

WATER PERMIT NO. 7608-3

Name of Applicant: **Dennis J Chicoine**

Address: **32703 483rd Ave, Jefferson SD 57038** Phone: **712 259-7033**

Amount of Water Claimed: **no add'l** Total Acres: **105 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 north of Jefferson**

PRIORITY Date Received: **12-21-12**

Application/License Fee: **\$ 950**

Corrected Application Received: **1-2-13**

Period of Annual Use: **June 1 – August 31**

Remarks: **Utilizing well authorized by Water Right No. 59-3**

Diversion Point: **NE 1/4 SW 1/4 Sec 31-T91N-R48W**

Land to be Irrigated: **Lot 2 SW 1/4, Lot 3 NW 1/4**
Sec 31-T91N-R48W

Depth of Well: **100 feet deep**

Well Driller:

Remarks:

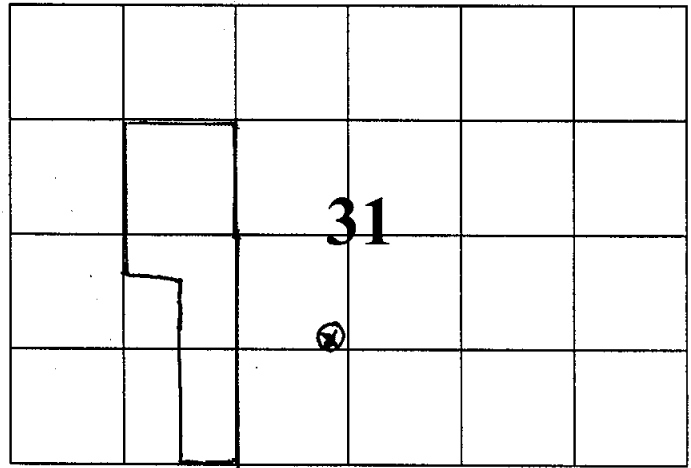
Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **1-4-13**

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. 7608-3 (office use only)
Hydrologic Unit 10170203
Basin Sioux River 605-356-2632
Newspaper Leader Courier P.O. Box 310 Elk Point SD 57025
Prairie Dakota 319 Walnut 57078 605-665-7811

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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.)

Adding 105 Acres to permit 59-3

1. Name to Appear on Irrigation Permit Dennis J. Chicoine
(check one) ☐ Owner ☒ Tenant/lessee ☐ Owner's Legal Agent
(name and complete address if different than above name)

Mailing Address 32703 483rd Ave Jefferson SD 57038
(Address) (City) (State) (Zip Code)

Home Phone N/A Cell 712-259-7033 Email (no add)

2. Amount of water claimed _____ *CFS or 1000 **GPM ***AF Total Acreage 105 Acre
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply ground water (well)

4. Location of point of diversion NE 1/4 SW 1/4 Section 31 T91N-R48W
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

at a point 1320 feet north and 2580' east of SW corner Sect 31 County Union

5. County or counties where water will be used Union

6. Annual period during which water is to be used April 1 - November 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>See enclosed Map</u>			
<u>Lot 2 SW 1/4 Sec 31 T91N-R48W</u>	<u>55</u>		
<u>Lot 3 NW 1/4 Sec 31 T91N R48W</u>	<u>50</u>		

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

Would propose to irrigate an additional 105 A farm which borders the farm with permit 59-3

I, Dennis J. 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. 7608-3

Date of first receipt of application December 21, 2012.

Date of return to applicant for corrections, amendments or changes December 28, 2012.

Date of receipt of corrected application January 2, 2013.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7608-3 to Dennis J Chicoine, 32703 483rd Ave, Jefferson SD 57038 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. 7608-3 authorizes irrigation of 105 new acres. Water Right No. 59-3 appropriates 2.22 cubic feet of water per second from one well (Missouri:Elk Point Aquifer) located in the NE 1/4 SW 1/4 Section 31 for irrigation of 172 acres located in the E 1/2 SW 1/4, W 1/2 SE 1/4, SW 1/4 NE 1/4 Section 31; all in T91N-R48W. This permit authorizes irrigation of 105 additional acres located in Lot 2 (SW 1/4) and Lot 3 (NW 1/4) Section 31-T91N-R48W 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: April 1 – November 30.
3. The date from which applicant may claim right is December 21, 2012.
4. The date of approval of Permit No. 7608-3 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 Water Right No. 59-3 and 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



Supplemental Information

(type or print)

1. Well Information (check one or both as applicable) ☐ Drilling new well(s) ☒ Using existing well(s)

a) If new wells, how many ____ Have test holes been drilled ☐ Yes ☐ No Drilled by ____
(if yes, please provide copies of logs)

b) If existing wells, how many 1 Provide copy of log(s), if available. Drilled by unknown

c) Well Depth 100' Depth to Top of Water Bearing Material 80' Depth to Water from Surface 15

d) Distance to nearest existing domestic well:

On applicant's property $\frac{1}{2}$ mile On property owned by others 2 miles

2. Wastewater Disposal System Information

a) Type of System (i.e. septic tank, drain field) _____

b) System Capacity (gallons) _____ Year Constructed _____

c) Connected to the City of _____ Sanitary System

3. Dugout Information

a) Surface Dimensions _____ Depth _____

b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

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

a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

g) X & Y Slope (e.g. 3 to 1 is a typical slope)

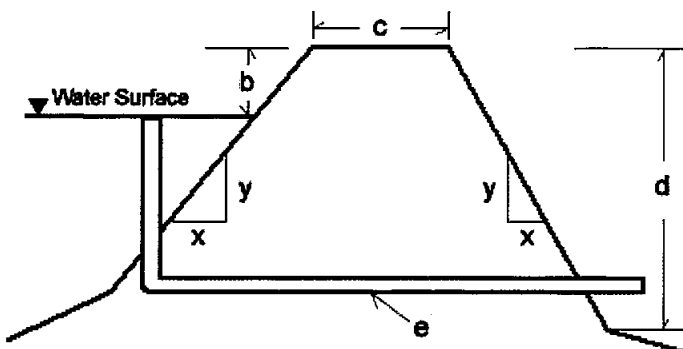
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres





United States Department of Agriculture
Farm Service Agency

PLSS: 31_91N_48W
Farm: 1776

Union County
1:9,175

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May 02, 2012

Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of wetlands. Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.

Wetland Determination Identifiers
● Restricted Use
▽ Limited Restrictions
□ Exempt from Conservation Compliance Provisions

Common Land Units
/// Non Cropland

2010 Ortho-Photography - Not to Scale

Owner of property
to be added is
Fern Chicóine (Francis)
116 Green Drive
Elk Point, SD 57025

This property had
an ir permit with
the state river
as the diversion point
which was abandoned

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South Dakota Department of Environment and Natural Resources

Date 1/2, 20 13

RECEIVED OF Dennis Chicione 32703 483rd Ave Jefferson SD 57038

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	200	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>7608-3</u>		
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. _____	200	00
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	200 00

No. **05825**

By Larry Erbe
Chief Engineer

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WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 12-28, 20 12

Dennis Chicoine, 32703 483rd Ave, Jefferson SD 57038

RECEIVED OF _____

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

Fee for Application for Permit No. <u>7608-3</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. _____		
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	750.00

No. 05800

By Garland Erbele
Chief Engineer KS



December 28, 2012

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

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**WATER RIGHTS
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Dennis J Chicoine
32703 483rd Ave
Jefferson SD 57038

Dear Mr. Chicoine:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation in Union County. In order to complete the application, the following is required.

- The application states the amount of water claimed as 1000 gallons per minute (gpm). Vested Water Right No. 59-2 was issued for 2.22 cubic feet of water per second which equals 1000 gpm. Am I correct in assuming you are not requesting any increase in the existing diversion rate?
- We have received the \$750 application/license filing fee. The fee for irrigation of 105 acres is \$950. Please submit an additional \$200.

If you have any questions, please contact me.

Sincerely,

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

Karen,

In answer to your question on diversion rate the pump will stay at 1000 gpm.

I have enclosed ~~an~~ additional 200⁶⁰.

Thank you and if you have any questions my phone is 712 259-7033

Perris Chicoire

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7608-3, Dennis J 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. 7608-3, Dennis J Chicoine, 32703 483rd Avenue, Jefferson SD 57038.

The Chief Engineer is recommending APPROVAL of Application No. 7608-3 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 Water Right No. 59-3 and 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.

A handwritten signature in black ink, appearing to read "Garland Erbele".

Garland Erbele, Chief Engineer
February 21, 2013

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 7608-3
DENNIS J CHICOINE
February 13, 2013

Water Permit Application No. 7608-3 proposes to appropriate up to 210 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. 59-3, which authorizes up to 2.22 cubic feet of water per second (cfs). The well is 100 feet deep and is located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 31, T91N-R48W for irrigation of 172 acres located in the E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31, T91N-R48W. This application proposes to irrigate 105 additional acres located in Lot 2 (SW $\frac{1}{4}$) and Lot 3 (NW $\frac{1}{4}$) of Section 31, T91N-R48W from the existing well in Union County.

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 located less than one quarter mile south 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 static water level varies between nearby well sites, but shows there may be a few feet of artesian head pressure available at the existing well site based on available well logs and stream gages in relation to the stage of the Big Sioux River (Water Rights, 2013a). Nearby well logs show an average saturated thickness of approximately 91 feet as shown in Table 1 (Water Rights, 2013a).

Well Log Description	Saturated Thickness (ft)
Observation Well UN-77N	54
Observation Well UN-87C	89
Well Log for WR No. 6076-3	92
Well Log for WR No. 6488-3	120
Well Log for WR No. 1106-3	101

Table 1. Saturated thickness for nearby observation wells, lithologic logs, and domestic well logs (Water Rights, 2013a).

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 210 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 2.

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

Table 2. 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 3. 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 3. 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. The pending permits for appropriation of water from the Missouri: Elk Point aquifer are outlined in Table 4.

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 4. 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 210 ac-ft/yr 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 one and one half miles of the well site approved by Water Right No. 59-3 (Water Rights, 2013b). Hydrographs for these wells are shown in Figures 1 and 2.

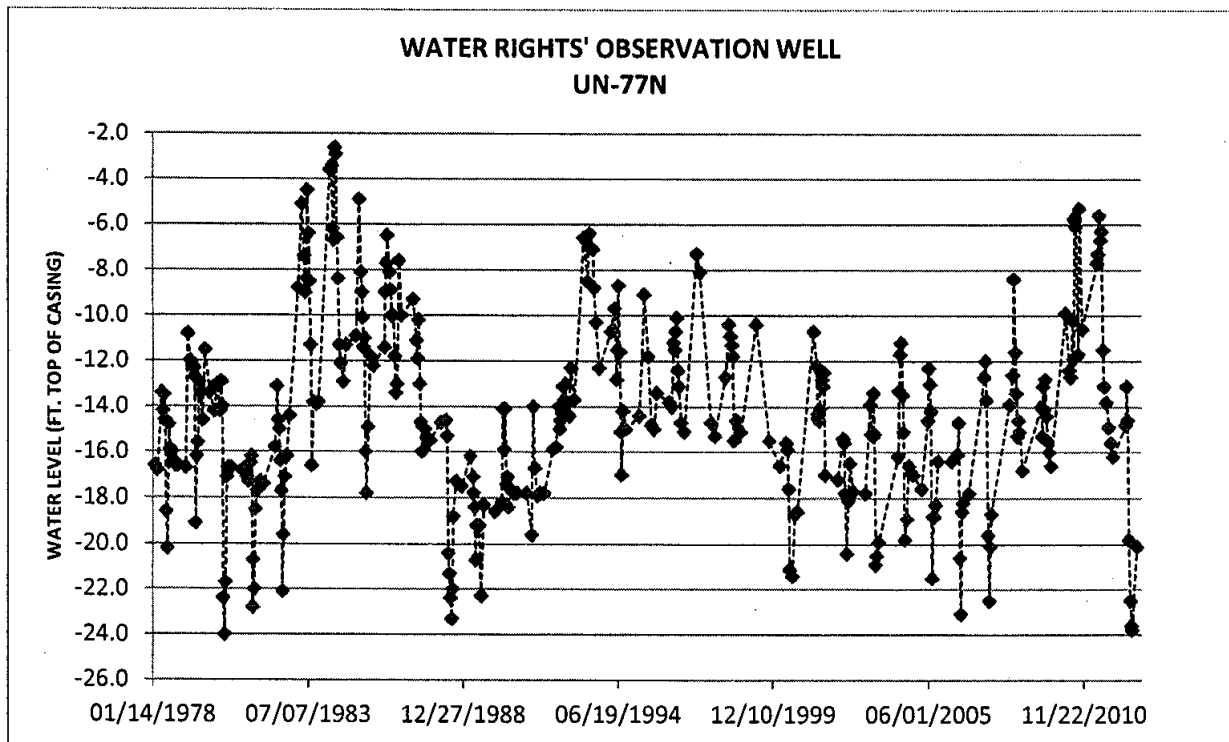


Figure 1. Hydrograph for SD DENR-Water Rights Observation Well UN-77N completed into the Missouri: Elk Point aquifer approximately one and one half miles northwest of the well site approved by Water Right No. 59-3 (Water Rights, 2013a).

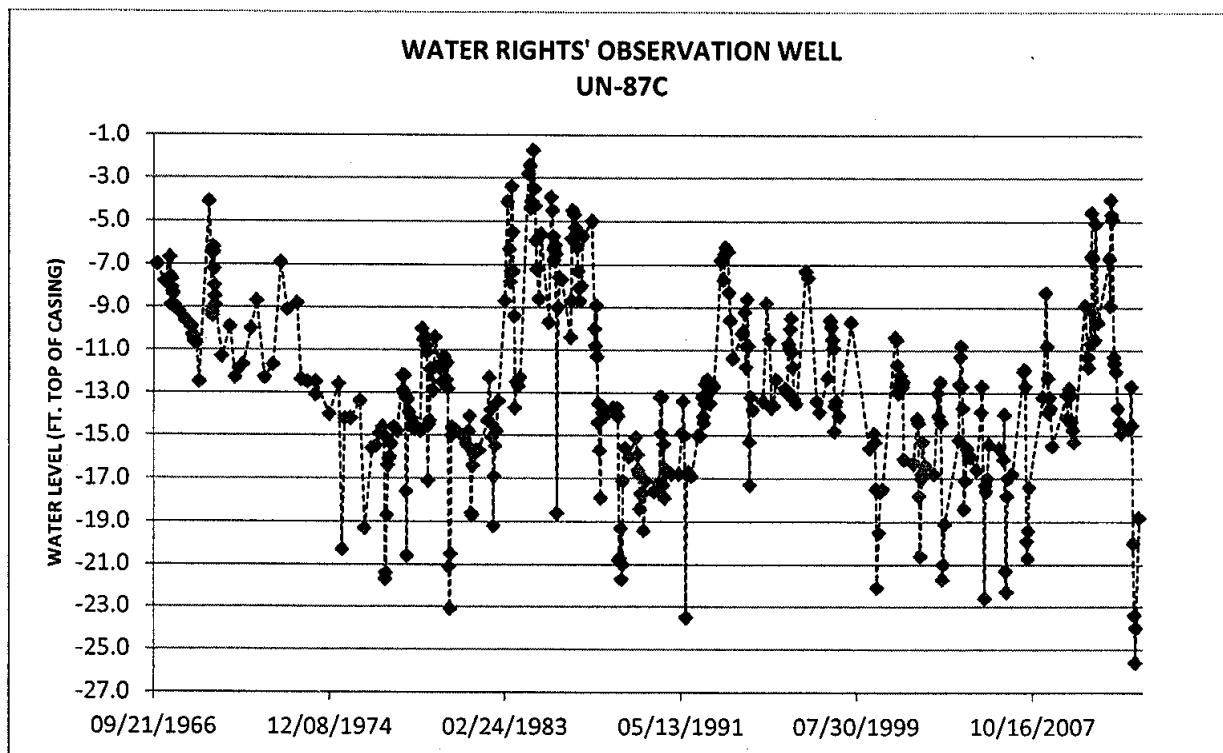


Figure 2. Hydrograph for SD DENR-Water Rights Observation Well UN-87C completed into the Missouri: Elk Point aquifer approximately one and one quarter miles southeast of the well site approved by Water Right No. 59-3 (Water Rights, 2013a).

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 could be insignificant in terms of additional drawdown. The well site approved by Water Right No. 59-3 is located less than one quarter mile south of the Big Sioux River in a portion of the Missouri: Elk Point aquifer that extends west of the Big Sioux River for approximately six and one half miles to the edge of the aquifer at the Missouri River. There are nine water rights/permits that have diversion points within approximately one mile of the well site. The nearest water right/permit is Water Right No. 5760-3, for Brian Chicoine, located approximately one half mile northwest and up-gradient from the well site.

Observation well UN-87C is within 800 feet of Water Right No. 1092-3, for Dennis J Chicoine which diverts at a rate of 3.35 cfs, and the hydrograph, shown in Figure 2, reports approximately 10 feet of drawdown at this distance due to pumping. With approximately 90 feet of saturated material available at this well site, drawdown is not expected to be relatively significant. 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. 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 210 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

MAR 11 2013

WATER RIGHTS
PROGRAM

State of South Dakota)

:ss

County of Union)

Kelly Kruthoff,

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. 7608-3

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

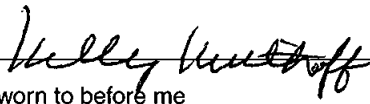
on Thursday, the _____ day of _____, _____

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

\$ 29.02, 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. 7608-3 TO APPROPRIATE WATER

Notice is given that Dennis J. Chicoine, 32703 483rd Ave, Jefferson SD 57038 has filed an application for a water permit to irrigate 105 new acres. Water Right No. 59-3 appropriates 2.22 cubic feet of water per second from one well (Missouri Elk Point Aquifer) located in the NE 1/4 SW 1/4 Section 31 for irrigation of 172 acres located in the E 1/2 SW 1/4, W 1/2 SE 1/4, SW 1/4 NE 1/4 Section 31; all in T91N-R48W. This application proposes to irrigate 105 additional acres located in Lot 2 (SW 1/4) and Lot 3 (NW 1/4) Section 31-T91N-R48W from the existing well. This application, if approved, does not authorized any increase in the developed diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7608-3 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 \$29.02

10-16-78

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

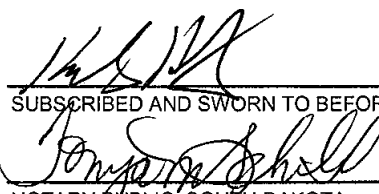
STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

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. 7608-3

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 \$28.46 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

Notice is given that Dennis J. Chicoine, 32703 483rd Ave, Jefferson SD 57038 has filed an application for a water permit to irrigate 105 new acres. Wafer Right No. 59-3 appropriates 2.22 cubic feet of water per second from one well (Missouri-Elk Point Aquifer) located in the NE 1/4 SW 1/4 Section 31 for irrigation of 172 acres located in the E 1/2 SW 1/4 W 1/2 SE 1/4 SW 1/4 NE 1/4 Section 31; all in T91N-R48W. This application proposes to irrigate 105 additional acres located in Lot 2 (SW 1/4) and Lot 3 (NW 1/4) Section 31-T91N-R48W from the existing well. This application, if approved, does not authorized any increase in the developed diversion rate.

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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. Pimer, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of \$28.46.



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. 7608-3 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 Dennis J Chicoine, 32703 483rd Ave, Jefferson SD 57038 (Ph # 712-259-7033).

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

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

denr.sd.gov

February 27, 2013

Press & Dakotan
319 Walnut
Yankton SD 57078

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7608-3 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.

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

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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

Dennis J Chicoine
32703 483rd Ave
Jefferson SD 57078

Dear Mr. Chicoine:

Water Permit Application No. 7608-3 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

cc: Fern Chicoine, 116 Green Ct Dr., Elk Point SD 57025

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. 7608-3 to Appropriate Water

Notice is given that Dennis J Chicoine, 32703 483rd Ave, Jefferson SD 57038 has filed an application for a water permit to irrigate 105 new acres. Water Right No. 59-3 appropriates 2.22 cubic feet of water per second from one well (Missouri:Elk Point Aquifer) located in the NE 1/4 SW 1/4 Section 31 for irrigation of 172 acres located in the E 1/2 SW 1/4, W 1/2 SE 1/4, SW 1/4 NE 1/4 Section 31; all in T91N-R48W. This application proposes to irrigate 105 additional acres located in Lot 2 (SW 1/4) and Lot 3 (NW 1/4) Section 31-T91N-R48W from the existing well. This application, if approved, does not authorized any increase in the developed diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7608-3 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.

Published once 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

denr.sd.gov

APR 26 2013

Dennis J Chicoine
32703 483rd Ave
Jefferson SD 57038

Dear Mr. Chicoine:

Enclosed is Water Permit No. 7608-3 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



7608-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 16, 2015

NOTICE

TO: DENNIS CHICOINE, 32703 483RD AVE, JEFFERSON, SD 57038
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaires

Our records indicate your 2014 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 59-3, 1092-3 & 2410-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 53-3, 5340-3 & 7608-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **10:00 am, March 4, 2015** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 53-3, 5340-3 & 7608-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 59-3, 1092-3 & 2410-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 4, 2015** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

c: KATHLEEN FITZPATRICK, 2925 SAFFORD AVE, DANBURY IA 51019

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



7608-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 28, 2015

Dennis Chicoine
32703 483rd Ave
Jefferson SD 57038

RE: Water Right or Permit Nos. 53-3, 59-3, 1092-3, 2410-3, 5340-3 & 7608-3

Dear Mr. Chicoine:

I am writing to acknowledge receipt of your 2014 irrigation questionnaires.

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Right or Permit Nos. 53-3, 59-3, 1092-3, 2410-3, 5340-3 & 7608-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2017

NOTICE

TO: DENNIS CHICOINE, 32703 483RD AVE, JEFFERSON, SD 57038

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaires

Our records indicate your 2016 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 59-3, 1092-3 & 2410-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 53-3, 5340-3 & 7608-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **Wednesday, March 1, 2017 at 11:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 53-3, 5340-3 & 7608-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 59-3, 1092-3 & 2410-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaires are received in this office before the **March 1, 2017** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



7608-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 31, 2017

Dennis Chicoine
32703 483rd Ave
Jefferson SD 57038

RE: Water Permit/Right Nos. 53-3, 59-3, 1092-3, 2410-3, 5340-3 & 7608-3

Dear Mr. Chicoine:

I am writing to acknowledge receipt of your 2016 irrigation questionnaires.

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Permit/Right Nos. 53-3, 59-3, 1092-3, 2410-3, 5340-3 & 7608-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



7608-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2020

NOTICE

TO: DENNIS CHICOINE, OPERATOR, 32703 483RD AVE, JEFFERSON, SD 57038

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaires

Our records indicate your 2019 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 59-3, 1092A-3, 2410-3 & 3807-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 53-3, 5340-3, 6680-3 & 7608-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **Wednesday, February 26, 2020 at 8:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 53-3, 5340-3, 6680-3 & 7608-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 59-3, 1092A-3, 2410-3 & 3807-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaires are received in this office before the **February 26, 2020** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: KCNOLK**

c: LISA WEYER, SD PARKS & WILDLIFE FOUNDATION, 523 E CAPITOL, PIERRE SD

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 3, 2020

Dennis Chicoine
32703 483rd Ave
Jefferson SD 57038

RE: Water Right/Permit Nos. 53-3, 59-3, 1092A-3, 2410-3, 3807-3, 5340-3, 6680-3 & 7608-3

Dear Mr. Chicoine:

I am writing to acknowledge receipt of your 2019 irrigation questionnaires.

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for Water Right/Permit Nos. 53-3, 59-3, 1092A-3, 2410-3, 3807-3, 5340-3, 6680-3 & 7608-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

c: Lisa Weyer, SD Parks & Wildlife Foundation

7608-3

File No. 7608-3

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Brian Chicoine; 32650 480th Ave, Elk Point SD 57025

DATE: July 25, 2023

TELEPHONE: 605-966-5271

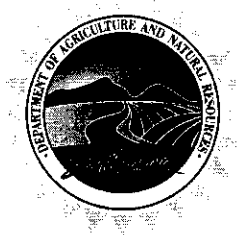
RE: ownership xfer/cancel 7608-3

COMMENTS:

I spoke with Brian on the phone 7/25/23. He said that the estate is in probate, but he planned to buy out the property in the fall of 2023. He also stated that, to his knowledge, there had never been any irrigation on the property, and he was not sure what had been reported on IQs in the past. He understood that the time for construction had lapsed and if he bought the property he would be asked to apply for a new permit. After the probate had been resolved 7608-3 would be subject to cancellation. I said I would follow up in the spring of 2024 if I had not heard from him before then.



Amanda Dewell
Water Rights Program



7608-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

December 14, 2023

7608-3

Dennis J Chicoine
32703 483rd Ave
Jefferson SD 57038

Dear Mr. Chicoine:

Each year, the State of South Dakota sends out Water Management Irrigation Questionnaires to collect information based on annual water use from our state's waters.

This year we received word from one of your renters, Kenny Chicoine, that he no longer operates the property covered under Permit No. 7608-3 that he'd previously rented and reported on.

Permit No. 7608-3 authorizes the irrigation of 105 acres in the W ½ Section 31 – T91N – R48W.

If you would please check your information and inform our office of any new renter/operator for this property, we would appreciate it. Until we have this information, we will update our records to have next year's Water Use Irrigation Questionnaire for Permit No. 7608-3 to you.

Should you decide you wish to discontinue the irrigation on this piece of land, we would ask that you let us know.

If you have any questions or concerns, please give me a call. My direct number is 605.910.5187

Sincerely,

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

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

July 19, 2023

7608-3

Philip Blanchard
8237 Niagara Falls Ln N
Maple Grove, MN 55311

Dear Mr. Blanchard:

I am writing regarding Water Permit No. 7608-3 currently under the name of Dennis Chicoine. Enclosed is a copy of the water permit.

On last year's irrigation questionnaire, Kenny Chicoine (on behalf of Dennis) indicated he was no longer the operator of the irrigation system. He said that Brian Chicoine was now farming the land but that the pivot had been sold and removed from the property.

I reviewed online records (Union County Assessor) for the land described in the permit and found the following:

Lot 2 SW ¼ Sec 31, T91N, R48W: Philip Blanchard
8237 Niagara Falls Ln N, Maple Grove, MN 55311

Lot 3 NW ¼ Sec 31, T91N, R48W: Fern Chicoine % Eric Rosenbaum
508 Fawn Hollow, Dakota Dunes SD 57049

The issue at hand is what to do with the water permit on file for the above described land. Once ownership of each parcel is determined, if the land will not be irrigated, the water permit would be scheduled for cancellation consideration.

If the owners of the land intend to irrigate, ownership changes will need to be filed and then an application submitted for use of a new well to irrigate the acreage.

Please review the enclosed water permit and let us know if you plan on irrigating your portion of the acreage. I am retiring and my co-worker is now handling these issues. You can contact her at: Amanda.Dewell@state.sd.us or by calling her at 605 773-3352.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 20, 2024

7608-3

Philip Blanchard
8237 Niagara Falls Ln N
Maple Grove MN 55311

Dear Mr. Blanchard:

This letter is following up on a previous correspondence dated July 19, 2023, (enclosed) regarding the ownership transfer of 55 acres in the Lot 2 – SW ¼ Section 31 – T91N – R48W, authorized for irrigation under Water Permit No. 7608-3.

Now that the probate for the estate has been settled for the acres held in the NW ¼, this portion of WP No. 7608-3 is free to be transferred to yourself. A partially completed “Notice of Transfer of Ownership” is enclosed. Please complete the highlighted portions of the form and return it in the prepaid envelope.

You may note that the Permit No. is listed as “7608-3A” on the transfer form. WP No. 7608-3 will be divided and reissued based on the ownership information our office has, with portion B going to the property owner of Lot 3 – NW ¼ Section 31 – T91N – R48W, and portion A going to yourself.

There is a fee for filing a transfer in the amount of \$50.00. Please include a check in the amount of \$50.00, made payable to “SD Water Rights Program”. If you prefer to pay with a card, you may call our Fiscal Office at 605.773.4216. If you decide to make the payment over the phone, the transfer form does still need to be returned.

If you have decided not to continue with irrigation on your parcel of land, that will need to be reported to our office.

Please feel free to contact me with any questions.

Sincerely,

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

Cc: Philip Blanchard, 8925 Quinwood Ln, Maple Grove MN 55369



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 20, 2024

7608-3

Brian & Corey Chicoine
32650 480th Ave
Elk Point SD 57025

Dear Sirs:

This letter is following up on a telephone conversation we had regarding the ownership transfer of 50 acres in the Lot 3 – NW ¼ Section 31 – T91N – R48W, authorized for irrigation under Water Permit No. 7608-3.

Now that the probate for the estate has been settled, this portion of WP No. 7608-3 is free to be transferred to yourselves. A partially completed "Notice of Transfer of Ownership" is enclosed. Please complete the highlighted portions of the form and return it in the prepaid envelope.

You may note that the Permit No. is listed as "7608-3B" on the transfer form. WP No. 7608-3 will be divided and reissued based on the information you've provided, with portion A going to the property owner of Lot 2 – SW ¼ Section 31 – T91N – R48W, and portion B going to yourselves.

There is a fee for filing a transfer in the amount of \$50.00. Please include a check in the amount of \$50.00, made payable to "SD Water Rights Program". If you prefer to pay with a card, you may call our Fiscal Office at 605.773.4216. If you decide to make the payment over the phone, the transfer form does still need to be returned.

Please feel free to contact me with any questions.

Sincerely,

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