

WATER PERMIT NO. 6469-3

Name of Applicant: Michael D Coughlin

Address: 2217 S Splitrock Blvd., Brandon SD 57005

Phone: 605 582-6565

Amount of Water Claimed: 0.10 cfs

Total Acres: NA

Source of Water Supply: groundwater (one well)

Water to be used for: commercial

County: Minnehaha

Type of Waste Disposal System:

Location:

PRIORITY

Date Received: 2-12-2004

Application/License Fee: \$100

Corrected Application Received: 2-23-2004

Period of Annual Use: April 1 – October 31

Remarks: Existing Permit No. 5842-3 for 2 shallow wells. These wells will be maintained as supplemental water sources for use at a nursery.

Diversion Point: SW ¼ NW ¼ Sec 10-T101N-R48W

Land to be Irrigated:

Depth of Well: 223 feet deep

Well Driller: : Dave Putzke Well Drilling

Remarks:

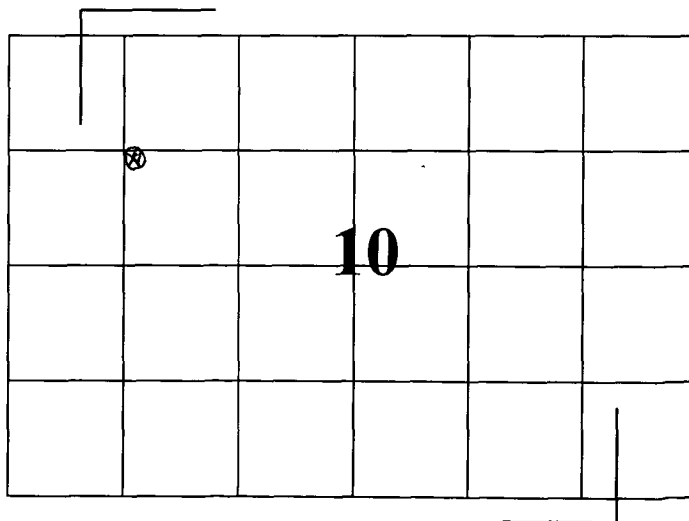
Type of Map: plat

Prepared by: Mark A Turner, RLS

Reviewed and the Number Assigned on: 2-12-04

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



**SOUTH DAKOTA
WATER PERMIT NO. 6469-3**

Date of first receipt of application February 12, 2004.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6469-3 to Michael D 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. 6469-3 appropriates 0.10 cubic feet of water per second from one well (Split Rock Creek Aquifer) 223 feet deep located in the SW ¼ NW ¼ Section 10-T101N-R48W for commercial use at Oakridge Nursery and Landscaping Inc. The two existing wells authorized by Water Right No. 5842-3 will be maintained as a supplemental water supply.
2. The water appropriated shall be used for the purpose of commercial use and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: April 1 – October 31.
4. The date of approval of Permit No. 6469-3 is April 19, 2004.
5. The date from which applicant may claim right is February 12, 2004.
6. One-fifth of the construction is to be completed on or before October 19, 2006.
7. All construction is to be completed on or before April 19, 2009.
8. Water is to be put to beneficial use on or before April 19, 2013.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

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.

WATER MANAGEMENT BOARD

By: Garland Erbele

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

APR 30 2004

date



Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6469-3</u> (office use only) Hydrologic Unit <u>10170203</u>
	Basin <u>B Sioux River</u>
	Newspaper <u>Argus Leader, Sioux Falls</u>

RECEIVED
FEB 12 2004
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water Within The State Of South Dakota

Check use(s) of water:

☐ Municipal	☐ Suburban Housing	☐ Recreational	☐ Institutional
☐ Rural Water System	☒ Commercial	☐ Fish & Wildlife	☐ Geothermal Heat
☐ Domestic (over 18 gpm)	☐ Industrial	☐ Other	

Type of Application: ☐ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
(check one) ☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____

Amendment/Correction to Permit No. _____
Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) EXISTING WATER PERMIT # 5842-3

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

2. Amount of water claimed 0.10 *CFS or 45 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply NEW WELL DRILLED DEC. 03

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 2 EXISTING WELLS (PERMIT # 5842-3)
(SW1/4 NW1/4) 1 NEW WELL DRILLED DEC 03 IN BENNETT TRACT 1 WEST 1/2 OF THE N.W. 1/4 SECTION 10, T104N. R. 48W OF THE S.H.P.M. County NIMMERAHA

5. County or counties where water will be used NIMMERAHA

6. Annual period during which water is to be used APRIL 1 THRU. OCTOBER 31

7. Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed) NEW WELL WAS DRILLED TO PROVIDE ADDITIONAL WATER FOR RETAIL NURSERY USE. THIS WELL HAS NOT BEEN USED TO DATE. THE NEW WELL WAS DRILLED 100' NORTH OF EXISTING NURSERY WELL. EXISTING WELLS WILL BE USED AS SUPPLEMENTAL WATER SOURCES.

STATE OF SOUTH DAKOTA)

County of _____ SS

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

I, MICHAEL D. COUGHLIN the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature Michael D. Coughlin

Subscribed and sworn to before me this 9th day of February 20 04

Deanna C. Olson

Notary Public signature

Supplemental Information

(type or print in ink)

WELL LOG FILED
BY PUTZKE WELL DRILLING
JAN. 1, 04

1. Well Information - Proposed Construction

- a) Drill Hole Diameter _____ Depth 223'
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ 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. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) SEPTIC TANK & DRAIN FIELD
- b) System Capacity (gallons) 1000 GPM Year Constructed 1950's
- c) Connected to the City of _____ Sanitary System _____

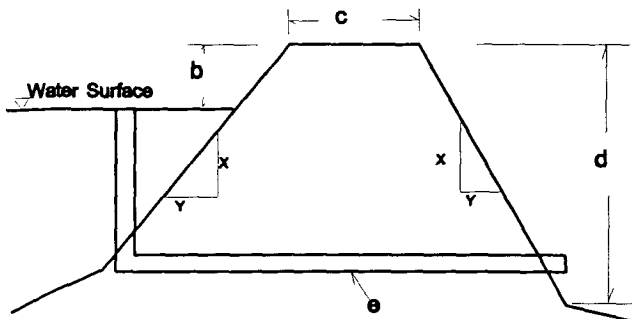
3. Dugout Information

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

4. Water Storage Dams

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

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



- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope _____
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date February 23, 2004

RECEIVED OF Oakridg eNursery & Landscaping Inc., 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. _____ to Appropriate Water, to construct and to put water to beneficial use	50	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>64169-3</u>		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No _____ for C.Y. _____	50.00	
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50.00

No.

701202

By

Darland Eide
Chief Engineer
gm

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date February 12, 2004

RECEIVED OF Oakridge Nursery & Landscaping Inc., 2217 S Splitrock Blvd., Brandon SD57005

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

Fee for Application for Permit No. <u>10469-3</u> to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50.00

No.

001139

By

Darland Erbe
Chief Engineer
gm

SIoux BLVD.
(MINN. CO. RD. NO. 115)

IN
TRACT 2
15.13 Ac. ±

NEW WELL
BORED
DEC. 03

TRACT 2

LOT "D"
IN
TRACT 2
1.00 Ac. ±
SIoux BLVD.
R/W

LOT "C"
IN
TRACT 2
1.8 Ac. ±

EXISTING
WELLS

LOT "A"
IN
TRACT 1
5.44 Ac. ±

LOT "B"
IN
TRACT 1
0.03 Ac. ±
SIoux BLVD. R/W

DETAIL
NUNSENY
STONE LOT "C"
IN
TRACT 2

Our
HOUSE



N37°09'20"E
1231.92' (R6)

SD. HWY.

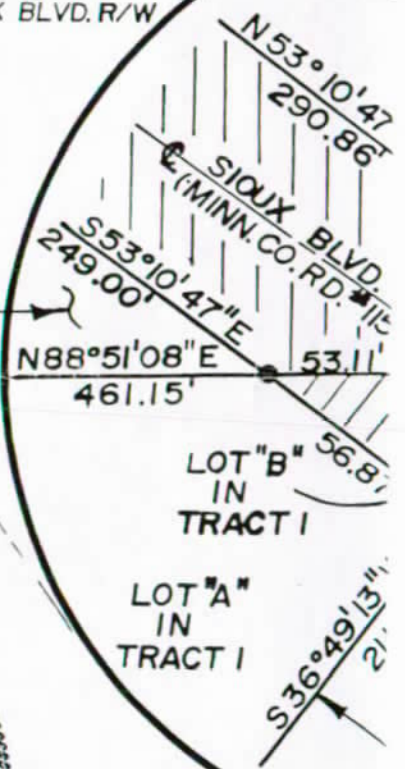
NEW ROAD
R93

WE HAVE PURCHASED
THIS SMALL PARCEL

INT. S.D. HWY. NO. 11 STA. 377+00
= SIoux BLVD. (MINN. CO. RD. NO. 115) STA. 0+00

Q CURVE DATA (R5)
Δ = 02°03'55" (x)
R = 11459.16'
L = 411.94'

Q CURVE DATA (R5)
Δ = 30°10'24.6"
R = 2291.83'
L = 1206.94'



LOT "B"
IN
TRACT 1

LOT "A"
IN
TRACT 1

6469-3



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

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

February 20, 1996

5842-3

SOUTH DAKOTA WATER WELL COMPLETION REPORT

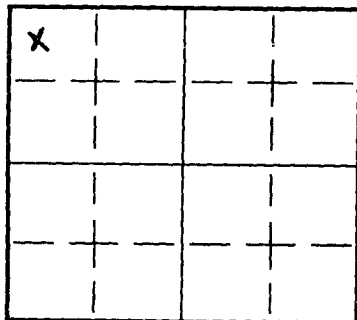
07-92

BENHIS TRACT 2
Location West 1/2 N.W. 10 Twp 101 N Rg 48 WCounty
MINNEHAHA

Please mark well location with an "X"

WATER LICENSE
S842-3

Well Completion Date

1-1-04

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 220 ft. from septic tank (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
<u>200</u> LB/FT	<u>5</u> IN	<u>0</u> FT	<u>223</u> FT	<u>8 3/4</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Portland</u>	<u>4</u>	_____ lb./gal	<u>6</u> ft	<u>26</u> ft
<u>Seabrite</u>	<u>7</u>	_____ lb./gal	<u>26</u> ft	<u>160</u> ft

Describe grouting procedure Run tremie lineSCREEN: ☒ Perforated pipe ☐ ManufacturedDiameter 5 IN Length 20 FEETMaterial PlasticSlot Size 25 Set From 203 Feet to 223 FeetOther information Travel Pack w/ O PackWAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: _____☐ NO, Why Not? _____

Laboratory sent to for water quality analysis _____

Pump 5 gallons of chlorine
 Well Owner: Oakridge Nursery - Mike
 Business Name: Coughlin
 Address: 2217 S Split Rock Blvd
Brandon S. Dak 57005

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
top soil	0	2
yellow clay	2	61
rock + sand	61	67
Blue clay	67	105
Fine sand mix/clay	105	120
Black shale	120	165
Sandstone	165	223
Granite	223	

STATIC WATER LEVEL 28 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☐ Pumped Describe: AIR☐ Bailed _____☐ Other _____

Pumping Level Below Land Surface _____

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

50 gpm at 60'This well was drilled under license # 439

And this report is true and accurate.

Drilling firm Dave Putzke well Drilling Inc

Signature of License Representative: _____

RECEIVED

Signature of Well Owner or Equitable Property Holder: _____

JAN 26 2004

WATER RIGHTS PROGRAM

Date: 1/6/04WATER LICENSE # S842-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 5, 2004

Michael D Coughlin
Oakridge Nursery
2217 S Splitrock Blvd
Brandon SD 57005

Dear Mr. Coughlin:

I am writing in regard to a well driller's report filed by Dave Putzke Well Drilling Inc. The report shows a new well was completed for the nursery January 1, 2004.

Your existing Water Right No. 5842-3 authorizes 0.02 cubic feet per second (10 gallons per minute) from one well approximately 60 feet deep which is located in the Big Sioux South Aquifer. The report indicates the new well is 223 feet deep which is located in the Split Rock Creek Aquifer. Since the new well is a different water formation a new permit will be required. Also, what is the status of the old well? Is it still being used?

It is important for us to know which water formation(s) you are diverting water from. This is essential in the management of the states water resources. We keep records of withdrawals from the various water formations through out the State of South Dakota

Enclosed are application forms and instruction sheet to apply for a water permit. The completed forms with the application fee and map can be returned to: Water Rights Program, 523 E. Capitol, Pierre, SD 57501. Please respond by March 15, 2004.

If you have any questions, please contact Eric Gronlund or me. We will be happy to assist you in any way possible.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosures

*Called 2/6/04
helped him with app.
sending Barry's map from
inspection. Hill mark
well on that*



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 17, 2004

Michael D. Coughlin
Oakridge Nursery & Landscaping, Inc.
2217 S. Splitrock Blvd
Brandon SD 57005

Dear Mr. Coughlin:

Thank you for submitting the *permit to appropriate water in South Dakota* for the new well drilled for the nursery. A \$50 check for the application filing fee accompanied the application. However, a licensing fee of \$50 also must be submitted in addition to the application filing fee.

The licensing of the water permit occurs after the permit is issued, the works constructed and a staff person conducts an on-site visit to determine the level the permit has been developed. This \$50 licensing fee is to be filed in conjunction with the application filing fee.

Please submit the \$50 licensing fee. If you have any questions, please feel free to contact me.

Sincerely,


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

Pd. CHECK
11945
\$50.00

2/18/04

RECEIVED
FEB 23 2004
WATER RIGHTS
PROGRAM

REPORT ON WATER PERMIT NO. 6469-3
For Michael D. Coughlin
March 18, 2004

Application No. 6469-3 proposes to appropriate 0.10 cfs (45 gpm) from one well approximately 223 feet deep located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of section 10, T101N R48W in Minnehaha County. The water is for commercial use at Oakridge Nursery and Landscaping Inc. The two existing wells authorized by Water Right No. 5842-3 will be maintained as a supplemental supply.

AQUIFER – SPLIT ROCK CREEK (SRKC)

The Split Rock aquifer underlies about 139 square miles in Minnehaha County and does extend to the east into Minnesota (Lindgren, 1992). The aquifer is estimated to contain 855,000 acre-feet of water in storage (Lindgren, 1992). Ground water movement is from east to west across the area of this application. The Split Rock Creek aquifer is composed of sand with thick layers of siltstone, shale and claystone that is buried and under artesian conditions at this site. Recharge to the aquifer has not been estimated but according to an SDGS report (Pence, 1997) the aquifer would be capable of a production rate in excess of 5 million gallons per day.

The well log filed with the application indicates the top of the Split Rock Creek was encountered at about 105 feet and continued to a depth of 223 feet below land surface where it appears that quartzite was encountered. The main portion of the aquifer appears to be the sandstone from 165 to 223 feet below land surface. The completed well had a static water level of 28 feet below land surface and was capable of producing 50 gpm using air to develop. This well has been completed in accordance with SD Well Construction Standards.

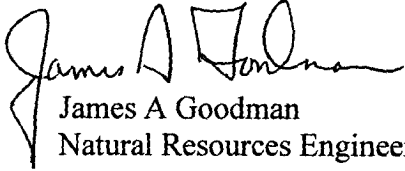
The water right program monitors two observation wells completed into the Split Rock Creek aquifer and within about a one mile radius of this site. These are MA-87I and MA-87H. Hydrographs for these two wells are included with this report. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2004).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing water right is No. 5842-3. This right is also for this applicant and obtains water from the Big Sioux aquifer. This application should not affect those diversions in any way. This application will supplant the existing diversion and that well will remain a supplemental source. The nearest Split Rock Creek permitted well is for the City of Brandon (6156-3) and about one and one-half mile northeast of this application. Interference is not a concern. This is a relatively small diversion rate and drawdown should not be significant.

CONCLUSIONS

1. Water is available from the Split Rock Creek aquifer.
2. The aquifer is under artesian conditions. Drawdown will occur as a result of pumping. This requested pumping rate is relatively small and drawdown created by this diversion is not expected to be significant.
3. This well has been constructed in accordance with SD Well Construction Standards.



James A Goodman
Natural Resources Engineer

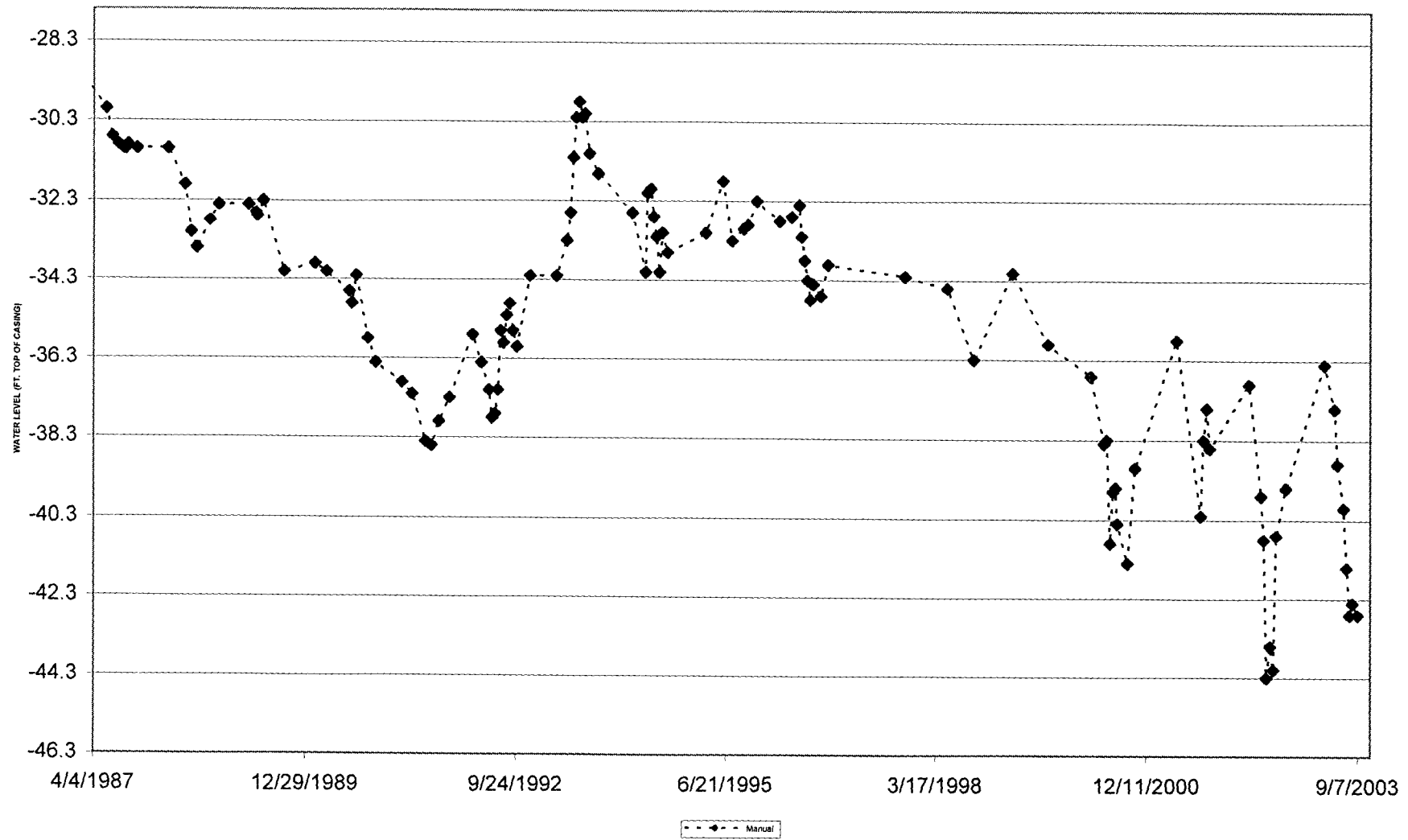
BIBLIOGRAPHY

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

Pence, S.F., 1997, Summary of the Split Rock Creek Aquifer Study, Open-File Report 87-UR, SD DENR, SDGS, Vermillion, SD, 57069.

Water Rights, 2004, Unpublished Observation Well Data for the Split Rock Creek Aquifer, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

MA-871



MA-87H





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6469-3, Michael Coughlin**

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. 6469-3, Michael D. Coughlin, 2217 S Splitrock Blvd, Brandon SD 57005.

The Chief Engineer is recommending APPROVAL of Application No. 6469-3 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 qualification:

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.

See report on application for additional information.

Garland Erbele, Chief Engineer
March 19, 2004

AFFIDAVIT OF PUBLICATION-
Customer Number: 078340
Invoice Number: 701901

DEPARTMENT OF ENVIRONMENT & NAT. RES.

Argus Leader
AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

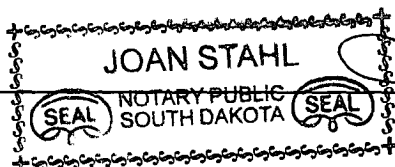
COUNTY OF MINNEHAHA } ss

Vicki Kiel being duly sworn, says: That The Argus Leader is, and during all the times hereinafter mentioned was, a daily legal newspaper as defined by SDCL 17-2-21, as amended published at Sioux Falls, Minnehaha County, South Dakota; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper upon

Wednesday, the 31 day of March 2004 ,
Wednesday, the 7 day of April 2004 ,
_____, the _____ day of _____ 2004 ,
_____, the _____ day of _____ 2004 ,
_____, the _____ day of _____ 2004 ,
_____, the _____ day of _____ 2004 ,
_____, the _____ day of _____ 2004 ,

and that \$91.94 was charged for publishing the same including A \$5.00 affidavit fee.


Subscribed and sworn to before 4/7/2004



Notary Public, South Dakota

My Commission expires June 30th, 2005

State Notices

NOTICE OF
APPLICATION NO. 6469-3
to Appropriate Water
Notice is given that Michael D Couglin, 2217 S Splitrock Blvd, Brandon SD 57005 has filed an application for a water permit to appropriate 0.10 cubic feet of water per second from one well (Split Rock Creek Aquifer) 223 feet deep located in the SW 1/4 NW 1/4 Section 10-T101N-R48W for commercial use at Oakridge Nursery and Landscaping Inc. The two existing wells author-

ized by Water Right No. 5842-3 will be maintained as a supplemental water supply.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6469-3 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 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 April 19, 2004.

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.

701901 Mar. 31 & Apr. 7, 2004

Instruction to Newspaper - Publish first Notice on March 31, 2004 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6469-3 to Appropriate Water

Notice is given that Michael D Coughlin, 2217 S Splitrock Blvd, Brandon SD 57005 has filed an application for a water permit to appropriate 0.10 cubic feet of water per second from one well (Split Rock Creek Aquifer) 223 feet deep located in the SW ¼ NW ¼ Section 10-T101N-R48W for commercial use at Oakridge Nursery and Landscaping Inc. The two existing wells authorized by Water Right No. 5842-3 will be maintained as a supplemental water supply.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6469-3 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 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 April 19, 2004.

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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 22, 2004

Argus Leader
PO Box 5034
Sioux Falls SD 57117-5034

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6469-3 to Appropriate Water to be published twice. Please publish the first notice on March 31, 2004 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Michael D Coughlin, 2217 S Splitrock Blvd., Brandon SD (Ph # 605-582-6565).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 6469-3

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

Date _____

We are in receipt of your letter of March 22, 2004 enclosing Notice of Hearing to Appropriate Water by Application No. 6469-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

www.state.sd.us/denr

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

March 22, 2004

Michael D Coughlin
2217 S Splitrock Blvd
Brandon SD 57005

Dear Mr. Coughlin:

Water Permit Application No. 6469-3 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). You will need to contact the newspaper and authorize publication of this notice. 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. Upon receiving authorization, 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 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 30 2004

Michael D Coughlin
2217 S Splitrock Blvd
Brandon SD 57005

Dear Mr. Coughlin:

Enclosed is Water Permit No. 6469-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

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

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

6469-3

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

Date

5/10/04

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

FROM:

MICHAEL D. COUGHLIN
(name)

2217 S. SPRING BROOK
(address)

BRAZOS S.D. 57005
(city, state, zip)

605-582-6565
(phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 6469-3 states that the water use system is to be constructed by

4/19/2009
(date)

, and water is to be put to beneficial use by

4/19/2013
(date)

The water use system was completed on

5/10/04
(date)

Applying the water to beneficial use was completed on

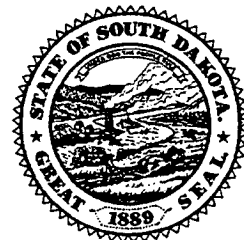
5/10/04
(date)

You may schedule an investigation so that the water license may be issued.

Michael D. Coughlin
(signature)

RECEIVED

MAY 13 2004

WATER RIGHTS
PROGRAM

Permit No. 6469-3
Big Sioux River - 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, 2006, made a thorough examination of the water use system constructed by Michael D. Coughlin of 2217 S. Splitrock Blvd., Brandon SD 57005 holder of Permit No. 6469-3, bearing the priority of February 12, 2004 authorizing the diversion of 0.10 cu. ft. per second of the waters of Splitrock Creek Aquifer for commercial purposes, in Minnehaha County.

Inspection contact & relationship **Robin Coughlin (605)360-1289 owner**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Dave Putzke Well Drilling Inc.
- 2) No. of Wells 1
- 3) Depth(s) 223 feet
- 4) Well log is available yes
- 5) Comment:

Casing:

- 1) Diameter 5 inches
- 2) Length 218 feet
- 3) Type pvc

Screen:

- 1) Type pvc
- 2) Length 5 feet
- 3) Static water level 28 feet

Pump:

- 1) Make Pitless submersible
- 2) Model
- 3) Size
- 4) Capacity 50 GPM

Motor:

- 1) Make submersible
- 2) Model No.
- 3) Horsepower rating 5 hp

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

- 1) Type garden hose

C. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by yes
- 2) Exceptions to compliance are: none

The system is in good condition with the point(s) of diversion located as follows: well located 1235' S and 55' W (43.569154/-96.588826); backup well authorized by 5842-3 is located 1352' S and 100' W (43.568900/-96.588898) all from the NW corner Section 10-T101N-R48W. The works are capable of diverting and conveying to the place of use 0.10 cu. ft. per second of water and which is to be used for commercial purposes.

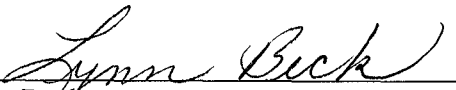
Water has been put to beneficial use to the maximum extent as follows: **Commercial use at Oakridge Nursery and Landscaping**

The license should be issued for **0.10** cfs.

All structures, wells and lands on map **yes**

Comments or other permit(s) associated with the project: **none**

The backup well is authorized by Water Right No. 5842-3.



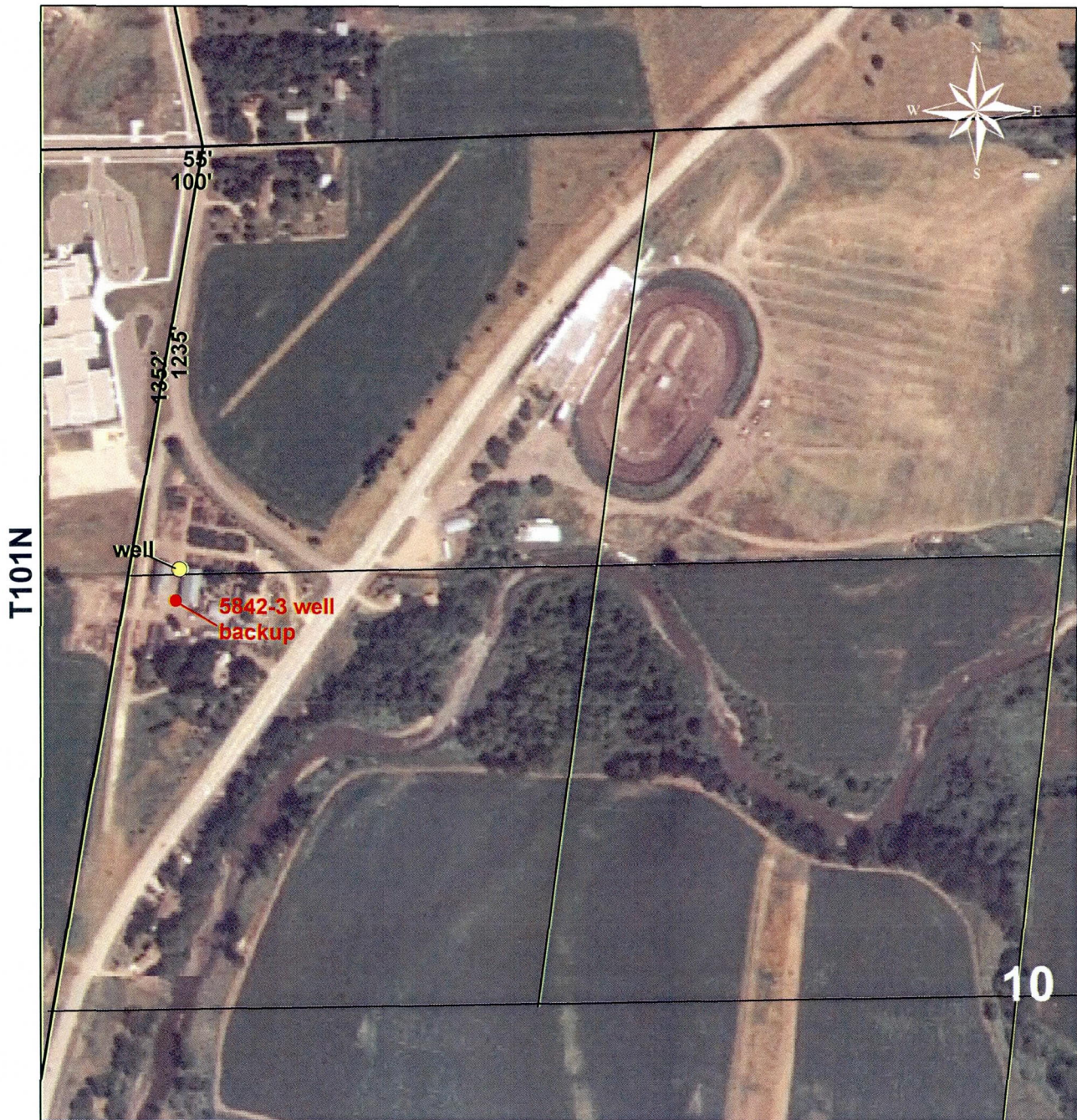
Lynn Beck

Natural Resources Engineer Specialist
DENR, Water Rights Program

Date report completed: **September 5, 2006**

WATER RIGHT NO. 6469-3
Micheal D. Coughlin
September 5, 2006

R48W

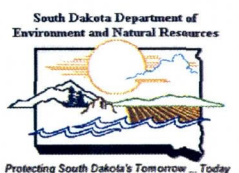


SCALE



Lynn Beck

Lynn Beck
Natural Resources Engineer
DENR - Water Rights Program
September 5, 2006



Approval of Location Change and/or Additional Diversion Point(s)

NAME: Michael D. Coughlin

ADDRESS: 2217 Splitrock Blvd., Brandon SD 57005

DATE: October 23, 2006 **COUNTY:** Minnehaha **TELEPHONE:** (605) 360-1289

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

Yes – Splitrock Creek Aquifer

- **If irrigation, no new land is irrigated**

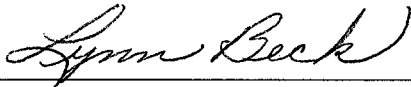
No new lands irrigated.

- **Review of Existing Diversions**

Water Right 5842-3, also held by Michael Coughlin, is for a supplemental water supply to 6469-3
Does not increase the potential for interference with existing water rights.

RECOMMENDED ACTION

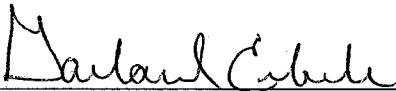
Based on the above criteria, it is recommended that the diversion point(s) be licensed as developed.



Lynn Beck, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.



Garland Erbele, Chief Engineer
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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www.state.sd.us/denr

NOV 01 2008

6469-3

Michael D Coughlin
2217 S Splitrock Blvd
Brandon SD 57005

Dear Mr. Coughlin:

Enclosed is Water License No. 6469-3. This is the final water right document completing your process of obtaining a Water Right.

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. 6469-3, 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.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6469-3

(1) Michael D Coughlin, 2217 S Splitrock Blvd, Brandon SD 57005 made Application No. 6469-3, February 12, 2004 for a water permit to divert 0.10 cubic feet of water per second from groundwater (one well), Minnehaha County, South Dakota for commercial use purposes. Permit No. 6469-3, with a priority date of February 12, 2004 was approved April 19, 2004 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before April 19, 2009 and for the application to beneficial use of water on or before April 19, 2013.

An investigation conducted for licensing purposes found the well under Water Permit No. 6469-3 was not in the location authorized by the permit. Pursuant to SDCL 46-5-13.1, the Chief Engineer makes a finding that the change in location of diversion point does not increase the potential for interference with existing water rights.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 6469-3 is issued a license, bearing a priority date of February 12, 2004 to appropriate 0.10 cubic feet of water per second from groundwater (one well) for commercial use purposes at Oakridge Nursery and Landscaping.

The diversion point is located: 1,235 feet south and 55 feet west from the northwest corner of Section 10-T101N-R48W (NW ¼ NW ¼). The well authorized by Water Right No. 5842-3 serves as a backup supply for this commercial use.

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 6469-3 including the following now applicable qualification:

- 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.



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

NOV 01 2006

date

