

WATER PERMIT NO. 5842-3

Phone: 605 582-6565

Name of Applicant: Michael Dale Coughlin

Post Office Address: 2217 S Splitrock Blvd., Brandon SD 57005

Amount of Water Claimed: 0.11 cfs (50 gpm) Total Acres: _____

Source of Water Supply: groundwater - 2 wells

Water to be used for: commercial-nursery County: Minnehaha

Location: just south of Brandon

PRIORITY Date Received: 1-12-95 Fee: \$150.00

Corrected Application Received: _____ Period of Annual Use: Jan - Dec

Remarks: _____

Diversion Point: Bennis Lot "A" Tract 1,

W 1/2 NW 1/4 Sec 10-T101N-R48W

Land to be Irrigated: _____

	8				
	8				
			10		

Well Log: Driller: _____ Licensed: YES _____ NO _____

Depth of Well: 75 and 35 feet deep REMARKS: well logs not available

Type of Map: plat Prepared By: Mark A. Turner, RLS Reviewed and the Number

Assigned on: 1-13-95 By: Karen Schlaak

FORM 2: Application for Irrigation in South Dakota

(type or print)

Mail to:
Water Rights Division
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181
605 773-3352

No. 5842-3 Hydrologic Unit 10170203
Basin Big Sioux
Newspaper The Argus Leader, P.O. Box 5034, SF
(office use only)



Application For Soil/Water Compatibility Permit And Permit To Appropriate Water

Type of Application: ☒ **New** ☐ **Vested Right** ☐ **Amendment/Correction to Permit No. _____**
(check one) (Use predates Mar 2, 1955)

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

1. Name of Applicant MICHAEL DALE COUGHLIN Phone 605-582-6565
(check one) ☒ **Owner** ☐ **Tenant/lessee**
Mailing Address 2217 S. SPLIT ROCK BLVD. BRANSON State S. DAK. 57005
(Street, RR, or Box) (City) (Zip Code)

2. Amount of water claimed 0.11 *CFS or 50 **GPM _____ ***AF Total Acreage _____
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout if applicable)

3. Source of water supply WELLS

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 2 WELLS LOCATED
IN BEHRIS TRACT # 1 WEST 1/2 OF THE N.W. 1/4
SECTION 10, T101N, R-98W OF THE 5TH P.M. County MINNEHAWA

5. County or counties where water will be used MINNEHAWA

6. Annual period during which water is to be used DOMESTIC USE YEAR ROUND (STOCK MAY THROUGH OCT.)

7. List below each forty acre subdivision, 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>NONE</u>		

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: _____ Gun: _____ Other (Specify): HOSE HAND WATER

9. Crops to be irrigated: CONTAINER NURSERY STOCK (RETAIL NURSERY)

10. Give a description of the project. (Attach sheet if more space is needed)
WELLS TO BE USED TO WATER CONTAINER NURSERY STOCK
& FOR DOMESTIC USE
HAND WATERING OF NURSERY STOCK IS OUR METHOD

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

STATE OF SOUTH DAKOTA)
County of MINNEHAWA ss

I, Michael D. Coughlin, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is representative of the water to be used, and that the matters stated in this application are true and correct.

Signed Michael D. Coughlin
Subscribed and sworn to before me this 10th day of JANUARY 19 95
Debra C. Collins
Notary Public

**SOUTH DAKOTA
WATER PERMIT NO. 5842-3**

Date of first receipt of application January 12, 1995.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5842-3 to Michael Dale Coughlin, 2217 S Splitrock Blvd., Brandon SD 57005 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. 5842-3 appropriates 50 gallons per minute (0.11 cubic feet of water per second) from two wells approximately 75 and 35 feet deep located in Bennis Lot "A" Tract 1 (W 1/2 NW 1/4) Section 10-T101N-R48W.
2. The water appropriated shall be used for the purpose of domestic use and supplying water to the plant nursery and may not exceed the amount of water needed for beneficial use for commercial and domestic purposes.
3. The water is to be used during the following described annual period: January 1 - December 31.
4. The date of approval of Permit No. 5842-3 is February 21, 1995.
5. The date from which applicant may claim right is January 12, 1995.
6. One-fifth of the construction is to be completed on or before August 21, 1997.
7. All construction is to be completed on or before February 21, 2000.
8. Water is to be put to beneficial use on or before February 21, 2004.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

1. The wells 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.

WATER MANAGEMENT BOARD

By: 
John Hatch, Chief Engineer
Water Rights Division
Department of Environment and Natural Resources

MAR 29 1995
date

WELL A. NURSERY WELL EXISTING

Form 2A

(Complete applicable portions only)

Supplemental Information

(type or print in ink)

1. Well Information - ~~Proposed Construction~~ ^{EXISTING}

- a) Drill Hole Diameter 6" Depth 75' Approx.
- b) Casing Type STEEL Diameter 6" Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well: _____

On applicants property 300' On property owned by others 1/4 MILE

2. Dugout Information

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

3. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

g) X & Y Slope

Upstream _____

Downstream _____

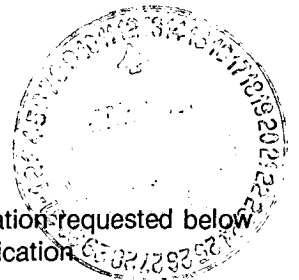
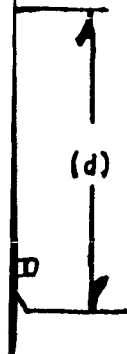
h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres

Water :

Mike Coughlin stated
the well information
came from the person
that worked on the
well.



WELL B. HOUSE WELL EXISTING

Form 2A

(Complete applicable portions only)

Supplemental Information

(type or print in ink)

1. Well Information - EXISTING Proposed Construction

- a) Drill Hole Diameter 2' Depth 30 to 35'
- b) Casing Type CONCRETE Diameter 2' Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well: _____

WELL LOG NOT AVAILABLE

On applicants property _____ On property owned by others 1/4 MILE

2. Dugout Information

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

3. Water Storage Dams

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

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

_____ b) Freeboard _____

_____ c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

g) X & Y Slope

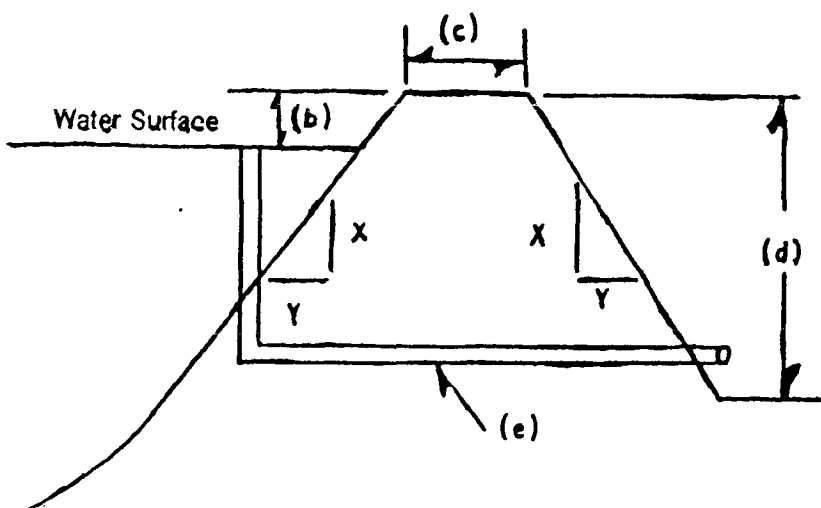
Upstream _____

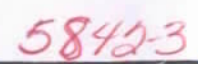
Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres





RECEIPT 0170203

Division of Water Rights

No 4 9937

South Dakota Department of Water and Natural Resources

Pierre, February 12, 19 85

RECEIVED OF Michael D. Coughlin, 2217 S. Splitrock Blvd., Brandon, SD 57005

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

Fee for Application for Permit No. ~~5857-3~~ 5842-3 to Appropriate Water, to construct works and to put water to beneficial use	150	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request 0.25		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	150 00

By

Chief Engineer

JOHN HATCH (ms)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

October 19, 1994

Mike Coughlin
2217 S Splitrock Blvd.
Brandon SD 57005

Dear Mr. Coughlin:

Our files indicate that in 1985 you submitted an Application for Permit to Appropriate Water for a nursery which, at your request, was withdrawn. In 1991, you submitted another application for the nursery which was incomplete. A review of our files indicate that the application was never completed.

Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10 and 46-2-18, you must have a water permit prior to using water. Without a water permit, you do not have a legal right to use the water and the Chief Engineer may issue a shut off order if the illegal use of water continues.

If you are using water for a nursery or commercial purposes a water permit must be obtained. Enclosed are application forms and an instruction sheet. In 1985, a \$150.00 filing fee was submitted. This fee can be applied toward the application or be refunded to you if you are not using or intending to use the water.

If you have any questions, please contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Karen Schlaak".

Karen Schlaak
Environmental Scientist
(605) 773-3352

enclosure

**Water Rights Division
File Documentation**

NAME OF PERSON OR FILE: Michael Dale Coughlin

ADDRESS: Brandon SD COUNTY: Minnehaha

DATE: 1-12-95 TELEPHONE:

RE: Fee

COMMENTS:

In February, 1985 an application and \$150.00 fee were filed by Michael Coughlin. The application was later withdrawn due to a pending land sale. The filing fee will now be applied towards this new application.



Karen Schlaak
Environmental Scientist

REPORT ON WATER PERMIT APPLICATION NO. 5842-3
for Michael Dale Coughlin
January 18, 1994⁵

Application No. 5842-3 proposes to appropriate 50 gpm (0.11 cfs) from two existing wells approximately 75 and 35 feet deep located in the W 1/2 NW 1/4 of section 10, T101N R48W in Minnehaha County. The water is for commercial use in a plant nursery.

AQUIFER - BIG SIOUX SOUTH (BS-S)

The Big Sioux South is a glacial outwash (sand and gravel) under predominantly unconfined (water table conditions) in this area. The outwash deposit lies between the Big Sioux River and Split Rock Creek which are hydraulically connected to the outwash and act mainly as discharge zones for the aquifer (Barari, 1979). The Big Sioux South aquifer underlies 17,200 acres and contains an estimated 20,640 acre feet of recoverable water in storage (Hedges, 1982). This is a very conservative estimate because of the available geologic information at that time. A more recent publication (Lindgren, 1992) identifies three additional minor aquifers associated with the Big Sioux called the Brandon, Beaver Creek and Four Mile Creek. These aquifers appear to be hydraulically connected and are considered as one for purposes of this report.

Well logs and construction reports are not available for the two wells. The geology and hydrology of the area is established by test holes and logs completed for studies done in the area. Information from those studies was used to evaluate this application. The well that is supposed to be 75 feet deep does not fit with what is known about the geology. It is assumed that this well obtains water from the same source as the shallow well.

The Division of Water Rights monitors seven observation wells completed into the Big Sioux South aquifer in Minnehaha County. Water levels for these wells show good response to climatic conditions, that is, rising water levels during wet years and gradually declining water levels during dry years. In general, the record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1995).

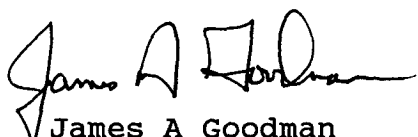
REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing water permit/right is No. 1907-3 which is located about 3/4 mile east of this application. Interference is not a concern. This is a relatively small diversion rate and drawdown should not be significant especially for an aquifer like the Big Sioux South.

CONCLUSIONS

1. Water is available from the Big Sioux South aquifer.

2. Interference is not expected to be a concern. This diversion rate is relatively small and there are no other nearby permitted diversions.
3. There is insufficient information supplied with the application to determine if these wells are completed in accordance with SD Well Construction Standards or if the wells will produce the amount of water requested. Even though the depths of the two wells are listed as 35 and 75 feet it is likely that the water supply is from the same aquifer. A nearby observation well (MA-87I) indicates that bedrock was encountered at a depth of 72 feet. A well completed to a depth of greater than 75 feet would probably be in the Split Rock Formation.
4. Water samples taken in this area in 1975 and 1976 by the SDGS (Barari, 1979) indicate the potential for high nitrate. This water should be tested if it is being used for a drinking water supply. That study also indicated the well reported to be 75 feet deep may actually be 50 feet deep.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Barari, A., 1979, Ground-Water Study in the Vicinity of Brandon, UR-27, SDGS, Vermillion, SD, 57069.

Hedges, L.S., etal, 1982, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Lindgren, R.J., C.A. Niehus, 1992, Water Resources of Minnehaha County, South Dakota, USGS WRI 91-4101, USGS, Huron, SD, 57350.

Water Rights, 1995, Unpublished Observation Well Records for Minnehaha County, SD DENR, Division of Water Rights, Pierre, SD, 57501.

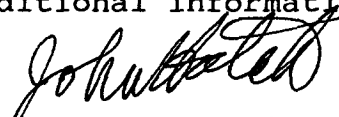
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5842-3, Michael Dale Coughlin

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 5842-3, Michael Dale Coughlin, 2217 South Splitrock Blvd., Brandon, SD 57005.

The Chief Engineer is recommending APPROVAL of Application No. 5842-3 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) in the public interest with the following qualifications:

The wells 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.

See report on application for additional information.


JOHN HATCH, Chief Engineer
January 21, 1995



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

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

January 26, 1995

Michael Dale Coughlin
2217 S. Splitrock Blvd.
Brandon, SD 57005

Dear Mr. Coughlin:

Water Permit Application No. 5842-3 for commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of The Argus Leader printed at Sioux Falls, SD (Ph # 605-331-2200). For your information, a copy of the notice, the recommendation of the Chief Engineer and a 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 to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

January 26, 1995

The Argus Leader
Po Box 5034
Sioux Falls, SD 57117-5034

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5842-3 to be published twice. Please publish the first notice on February 2, 1995, with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Michael Dale Coughlin, 2217 S. Splitrock Blvd., Brandon, SD 57005 (Ph # 605-582-6565).

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

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

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Appropriate Water by Application No. _____ which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper - Publish first Notice on February 2, 1995, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 5842-3 to Appropriate Water

Notice is given that Michael Dale Coughlin, 2217 S Splitrock Blvd., Brandon, SD 57005 has filed an application for a water permit to appropriate 50 gallons per minute (0.11 cubic feet of water per second) from two wells approximately 75 and 35 feet deep located in Bennis Lot "A" Tract 1 (W 1/2 NW 1/4) Section 10-T101N-R48W. The water is for commercial use in a plant nursery.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5842-3 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 the 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 the 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 Division, 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 February 21, 1995.

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 Division address to request copies of information pertaining to this application. Steven M. Pirner, Acting Secretary, Department of Environment and Natural Resources.



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss
 County of Minnehaha)

I, D. Reicher

certify that the attached printed Notice was

taken from the Argus Leader

printed and published in Sioux Falls

County of Minnehaha and State of

South Dakota. The notice was published in
 the newspaper on the following two dates:

February 2, 1995

February 9, 1995

Cost of Printing: \$71.57

NOTICE OF APPLICATION

NO. 5842-3 to Appropriate Water

Notice is given that Michael Dale Coughlin, 2217 S. Splitrock Blvd., Brandon, SD 57005 has filed an application for a water permit to appropriate 50 gallons per minute (0.11 cubic feet of water per second) from two wells approximately 75 and 35 feet deep located in Bennis Lot "A" Tract 1 (W 1/2 NW 1/4) Section 10-T101N-R48W. The water is for commercial use in a plant nursery.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5842-3 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 the 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 the 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 Division, 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 persons or the applicant must be filed by February 21, 1995.

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 Division address to request copies of information pertaining to this application. Steven M. Pirner, Acting Secretary, Department of Environment and Natural Resources.
 6936 Feb. 2, 9, 1995

D. Reicher
 (Signature) MB

2/9/95 Asst. Controller
 (Title)

2/9/95
 (Date Signed)



MAR 29 1995

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

Michael Dale Coughlin
2217 South Splitrock Blvd.
Brandon, SD 57005

Dear Mr. Coughlin:

Enclosed is Water Permit No. 5842-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

enclosures

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period - i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.

NOTICE OF COMPLETION OF WORKS AND APPLICATION OF WATER TO BENEFICIAL USE



Date 4/18/95

TO: Water Rights Division, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM: Mike Coughlin 2217 S. SPLIT ROCK BLVD.
(name) (address)
BRANSON S.D. 57005 605-582-6565
(city) (state) (zip) (phone)

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 5842-3.

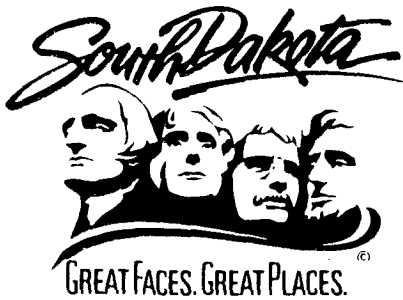
Water Permit No. 5842-3 states that the diversion system is to be constructed by FEB. 21 2000, and that the water is put to beneficial use by FEB 21 2004.
(date) (date)

The diversion system was completed on EXISTING WELL IS IN USE,
(date)
Applying the water to beneficial use was completed on 4/1/95.
(date)

You may schedule an inspection so that the Water License may be issued.

Michael D. Coughlin
(signature)

AT THIS TIME NO NEW DIVERSION SYSTEM IS NEEDED



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

March 6, 1996

5842-3

Michael Dale Coughlin
2217 S. Splitrock Blvd.
Brandon, SD 57005

Dear Mr. Coughlin:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 5842-3, has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

Please remit fee to:
Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Program
(605) 773-3352

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.

RECEIPT

414848

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ March 12, 19 96

RECEIVED OF Oakridge Nursery & Landscaping, Inc. (Michael Dale Coughlin), 2217 S. Splitrock
the following amount in fees for services rendered as provided for by law: Blvd., Brandon, SD 57005

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
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>5842-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch (Signature)
Chief Engineer

REPORT ON INSPECTION OF PERMIT NO. 5842-3

Other permit(s) associated with the project: None

DATE OF INSPECTION: June 28, 1995

NAME OF INSPECTION CONTACT: Robyn Coughlin.

NAME & ADDRESS OF PERMIT HOLDER: Michael Dale Coughlin, 2217 South Splitrock Blvd., Brandon, SD 57005

DIVERSION POINT LEGAL LOCATION: 1452 feet S and 100 feet E from the NW corner of Section 10; T101N R48W (SW1/4 NW1/4).

WELL INFORMATION:

1) Well Drilling Firm: Sioux Well Drilling

3) Depth(s) 60 feet

2) No. of Wells 1

4) Well log is available N

Casing:

1) Diameter 6 inches

2) Length 50 feet

3) Type Steel

Screen:

1) Type Steel

2) Length 10 feet

3) Static water level 15 feet

Motor:

1) Make Franklin Electric

2) Model No. submersible

3) Horsepower rating 3/4 HP

Pump:

1) Make Goulds

2) Model No. submersible

3) Capacity 10 GPM

SYSTEM TYPE:

Commercial Use

Water for a plant nursery in Minnehaha County.

PERMIT QUALIFICATIONS AND REGULATIONS:

1) Special qualifications to permit being abided by Y

2) All structures, wells and lands on map Y

3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period N/A

COMMENTS:

I got most of the well information from Dave Putzke Well Drilling. There is another well for this permit but it is used only in the house and not the nursery like originally planned. This well will be left off of the Water License.

Permit No. 5842-3
Big Sioux - Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, **June 28, 1995**, made a thorough examination of the water use system constructed by **Michael Dale Coughlin** of **2217 South Splitrock Boulevard, Brandon, SD 57005** holder of Permit No. **5842-3**, bearing the priority of **January 12, 1995** authorizing the diversion of **0.11** cu. ft. of water per second from **ground water** for **commercial** purposes, in **Minnehaha** County.

I have to report on the conditions of the same as follows:

A. Works used to divert the water:

A 3/4 HP Franklin submersible motor with a 10 GPM Goulds Pump.

B. Works used to transport water to place of use:

Garden hoses throughout the plant nursery.

C. Works used to apply water to beneficial use:

Water used for plants, trees etc. in the nursery.

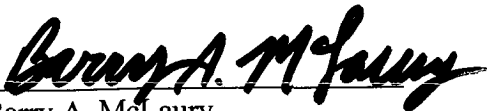
The system is in the following condition **good**. The point of diversion is located **1452 feet S and 100 feet E from the NW corner of Section 10; T101N R48W (SW1/4 NW1/4)**. The works are capable of diverting and conveying to the place of use **0.02** cu. ft. of water per second which is to be used for **commercial** use and the license should be issued for **0.02** cfs.

COMMENTS:

I got most of the well information from Dave Putzke Well Drilling. There is another well for this permit but it is used only in the house and not the nursery like originally planned. This well will be left off of the Water License.

Applicable permit qualifications have been complied with: Yes **X** No

Exceptions to compliance are: **None** Date Report Completed: **February 20, 1996**



Barry A. McLaury
Natural Resources Scientist
DENR, Water Rights Program

NOT TO SCALE

Barry A. McLaury
Environmental Scientist
Water Rights Program
Date February 20, 1996

5842-3

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5842-3

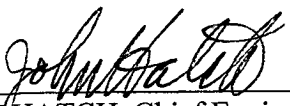
(1) Michael Dale Coughlin, 2217 S Splitrock Boulevard, Brandon SD 57005 made Application No. 5842-3, January 12, 1995 for a water permit to divert 0.11 cubic feet of water per second from groundwater (two wells), Minnehaha County, South Dakota for commercial and domestic purposes. Permit No. 5842-3, with a priority date of January 12, 1995 was approved February 21, 1995 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before February 21, 2000 and for the application to beneficial use of said water on or before February 21, 2004.

The permit holder submitted a "*Notice of Completion of Works and Application of Water to Beneficial Use*" on April 20, 1995. The "*Notice*" stated the diversion system was completed on April 1, 1995 and the water place to beneficial use on April 1, 1995.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.02 cubic feet of water per second for beneficial use. The location of the diversion point is 1,452 feet south and 100 feet east from the northwest corner of Section 10-T101N-R48W (SW 1/4 NW 1/4).

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use for a plant nursery.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Michael Dale Coughlin, 2217 S Splitrock Boulevard, Brandon SD 57005 the holder and/or owner of Water Permit No. 5842-3 is issued a license to appropriate water, the right to use 0.02 cubic feet of water per second from groundwater (one well) with a priority date of January 12, 1995 from the location specified in (2) of this license. The water is utilized for the purpose of commercial use. This license is subject to any limitations or qualifications listed in Water Permit No. 5842-3 and subject to South Dakota State Law.



JOHN HATCH, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

APR 4 1996

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

APR 4 1996

5842-3

Michael Dale Coughlin
2217 S Splitrock Boulevard
Brandon, SD 57005

Dear Mr. Coughlin:

Enclosed is Water License No. 5842-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 414848 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 5842-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Program
(605) 773-3352

ks
enclosures