

**WATER PERMIT NO. 7712-3**

Name of Applicant: James Chicoine

Address: 508 E Clay St, Elk Point SD 57025 Phone: 712 898-9173

Amount of Water Claimed: 1.78 cfs Total Acres: 74.54

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation County: Union

Type of Waste Disposal System:

Location: 2 west of Elk Point

PRIORITY Date Received: 2-4-13 Application/License Fee: \$ 950

Corrected Application Received: 2-25-13 Period of Annual Use: April 1 – October 31

Remarks: Requesting a diversion rate greater than statutory limit

Diversion Point: center NW 1/4 Sec 22-T91N-  
R50W

Land to be Irrigated: W 1/2 NE 1/4, W 1/2 NE 1/4  
Sec 22-T91N-R50W

Depth of Well: 120 feet deep

Well Driller:

Remarks:

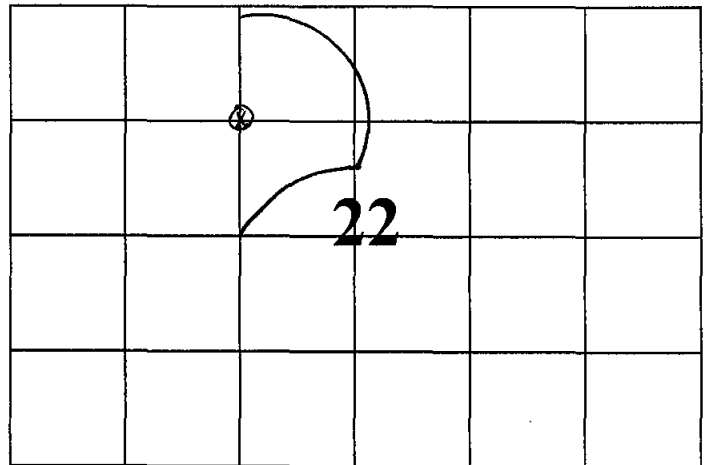
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 2-26-13

By: **Karen Schlaak**

Notice of Hearing - date to intervene: \_\_\_\_\_



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

|                                                                                                                 |                                                                                |
|-----------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|
| Mail to:<br>PMB 2020<br>DENR - Water Rights<br>523 E Capitol Ave<br>Pierre, SD 57501-3182<br>ph. (605) 773-3352 | No. <u>7712-3</u> (office use only)<br>Hydrologic Unit <u>10170101</u>         |
|                                                                                                                 | Basin <u>Missouri River</u> <u>605-356-2632</u>                                |
|                                                                                                                 | Newspaper <u>Leader-Courier Box 310 Elk Point 57025</u><br><u>605-665-7811</u> |
|                                                                                                                 | <u>Press &amp; Dakotan 319 Walnut Yankton 57078</u>                            |

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## Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. \_\_\_\_\_

(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)

1. Name to Appear on Irrigation Permit Mike & Brad Chicoine(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent

(name and complete address if different than above name)

Mailing Address 508 E Clay St Elk Point SDAK 57025  
(Address) (City) (State) (Zip Code)Home Phone \_\_\_\_\_ Cell 672-898-9173 Email \_\_\_\_\_2. Amount of water claimed 1.78 \*CFS or 800 \*\*GPM \*\*\*AF Total Acreage 74.54  
(\*Cubic Feet per Second) (\*\*Gallons per Minute) (\*\*\*)Acre Feet - storage capacity of dam/dugout or annual use if applicable)3. Source of water supply Sand & Gravel Well.4. Location of point of diversion See Map  
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)Center NW 1/4 Sec 22-T91N-R50W County Union5. County or counties where water will be used Union6. Annual period during which water is to be used Spring & Summer. Mar 1 - Oct. 317. 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 Map in back</u>     |       |                  |       |
| <u>W 1/2 NE 1/4 Sec 22</u> |       |                  |       |
|                            |       |                  |       |
|                            |       |                  |       |

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

Requesting diversion rate greater than statutory limitI, Mike Chicoine - Brad 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. 7712-3**

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Date of first receipt of application February 4, 2013.

Date of return to applicant for corrections, amendments or changes February 13, 2013.

Date of receipt of corrected application February 25, 2013.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7712-3 to James Chicoine, 508 E Clay St, Elk Point SD 57025 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 7712-3 appropriates 1.78 cubic feet of water per second (cfs) from one well to be completed into the Missouri:Elk Point Aquifer (120 feet deep) located in the center of the NW 1/4 Section 22 for irrigation of 74.54 acres located in the E 1/2 NW 1/4 and the W 1/2 NE 1/4 Section 22; all in T91N-R50W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: March 1 – October 31.
3. The date from which applicant may claim right is February 4, 2013.
4. The date of approval of Permit No. 7712-3 is May 28, 2013.
5. One-fifth of the construction is to be completed on or before November 28, 2015.
6. All construction is to be completed on or before May 28, 2018.
7. Water is to be put to beneficial use on or before May 28, 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. The well authorized by Permit No. 7712-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 7712-3 authorizes a maximum diversion rate of 1.78 cfs for the irrigation of 74.54 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. 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

JUN 20 2013

date



North

Form 2A

(Complete applicable portions only)

## 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 1 Have test holes been drilled ☐ Yes ☒ No Drilled by \_\_\_\_\_  
(if yes, please provide copies of logs)

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

c) Well Depth 120' Depth to Top of Water Bearing Material 75' Depth to Water from Surface 20'

d) Distance to nearest existing domestic well:

On applicant's property NONE On property owned by others 1/4 mile

### 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)

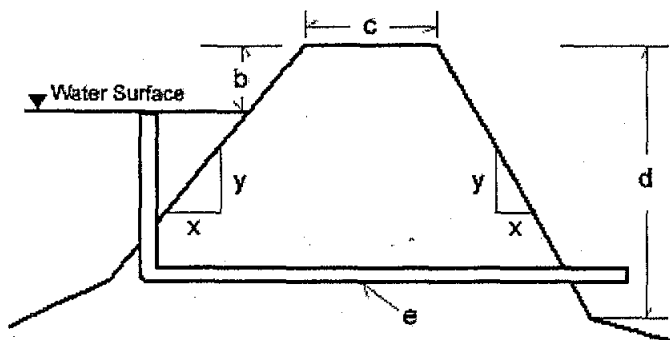
Upstream \_\_\_\_\_

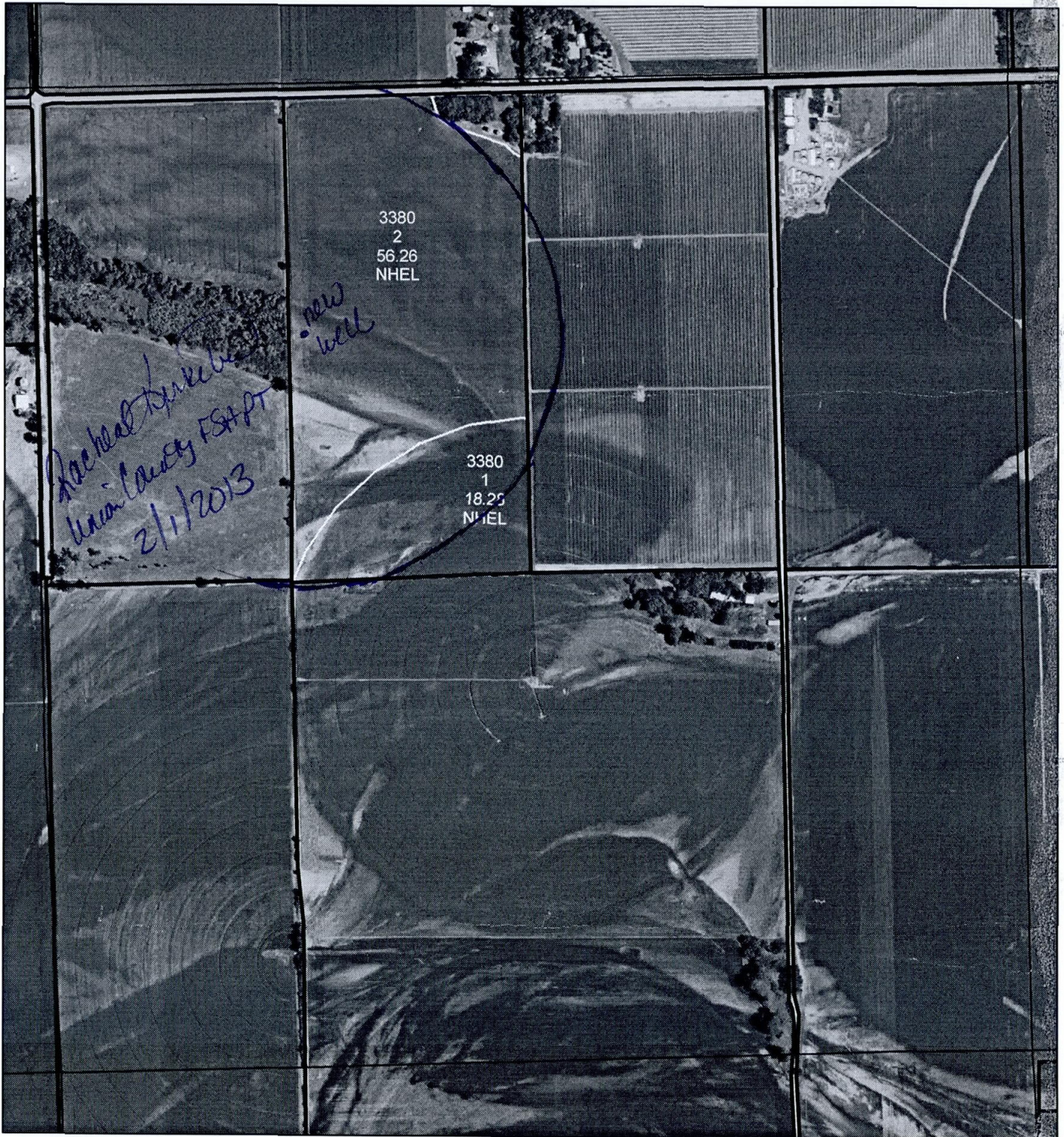
Downstream \_\_\_\_\_

h) Surface Area of Impoundment \_\_\_\_\_

i) Storage \_\_\_\_\_ Acre Feet

j) Drainage Area Above Dam \_\_\_\_\_ Acres





United States Department of Agriculture  
Farm Service Agency

PLSS: 22\_91N\_50W  
Farm: 4941

**Union County**  
1:8,776

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February 01, 2013

**Wetland Determination Identifiers**

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

□ Common Land Units

▨ Non Cropland

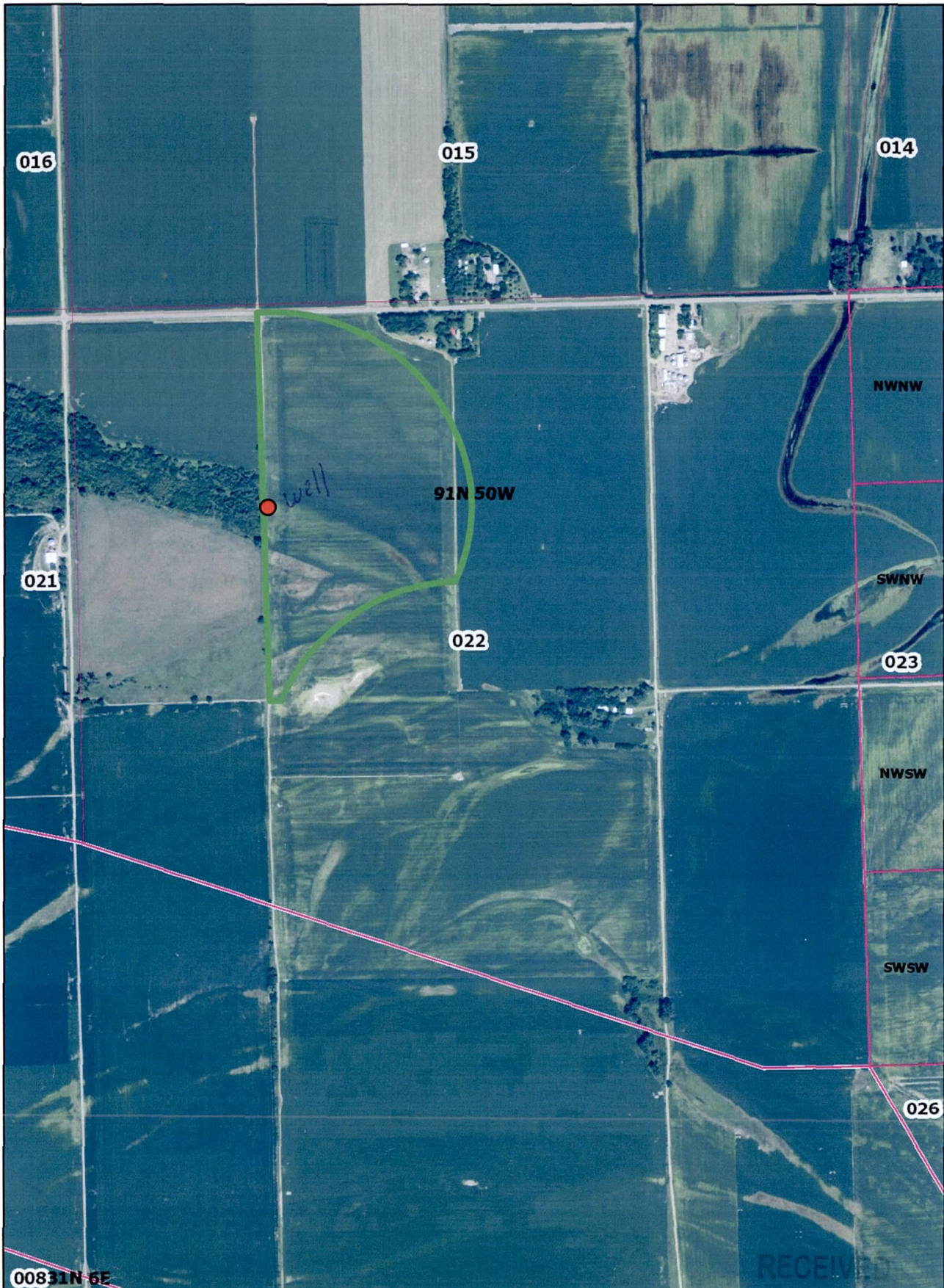
Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area.  
Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.

2010 Ortho-Photography - Not to Scale

Mike Chicoine - Application designated "North"

James Chicoine

Center of NW<sup>1</sup>/<sub>4</sub> 22-91-50



FEB 25 2013

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# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 2/5, 20 13

RECEIVED OF Michael J Choicoine 508 E Clay Ell Point SD 57025

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

|                                                                                                                        |       |        |
|------------------------------------------------------------------------------------------------------------------------|-------|--------|
| Fee for Application for Permit No. <u>7712-3</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>7712-3</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. 06095

By

Jules Edwards  
Chief Engineer



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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 13, 2013

Mike Chicoine  
508 E Clay Street  
Elk Point SD 57025

Dear Mr. Chicoine:

The Water Rights Program received the four water permit applications filed by for irrigation in Union County. Specifically you designate them by name as the 'Davis', 'North', 'South' and 'est Jeff' properties. Item Nos. 4 and 7 on the applications refer to providing the legal location of the well locations and irrigated acres. The application states to "see maps". The application does require the applicant to provide the legal description of the diversion point and irrigated acres. In this area legal descriptions can be complicated with irregular section size due to the river. It is not uncommon for land to be accretion land due to deposition or reconfiguring of the river channel over the years. Also in some instances the deed actually references the Nebraska survey instead of the South Dakota survey.

Due to the reasons above, the Water Rights Program wants to make sure we have the proper land description so the permit has proper legal standing. Please check with the Union County register of deeds and provide to us the legal description for the areas encircled on the attached maps and provide specific legal locations of the proposed well sites. Specifically each application needs the following.

Davis application (Mike Chicoine)

- The application lists a portion of the proposed pivot overlaps with Water Permit No. 7221-3. That may mean that the 125 acres to be irrigated is greater than the new acres to be irrigated. *↳ 113 acres*
- The map shows that some of the acreage on the southern portion of the pivot may be accretion lands. If so the application should reflect how they are described on the deed for this property.
- Provide legal location of proposed well and acres to be irrigated.

✓ North application (Mike and Brad Chicoine) *James Chicoine*

- Application requests 800 gpm for 74.54 acres. That is above the amount allowed by water rights law. However, there is the ability to request greater than the statutory limit. I presume this is a standard quarter section pivot that only make a windshield wipe rotation and needs 800 gpm to operate efficiently. Is that correct? *Yes*

- Well appears to be in the approximate center of the NW ¼ Section 22 (may be slightly into the NE ¼ NW ¼). Is that correct? *yes*
- Overlap of acres due to Water Right No. 2620-3 is represented on map. Is this a fair representation? *yes*
- Provide acreage breakdown under Item No. 7.

✓ South application (Mike Chicoine)

- Well location can not be readily identified on map. Mark location of well on map and provide legal description under Item No. 2 on application.
- Application states a diversion rate of 1000 gpm. Statutory limit for this many acres is 925 gpm. Please concur with this amount or provide reason for greater amount. *Light, sand ground*
- Appears that there is overlap with Water Right No. 2621-3 and only about 104 new acres will be irrigated. It is okay to be high on the acreage estimate and let that issue be addressed at licensing. *yes*
- This is an area of very complex legal description involving accretion lands and the Nebraska Survey. Please provide legal descripts for the pivot location and breakdown of acres as appropriate.

✓ Est Jeff Application (~~James Chicoine~~) *Mike Chicoine BRAD Chicoine*

- Requested rate is 750 gpm for irrigation of 59.32 acres. Statutory limit is 380 gpm for 59.32 acres. Please provide justification for greater amount.
- Submitted map does not outline the acres to be irrigated or the location of the proposed well. Please mark the well location and outline acres to be irrigated and complete Item Nos. 4 and 7 on the application. Section 8 appears to be a normal section that follows standard designation of quarter-quarters in describing legal locations.

*SW 1/2 NW 8-90-48*

I understand that other water rights in this vicinity may have used the standard quarter-quarter designation. It is the Water Rights Program's goal to insure that all future permitting use the proper legal description as listed on the deed for the property. DENR can not complete the application based on "see map" for determining the legal locations. That must be provided by the applicant.

Please let me know if you have any questions.

Sincerely,

*Eric Gronlund*

Eric Gronlund

Water Rights Program, DENR

605 773-3352

[Eric.gronlund@state.sd.us](mailto:Eric.gronlund@state.sd.us)

enclosure



**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. 7712-3, James 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. 7712-3, James Chicoine, 508 E Clay Street, Elk Point SD 57025.

The Chief Engineer is recommending APPROVAL of Application No. 7712-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 7712-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 7712-3 authorizes a maximum diversion rate of 1.78 cfs for the irrigation of 74.54 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Jeanne Goodman, Chief Engineer  
May 9, 2013

REPORT TO THE CHIEF ENGINEER  
ON  
WATER PERMIT APPLICATION NO. 7712-3  
JAMES CHICOINE  
MARCH 27, 2013

Water Permit Application No. 7712-3 proposes to appropriate water at a maximum diversion rate of 1.78 cubic feet of water per second (cfs) from one well to be completed into the Missouri: Elk Point aquifer located in the center of the NW ¼ of Section 22 for irrigation of 74.54 acres located in the E ½ NW ¼ and W ½ NE ¼ of Section 22; all in T91N-R50W, Union County. The well is expected to be 143 feet deep. The application seeks a diversion rate greater than the statutory limit of 1.0 cfs per 70 acres.

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

**GEOLOGY AND AQUIFER CHARACTERISTICS:**

The Elk Point management unit of the Missouri aquifer encompasses approximately 234,700 acres of Clay, Union, and Yankton Counties, as determined by Hedges and others (1982), and Niehus (1994). The 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 plain of the Missouri River and also below the flood plain of the Big Sioux River in the southern part of Union County. In places, the aquifer directly overlies and is hydraulically connected to the Dakota aquifer and is hydraulically connected at its northern boundary to the Lower James-Missouri and the Lower Vermillion-Missouri aquifers. Niehus (1994) reported the aquifer is also hydraulically connected to the Big Sioux aquifer in Union County. The aquifer contains an estimated 3,287,100 acre feet of recoverable water, of which an estimated 1,494,600 acre-feet of recoverable water is in storage in Union County (Hedges and others, 1982). Aquifer thickness averages 84 feet in Union County (Niehus 1994). The transmissivity of the aquifer in Yankton County ranges from 20,700 to 24,700 square feet per day (ft<sup>2</sup>/d) (Bugliosi, 1986), and it is reasonable to assume a similar transmissivity in this area as well. The aquifer is generally under unconfined (water-table) conditions and is under water-table conditions in the area of this application.

**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 water from the Missouri: Elk Point aquifer. If this application is approved, it is likely that the water use will be less than 149.08 acre-feet per year (ac-ft/yr). 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.” Also, “If the source of the water is older or lower than the Greenhorn formation and a public water system has applied for a permit, the Board need not consider the recharge/withdrawal issue.” Here, a public water system is not involved and the aquifer is not older or lower than the Greenhorn formation, therefore withdrawal/recharge issue must be considered.

### **Recharge versus Discharge:**

#### **Recharge:**

Recharge to the Missouri: Elk Point aquifer occurs through seepage from streams and by infiltration of precipitation (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, from the Big Sioux and Missouri Rivers. The average annual recharge rate to the Missouri: Elk Point aquifer is estimated to be 3.8 in/yr based on observation well analysis (Hedges and others, 1985). Given the area of the management unit in Clay, Union, and Yankton Counties of 234,700 acres, average annual recharge to the aquifer is estimated to be 74,322 acre-feet per year (ac-ft/yr). Recharge in Union County alone is estimated to be 36,480 ac-ft/yr.

#### **Discharge:**

Discharge from the Missouri: Elk Point aquifer is by evapotranspiration, discharge to the Big Sioux and Missouri Rivers during low flow, 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). As of March 26, 2013, there are 543 water rights/permits appropriating water from the Missouri: Elk Point aquifer of which 307 are in Union County alone (Water Rights, 2013c). In addition, there are five future use permits in Clay County reserving water from the aquifer. The distribution of these appropriations for the entire aquifer and their types are shown in Table 1.

| <b>Water Rights/Permits</b>        | <b>Number</b> |
|------------------------------------|---------------|
| Commercial                         | 7             |
| Domestic                           | 2             |
| Fish and Wildlife Propagation      | 4             |
| Industrial                         | 5             |
| Irrigation                         | 505           |
| Municipal                          | 10            |
| Recreational                       | 1             |
| Rural Water System                 | 2             |
| Suburban Housing Development       | 2             |
| <b>Future Use Permits</b>          | <b>Number</b> |
| Lewis and Clark Rural Water System | 4             |
| City of Vermillion                 | 1             |

Table 1. Water Rights from the entire Missouri: Elk Point aquifer (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.
3. Future use permits can be fully developed.

The expected water use for non-irrigation purposes, including that reserved for future use, from the Missouri: Elk Point aquifer is less than 61,300 ac-ft/yr based on current water appropriations. Union County accounts for less than 5,700 ac-ft/yr of this 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 irrigation pumpage reported over the 1979 to 2011 period of record for the entire aquifer is 15,922.6 ac-ft/yr.

| YEAR       | NO. OF PERMITS | APPROPRIATION (AC-FT/YR) | PUMPAGE REPORTED (AC-FT/YR) |
|------------|----------------|--------------------------|-----------------------------|
| 1979       | 206            | 93,310.02                | 7,066.00                    |
| 1980       | 210            | 94,734.88                | 10,063.00                   |
| 1981       | 227            | 100,428.62               | 8,422.00                    |
| 1982       | 209            | 91,841.78                | 15,429.85                   |
| 1983       | 211            | 90,519.28                | 6,520.91                    |
| 1984       | 211            | 93,088.86                | 5,746.30                    |
| 1985       | 215            | 92,328.88                | 10,087.30                   |
| 1986       | 215            | 91,724.88                | 3,191.30                    |
| 1987       | 216            | 91,579.88                | 9,082.00                    |
| 1988       | 218            | 92,063.68                | 22,195.30                   |
| 1989       | 226            | 93,847.88                | 18,658.20                   |
| 1990       | 230            | 95,368.88                | 12,730.50                   |
| 1991       | 231            | 95,168.88                | 11,601.60                   |
| 1992       | 238            | 94,037.88                | 1,010.60                    |
| 1993       | 230            | 93,782.30                | 1,145.20                    |
| 1994       | 226            | 90,715.45                | 7,721.45                    |
| 1995       | 226            | 90,563.45                | 13,798.95                   |
| 1996       | 229            | 92,683.00                | 5,121.58                    |
| 1997       | 237            | 94,643.00                | 11,406.00                   |
| 1998       | 244            | 96,211.80                | 7,259.62                    |
| 1999       | 240            | 93,873.80                | 10,741.15                   |
| 2000       | 240            | 93,320.40                | 20,369.10                   |
| 2001       | 242            | 93,065.60                | 12,284.62                   |
| 2002       | 241            | 92,412.00                | 15,353.97                   |
| 2003       | 240            | 91,692.00                | 19,653.00                   |
| 2004       | 244            | 92,572.00                | 16,550.28                   |
| 2005       | 251            | 94,321.60                | 17,322.40                   |
| 2006       | 256            | 95,252.60                | 18,149.43                   |
| 2007       | 257            | 95,974.60                | 18,817.78                   |
| 2008       | 261            | 97,230.60                | 6,141.62                    |
| 2009       | 264            | 98,914.60                | 3,214.82                    |
| 2010       | 267            | 99,102.60                | 1,518.01                    |
| 2011       | 272            | 100,120.60               | 7,289.70                    |
| <b>MIN</b> | <b>206</b>     | <b>90519.3</b>           | <b>1010.6</b>               |
| <b>MAX</b> | <b>272</b>     | <b>100428.6</b>          | <b>22195.3</b>              |
| <b>AVE</b> | <b>234.2</b>   | <b>94136.3</b>           | <b>10777.7</b>              |

Table 2. Irrigation from the Missouri: Elk Point aquifer in Union County (Water Rights, 1980-2012).

There are also new permits and pending applications for water use from the Missouri: Elk Point aquifer that are expected to significantly increase the total volume of water appropriated for irrigation. Since January 1, 2012, 71 new permits have been issued authorizing the irrigation of 8954.4 acres. As of March 27, 2013, an additional 19 permit applications are pending for appropriation of water from the Missouri: Elk Point. The pending permits are shown in Table 3 and have a proposed total diversion rate of 33.55 cfs, and 2,311.1 acres of coverage.

| Permit No.   | Diversion Rate (CFS) | Acres         |
|--------------|----------------------|---------------|
| 6895A-3      | 1.56                 | 135.5         |
| 7634-3       | 2.0                  | 296           |
| 7635-3       | 2.0                  | 320           |
| 7644-3       | 1.78                 | 160           |
| 7659-3       | 2.0                  | 37.25         |
| 7660-3       | 1.56                 | 82            |
| 7661-3       | 2.22                 | 24            |
| 7663-3       | 1.44                 | 132           |
| 7669-3       | 1.33                 | 70            |
| 7670-3       | 1.78                 | 120           |
| 7671-3       | 1.55                 | 92.25         |
| 7675-3       | 3.56                 | 115           |
| 7676-3       | 2.0                  | 157.1         |
| 7677-3       | 2.55                 | 200           |
| 7684-3       | 1.78                 | 160           |
| 7686-3       | 1                    | 70            |
| 7687-3       | 1                    | 70            |
| 7689-3       | 1                    | 70            |
| 7703-3       | 1.44                 | N/A           |
| <b>TOTAL</b> | <b>33.55</b>         | <b>2311.1</b> |

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

Lewis and Clark Rural Water System (LCRWS) currently reserves 13,000 acre feet per year for future use and has permits appropriating 32,165 acre feet per year (Water Rights, 2013b). This accounts for a significant portion of the annual water usage in Clay County and the aquifer as a whole, and most of the water from these wells will be induced from the Missouri River. That is, more recharge can be induced with more pumping, in particular from the Missouri River because it is hydraulically connected to the aquifer. Recognizing that LCRWS withdraws water from the Missouri: Elk Point aquifer that is induced from the Missouri River, and considering the remaining hydrologic budget, there is reasonable probability that unappropriated water is available for 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 DENR-Water Rights Program monitors 37 observation wells completed into the Missouri: Elk Point aquifer. There are two observation wells within four miles of the well sites proposed by this application (Water Rights, 2013a). A hydrograph for each well is shown on Figures 1 and 2.

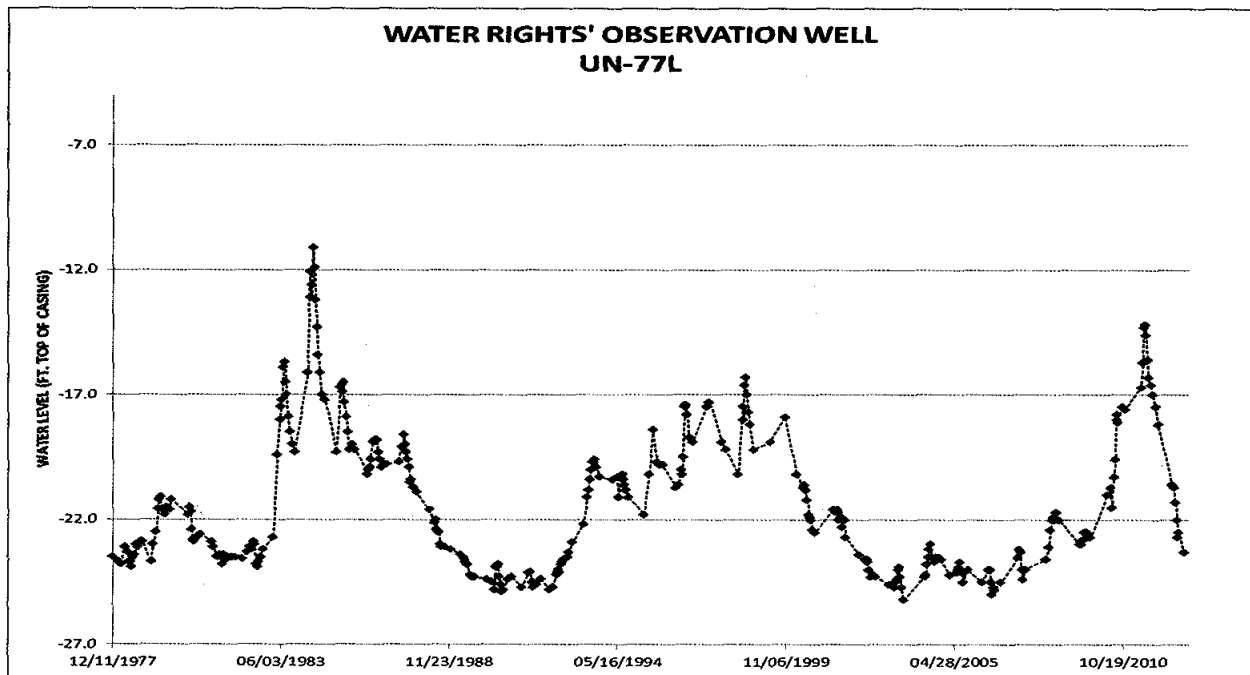


Figure 1. Hydrograph for DENR – Water Rights Observation well UN-77L completed into the Missouri: Elk Point aquifer approximately 0.4 miles northwest of the well site proposed by Water Permit Application 7712-3 (Water Rights, 2013a).

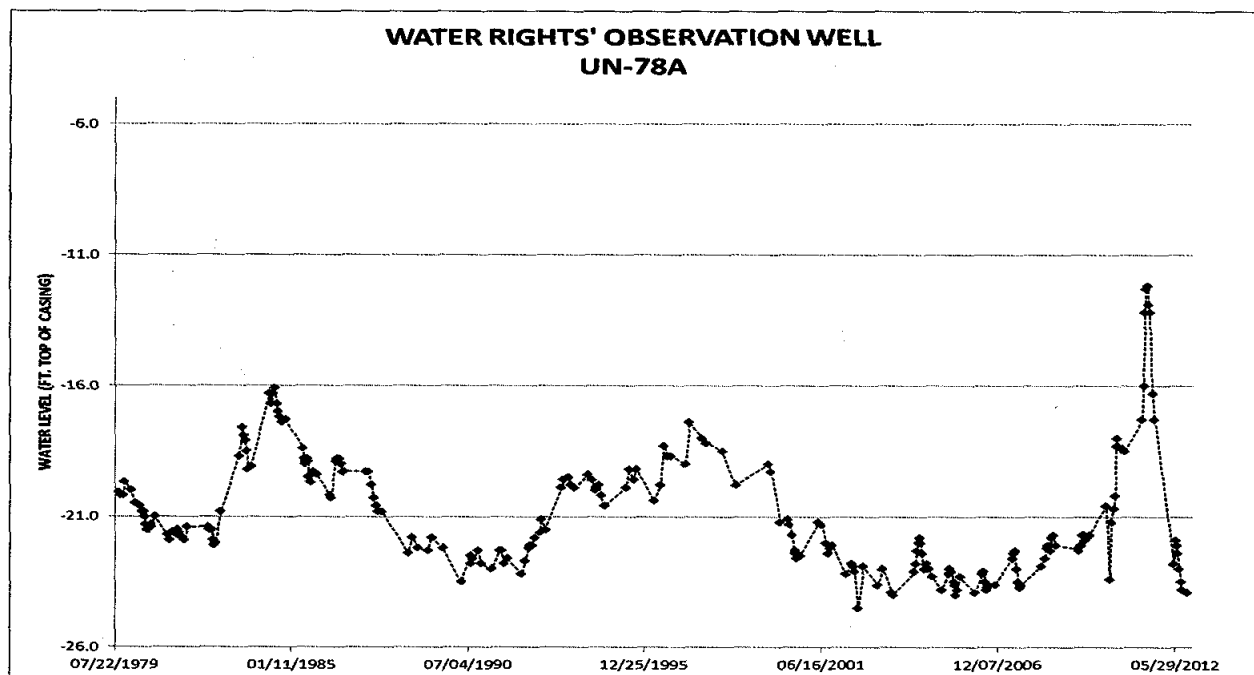


Figure 2. Hydrograph for DENR – Water Rights Observation well UN-78A completed into the Missouri: Elk Point aquifer approximately 3.2 miles east-southeast of the well site proposed by Water Permit Application 7712-3 (Water Rights, 2013a).

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; and that at the current level of development, climatic conditions mask the temporal effects of well withdrawals. The observation well data also documents the hydraulic connection between the Missouri: Elk Point aquifer and the Missouri River (e.g. in particular, high groundwater levels associated with flooding in 2011), and that drawdown is not significant. Hydrograph UN-78A may show a general gradual decline; this gradual decline could be attributed to entrenching of the Missouri River (Goodman, 2007).

Because of this obvious hydraulic connection between Missouri: Elk Point aquifer and the Missouri River and the availability of water in the Missouri River, there is a reasonable probability that additional recharge to the Missouri: Elk Point will be induced from the Missouri River with additional pumping. Therefore, there is reasonable probability that unappropriated water is available from the aquifer to support this appropriation.

**EXISTING WATER RIGHTS:**

The well sites proposed by these applications are located in the southeast portion of the Missouri: Elk Point aquifer. The aquifer lies between the Missouri and Big Sioux Rivers in this area and varies from five to nine miles wide, and proposed Application No. 7712-3 is approximately 1.7 miles north of the Missouri River. There are nine water rights/permits within a one mile radius of the proposed well site, as shown on Figure 3. The locations of the water rights/permits were determined using the best data reasonably available.

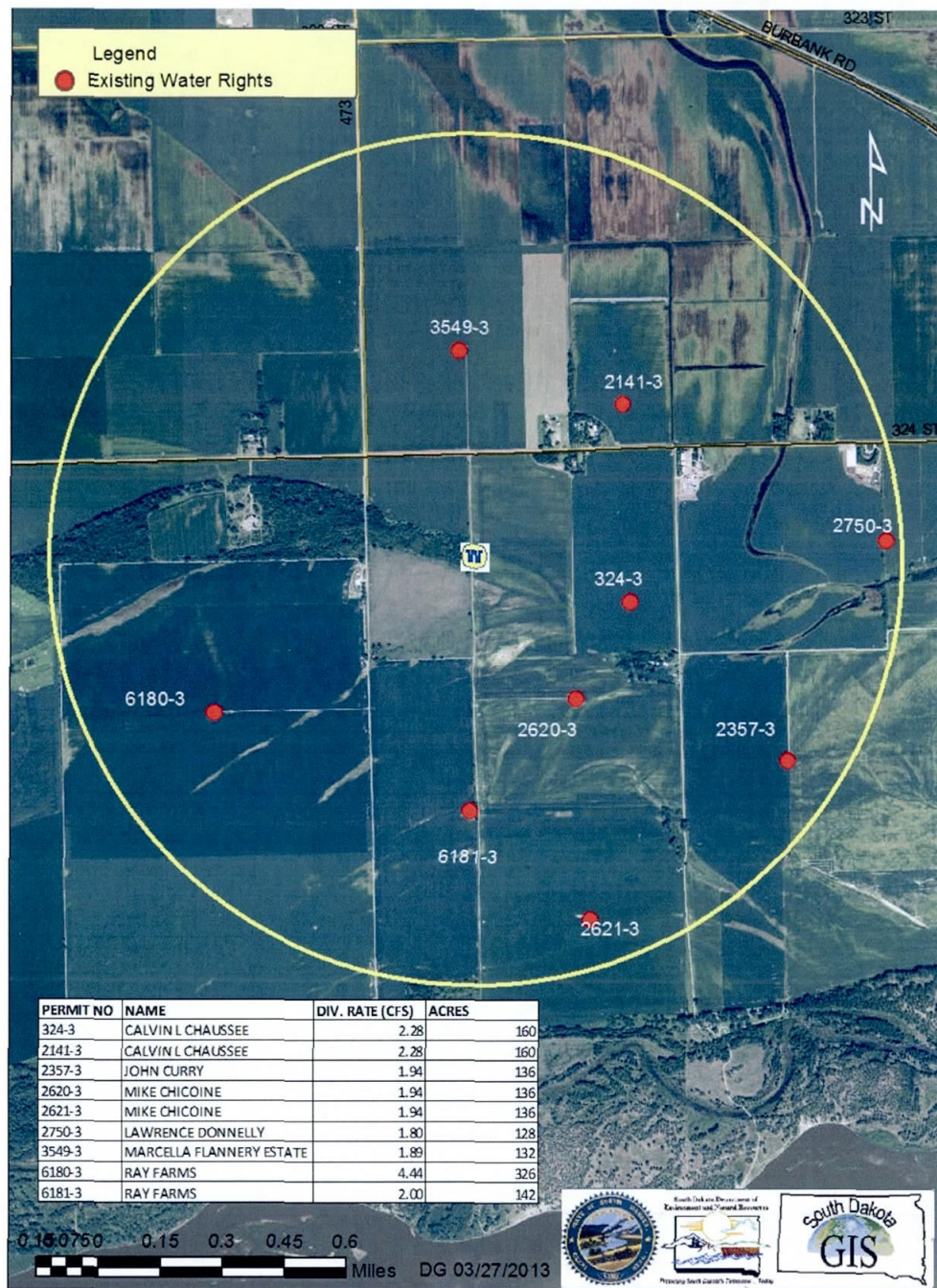


Figure 3. Water rights / permits within about one mile of the well proposed by Water Permit No. 7712-3 (Water Rights, 2013c).

Additional drawdown caused by the proposed well could be measurable in nearby wells. The nearest domestic well on file with the DENR – Water Rights Program is more than two miles away. However, there may be domestic wells closer than this and could have measurable drawdown, as well. 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 nor a reduction of needed water supplies in adequate wells or in adequate wells having prior rights.”

In reality, the assurance of reasonable domestic use provided by SDCL 46-6-6.1 and ARSD 74:02:04:20(7) generally ensures that interference will not be adverse to domestic well users and those with existing appropriative rights. Depending on the characteristics of the Missouri: Elk Point aquifer at the proposed well site, some existing well owners may need to lower their pumps to accommodate lower water levels. When considering SDCL 46-6-6.1 and ARSD 74:02:04:20(7) in combination with observation well measurements and the expected aquifer transmissivity, the proposed increase in diversion rate is not likely to lead to significant interference or adversely affect existing wells.

#### **SDCL 46-5-6**

Pursuant to SDCL 46-5-6, the diversion rate for an irrigation appropriation cannot be in excess of one cubic foot of water per second for every seventy acres, or “the equivalent thereof.” The statute provides that the Water Management Board may allow a greater diversion if the method of irrigation so requires. The submitted application has stated the higher diversion rate is required for efficient operation of the irrigation equipment.

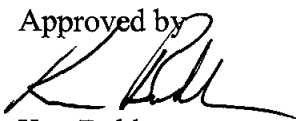
#### **CONCLUSIONS:**

1. Water Permit Application No. 7112-3 proposes to appropriate water from the Missouri: Elk Point aquifer at a maximum diversion rate of 1.78 cfs for the irrigation of 74.54 acres.
2. The applicant is seeking a diversion rate that would be in excess of the statutory limit of 1.0 cfs per 70 acres.
3. There is reasonable probability that unappropriated water is available from the Missouri: Elk Point aquifer to supply these proposed appropriations.
4. The Missouri: Elk Point is under unconfined (water-table) conditions in the proposed areas, and drawdown is not expected to be significant very far from a production well.
5. There is a reasonable probability that the well proposed by this application will not adversely impact existing water rights or domestic users.



Dan Gerhardt  
SD DENR-Water Rights Program

Approved by



Ken Buhler  
SD DENR-Water Rights Program

**REFERENCES:**

- Bugliosi, E.F., 1986, Water Resources of Yankton County, South Dakota: U.S. Geological Survey Water-Resources Investigations Report 84-4241. 41 p.
- Goodman, J.A. 2007. Report on Water Permit Application No. 6869-3 for Lewis and Clark RWS: SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.
- 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, 57p.
- Water Rights, 1980-2012, "Irrigation Questionnaire Summaries by County", 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

State of South Dakota )

:ss

County of Union )

Kelly Kruithoff,

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

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 16 day of May, 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

\$ 23.78, 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.

Kelly Kruithoff  
Subscribed and sworn to before me

this 16 day of May, 2013

My commission expires 6-21-17

SUSAN ODSON  
NOTARY PUBLIC  
SOUTH DAKOTA  
[Signature]  
Notary Public

### NOTICE OF APPLICATION NO. 7712-3 TO APPROPRIATE WATER

Notice is given that James Chicoine, 508 E Clay St, Elk Point SD 57025 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (120 feet deep) located in the center of the NW 1/4 Section 22 for irrigation of 74.54 acres located in the E 1/2 NW 1/4 and the W 1/2 NE 1/4 Section 22; all in T91N-R50W. The applicant is requesting a diversion rate greater than the statutory limit.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7712-3 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 May 28, 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 May, 16, 2013  
Published once at the total approximate cost of \$23.78  
20-8-79

RECEIVED

MAY 20 2013

WATER RIGHTS  
PROGRAM

RECEIVED

MAY 20 2013

WATER RIGHTS  
PROGRAM

**AFFIDAVIT OF PUBLICATION**

**YANKTON DAILY PRESS AND DAKOTAN**

5+16

NOTICE OF APPLICATION  
NO. 7712-3 to Appropriate Water

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. 7712-3**

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE  
NEWSPAPER ON THE 16th DAY OF May 2013  
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION  
OF SAID **NOTICE** TO WIT \$26.48 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: 5/16/2013

FILED ON: 5/16/2013

SUBSCRIBED AND SWORN TO BEFORE ME THIS 16th DAY OF May

2013

NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES

8/19/2015

Notice is given that James Chi-  
coine, 508 E Clay St, Elk Point  
SD 57025 has filed an application  
for a water permit to appropriate  
1.78 cubic feet of water per sec-  
ond from one well to be com-  
pleted into the Missouri:Elk Point  
Aquifer (120 feet deep) located in  
the center of the NW 1/4 Section  
22 for irrigation of 74.54 acres lo-  
cated in the E 1/2 NW 1/4 and the  
W 1/2 NE 1/4 Section 22; all in  
T91N-R50W. The applicant is re-  
questing a diversion rate greater  
than the statutory limit.

Pursuant to SDCL 46-2A-2, the  
Chief Engineer recommends AP-  
PROVAL of Application No.  
7712-3 because 1) unappropriated  
water is available; 2) existing  
rights will not be unlawfully im-  
paired; 3) it is a beneficial use of  
water; and 4) it is in the public in-  
terest. In accordance with SDCL  
46-2A-23, the Chief Engineer will  
act on this application, as recom-  
mended, unless a petition is filed  
opposing the application or the  
applicant files a petition contest-  
ing the Chief Engineer's recom-  
mendation. 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 writ-  
ten petition with BOTH the appli-  
cant and Chief Engineer. The ap-  
plicant must file a petition if con-  
testing the Chief Engineer's rec-  
ommendation. The Chief Engi-  
neer'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 inter-  
ested person or the applicant must  
be filed by May 28, 2013.

The petition may be informal, but  
must include a statement describ-  
ing the petitioner's interest in the  
application, the petitioner's rea-  
sons for opposing or supporting  
the application, and the signature  
and mailing address of the peti-  
tioner or the petitioner's legal  
counsel, if legal counsel is ob-  
tained. Contact Eric Gronlund at  
the above Water Rights Program  
address to request copies of infor-  
mation pertaining to this applica-  
tion. Steven M. Pirner, Secretary,  
Department of Environment and  
Natural Resources.

Published once at the total ap-  
proximate cost of \$26.15.



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

[denr.sd.gov](http://denr.sd.gov)

May 9, 2013

Leader Courier  
PO Box 310  
Elk Point SD 57025

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7712-3 to Appropriate Water. Please publish the notice once on May 16, 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 James Chicoine, 508 E Clay St, Elk Point SD 57025 (Ph # 712-898-9173).

**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

May 9, 2013

Press & Dakotan  
319 Walnut  
Yankton SD 57078

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7712-3 to Appropriate Water. Please publish the notice once on May 16, 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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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.**

May 9, 2013

James Chicoine  
508 E Clay St  
Elk Point SD 57025

Dear Mr. Chicoine:

Water Permit Application No. 7712-3 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 May 16, 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. 7712-3 to Appropriate Water

Notice is given that James Chicoine, 508 E Clay St, Elk Point SD 57025 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (120 feet deep) located in the center of the NW 1/4 Section 22 for irrigation of 74.54 acres located in the E 1/2 NW 1/4 and the W 1/2 NE 1/4 Section 22; all in T91N-R50W. The applicant is requesting a diversion rate greater than the statutory limit.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7712-3 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.

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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. 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](http://denr.sd.gov)

**JUN 20 2013**

Mike Chicoine  
508 E Clay St  
Elk Point SD 57025

Dear Mr. Chicoine:

Enclosed are Water Permit Nos. 7711-3, 7712-3, 7713-3 and 7714-3 authorizing construction of your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

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

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

Sincerely,

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

enclosures



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
PMB 2020  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
<http://denr.sd.gov>

October 23, 2013

7712-3

James Chicoine  
PO Box 211  
Jefferson SD 57038 0211

Dear Mr. Chicoine:

Enclosed is a "Notice" dated October 18, 2013 concerning the 2013 irrigation questionnaire.

The notice was originally mailed to 508 E Clay St, Elk Point SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads 'Genny McMath'.

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

enclosures

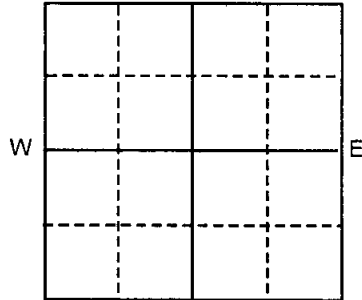
## SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NW ¼ NW ¼ Sec 22 Twp 91N Rg 50W

County Union

North

Please mark well  
location with an "X"

Well Completion Date

July 29, 2013

1 Mile

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

## PROPOSED USE:

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

## METHOD OF DRILLING:

Rotary

## CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

| PIPEWEIGHT | DIAMETER | FROM   | TO      | HOLE DIAMETER |
|------------|----------|--------|---------|---------------|
| LB/FT      | 12.00 IN | 0.0 FT | 77.0 FT | 18.00 IN      |
| LB/FT      | IN       | FT     | FT      | IN            |
| LB/FT      | IN       | FT     | FT      | IN            |

## GROUTING DATA:

| Grout Type | No. of Sacks | Grout Weight | From   | To      |
|------------|--------------|--------------|--------|---------|
| Bentonite  | 21           | Lb/gal       | 0.0 Ft | 76.0 Ft |
|            |              | Lb/gal       | Ft     | Ft      |

Describe grouting procedure  
tremie piped

## SCREEN:

☒ Perforated pipe ☐ Manufactured

Diameter 12.00 Inches Length 26.0 Feet

Material PVC / Stainless Steel

Slot Size .100/.070 Set From 76.0 Feet to 102.0 Feet

Other information

## WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

## DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? chlorinated

☐ No, Why Not?
Lab to which water  
quality sample sent for analysis

n/a

Well Owner: Mike Chicoine

Business Name:

Address: 508 East Clay

City, State, Zip: Elk Point SD 57025

## WELL LOG:

| FORMATION          | DEPTH |     |
|--------------------|-------|-----|
|                    | FROM  | TO  |
| Brown clay         | 0     | 10  |
| Fine sand          | 10    | 46  |
| Medium-fine sand   | 46    | 78  |
| Medium-coarse sand | 78    | 104 |
| Gray clay          | 104   | 110 |
|                    |       |     |
|                    |       |     |
|                    |       |     |

STATIC WATER LEVEL 13.0 FEET

If flowing: closed in pressure PSI

GPM flow through Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate GPM

Can well be completely shut in?

## WELL TEST DATA:

☒ Pumped Describe:

☐ Bailed

☐ Other

Pumping Level Below Land Surface

27.0 Ft. After 2.0 Hrs. pumped 900.0 GPM

Ft. After Hrs. pumped GPM

If pump installed, pump rate: GPM

## REMARKS

GPS: N 42 41.307

W 096 44.523

Well #1

This well was drilled under license # 475 and this report is true and accurate.

Drilling firm: Thein Well Co., Inc.

Signature of License Representative:

RECEIVED

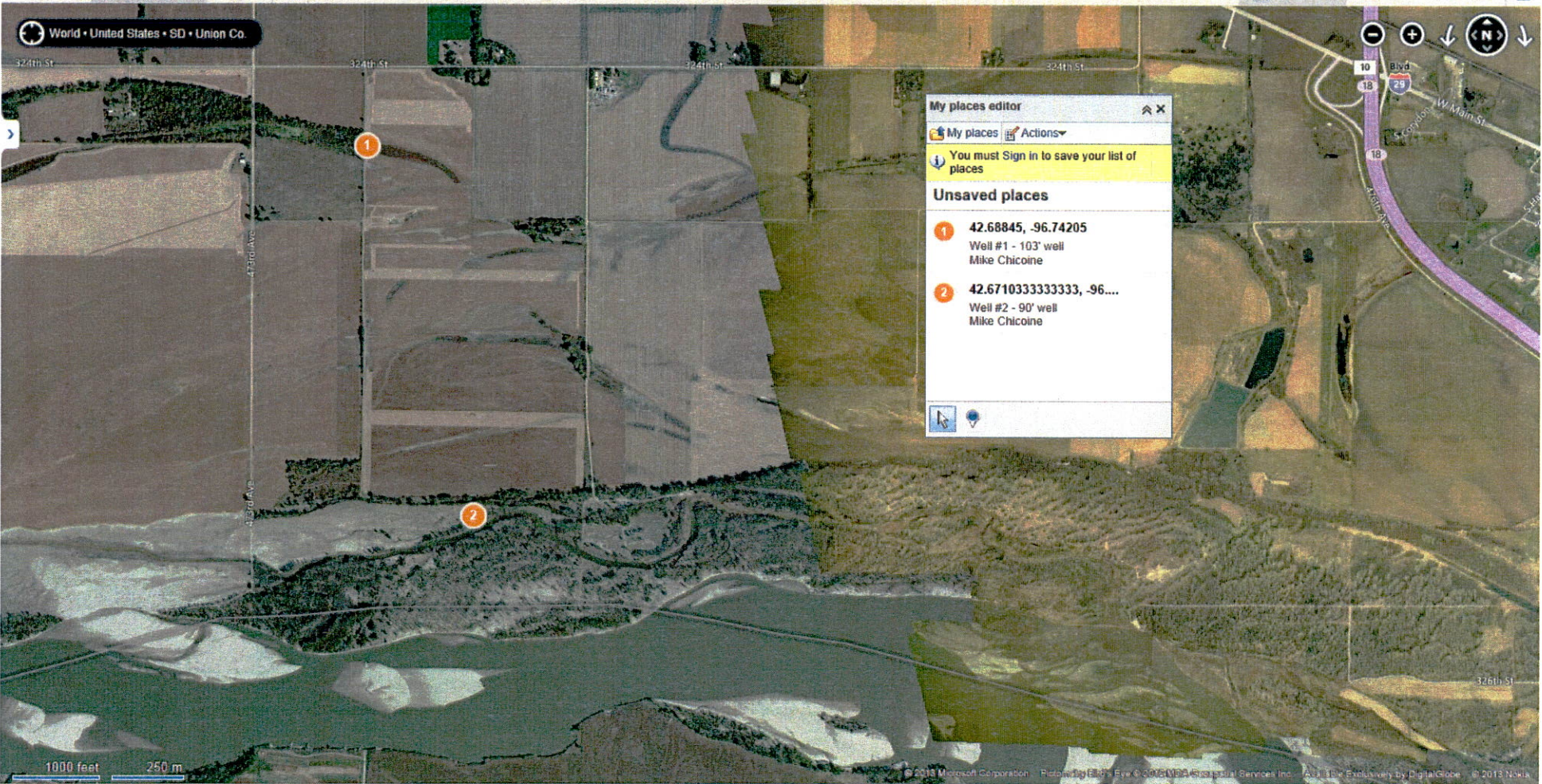
NOV - 7 2013

WATER RIGHTS  
PROGRAM

Signature of Well Owner or Equitable Property Holder:

Date:

12-11-13



## My places editor

My places Actions

You must Sign in to save your list of places

## Unsaved places

- 42.68845, -96.74205**  
Well #1 - 103' well  
Mike Chicoine
- 42.6710333333333, -96....**  
Well #2 - 90' well  
Mike Chicoine

