Rivers during low flow and to the underlying Dakota aquifer, and withdrawal from wells (Niehus, 1994). There are a number of completion reports on file with the SD DENR-Water Rights Program for domestic use wells completed into the Missouri: Elk Point aquifer (Water Rights, 2013b) and there are currently 507 water rights/permits appropriating water from the Missouri: Elk Point aquifer (Water Rights, 2013c). There are 297 water rights/permits appropriating water from this aquifer in Union County alone (Water Rights, 2013c). The distribution of these appropriations and their types are shown in Table 1.

Water Rights/Permits	Number
Commercial	3
Domestic	1
Industrial	2
Irrigation	286
Municipal	4
Recreational	1

Table 1. Water rights/permits from the Missouri: Elk Point aquifer in Union County (Water Rights, 2013c).

The amount of water that can be expected to be withdrawn through water rights/permits authorizing water use for non-irrigation purposes at the current appropriation level can be estimated by assuming:

1. Water rights/permits limited by an annual volume will pump the entire volume appropriated.
2. Water rights/permits limited only by diversion rate will pump at the maximum permitted diversion rate 60 percent of the time.

The expected water use for non-irrigation purposes, from the Missouri: Elk Point aquifer in Union County is less than 5,700 ac-ft/yr based on current water appropriations.

The annual reported water use from the Missouri: Elk Point aquifer for irrigation purposes in Union County is displayed in Table 2. The average annual use due to irrigation over the period of record is 10,778 ac-ft/yr.

YEAR	NO. OF PERMITS	APPROPRIATION (AC-FT/YR)	PUMPAGE REPORTED (AC-FT/YR)
1979	206	93310.02	7066
1980	210	94734.88	10063
1981	227	100428.6	8422
1982	209	91841.78	15429.85
1983	211	90519.28	6520.91
1984	211	93088.86	5746.3
1985	215	92328.88	10087.3
1986	215	90739.58	3191.3
1987	216	91579.88	9082
1988	218	92063.68	22195.3
1989	226	93847.88	18658.2
1990	230	95368.88	12730.5
1991	230	95168.88	11601.6
1992	228	94037.88	1010.6
1993	230	93782.3	1145.2
1994	226	90715.45	7721.45
1995	226	90563.45	13798.95
1996	229	92881	5121.58
1997	237	94643	11404
1998	244	96201.8	7259.62
1999	240	93873.8	10741.15
2000	240	93320.4	20369.1
2001	242	93065.6	12284.62
2002	241	92346	15353.97
2003	240	91692	19653
2004	244	92572	16550.28
2005	251	94321.6	17322.4
2006	256	95252.6	18149.43
2007	257	95974.6	18817.78
2008	261	97230.6	6141.62
2009	264	98914.6	3214.82
2010	267	99102.6	1518.01
2011	272	100120.6	7289.7
MIN	206	90519.28	1010.60
MAX	272	100428.60	22195.30
AVE	233.91	94110.09	10777.62

Table 2. Irrigation from the Missouri: Elk Point aquifer in Union County (Water Rights, 1979-2011).

Comparison of the estimated average annual withdrawal from the Missouri: Elk Point aquifer in Union County with the estimated average annual recharge for the aquifer in Union County indicated that the average annual withdrawals from the aquifer do not exceed the average annual

recharge to the aquifer. There are a number of new permits and pending applications from the Missouri: Elk Point aquifer. Once they are developed, the average pumping for irrigation purposes is expected to increase significantly. Since January 1, 2012, there have been 45 permits issued from the Missouri: Elk Point aquifer authorizing irrigation for a total of 5,546.1 acres. Table 3 outlines the permits pending from the Missouri: Elk Point aquifer.

Permit No.	Diversion Rate (cfs)	Acres
7447-3	1.78	160
7460-3	3.11	264
7454-3	1.78	171
7527-3	1.11	117.5
7553-3	1.55	136
7563-3	2.22	95
7554-3	1.89	136

Table 3. List of pending permits and their appropriations from the Missouri: Elk Point aquifer (Water Rights, 2013a).

The average annual withdrawal is still expected to be significantly less than the average annual recharge; therefore, unappropriated water is available from the Missouri: Elk Point aquifer. Specifically, unappropriated water is available for the additional 157.6 acre-feet appropriation proposed by this application.

Observation Well Data:

Administrative Rule of South Dakota Section 74:02:05:07 requires that “the Water Management Board shall rely upon the record of observation well measurements to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge to the aquifer”.

The SD DENR-Water Rights Program monitors 37 observation wells completed into the Missouri: Elk Point aquifer with two of these observation wells located within two miles of the well site approved by Water Right No. 6155-3 (Water Rights, 2013b). Hydrographs for these wells are shown in Figures 1 and 2.

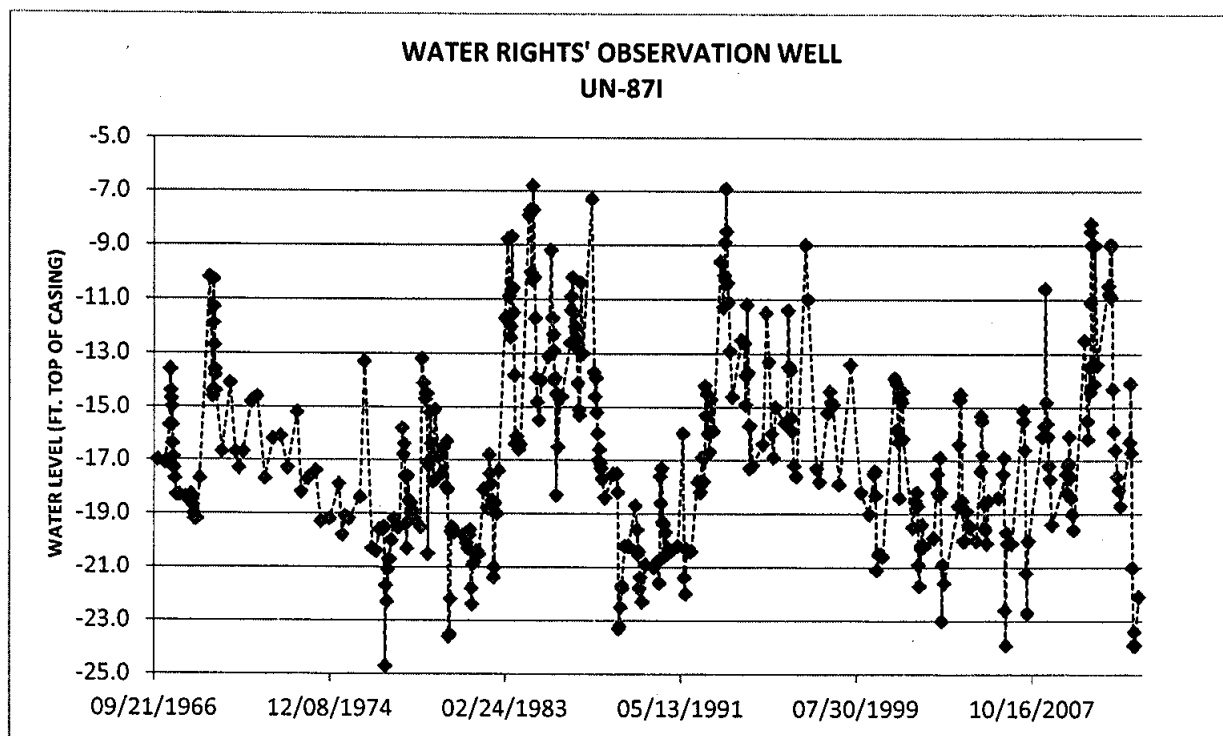


Figure 1. Hydrograph for SD DENR-Water Rights Observation Well UN-87I completed into the Missouri: Elk Point aquifer approximately one and one half miles south of the well site approved by Water Right No. 6155-3 (Water Rights, 2013a).

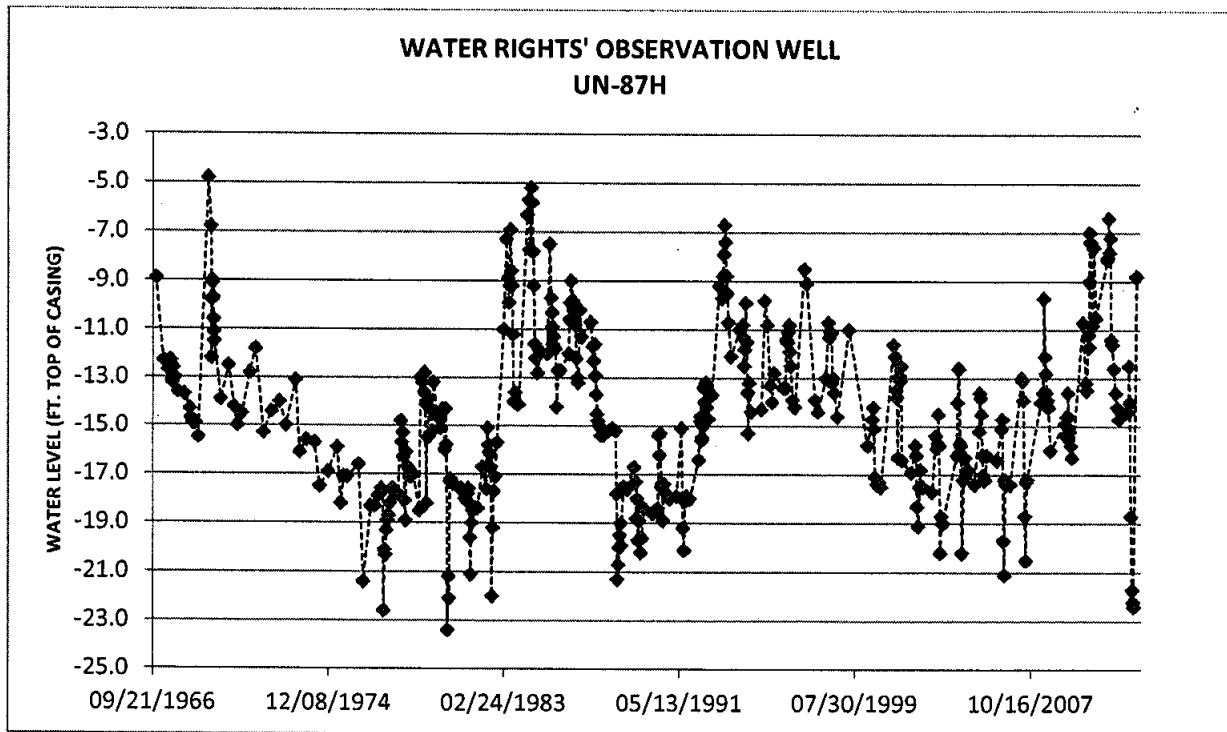


Figure 2. Hydrograph for SD DENR-Water Rights Observation Well UN-87H completed into the Missouri: Elk Point aquifer approximately two miles southwest of the well site approved by Water Right No. 6155-3 (Water Rights, 2013a).

The observation well data shows the aquifer responds well to climatic conditions with rising water levels during wet years and gradually declining water levels during dry years. The water level data shows that over the period of record, in general, discharge has not exceeded recharge. The observation well data shows that at the current level of development, climatic conditions greatly mask the temporal effects of well withdrawals. Therefore, recharge to and natural discharge from the Missouri: Elk Point aquifer significantly exceeds pumping. Recognizing that natural discharge from the aquifer can be captured for pumping. The hydrographs document that there is unappropriated water available from the aquifer to support this appropriation.

EXISTING WATER RIGHTS:

This application, if approved, would not authorize an increase in maximum diversion rate authorized. However, the average diversion rate will increase to reflect the increased duration of pumping to account for additional acres. The increase should be insignificant in terms of additional drawdown. The well site approved by Water Right No. 6155-3 is located approximately one half mile west of the Big Sioux River in a portion of the Missouri: Elk Point aquifer that extends west of the Big Sioux River for approximately three and one half miles to the edge of the aquifer. There are four water rights/permits that have diversion points within a one mile radius from the well site. The nearest water right/permit is Water Permit No. 7086-3, for Chuck Donnelly, located approximately one half mile north and up-gradient from the well site.

Observation well UN-87H is within approximately 900 feet of Water Right No. 2109-3, for Robert J. Geary, which diverts at a rate of 1.14 cfs, and the hydrograph, shown in Figure 2,

reports minimal drawdown at this distance due to pumping. The precise drawdown cannot be quantified without aquifer testing. With that in mind, a standard permit qualification to most groundwater permits/rights states that:

“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”.

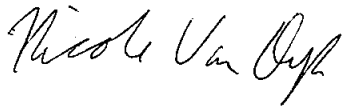
SDCL 46-6-6.1 does not protect artesian head pressure as a means of delivery and the Water Management Board has consistently recognized that to place water to maximum beneficial use a certain amount of drawdown may occur. To balance interests between irrigation use and delivery of water by artesian pressure, the Water Management Board has defined an “adversely impacted domestic well” in ARSD 74:02:04:20(7) as:

“a well in which the pump intake was set at least 20 feet below the top of the aquifer at the time of construction or, if the aquifer is less than 20 feet thick, is as near to the bottom of the aquifer as is practical and the water level of the aquifer has declined to a level that the pump will no longer deliver sufficient water for the well owner's needs”

In reality, the assurance of reasonable domestic use provided by SDCL 46-6-6.1 and ARSD 74:02:04:20(7) generally ensures not only that interference will not be adverse to domestic well users but also in existing appropriative rights (i.e. in most cases, the protection afforded to adequate domestic wells by water law, would lead to enforcement of the “standard permit qualification” before there is a reduction of needed water supplies to appropriative rights). Although drawdown is expected to be minimal, as shown by the observation well hydrographs, some drawdown will occur. Depending on the extent of drawdown, some existing well owners may need to lower their pumps to accommodate for deeper water levels. With approximately 80 feet of saturated material available at this well site, drawdown is not expected to be relatively significant. However, when considering the statute and rule, there is a reasonable probability that any well interference from these proposed applications will not be adverse to adequate domestic wells.

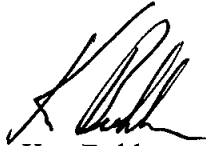
CONCLUSIONS:

1. This application proposes to appropriate up to 157.6 additional acre-feet annually for irrigation from the Missouri: Elk Point aquifer.
2. There is a reasonable probability that unappropriated water is available from the Missouri: Elk Point aquifer to supply this proposed appropriation.
3. Although the Missouri: Elk Point aquifer is under confined conditions in this area, drawdown from pumping is not expected to adversely impact existing water rights or domestic wells.



Nicole Van Dyk
SD DENR-Water Rights Program

Approved by



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., Schoon, R.A., 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 1: Bedrock Topography and Distribution, Task 2: Extent of Aquifers, Task 3: Ground-Water Storage, Task 4: Computerized Data Base, Final Report; U.S. Army Corps of Engineers Contract DACW 45-80-C-0185
- Hedges, L.S., Allen, J., Holly D.E., 1985, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 7: Ground Water Recharge; U.S. Army Corps of Engineers Contract DACW 45-80-C-0185
- Niehus, C.A., 1994, Water Resources of Lincoln and Union Counties, South Dakota: U.S. Geological Survey Water-Resources Investigations Report 93-4195, 57 p.
- Water Rights, 1979-2011, Irrigation Questionnaire Summaries 1979-2011, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2013a, Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2013b, Water Well Completion Reports, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2013c, Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

AFFIDAVIT OF PUBLICATION

RECEIVED

State of South Dakota)

MAR 11 2013

:ss

County of Union)

WATER RIGHTS
PROGRAM

Kelly Kruihoff,

an employee of the Leader-Courier, deposes and says that

The Leader-Courier

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

Notice of Application No. 7606-3

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

each week for 1 successive weeks; that said newspaper at the time of the first publication of said notice hereinafter stated, had, and still has, a bona fide circulation of over two hundred paid copies weekly, and had been published in the said County of Union for more than one year immediately prior to the date of the said publication of said notice, and that said newspaper during said times, was, and is, printed in part in an office maintained at said city of Elk Point, the said place of publication; that the first publication of said notice in said newspaper was

on Thursday, the 7 day of March, 2013

and that the succeeding publications were

on Thursday, the _____ day of _____,

on Thursday, the _____ day of _____,

on Thursday, the _____ day of _____,

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

\$ 30.13, that the full amount of the fee charged insures to the benefit of the publisher of the said newspaper, that no agreement or understanding for the division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.


Subscribed and sworn to before me

this 7 day of March, 2013

My commission expires 6-21-17


Notary Public

NOTICE OF APPLICATION

NO. 7606-3

TO APPROPRIATE WATER

Notice is given that Mark E. and Joseph F. Chicoine, 32080 477th Ave, Elk Point SD 57025 have filed an application for a water permit to irrigate 78.8 new acres. Water Right No. 6155-3 appropriates 2.23 cubic feet of water per second from one well (Missouri-Elk Point Aquifer) located in the SW 1/4 NW 1/4 Section 33 for irrigation of 163 acres located in the S 1/2 NW 1/4; NW 1/4 SW 1/4, Lot 4, SW 1/4 SW 1/4 Section 33 and SE 1/4 NE 1/4, NE 1/4 SE 1/4 Section 32; all in T92N-R49W. This application proposes to irrigate 78.8 additional acres located in the S 1/2 NW 1/4 Section 33 and SE 1/4 NE 1/4, Lot A (W 1/2 NE 1/4) Section 32-T92N-R49W from the existing well. This application, if approved, does not authorize any increase in the developed diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7606-3 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 this 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 this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605-773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by March 18, 2013.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application.

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

Publish March 7, 2013

Published once at the total approximate cost of \$30.13

10-13-81

RECEIVED

MAR 11 2013

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

Department of Environment and Natural Resources
PMB 2020
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

KELLY HERTZ BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT HE IS THE MANAGING EDITOR OF, YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY
AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID
COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED
Notice of Application No. 7606-3

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 7th DAY OF March 2013
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$29.79 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 3/7/2013

FILED ON: 3/7/2013

SUBSCRIBED AND SWORN TO BEFORE ME THIS 7th DAY OF March 2013

NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES

8/19/2015

tained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pimer, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of \$29.79.

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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

February 27, 2013

Leader Courier
PO Box 310
Elk Point SD 57025

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7606-3 to Appropriate Water. Please publish the notice once on March 7, 2013. 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 and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Mark E and Joseph F Chicoine, 32080 477th Ave, Elk Point SD 57025 (Ph # 605-356-3567).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

February 27, 2013

Press & Dakotan
319 Walnut
Yankton SD 57078

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Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



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and NATURAL RESOURCES**

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JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

**NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATE, CONTACT
THE NEWSPAPER(S) RIGHT AWAY.**

February 27, 2013

Mark E and Joseph F Chicoine
32080 477th Ave
Elk Point SD 57025

Dear Sirs:

Water Permit Application No. 7606-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Leader Courier printed at Elk Point SD (Ph # 605-356-2632) and the Press & Dakotan printed at Yankton SD (Ph # 605-665-7811). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and 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(s) to authorize publication of your Notice and to arrange for payment. Early contact with the paper(s) can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. 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 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.

Instruction to Newspaper - Publish the Notice on March 7, 2013. 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 NO. 7606-3 to Appropriate Water

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Published once at the total approximate cost of_____.



**DEPARTMENT of ENVIRONMENT
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523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

APR 26 2013

Mark E & Joseph F Chicoine
32080 477th Ave
Elk Point SD 57025

Dear Sirs:

Enclosed is Water Permit No. 7606-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license 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,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures