

WATER PERMIT NO. 6889-3

Name of Applicant: Coulson Land Co.

Address: 1205 w 11th St, Yankton SD 57078

Phone: 605 664-2911

Amount of Water Claimed: 1.33 cfs

Total Acres: 57

Source of Water Supply: Missouri River

Water to be used for: irrigation

County: Yankton

Type of Waste Disposal System:

Location: 1 mile east of Yankton

PRIORITY

Date Received: 8-27-07

Application/License Fee: \$200

Corrected Application Received:

Period of Annual Use: May 1 – August 30

Remarks: Requesting more than statutory limit

Diversion Point: NW ¼ SE ¼ Sec 14-T93N-R55W

Land to be Irrigated: NW ¼ SE ¼, NE ¼ SW ¼,
SW ¼ NW ¼ Sec 14-T93N-

Depth of Well: NA

Well Driller:

Remarks:

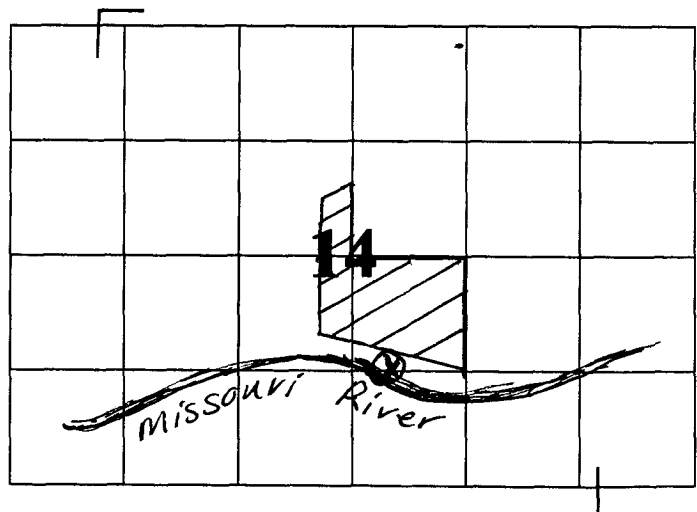
Type of Map: aerial

Prepared by: Valerie w/Yankton Col FSA

Reviewed and the Number Assigned on: 9-6-07

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



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

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6889-3</u> (office use only)	Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u>	
	Newspaper <u>Daily Press & Dakotan</u> <u>Yankton</u>	
	<u>57078</u>	

RECEIVED
AUG 27 2007
WATER RIGHTS
PROGRAM

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.) _____

- Name of Applicant Coulson Land Co. Thomas R Coulson Phone 605-664-2911
(check one) ☐ Owner ☐ Tenant/lessee
- Mailing Address 1205 W. 11th Yankton State S.D. 57078
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 1.33*CFS or 600 **GPM ***AF Total Acreage _____
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Missouri River
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) Pump out of
Missouri River in NW1/4-SE1/4 section 14-T93N-R55W
County Yankton
- County or counties where water will be used Yankton
- Annual period during which water is to be used May 1 - Aug 30
- 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>NW1/4-SE1/4 14-93N-55W</u>	<u>37</u>		
<u>NE1/4-SW1/4 14-93N-55W</u>	<u>20</u>	<u>12</u>	
<u>SE1/4 NW1/4 S14 T93N R55W</u>	<u>8</u>		

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

Irrigate with traveling gun at 600 GPM (Big Gun)

STATE OF SOUTH DAKOTA) SS
County of Yankton

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, Thomas R. Coulson, 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 Coulson Land Co. Thomas R. Coulson

Subscribed and sworn to before me this 23rd day of August 20 07

Cam Timonson

Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 6889-3**

Date of first receipt of application August 27, 2007.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6889-3 to Coulson Land Co., c/o Thomas Coulson, 1205 W 11th St, Yankton SD 57078 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. 6889-3 appropriates 1.33 cubic feet of water per second (cfs) from the Missouri River located in the NW 1/4 SE 1/4 Section 14 to irrigate 57 acres located in the NW 1/4 SE 1/4, NE 1/4 SW 1/4, SE 1/4 NW 1/4 Section 14; all in T93N-R55W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – August 30.
3. The date from which applicant may claim right is August 27, 2007.
4. The date of approval of Permit No. 6889-3 is November 26, 2007.
5. One-fifth of the construction is to be completed on or before May 26, 2010.
6. All construction is to be completed on or before November 26, 2012.
7. Water is to be put to beneficial use on or before November 26, 2016.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

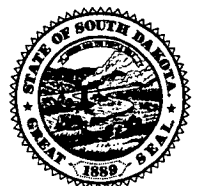
1. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints or type of soils so requires, Permit No. 6889-3 authorizes a maximum diversion rate of 1.33 cfs for the irrigation of 57 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

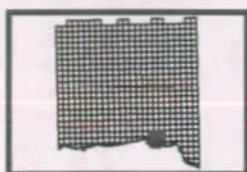
JAN 23 2008

date





USDA - Farm Service Agency



Yankton County, SD

14-93N-55W

1:7,619

May 17, 2007

2007

Legend

- Tract Boundaries
- Section-Township-Range
- Easements
- CRP
- Common Land Units
- Rangeland

Wetland Determination Identifiers

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



USDA FSA maps are for FSA Program administration only. There is no guarantee or representation to the user as to the accuracy, currency, suitability or reliability. FSA MAPS DO NOT REPRESENT A LEGAL SURVEY. The user accepts the data 'as is' and assumes all risks associated with its use. Wetland points reflect records available with NRCS and may or may not constitute a full inventory of the property. The USDA Farm Service Agency assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data. 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.

Yankton Co. FSA PT

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 9/4, 2007

RECEIVED OF Tom R Coulson 1205 W 11th St Yankton SD 57078

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

Fee for Application for Permit No. <u>6889-3</u> to Appropriate Water, to construct 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. <u>6889-3</u>	50	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	200 00

No.

03153

By

Harold Erbe
Chief Engineer

[Signature]



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 27, 2007

Thomas R Carlson
Carlson Land Company
1205 W 11th St
Yankton SD 57078

Dear Mr. Carlson:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation from the James River.

- Enclosed is the check you submitted for \$400.00. The application/license filing fee is based on the number of acres to be irrigated. The application/filing fee to irrigate 36 acres is \$200.00.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

enclosure

8-30-07

RECEIVED

SEP 04 2007

WATER RIGHTS
PROGRAM

Dept of Environment and Natural Resources

This check is for two applications
to appropriate water for irrigation.

One from The Missouri River and one from
the James River.

Thank you,
Rom Coulson
Coulson Land Co.

Applications sent in 8-23-07



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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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. 6889-3, Coulson Land Company**

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. 6889-3, Coulson Land Company, c/o Thomas R. Coulson, 1205 West 11th Street, Yankton SD 57078.

The Chief Engineer is recommending APPROVAL of Application No. 6889-3 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. 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. 6889-3 authorizes a maximum diversion rate of 1.33 cfs for the irrigation of 57 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
October 25, 2007

NOTE: I encourage you to contact the US Army Corps of Engineer's real estate office to discuss whether they have any permitting or easement requirements to place an intake in the Missouri River. The phone number for the Corp real estate office is 605 224-8618.

REPORT ON WATER PERMIT APPLICATION NO. 6889-3

Coulson Land Co., Thomas R. Coulson

October 17, 2007

Coulson Land Co., c/o Thomas R. Coulson has filed Water Right Application No. 6889-3 to appropriate 1.33 cubic feet of water per second (cfs) from the Missouri River to irrigate 57 acres of land. The diversion point is to be located in the (SD Survey) NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 14 and the land to be irrigated is located in the (SD Survey) NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 14; all in T93N-R55W. The requested diversion rate is greater than the statutory limit of 1 cfs per 70 acres.

Review of Proposed Project

The project proposes to irrigate 57 acres with a traveling gun at a rate of 1.33 cfs or 600 gallons per minute (gpm). This is more than the statutory limit of 1 cfs per 70 acres. SDCL 46-5-6 allows for a greater diversion rate than the statutory limit due to time constraints, method of irrigation or soil type. The proposed system type to be used for this project requires the greater diversion rate.

Review of Water Source and Existing Water Rights

The water source for the proposed project is the Missouri River in Yankton County near Yankton, SD approximately 11 miles downstream from Gavin's Point Dam. The U.S. Army Corps of Engineers (USACE) constructed Gavin's Point Dam in the 1950's as part of a six reservoir Pick-Sloan project for the Missouri River. The six project dams; Fort Peck and Garrison dams in ND, Oahe, Big Bend, Fort Randall and Gavin's Point in SD; are operated as a system providing storage and water releases for the Congressionally authorized purposes of which irrigation is included. The USACE operate Gavin's Point Dam to set the release rate to the Missouri River for the lower river reach from Yankton down to St. Louis, Missouri. Water flow below Gavin's Point is regulated to maintain at least 9,000 cfs. Releases during the spring and summer months are generally in the 20,000 to 35,000 cfs range. Water availability is not a problem.

If this application is approved, the permit does not preclude the applicant from the requirement to obtain any applicable permits from the USACE needed to place an intake in the Missouri River.

Since water availability is not an issue, this applicant's diversion of water would not be expected to adversely impact existing Water Rights or domestic use on the Missouri River.

Conclusions

1. Water Permit Application No. 6889-3, Coulson Land Co., Thomas R. Coulson, proposes to appropriate 1.33 cubic feet of water per second (cfs) from the Missouri River to irrigate 57 acres of land.
2. The applicant is asking for a diversion rate greater than the statutory limit, pursuant to SDCL 46-5-6, which allows a greater diversion rate than the statutory limit of 1 cfs per 70 acres if the method of irrigation, time constraints, or the type of soils so requires.
3. Water availability is not a problem
4. Approval of this application does not preclude the applicant from the requirement to obtain any applicable permits from the USACE needed to place an intake in the Missouri River.



Lynn Beck
Natural Resources Engineer Specialist
DENR, Water Rights Program

Water Permit Application No. 6889-3
Coulson Land Co., Thomas R. Coulson
October 17, 2007



Lynn Beck

Lynn Beck
Natural Resources Engineer Specialist
DENR - Water Rights Program
October 17, 2007



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NOV 16 2007

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

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

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 THE YANKTON
PRINTING COMPANY, A CORPORATION, THE PRINTER AND THE
PUBLISHER OF THE YANKTON DAILY PRESS AND DAKOTAN, A LEGAL
DAILY NEWSPAPER PRINTED AND PUBLISHED 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 APP 6888-3/6889-3

TAKEN FROM THE PAPER IN WHICH IT WAS PUBLISHED IN THE
NEWSPAPER ON THE 12th DAY OF November, 2007.
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$182.25 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: 11/05, 11/12

FILED ON: 11/13/2007

11+5+12

NOTICE OF APPLICATION NOS. 6888-3 and 6889-3 to Appropriate Water

Notice is given that Coulson Land Co., c/o Thomas R Coulson, 1205 W 11th St, Yankton SD 57078 has filed the following applications for a water permit to appropriate water.

Application No. 6888-3 requests 1.33 cubic feet of water per second (cfs) from the James River located in the S 1/2 SW 1/4 (Lot C) Section 34-T94N-R55W to irrigate 36 acres located in the S 1/2 SW 1/4 (Lot C) Section 34-T94N-R55W and N 1/2 NW 1/4, SE 1/4 NW 1/4 (Lot C) Section 3-T93N-R55W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Application No. 6889-3 requests 1.33 cfs from the Missouri River located in the NW 1/4 SE 1/4 Section 14 to irrigate 57 acres located in the NW 1/4 SE 1/4, NE 1/4 SW 1/4, SE 1/4 NW 1/4 Section 14; all in T93N-R55W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6888-3 and 6889-3 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 these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations 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 November 26, 2007.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

SUBSCRIBED AND SWORN TO BEFORE ME THIS 13th DAY OF November, 2007

NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES 8/19/2009



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 26, 2007

Daily Press & Dakotan
PO Box 56
Yankton SD 57078

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 6888-3 and 6889-3 to Appropriate Water to be published twice. Please publish the first notice on November 5, 2007 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 Coulson Land Co., Thomas R Coulson, 1205 W 11th St, Yankton SD 57078 (Ph # 605-664-2911).

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-----

Nos. 6888-3 & 6889-3

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

Date _____

We are in receipt of your letter of October 26, 2007 enclosing Notice to Appropriate Water by Application No. 6888-3 & 6889-3 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.

October 26, 2007

Coulson Land Co
Thomas R Coulson
1205 W 11th St
Yankton SD 57078

Dear Mr. Coulson:

Water Permit Application Nos. 6888-3 & 6889-3 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Daily Press & Dakotan printed at Yankton SD (Ph # 605-665-7811). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and reports on the applications 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 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. 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 applications.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendations, 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 first Notice on November 5, 2007 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NOS. 6888-3 and 6889-3 to Appropriate Water

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Application No. 6889-3 requests 1.33 cfs from the Missouri River located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 14 to irrigate 57 acres located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 14; all in T93N-R55W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6888-3 and 6889-3 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 these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

JAN 23 2008

Thomas Coulson
Coulson Land Company
1205 W 11th St
Yankton SD 57078

Dear Mr. Coulson:

Enclosed are Water Permit Nos. 6888-3 & 6889-3 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 water rights.

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

Report of Examination of Works and/or Application of Water to Beneficial Use
For Permit No. 6889-3

I have this day, June 24, 2021, made a thorough examination of the water use system constructed by Coulson Land Company, 1205 West 11th Street, Yankton, SD 57078, holder of Permit No. 6889-3, bearing the priority of August 27, 2007 authorizing the diversion of 1.33 cu. ft. per second of the waters of the Missouri River for the irrigation of 57 acres located in Yankton County.

Inspection contacts: Thomas Coulson and Duane Potts

A. Works used to divert the water:

Pump:

- 1) Make: Berkeley
- 2) Model: B4JRMBH
- 3) Capacity: 750 gpm

Engine:

- 1) Make: Case
- 2) Model No.: 6591T
- 3) Horsepower rating: 120 hp

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

- 1) Type: Aluminum
- 2) Size: 8 inches
- 3) Length: 120 feet

C. Works used to apply water to beneficial use:

Center Pivot:

- 1) Make: Gifford Hill
- 2) Overall length: 1,280 feet
- 3) Number of towers: 10
- 4) End gun: Yes
- 5) Capacity: 750 gpm

Chemigation Equipment:

- 1) Does chemigate: No

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by: No
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period: Yes
- 3) Exceptions to compliance are: The river intake is used for another pivot also and the flow rate it more than permitted.

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows:
The pump is 1,690 feet west and 4,030 feet south of the northeast corner of Section 14, T93N-R55W (Latitude 42.86901, Longitude -97.30499 – SW1/4 of the SE1/4).
2. The works are capable of diverting and conveying to the place of use 1.67 cu. ft. per second of water which is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows:

All in Section 14-T93N-R55W:

NE1/4SW1/4 5 acres

NW1/4SE1/4 29 acres

comprising a total of **34** acres of land and the license should be issued for **1.33** cfs.

3. All structures, wells and lands on map: **Yes**

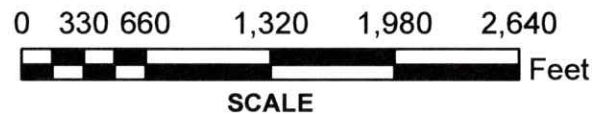
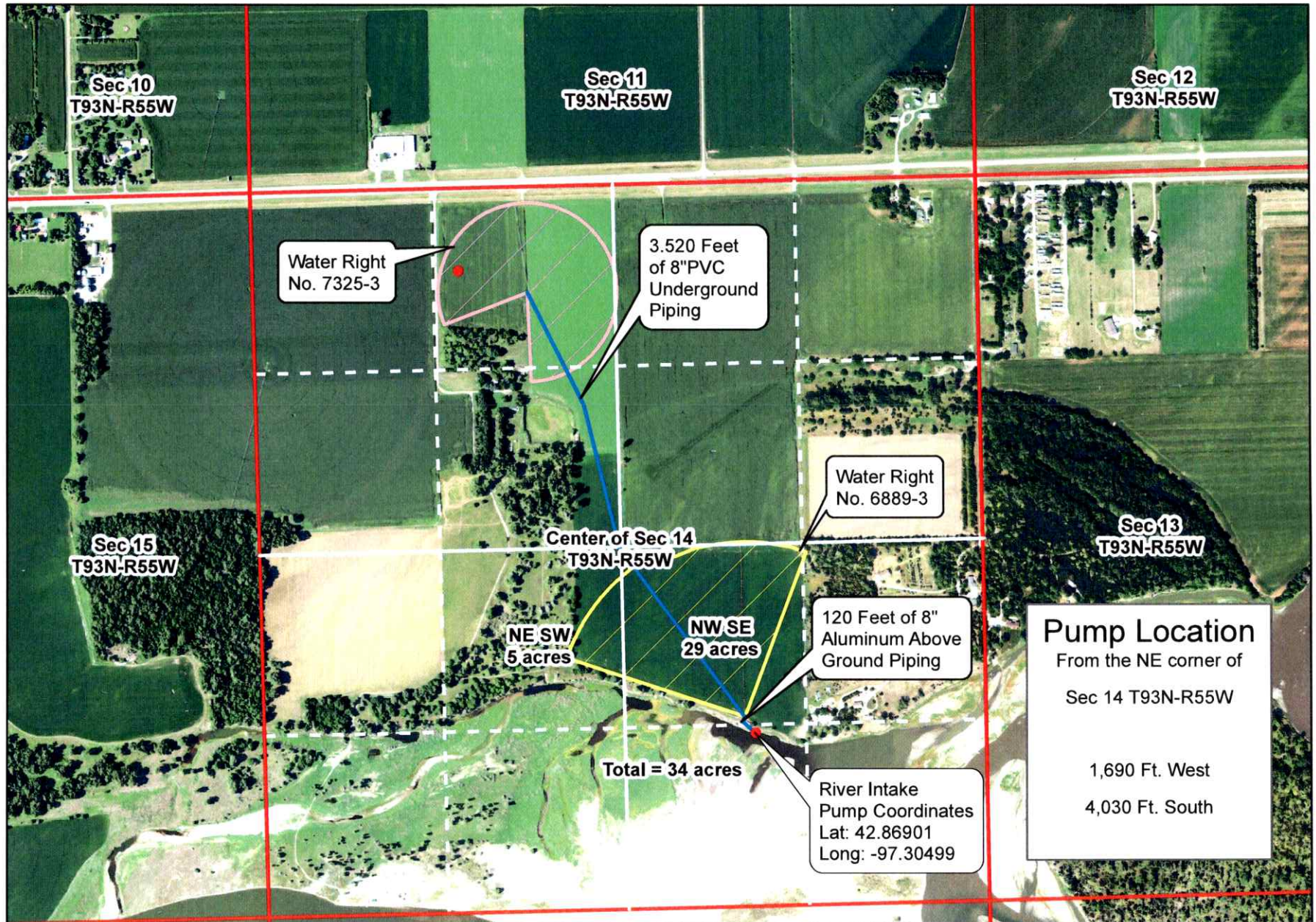
F. Comments or other permit(s) associated with the project: There is a pipe connecting this center pivot and the center pivot for Water Right No. 7325-3. The river intake is currently feeding both pivots. Also, the flow rate is more than what was permitted.



Keith DeJong
Water Rights Inspector
DANR, Water Rights Program

Date report completed: **August 2, 2021**

Water Right No. 6889-3



Keith DeJong
Keith DeJong, PE
Staff Engineer
August 2, 2021

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

NAME: Coulson Land Company, c/o Thomas Coulson

ADDRESS: 1205 W 11th St, Yankton SD 57078

DATE: April 2, 2024

COUNTY: Yankton

GENERAL DESCRIPTION OF AUTHORIZED PROJECT:

The permit holder was authorized to construct works for diversion of water from the Missouri River, located in the NW ¼ SE ¼ for irrigation of 57 acres in the NW ¼ SE ¼, NE ¼ SW ¼, and SE ½ NW ¼; all in Section 14-T93N-R55W. The authorized diversion rate from the Missouri River is 1.33 cubic feet of water per second.

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**

The permit holder constructed the pump site for withdrawals from the Missouri River in the SW ¼ SE ¼, Section 14-T93N-R55W.

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

The permit holder has developed 34 of the 57 acres in the NE ¼ SW ¼ & NW ¼ SE ¼, Section 14-T93N-R55W.

- **Review of Existing Diversions**

There are four existing water permits/rights within approximately 2 miles of where the diversion point was developed, using the same source (Missouri River). 6792-3 & 2569A-3 were existing permits/rights when this permit was issued, while 7549-3 & 8717-3 are junior. It was determined that there was reasonable probability any interference due to pumping at this location would not adversely or unlawfully impair existing rights. The same would be expected for the new location.

RECOMMENDED ACTION

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



Ron Duvall, 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.



Eric Gronlund, Chief Engineer
Water Rights Program

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6889-3**

(1) Coulson Land Company; 1205 W 11th St, Yankton SD 57078, made Application No. 6889-3, August 27, 2007, for a water permit to divert 1.33 cubic feet of water per second from the Missouri River, Yankton County, South Dakota for irrigation purposes. Permit No. 6889-3, with a priority date of August 27, 2007, was approved November 26, 2010, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before November 26, 2012, and for the application to beneficial use of water on or before November 26, 2016.

An investigation conducted for licensing purposes found the diversion point developed outside of the permitted area. Pursuant to SDCL 46-5-13.1 and ARSD 74:02:01:14.01, the Chief Engineer made a finding that the change in the diversion point location did not increase the potential for adverse effects to existing diversions.

(2) It is certified that the permit holder 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 1.33 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 1,690 ft W & 4,030 ft S of the NE corner of Section 14, T93N, R55W (SW $\frac{1}{4}$ SE $\frac{1}{4}$)
(Latitude 42.86901 & Longitude -97.30499)

(3) The amount of appropriation may not exceed 2 acre-feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – August 30.

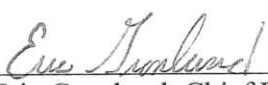
(4) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate to following land:

Section 14, T93N, R55W
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 5 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$ 29 acres
TOTAL: 34 acres

(5) Pursuant to South Dakota Water Law 46-5-30.1 Coulson Land Company, the holder and/or owner of Water Right No. 6889-3 is issued a license to appropriate water, the right to use 1.33 cubic feet of water per second from the Missouri River, with a priority date of August 27, 2007, from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6889-3 and subject to the following qualifications:

- 1) 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, Water Right No. 6889-3 authorizes a maximum diversion rate of 1.33 cfs for the irrigation of 57 acres with an annual volume not to exceed 2 acre-feet of water per acre per year. (*Irrigation is limited to 34 acres based on the system as developed.*)
- 2) This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.


Eric Gronlund, Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources

APR 08 2024

date





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

APR 08 2024

6889-3

Coulson Land Company
c/o Thomas Coulson
1205 W 11th St
Yankton SD 57078

Dear Mr. Coulson:

Enclosed is Water License No. 6889-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

So long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program
(605) 773-3352

NOTES: The investigation found your irrigation system to be capable of diverting 1.67 cubic feet of water per second (cfs) which is equivalent to approximately 750 gallons per minute. Diversion of water under Permit No. 6889-3 was limit to 1.33 cfs (approx. 600 gpm). Diversion of water under this water license is limited to 1.33 cfs.

A field inspection for licensing purposes was also conducted for Permit No. 7325-3. The inspection found the authorized well was not being used and water was being diverted from the Missouri River location approved under this license. A new permit application for withdrawals from the Missouri River was mailed to you on April 2, 2024. Upon receipt of the completed application and required fees, Permit No. 7325-3 & Water Right No. 6889-3 will be incorporated.

enclosures