

WATER PERMIT NO. 8710-3

Name of Applicant: Coulson Land Co.

Address: 1205 W 11th St, Yankton SD 57075

Phone: 605 661-2102

Amount of Water Claimed: 0.86 add'l cfs

Total Acres: 44

Source of Water Supply: groundwater (one existing well)

Water to be used for: irrigation

County: Yankton

Type of Waste Disposal System:

Location: 2 miles east of Yankton

PRIORITY

Date Received: 12-12-22

Application/License Fee: \$700

Corrected Application Received: 1-9-23

Period of Annual Use: April 1 – September 30

Remarks:

Diversion Point: SW 1/4 NW 1/4 Sec 14-T93N-
R55W

Land to be Irrigated: SE 1/4 NE 1/4 Sec 15 and
SW 1/4 NW 1/4 Sec 14; all in T93N-R55W

Depth of Well: 150 feet deep

Well Driller:

Remarks:

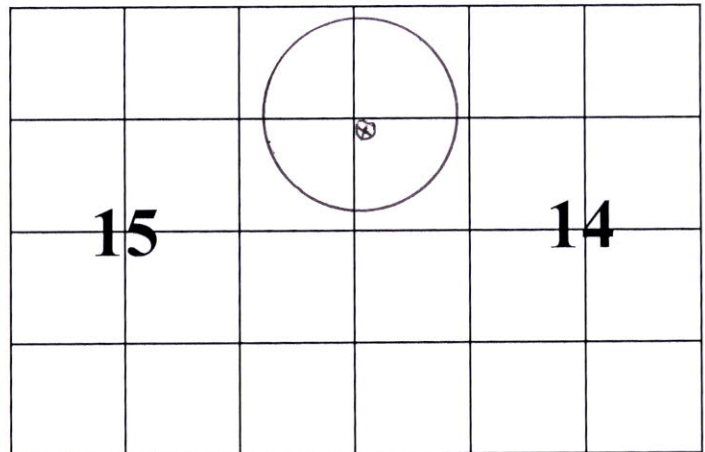
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 1-9-22

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



**SOUTH DAKOTA
WATER PERMIT NO. 8710-3**

Date of first receipt of application December 12, 2022.

Date of return to applicant for corrections, amendments or changes December 19, 2022.

Date of receipt of corrected application January 9, 2023.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8710-3 to Coulson Land Co., c/o Tom Coulson, 1205 W 11th Street, 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. 8710-3 authorizes an additional 0.86 cubic feet of water per second (cfs) and irrigates an additional 44 acres. Water Right No. 373-3 authorizes 1.14 cfs from one well for irrigation of 80 acres located in the NW 1/4 NW 1/4 Section 14 and the NE 1/4 NE 1/4 Section 15; all in T93N-R55W. This permit appropriates an additional 0.86 cfs from the existing well completed into the Missouri: Elk Point Aquifer located in the SW 1/4 NW 1/4 Section 14 to irrigate 44 acres located in the SE 1/4 NE 1/4 Section 15 and the SW 1/4 NW 1/4 Section 14; all in T93N-R55W. This will allow the center pivot to make a full rotation. This permit, and Water Right No. 373-3 combined, authorizes a total of 2.0 cfs for irrigation of 124 acres. This site is located approximately 2 miles east of Yankton.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – September 30.
3. The date from which applicant may claim right is December 12, 2022.
4. The date of approval of Permit No. 8710-3 is March 13, 2023.
5. One-fifth of the construction is to be completed on or before September 13, 2025.
6. All construction is to be completed on or before March 13, 2028.
7. Water is to be put to beneficial use on or before March 13, 2032.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit and Water Right No. 373-3 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. 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, this Permit and Water Right No. 373-3, combined, authorizes a maximum diversion rate of 2.00 cfs for the irrigation of 124 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

MAR 27 2023

date



DEC 12 2022

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8710-3</u> (office use only) Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u>
	Newspaper <u>Press & Dakotan 665-7811</u>

PAID OFFICE OF WATER

DEC 12 2022

Ck# 558

Rec't# _____

Application For Permit To Appropriate Water For Irrigation

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

(Use predates Mar 2, 1955)

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

1. Name to Appear on Irrigation Permit Coulson Land Co.
(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent Tom Coulson managing partner
(name and complete address if different than above name)
- Mailing Address 1205 W 11th St Yankton SD 57078
(Address) (City) (State) (Zip Code)
- Home Phone 605-664-2911 Cell 605-664-2102 Email _____
2. Amount of water claimed 0.86 *CFS or add'l **GPM ***AF Total Acreage 44
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply well
4. Location of point of diversion 1/4 NW 1/4 Sec 14-93N-55W
SW 1/4 (example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)
- County Yankton
5. County or counties where water will be used Yankton
6. Annual period during which water is to be used Apr. 1 - Sept 30
7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>SE 1/4 - NE 1/4 15-93-55</u>	<u>22</u>		
<u>SW 1/4 - NW 1/4 14-93-55</u>	<u>22</u>		

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

source of water at well permit # 373-3
on file To supply new irrigation project

Combined 373-3 and this app request 900 gpm

I, Tom Coulson Coulson Land Co., the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true.

Supplemental Information

(type or print)

1. Well Information

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

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

b) If existing wells, how many 1 Provide copy of log(s), if available. Drilled by water permit # 373-3

c) Well Depth _____ Depth to Top of Water Bearing Material _____ Depth to Water from Surface _____

d) Distance to nearest existing domestic well:

On applicant's property 1980
~~3700~~ ft.

On property owned by others 2650 ft.

2. Wastewater Disposal System Information

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

b) System Capacity (gallons) _____ Year Constructed _____

c) Connected to the City of _____ Sanitary System

3. Dugout Information

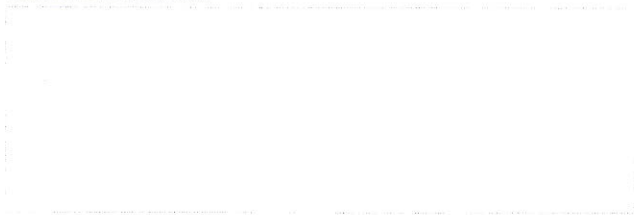
a) Surface Dimensions _____ Depth _____

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

4. Water Storage Dams

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

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



b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

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

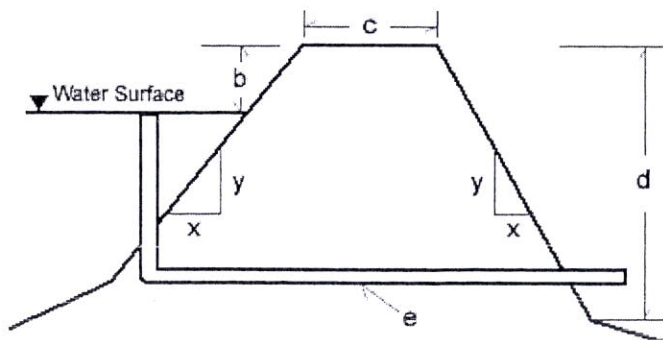
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



CHUBB

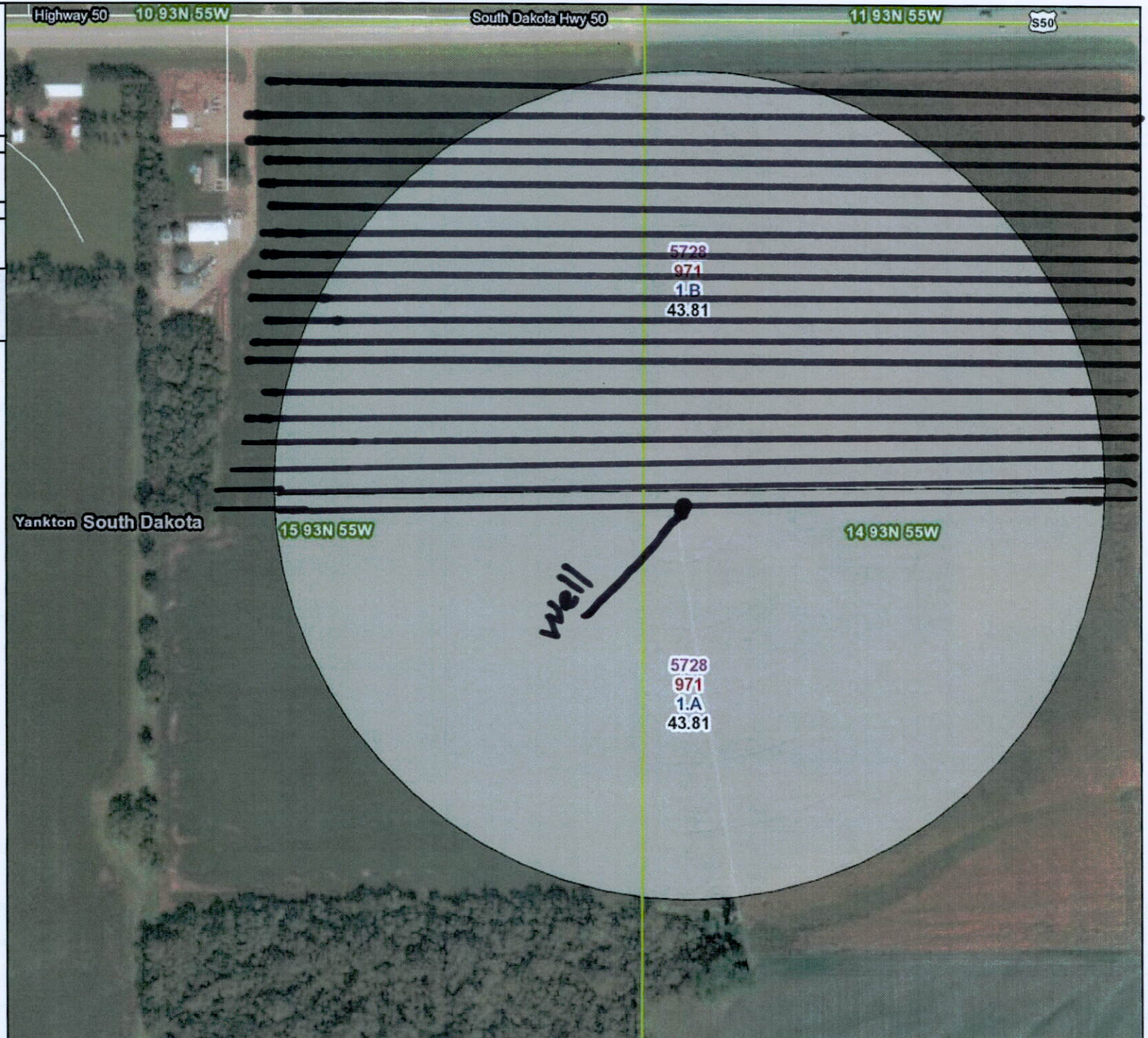
Crop Insurance Serviced by:
RAIN AND HAIL L.L.C.

Applicant/Policyholder Information
DUANE POTTS (MP-640227)
Crop Year 2022

Agency/Agent Information
HUBBS AGENCY INC (213703)

14 93N 55W

Yankton County
South Dakota



93N 55W
Section: 10

93N 55W
Section: 11

93N 55W
Section: 15

393-3
new
ACRES

93N 55W
Section: 14

93N 55W
Section: 23

373-3

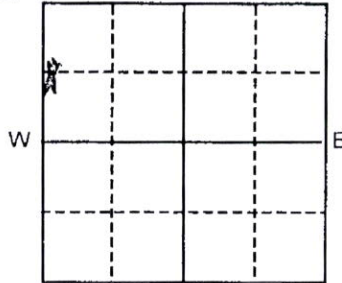
SD EForm - 1621LD V1

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SW 1/4 NW 1/4 Sec 14 Twp 93N Rg 55WCounty YanktonNorth sec 14 & 15

Please mark well location with an "X"



Well Completion Date

6-4-14Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.):
2000 ft. from septic tank (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Reverse Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other
 If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>1160</u> LB/FT	<u>16</u> IN	<u>0</u> FT	<u>90</u> FT	<u>28</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>Cement</u>	<u>60</u>	Lb/gal	<u>0</u> Ft	<u>90</u> Ft
		Lb/gal	_____ Ft	_____ Ft

Describe grouting procedure

pumped down w/ pressure grouter

SCREEN:

☒ Perforated pipe ☐ Manufactured
 Diameter 16 Inches Length 60 Feet
Material PVCSlot Size .085 Set From 90 Feet to 150 Feet

Other information _____

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material? _____

Describe packer(s) and location _____

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? Chlorine
☐ No, Why Not? _____
 Lab to which water quality sample sent for analysis _____
Well Owner: Deane Potts

Business Name: _____

Address: 55597 Hwy 121City, State, Zip: Yankton, SD 57078

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Silty brown clay</u>	<u>0</u>	<u>3</u>
<u>brown clay</u>	<u>3</u>	<u>12</u>
<u>Sand + gravel</u>	<u>19</u>	<u>43</u>
<u>course green gravel</u>	<u>43</u>	<u>47</u>
<u>blue clay</u>	<u>47</u>	<u>90</u>
<u>course sand + blue gravel</u>	<u>90</u>	<u>130</u>
<u>course gravel + ROCKS</u>	<u>130</u>	<u>147</u>
<u>hard black shale</u>	<u>147</u>	<u>150</u>

STATIC WATER LEVEL

24

FEET

If flowing: closed in pressure _____

PSI

GPM flow _____

through _____

Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____

GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped Describe: pumped w/ turbine pump + engine
☐ Bailed
☐ Other

Pumping Level Below Land Surface

40 Ft. After 1 Hrs. pumped 850 GPM44 Ft. After 2 Hrs. pumped 1050 GPMIf pump installed, pump rate: 1000 GPM

REMARKS

This well was drilled under license # 444 and this report is true and accurate.Drilling firm: Christensen Well & SupplySignature of License Representative: Carol W. Christensen

Signature of Well Owner or Equitable Property Holder: _____

RECEIVED

Date: 12-15-14

JAN 02 2015

WATER RIGHTS PROGRAM

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date December 12, 2022

RECEIVED OF Tom Coulson/Coulson Land Company 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>8710-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>500.00</u>
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. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law) TOTAL	\$ <u>500.00</u>

By *Eric Gronlund*
Chief Engineer
vm

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date January 9, 2023

RECEIVED OF Tom R. Coulson/Coulson Land Company 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. _____ 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>8710-3</u>	<u>\$200.00</u>
Fee for Filing Transfer Form _____	\$ _____
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law) TOTAL	<u>\$200.00</u>

By Eric Gronlund
Chief Engineer

Water Rights Program - File Documentation

NAME: Tom Coulson

ADDRESS: Yankton SD

DATE: 1-5-23

RE: Pending application

COMMENTS:

Tom Coulson called regarding my letter dated December 19, 2022. Tom said he agreed that the application should request 0.86 for a combined total of 2.0 cfs or 900 gpm. He would be sending in the additional \$200 license fee.



Karen Schlaak
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

December 19, 2022

COULSON LAND CO.
TOM COULSON
1205 W 11TH ST
YANKTON SD 57078

Dear Mr. Coulson:

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

- Water Right No. 373-3 authorizes 1.14 cubic feet of water per second (cfs) which equals 513 gallons per minute (gpm). I am assuming this application needs to request additional water. The recently returned irrigation questionnaire for Water Right No. 373-3 indicates the system operates at 900 gpm. If that is correct, this application needs to request an additional 0.86 cfs which equals 387 gpm for a combined total of 2.0 cfs or 900 gpm. Do you agree?
- We received your check for \$500.00. A \$200.00 license fee is also required at this time. Please submit.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

Redhawk LLC (Duane Potts) agree to supply
water to Coulson Land Co for irrigation
purposes for new application permit on
44 acres with both parties in agreement on
terms,

This Date - 12-9-2023

Redhawk LLC

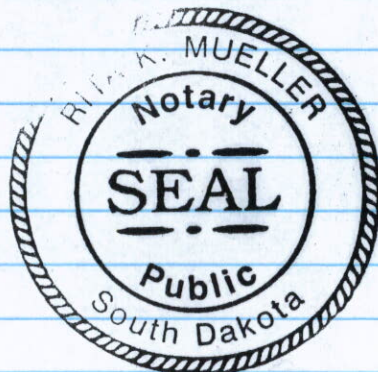
Duane J Potts
Duane J Potts

Coulson Land Co.

Tom Coulson

Tom Coulson

On this day 12-9-22 Duane Potts and
Tom Coulson signed in my presence.



Rita K Mueller
Yankton SD

My Commission Expires 8-1-2027



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8710-3, Coulson Land Co.**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Permit Application No. 8710-3, Coulson Land Co., 1205 W 11th Street, Yankton SD 57078.

The Chief Engineer is recommending APPROVAL of Application No. 8710-3 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 domestic water uses and water rights, 3) the proposed use is a beneficial use and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board with the following qualifications:

1. The well approved under this Permit and Water Right No. 373-3 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. 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, this Permit and Water Right No. 373-3, combined, authorizes a maximum diversion rate of 2.00 cfs for the irrigation of 124 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.


Eric Gronlund, Chief Engineer
February 21, 2023

Report to the Chief Engineer
On Water Permit Application No. 8710-3

Coulson Land Co.

c/o Tom Coulson

February 23, 2023

Water Permit Application No. 8710-3 proposes to divert water at a maximum instantaneous diversion rate of 0.86 cubic feet of water per second (cfs) and irrigate 44 acres. Water Right No. 373-3 authorizes 1.14 cfs from one well for the irrigation of 80 acres located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 14 and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 15; all in T93N-R55W. This application proposes to appropriate an additional 0.86 cfs from the existing well completed into the Missouri: Elk Point aquifer (150 feet deep) located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 14 to irrigate 44 acres located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 14 and the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 14; all in T93N-R55W. This will allow the center pivot to make a full rotation. If approved, Water Permit Application No. 8710-3 and Water Right No. 373-3 will collectively authorize a maximum instantaneous diversion rate of 2.0 cfs for the irrigation of 124 acres. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. The site of interest is located in Yankton County approximately two miles east of Yankton, SD.

AQUIFER: Missouri: Elk Point (M: EP)

HYDROGEOLOGY:

The Missouri: Elk Point aquifer is a glacial outwash deposit consisting of fine sand to very coarse gravel (Niehus, 1997). The Missouri: Elk Point aquifer underlies approximately 219,100 acres in Clay, Union, and Yankton Counties in South Dakota, and the aquifer contains approximately 3,287,100 acre-feet of recoverable water in storage (Hedges et al., 1982). The Missouri: Elk Point aquifer is hydrologically connected to the Lower Vermillion Missouri and Lower James Missouri aquifers, and the Big Sioux, James, Missouri, and Vermillion Rivers (Niehus, 1994; Stephens, 1967).

The Missouri: Elk Point aquifer is generally under confined conditions in the northwestern part of the aquifer and unconfined conditions in the southern part of the aquifer, and the direction of groundwater movement in the aquifer is generally from the northwest to the southeast (Niehus, 1994 and 1997).

There is a water well completion report on file for the existing well authorized by Water Right No. 373-3 and proposed to be used by Water Permit Application No. 8710-3 (Water Rights, 2023c and 2023d). The report identifies sand and gravel deposits from 90 to 147 feet below the ground surface (Water Rights, 2023d). The well was screened from 90 to 150 feet and had a static water level of approximately 24 feet at the time of well completion (June 4, 2014) (Water Rights, 2023d). The Missouri: Elk Point aquifer is unconfined at the existing well location for the well proposed to be used by this application (Water Rights, 2023c and 2023d).

Figure 1 displays a map of the approximate Missouri: Elk Point aquifer boundary (modified from Hedges et al., 1982) and the location of the existing well proposed to be used by Water Permit Application No. 8710-3 (Water Rights, 2023c and 2023d).

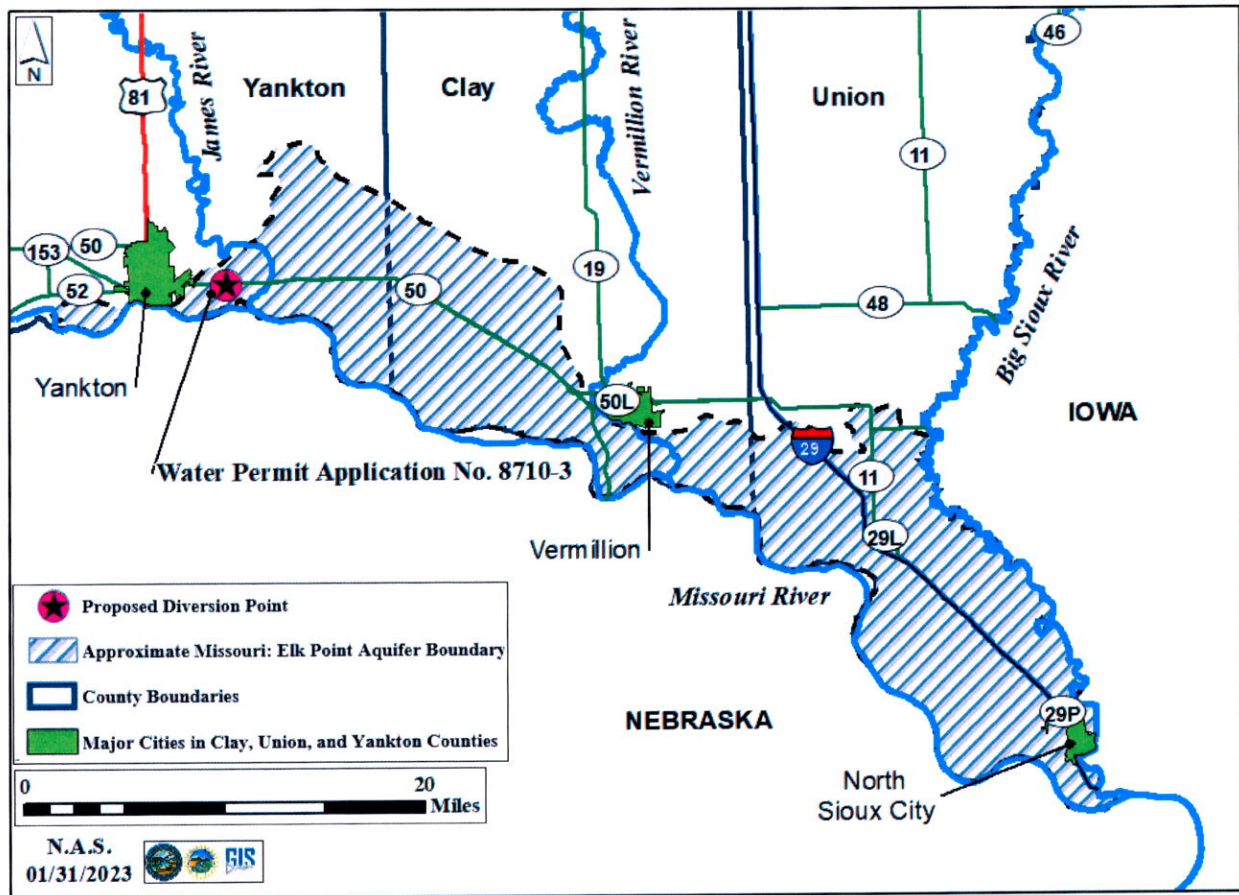


Figure 1. Map of the approximate Missouri: Elk Point aquifer boundary modified from Hedges and others (1982) with the location of the existing well proposed to be used by Water Permit Application No. 8710-3 (Water Rights, 2023c and 2023d)

South Dakota Codified Law (SDCL) 46-2A-9

Pursuant to SDCL 46-2A-9, “A permit to appropriate water may be issued only if there is a reasonable probability that there is unappropriated water available for the applicant’s proposed use, that the diversion point can be developed without unlawful impairment of existing domestic water uses and water rights, and that the proposed use is a beneficial use and in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board as defined by SDCL 46-2-9 and 46-2-11.” This report will address the availability of unappropriated water and the potential for unlawful impairment of existing domestic water uses and water rights within the Missouri: Elk Point aquifer.

WATER AVAILABILITY:

Water Permit Application No. 8710-3 proposes to appropriate water from the Missouri: Elk Point aquifer. The probability of unappropriated water being available from the aquifer can be

evaluated by considering SDCL 46-6-3.1, which requires “No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source. An application may be approved, however, for withdrawals of groundwater from any groundwater formation older than or stratigraphically lower than the greenhorn formation in excess of the average estimated annual recharge for use by water distribution systems.” The Missouri: Elk Point aquifer is not older than or stratigraphically lower than the Greenhorn Formation (Fahrenbach et al., 2010), and the applicant’s proposed use is not for use in a water distribution system as defined by SDCL 46-1-6(17). Therefore, the average annual recharge and average annual withdrawal rates to and from the Missouri: Elk Point aquifer must be considered.

HYDROLOGIC BUDGET:

Recharge

Recharge to the Missouri: Elk Point aquifer is primarily through the infiltration of precipitation where the aquifer is at or near the ground surface, seepage from the Big Sioux, James, Missouri, and Vermillion Rivers, inflow from the Lower Vermillion-Missouri aquifer at the northern boundary of the Missouri aquifer and inflow from the Big Sioux aquifer at the extreme northeastern boundary of the Missouri aquifer, and from the underlying Dakota aquifer in Union County (Condley and Lamkey, 2022; Niehus, 1994 and 1997).

Several studies have been completed to estimate average annual recharge to the Missouri: Elk Point aquifer (Condley and Lamkey, 2022; Hedges et al., 1985; Mathiowetz, 2022; Stephens, 1967; Stonesifer, 2013). A discussion of these studies is available in the hydrologic budget section within the report for Water Permit Application No. 8614-3 - Lewis & Clark Regional Water System completed by Mathiowetz (2022). Collectively, the estimated average annual recharge rate to the Missouri: Elk Point aquifer is approximately 114,593.9 acre-feet per year assuming full development of the existing water rights/permits held by Lewis & Clark Regional Water System and their pending application (8614-3) (Mathiowetz, 2022).

Discharge

Discharge from the Missouri: Elk Point aquifer is primarily through well withdrawals, evapotranspiration where the aquifer is at or near the ground surface, outflow to the Big Sioux, James, Missouri, and Vermillion Rivers during periods of low flow and stage, and leakage to the underlying Dakota aquifer (Niehus, 1994 and 1997; Water Rights, 2023c).

Currently, there are 633 water rights/permits authorized to appropriate water from Missouri: Elk Point aquifer, plus 14 pending applications (Water Rights, 2023c). Of the pending applications, Water Permit Application Nos. 8614-3, 8691-3, 8700-3, 8701-3, 8702-3, 8703-3, 8704-3, 8705-3, 8706-3, 8707-3, and 8708-3 have priority dates senior to this application, Water Permit Application No. 8713-3 has the same priority date as this application, and Water Permit Application Nos. 8714-3 and 8715-3 have priority dates junior to this application (Water Rights, 2023c). Collectively, Water Permit Application Nos. 8691-3, 8700-3, 8701-3, 8702-3, 8703-3,

8704-3, 8705-3, 8706-3, 8707-3, 8708-3, 8713-3, 8714-3, and 8715-3 are proposing to irrigate 643 acres (Water Rights, 2023c). Water Permit Application No. 8614-3, applied for by Lewis & Clark Regional Water System, requests to appropriate up to 8,277 acre-feet per year (Water Rights, 2023c). Additionally, there are five future use permits (Nos. 5832-3, 6237-3, 6869-3, 6869A-3, and 7208-3) reserving 1,900 acre-feet of water annually from the Missouri: Elk Point aquifer (Water Rights, 2023c). For the purpose of estimating average annual withdrawals, the future use permits are assumed to be fully developable for a total of 1,900 acre-feet per year.

Table 1 summarizes the 42 non-irrigation water rights/permits (including two irrigation water permits, see paragraph below) authorized to appropriate water from the Missouri: Elk Point aquifer with the estimated annual use for each water right/permit as determined by their limiting diversion rate or annual volume. Historically, average water use by non-irrigation appropriations limited by an instantaneous diversion rate have been assumed to be pumping 60% of full time at the respective permitted diversion rate. Water rights/permits limited by an annual volume are assumed to withdraw their entire respective annual volume limitation. This is a standard method used by the DANR-Water Rights Program for estimating annual withdrawals by non-irrigation appropriations from an aquifer (Water Rights, 2023c).

Water Permit No. 5998-3 is permitted for turf irrigation and Water Permit No. 5998A-3 extends the amount of time allowed for water to be put to beneficial use as authorized by Water Permit No. 5998-3 (Water Rights, 2023c). The estimated use for these two irrigation permits is included with the non-irrigation water rights/permits listed on Table 1, as the permit holder is not required to submit an annual irrigation questionnaire. However, Water Permit No. 5998-3 is authorized for use in a rural water system and the permit holder reports the annual use by Water Permit No. 5998-3 with their other rural water system Missouri: Elk Point aquifer permits, listed on Table 2 (Water Rights, 2023c).

Three municipal water rights were identified as being connected to a rural water system and likely maintain their wells for standby purposes (Drinking Water Program, 2023; Water Rights, 2023c); as such, the average annual water use for these water rights has been estimated to be zero acre-feet per year on Table 1.

Water Permit No. 7059-3 is permitted for recreational use for maintaining the water level of a small lake with a surface area of 17.6 acres (Water Rights, 2023c). It is assumed that the only consumptive use of this water is due to evaporation (Water Rights, 2023c). Annual evaporation of water from shallow lakes is estimated to be approximately 42 inches per year at the location of the authorized diversion point for Water Permit No. 7059-3 (NOAA, 1982; Water Rights, 2023c), and average annual total precipitation at the Sioux City, Iowa airport was determined to be approximately 29.27 inches over the 30-year period of record (1991 to 2020) (Arguez et al., 2020), which results in the lake to fluctuate approximately 12.73 inches per year. To maintain the water level of the small lake, the estimated use of Water Permit No. 7059-3 is approximately 18.7 acre-feet per year.

Overall, the average annual withdrawal rate for the 42 non-irrigation water rights/permits (including the two irrigation permits not required to submit an annual irrigation questionnaire)

authorized to appropriate water from the Missouri: Elk Point aquifer is approximately 62,371 acre-feet per year (Table 1) (Water Rights, 2023c and 2023f).

Table 1. Estimated annual use for the non-irrigation water rights/permits (plus two irrigation water permits) authorized to divert water from the Missouri: Elk Point aquifer (Drinking Water Program, 2023; Water Rights, 2023c and 2023f)

Permit No.	Name	Status	Priority Date	Use	Authorized Diversion Rate (cfs)	Authorized Annual Volume (acre-feet/year)	Total Estimated Use (acre-feet/year)
4501-3	Eddie Wohl	LC	03/27/1980	COM	0.05		21.7
5616-3	Cimpls Inc	LC	01/31/1992	COM	0.44		191.3
5827-3	Don Lantis	LC	06/08/1994	COM	0.022		9.6
5953-3	H & K Oil Co	LC	08/19/1996	COM	0.037		16.1
6151-3	Vernon & Norma Vakoc	LC	10/04/1999	COM	0.67		291.2
6580-3	West Shores Acres LLC	LC	01/28/2005	COM	0.10		43.5
8031-3	Dakota Protein Conversion Inc	PE	06/18/2014	COM	0.22		96
8147-3	Doug Lafleur	PE	04/06/2015	COM, LCO	1.0	160	160
8381-3	RP Constructors	PE	11/19/2018	COM	0.04	1	1
8403-3	Stockmen's Livestock Inc	PE	06/27/2019	COM	2.0	40	40
8415-3	RC Investments Inc	PE	11/14/2019	COM	0.10	25	25
8435-3	Sioux City Insulation	PE	07/30/2012	COM	0.33	1	1
6744-3	Judith I Grant	PE	07/24/2006	DOM, COM	0.78		339
7388-3	Clay RWS Inc	PE	07/30/2012	DOM, IRR	2.0		346.2
5998-3	Clay RWS Inc	PE	04/21/1997	IRR, DOM	2.2		
5998A-3	Clay RWS Inc	PE	04/21/1997	IRR, DOM	0.0		
5490-3	USGS CERC Field Research Station	LC	11/15/1990	FWP	0.09		39.1
5907-3	US Fish and Wildlife Service	LC	01/26/1996	FWP	3.78		1,643
6733-3	US Fish and Wildlife Service	LC	06/07/2006	FWP	1.11		482.5
7094-3	US Fish and Wildlife Service	LC	12/01/2008	FWP	2.67		1,160.6
5021-3	Vishay-Dale Electronics Inc	LC	05/04/1984	IND	0.10		43.5
5388-3	LG Everist Inc	LC	01/30/1990	IND	0.45		195.6
5453-3	AaLadin Industries Inc	LC	05/24/1990	IND	0.05		21.7
5593-3	Vishay-Dale Electronics Inc	LC	10/31/1991	IND	0.056		24.3
6170-3	Concrete Materials	LC	01/03/2000	IND	0.222		96.5
1255-3	City of Elk Point	LC	01/01/1914	MUN	1.13		491.2
143-3	City of Vermillion	LC	01/21/1956	MUN	1.78		773.7
147-3	City of Vermillion	LC	01/01/1935	MUN	2.66		1,237
6236-3	City of Vermillion	LC	11/06/2000	MUN	2.6	1,161	
6354-3	City of Vermillion	LC	08/12/2002	MUN	0.022		9.6
1965-3	Town of Gayville	LC	01/01/1914	MUN	0.37		0*
4207-3	Town of Jefferson	LC	01/01/1916	MUN	0.90		391.2
5118-3	Town of Gayville	LC	01/28/1987	MUN	0.33		0*
5437-3	Dakota Dunes Community Improvement District	LC	04/12/1990	MUN	3.33		2,412
5782-3	City of North Sioux City	LC	08/12/1993	MUN	1.14		495.5
8212-3	City of Yankton	LC	03/25/2016	MUN	20.12	6,050	6,050
7059-3	WE Investments LLC	PE	08/28/2008	REC	3.11		18.7
6736-3	Lewis and Clark RWS	PE	07/08/1994	RWS	27.85	20,165	45,165
7207-3	Lewis and Clark RWS	PE	07/08/1994	RWS	20	12,000	
8613-3	Lewis and Clark RWS	PE	07/16/2007	WDS	29.8	13,000	
5581-3	Larson's Landing	LC	07/30/1991	SHD	0.089		38.7
5592-3	East Winds Court Inc	LC	10/09/1991	SHD	0.11		0*
						TOTAL:	62,371
*Identified as being connected to a RWS							
COM: Commercial; DOM: Domestic; FWP: Fish and Wildlife Propagation; IND: Industrial; IRR: Irrigation; LCO: Livestock Confinement Operation;							
MUN: Municipal; REC: Recreation; RWS: Rural Water System; SHD: Suburban Housing Development							

Of the 42 non-irrigation water rights/permits (including the two irrigation permits not required to submit an annual irrigation questionnaire), there are 15 non-irrigation water rights/permits that are required to report their annual usage from the Missouri: Elk Point aquifer (Water Rights, 2023c and 2023f).

Three of the non-irrigation water rights/permits that are required to report (Nos. 8031-3, 8415-3, and 8435-3) are currently under development and have not reported any withdrawals from the Missouri: Elk Point aquifer to the DANR-Water Rights Program (Water Rights, 2023c). The remaining twelve non-irrigation water rights/permits that are required to report their annual usage from the Missouri: Elk Point aquifer are shown on Table 2 (Water Rights, 2023c and 2023f). The reported usage (as shown on Table 2) for Permit Nos. 8381-3 and 8403-3 (approved in 2018 and 2019) is not necessarily reflective of the future usage of these permits based on information within their respective water permit files (Water Rights, 2023c), and only three years of reported withdrawals (Water Rights, 2023f). Therefore, the estimated use for Permit Nos. 8031-3, 8415-3, 8435-3, 8381-3, and 8403-3 will be based on the method used above: water rights/permits limited by an instantaneous diversion rate have been assumed to be pumping 60% of full time at the respective permitted diversion rate; water rights/permits limited by an annual volume are assumed to withdraw their entire respective annual volume limitation. The estimated average annual withdrawal rate for these permits is listed on Table 1.

Next, the reported use for the City of Yankton (8212-3) and Lewis and Clark Regional Water System (6736-3, 7207-3, and 8613-3) (as shown on Table 2) is steadily increasing (Water Rights, 2023f), as these water users are continually undergoing development (Water Rights, 2023c). It is likely these water users will use up to their entire respective annual volume limitation in the future; therefore, the average annual withdrawal rate for these water rights/permits is assumed to be their entire respective annual volume listed on Table 1 (Water Rights, 2023c).

The annual withdrawal rate for Clay Rural Water System Inc (Permit Nos. 5998-3, 5998A-3, and 7388-3) averaged over the last ten years (approximately 346 acre-feet per year) is more reflective of current usage than the entire period of record of reported withdrawals because the first few years the permit holder reported values were during a construction period (Water Rights, 2023c and 2023f). The average annual withdrawal rate based off the reported annual withdrawal rates averaged from 2012 to 2021 on Table 2 for these water permits will be used in this analysis.

Lastly, the annual withdrawal rates for Doug Lafleur (8147-3) and City of Vermillion (147-3, 6236-3) on Table 2 are relatively steady over their respective periods of record (Water Rights, 2023c and 2023f); therefore, the average annual withdrawal rate based on the reported values from each of these water users (as shown on Table 2) is reasonably reflective of the future withdrawals likely to be made by these appropriate users. The average annual withdrawal rate based off the reported annual withdrawal rates averaged over the period of record on Table 2 for these water rights/permits will be used in this analysis.

Table 2. Non-irrigation water rights/permits required to report their respective annual use from the Missouri: Elk Point aquifer (Water Rights, 2023c and 2023f)

	RP Constructors	Stockmen's Livestock Inc	Clay RWS Inc	Doug Lafleur	City of Vermillion	City of Yankton	Lewis and Clark RWS
	8381-3	8403-3	5998-3, 5998A-3, 7388-3	8147-3	147-3, 6236-3	8212-3	6736-3, 7207-3, 8613-3
2003			238		1,363		
2004			483		1,226		
2005			21		1,247		
2006			170		1,252		
2007			217		1,344		0
2008			213		1,199		0
2009			215		1,140		0
2010			183		1,071		0
2011			137		1,127		92
2012			525		1,317		3,836
2013			301		1,183		9,368
2014			307		1,121		11,532
2015			278	202	1,161		15,591
2016			231	202	1,175	66	17,091
2017			276	202	1,215	531	18,051
2018			305	98	1,168	504	18,143
2019	0.0171	1	292	135	1,440	1,370	20,397
2020	0.0224	4.2	461	121	1,373	2,923	21,039
2021	0.2332	5.5	486	170	1,378	3,065	23,537
Max	0.2	5.5	525	202	1,440	3,065	23,537
Min	0.0171	1	21	98	1,071	66	0
Avg	0.091	3.57	281	162	1,237	1,410	14,425*
RWS: Rural Water System *Exlcuded reported zero values							

Currently, there are 592 irrigation water rights/permits authorized to appropriate water from the Missouri: Elk Point aquifer, plus thirteen pending applications requesting to irrigate 643 acres (Water Rights, 2023c). Irrigation water rights/permits have been typically required to report their annual usage on an irrigation questionnaire since 1979. The estimated average annual withdrawal rate for the Missouri: Elk Point aquifer irrigation water rights/permits that have reported over the period of record is approximately 18,703 acre-feet per year (Table 3) (Water Rights, 2023a). To reflect the current development of irrigation water rights/permits more accurately, the average annual withdrawal rate for irrigation appropriations that have reported from 2012 to 2021 is approximately 27,247 acre-feet per year (Table 3) (Water Rights, 2023a).

The usage for two irrigation water permits (Nos. 5998-3 and 5998A-3) was accounted for on Table 1 with the non-irrigation water rights/permits, as the permit holder is not required to submit an annual irrigation questionnaire (Water Rights, 2023c), resulting in only 590 of the Missouri: Elk Point aquifer irrigation water rights/permits being currently required to submit an annual irrigation questionnaire (Water Rights, 2023c).

Additionally, Water Right No. 6110-3 is authorized to divert water from a well completed into the Dakota aquifer and pump the water into two ponds that receive incidental surface runoff and possible groundwater inflow from the Missouri: Elk Point aquifer (Water Rights, 2023c). Water Right No. 6110-3 is included in the 592 irrigation water rights/permits authorized to appropriate water from the Missouri: Elk Point aquifer; however, the estimated use for this permit is assumed to be negligible to the overall hydrologic budget due to the minimal amount of water from the Missouri: Elk Point aquifer the permit holder is expected to withdraw. When omitting Water Right No. 6110-3 and Water Permit Nos. 5998-3 and 5998A-3 from this analysis of Missouri: Elk Point aquifer irrigation water rights/permits, 589 water rights/permits remain.

Table 3 lists only 572 water rights/permits as reporting in 2021 (Water Rights, 2023a and 2023c). These 572 water rights/permits listed as reporting in 2021 includes eight water rights/permits (Nos. 3722-3, 5658A-3, 6940-3, 6941-3, 7066-3, 7447-3, 7663-3, and 7800-3) that were incorporated into another water right or cancelled in 2022 (Water Rights, 2023c), resulting in only 564 of the water rights/permits listed as reporting in 2021 being currently active.

Twenty-five water permits/rights did not submit an irrigation questionnaire form in 2021 that are currently active, accounting for the difference between the 564 currently active water rights/permits listed as reporting in 2021 and the 589 irrigation water rights/permits currently required to submit an annual irrigation questionnaire and annual use being estimated in this analysis (Water Rights, 2023a and 2023c). Of these 25 permits, 22 were issued in 2021, 2022, or 2023 and have not submitted an irrigation questionnaire at this time. Of the remaining three water rights (Nos. 3154-3, 4745-3, and 5935-3), Water Right No. 5935-3 is not required to submit an irrigation questionnaire and Water Right Nos. 3154-3 and 4745-3 did not submit an irrigation questionnaire in 2021 for an unknown reason. Overall, these 25 water permits/rights are authorized to irrigate approximately 2,616 acres (Water Rights, 2023c).

Table 3. Reported historic irrigation use from Missouri: Elk Point aquifer (Water Rights, 2023a)

Year	No. of Permits Reporting	Reported Pumpage (acre-feet)
1979	259	10,258
1980	263	14,937
1981	297	13,931
1982	269	19,143.1
1983	273	11,081
1984	281	9,605.5
1985	282	14,020.7
1986	286	6,324.8
1987	281	13,369
1988	282	28,558.1
1989	292	25,904.3
1990	297	19,508
1991	300	18,877.7
1992	295	1,895
1993	298	1,475.2
1994	295	10,314.9
1995	292	18,761.3
1996	296	9,473.6
1997	305	17,236
1998	313	11,079.5
1999	308	14,877
2000	309	26,551
2001	313	19,115.2
2002	315	23,326.9
2003	314	27,007
2004	322	24,309
2005	335	24,206.1
2006	353	27,943.3
2007	366	30,652
2008	396	16,439
2009	410	6,346
2010	419	2,906.9
2011	431	12,330
2012	445	56,994.7
2013	543	35,090.5
2014	557	12,423.5
2015	563	17,884.1
2016	564	27,869.3
2017	567	37,209.9
2018	570	9,160.7
2019	575	8,736.3
2020	570	26,601
2021	572	40,503.4
Min	259	1,475.2
Max	575	56,994.7
Avg (1979 to 2021)	369	18,703
Avg (2012 to 2021)	553	27,247

Farmer (2018a, 2018b, and 2021) analyzed the amount of water pumped per permitted acre for the period from 1979 to 2005. This period was chosen due to the relatively stable number of permitted acres across the entire period. There was a continual annual increase in the number of permitted acres from 2006 to 2013/2014. Since 2013/2014 the total number of permitted acres has been relatively stable (Mathiowetz, 2022; Water Rights, 2023c). Farmer (2021) determined that it would be best to separate the review of pumpage per permitted acres between crops, such as corn and soybeans, and turf, such as golf courses and lawn irrigation, to describe the pumpage more accurately per permitted acres. Turf irrigation typically requires more water per acre annual than crop irrigation. Mathiowetz (2022) determined over the entire period of record (1979 through 2021), the crop application rate per permitted acre is 0.331 feet per year (3.97 inches per year), and 0.908 feet per year for turf (10.9 inches per year) (Water Rights, 2023a and 2023c).

Currently, there are approximately 82,297.6 acres authorized to be irrigated from the Missouri: Elk Point aquifer (plus thirteen pending irrigation applications – Water Permit Application Nos. 8691-3, 8700-3, 8701-3, 8702-3, 8703-3, 8704-3, 8705-3, 8706-3, 8707-3, 8708-3, 8713-3, 8714-3, and 8715-3 are proposing to crop irrigate 643 acres), with 809.6 of those acres authorized for turf irrigation (Water Rights, 2023c). Table 4 contains the turf irrigation permits with their respective authorized permitted acres and an estimated average annual use based on Mathiowetz's (2022) application rate per permitted acre (Water Rights, 2023c). By multiplying the application rate of 0.908 feet per acre per year (Mathiowetz, 2022) by the 809.6 acres being turf irrigated (Water Rights, 2023c), the annual use for turf irrigation yields approximately 735.1 acre-feet per year (Table 4). By multiplying the application rate of 0.331 feet per acre per year (Mathiowetz, 2022) by the 81,488 (total acres minus turf irrigated acres) acres being crop irrigated (Water Rights, 2023c), plus the pending applications requesting to crop irrigate 643 acres, the annual use for crop irrigation yields approximately 27,185.4 acre-feet per year. Collectively, the average annual use from the Missouri: Elk Point aquifer for both crop and turf irrigation water rights/permits utilizing Mathiowetz's (2022) application rates is approximately 27,920.5 acre-feet per year.

Table 4. Water rights/permits authorized for irrigation of turf (Water Rights, 2023c)

Permit No.	Name	Status	County	Acres	Total Estimated Use (acre-feet/year)
1294-3	Recreation Development Assn. Inc.	LC	Union	102	92.6
2011-3	TR Golf LLC	LC	Union	95	86.3
5786-3	Dakota Dunes Golf Course	LC	Union	173	157.1
5998-3	Clay Rural Water System Inc	PE	Union	300	272.4
5998A-3	Clay Rural Water System Inc	PE	Union	0	0
5935-3	Ted Waitt	LC	Union	1	0.908
5936-3	Applied Engineering	LC	Yankton	1.8	1.6
8010-3	Ryan Rusher	LC	Yankton	2.5	2.3
8029-3	Dakota Dunes Comm Improvement District	PE	Union	17.8	16.2
8040-3	Heine Electric & Irrigation Inc	LC	Clay	1	0.908
8354-3	TR Golf LLC	PE	Union	30	27.24
8407-3	Gayville-Volin School District 63-1	LC	Yankton	4.5	4.1
8530-3	National Field Archery Association Foundation	LC	Yankton	16	14.5
8560-3	TR Golf LLC	PE	Union	65	59
			TOTAL:	809.6	735.1

There are domestic wells completed into the Missouri: Elk Point aquifer that do not require a water right/permit, so the withdrawal amount from those wells is unknown (Water Rights, 2023d). Due to their relatively low diversion rates, withdrawals from domestic wells are not considered to be a significant portion of the hydrologic budget. Additionally, with the development of rural water systems in areas where the Missouri: Elk Point aquifer is the uppermost aquifer available; it is likely some domestic users may have transitioned to rural water. Therefore, the quantity of water withdrawn by domestic wells is estimated to be negligible to the hydrologic budget for the Missouri: Elk Point aquifer.

Hydrologic Budget Summary

The average annual recharge rate to the Missouri: Elk Point aquifer is approximately 114,593.9 acre-feet per year. The average annual withdrawal rate for the water rights/permits authorized to appropriate water from the Missouri: Elk Point aquifer totals approximately 100,483 acre-feet per year (including the estimated use for Water Permit Application No. 8710-3, if approved) (listed on Table 5). Based on the hydrologic budget, there is a reasonable probability unappropriated water is available from the Missouri: Elk Point aquifer for the proposed appropriation.

Table 5. Estimated use from Missouri: Elk Point aquifer (Water Rights, 2023a, 2023c, and 2023f)

Type of Water Right/Permit	Estimated Use (acre-feet/year)
Future Use Reservations	1,900
Non-Irrigation	62,371
Pending Application No. 8614-3 (Lewis and Clark Regional Water System)	8,277
Irrigation (Mathiowetz's (2022) turf and crop application rates) including pending applications: Nos. 8691-3, 8700-3, 8701-3, 8702-3, 8703-3, 8704-3, 8705-3, 8706-3, 8707-3, 8708-3, 8713-3, 8714-3, and 8715-3	27,921
Application No. 8710-3 (if approved, using Mathiowetz's (2022) crop application rate of 0.331 feet per acre)	14.6
TOTAL:	100,483

OBSERVATION WELL DATA:

Administrative Rule of South Dakota (ARSD) 74:02:05:07 requires that the Water Management Board shall rely upon the record of observation well measurements in addition to other data to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge of the aquifer.

Observation wells provide data on how the aquifer reacts to regional climatic conditions and local pumping. The DNR-Water Rights Program monitors 36 observation wells completed into the Missouri: Elk Point aquifer (Water Rights, 2023b). The three closest observation wells to the well the applicant proposes to use are YA-57DR (approximately two miles northeast), YA-79H (approximately 3.2 miles northeast), YA-78J (approximately 4.2 miles northeast) (Water Rights, 2023b). The hydrographs for these observation wells are displayed in Figures 2 to 4 (Water Rights, 2023b). The data points utilized to construct the hydrographs are measurements of the static water level in the observation wells from the top of the well casing. It is worth noting the hydrograph titles display DENR Water Rights Observation Well on the hydrographs when the titles should display DNR Water Rights Observation Well on the hydrographs.

The hydrographs for the observation wells display generally stable water levels over their respective periods of record. The hydrographs for these three observation wells were compared to the hydrographs for the other observations wells completed into the Missouri: Elk Point aquifer and each displayed a generally similar trend as shown on the hydrographs displayed in Figures 2 to 4, apart from observation well YA-57DR as the well was completed into the Missouri: Elk Point aquifer in 2020 (Water Rights, 2023b). The hydrographs for the Missouri: Elk Point aquifer indicate that the aquifer responds well to climatic conditions because water levels are rising during wetter periods (early spring snowmelt and precipitation) and declining to a stable water level during drier periods. Additionally, the water levels in the observation wells display that the amount of recharge to and natural discharge from the aquifer greatly exceeds pumping with the aquifer returning to pre-pumping conditions between irrigation seasons. Aquifer recovery indicates that climatic conditions and therefore, the effects of recharge to and natural discharges from the aquifer govern the long-term fluctuations of waters levels in the aquifer rather than the impacts of pumping from the Missouri: Elk Point aquifer. By recognizing that both recharge to and natural discharge from an aquifer can be captured for pumping, the observation well hydrographs demonstrate unappropriated water is available for the proposed appropriation. Additionally, the most recent water level reading for observation well YA-78J is the near the historic low measurements on the hydrograph displayed in Figure 4. This water level reading is not of concern at this time as it was measured during the middle of the irrigation season in 2022 and the DNR-Water Rights Program currently does not have post irrigation season water level readings or spring 2023 water level readings (Water Rights, 2023b).

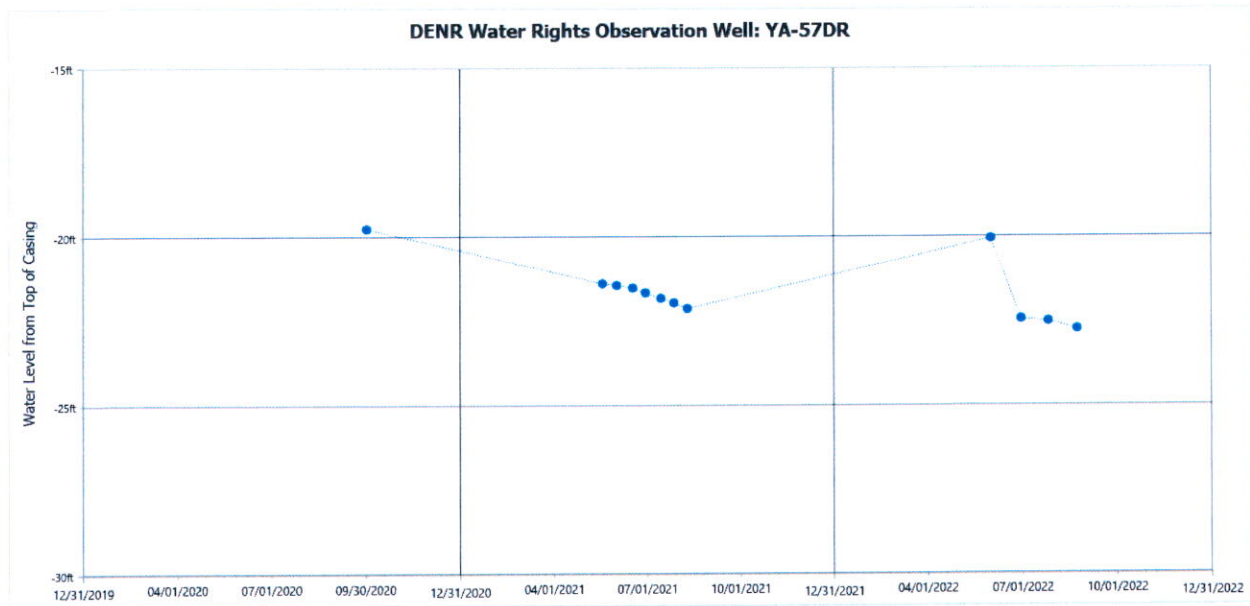


Figure 2. Hydrograph for observation well YA-57DR (Water Rights, 2023b)

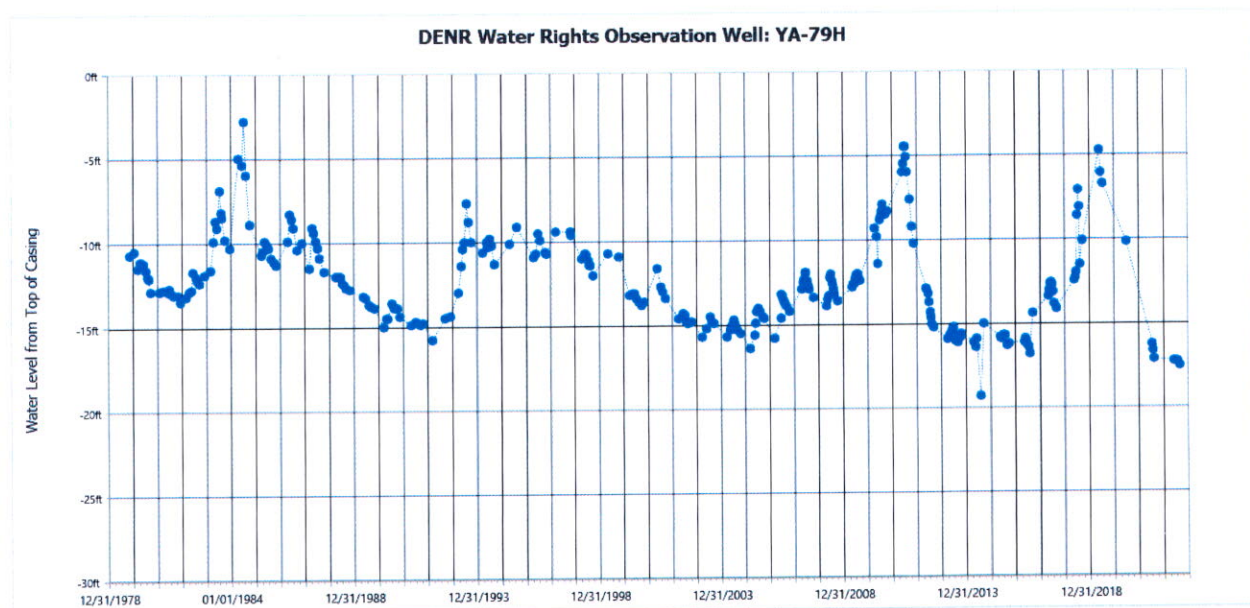


Figure 3. Hydrograph for observation well YA-79H (Water Rights, 2023b)

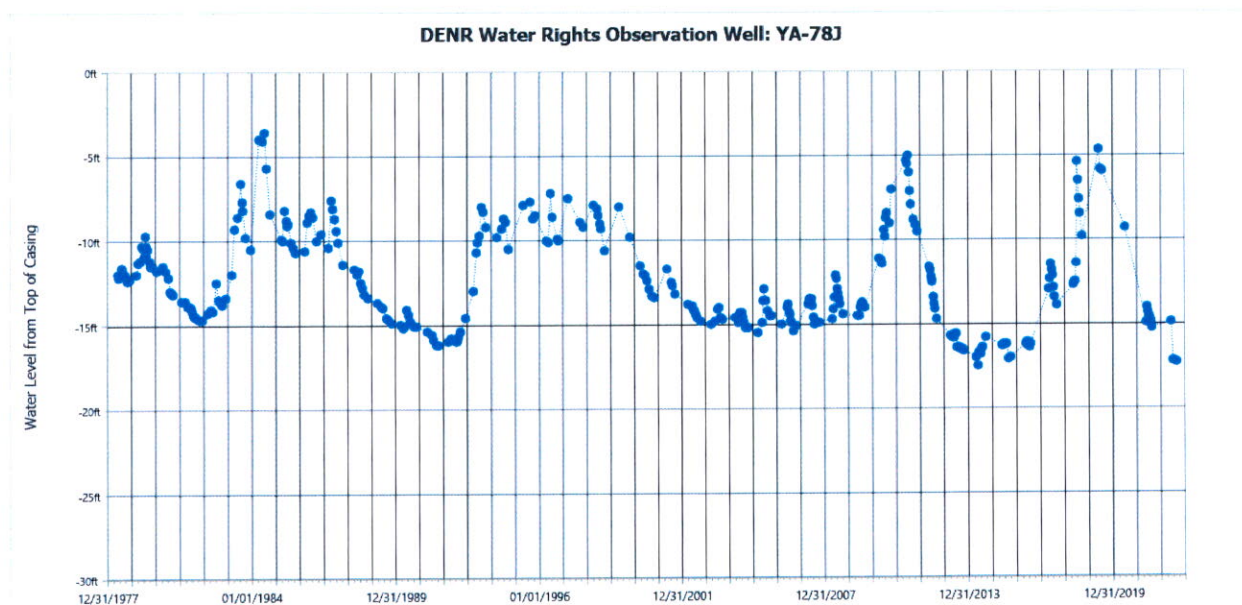


Figure 4. Hydrograph for observation well YA-78J (Water Rights, 2023b)

Several of the Missouri: Elk Point aquifer observation well hydrographs show a gradual long-term downward trend especially those close to the Missouri River. This downward trend is caused by entrenchment of the Missouri River riverbed and in some places a widening of the channel leading to lower water levels despite the river having the same rate of flow (Elliott and Jacobson, 2022). The lowering of the water level in the Missouri River downstream of the Gavins Point dam and the subsequent lowering of the water level of Missouri: Elk Point aquifer observation wells in close proximity to the river show the strong hydrologic connection between the Missouri River and the Missouri: Elk Point aquifer. This is demonstrated by the very similar water levels between the aquifer and river as shown in the hydrographs in Figures 2 to 5. The lowering of the water levels in the aquifer, especially in close proximity to the Missouri River, is not a sign of over appropriation of the Missouri: Elk Point aquifer. The observation well water levels simply show the connection between the river and the aquifer and how the aquifer reacts to climatic conditions without showing any long-term effects from pumping. Therefore, there is a reasonable probability unappropriated water is available for this proposed appropriation.

The United States Geological Survey (USGS) maintains Stream Gage #06467500, located on the Missouri River at Yankton, SD, and the hydrograph for this gage is shown in Figure 5 (USGS, 2023). By comparing the hydrograph for Stream Gage #06467500 to the observation well hydrographs of the Missouri: Elk Point aquifer (Figures 2 to 4), both show the river and aquifer react to climatic conditions by rising and falling over similar trends (USGS, 2023; Water Rights, 2023b). Additionally, during flood events (such as, the years 2011 and 2019), the water level in the Missouri: Elk Point aquifer, especially where in closer proximity to the Missouri River, rises very quickly beyond what is typically seen for glacial outwash aquifers (Water Rights, 2023b). This indicates there is a hydrologic connection between the Missouri: Elk Point aquifer and the Missouri River. Therefore, when the elevation of the water in the Missouri River is higher than the elevation of water in the aquifer, the river will recharge the aquifer. In contrast, when the

elevation of water is higher in the Missouri: Elk Point aquifer, the aquifer naturally discharges to the Missouri River.

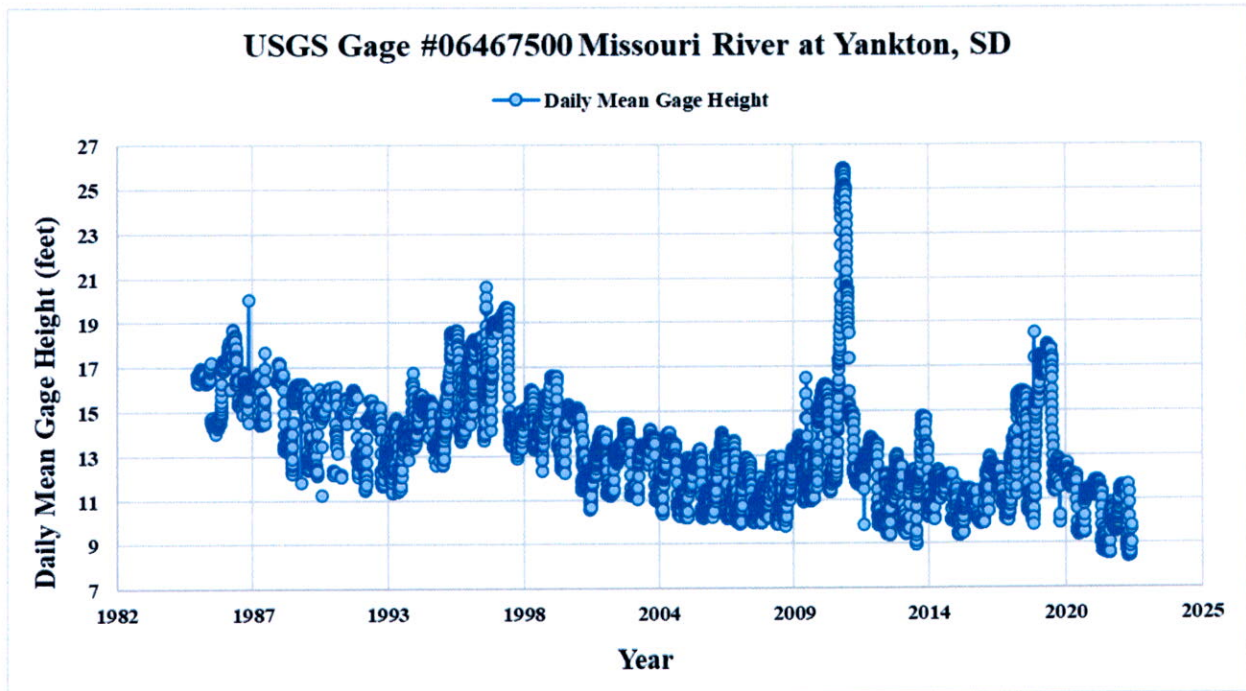


Figure 5. Hydrograph for USGS Stream Gage #06467500 Missouri River at Yankton, SD from 1985 to 2023 (USGS, 2023)

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

Currently, there are 633 water rights/permits authorized to appropriate water from Missouri: Elk Point aquifer, plus 14 pending applications – Water Permit Application Nos. 8614-3, 8691-3, 8700-3, 8701-3, 8702-3, 8703-3, 8704-3, 8705-3, 8706-3, 8707-3, 8708-3, 8713-3, 8714-3 and 8715-3 (Water Rights, 2023c). The closest water right/permit (not held by the applicant) to the existing well is Water Right No. 8322-3, which is held by Shaun Guthmiller. The diversion point for Water Right No. 8322-3 is located approximately 0.4 miles northeast of the existing well proposed to be used for this application (Figure 6) (Table 6) (Water Rights, 2023c).

There are domestic wells on file with the DANR-Water Rights Program that are completed into the Missouri: Elk Point aquifer, with the closest domestic well on file (not held by the applicant) approximately 0.3 miles northeast of the existing well location (Water Rights, 2023d). There could potentially be other domestic wells completed into the Missouri: Elk Point aquifer near the existing well the applicant proposes to use that are not on file with the DANR-Water Rights Program.

Table 6. Water rights/permits authorized to withdraw water from the Missouri: Elk Point aquifer within approximately three miles of the existing well site, as shown in Figure 6 (Water Rights, 2023c)

Permit No.	Name	Status	Use	Authorized Acres if IRR	Authorized Diversion Rate (cfs)	Authorized Annual Volume (acre-feet)
127-3	Prairie Creek Ranch LLC	LC	IRR	160	2.28	
373-3	Redhawk LLC	LC	IRR	80	1.14	
1680B-3	Heine Farms	LC	IRR	121.4	1.74	
2116-3	Heine Farms	LC	IRR	132	1.9	
2184-3	P J Lyons	LC	IRR	224	2	
2443-3	Marvin R Cook	LC	IRR	68	0.97	
4473-3	Jay Cutts	LC	IRR	247.1	2.68	
4501-3	Eddie Wohl	LC	COM		0.05	
5021-3	Vishay-Dale Electronics Inc	LC	IND		0.1	
5592-3	East Winds Court Inc	LC	SHD		0.11	
5593-3	Vishay-Dale Electronics Inc	LC	IND		0.056	
5616-3	Cimpls Inc	LC	COM		0.44	
5936-3	Applied Engineering Inc	LC	IRR	1.8	0.1	
5953-3	H & K Oil Co	LC	COM		0.037	
6170-3	Knife River	LC	IND		0.222	
6233-3	Dennis Kralicek	LC	IRR	76	1.45	
6254-3	Heine Farms	LC	IRR	378	2.67	
6297-3	J & J Farming Company LLC	LC	IRR	204	2	
6793-3	Eagle Venture	LC	IRR	247	2.89	
6840-3	Ron & Angela Kneip	LC	IRR	67	1.25	
6867-3	Jay Cutts	LC	IRR	207	2	
6939-3	John G Yaggie	PE	IRR	198	2.22	
7018-3	J & J Farming Company LLC	LC	IRR	132	1.89	
7119-3	Jay Cutts	LC	IRR	65	0.93	
7120-3	Jay Cutts	LC	IRR	90	1.29	
7187-3	Prairie Creek Ranch	LC	IRR	138	1.67	
7194-3	John G Yaggie	PE	IRR	38	2.22	
7322-3	Redhawk LLC	PE	IRR	37	0	
7325-3	Coulson Land Co	PE	IRR	24.1	1.33	
7416-3	John G Yaggie	LC	IRR	35	1.11	
7417-3	John G Yaggie	PE	IRR	13	0	
7566-3	Daniel L Wallbaum Trust	LC	IRR	148	1.72	
7806-3	C & C Hauling and Construction	LC	IRR	25	1.08	
7971-3	Barry Van Osdel	LC	IRR	64	1.11	
8212-3	City of Yankton	LC	MUN		20.12	6,050
8322-3	Shaun Guthmiller	LC	IRR	32	1.1	
8403-3	Stockmen's Livestock Inc	PE	COM		2	40
8530-3	National Field Archery Association	LC	IRR	16	0.256	
8652-3	John G Yaggie	PE	IRR	109	2.22	
LC: Licensed Water Right; PE: Water Permit; COM: Commercial; IND: Industrial; IRR: Irrigation;						
MUN: Municipal; SHD: Suburban Housing Development						

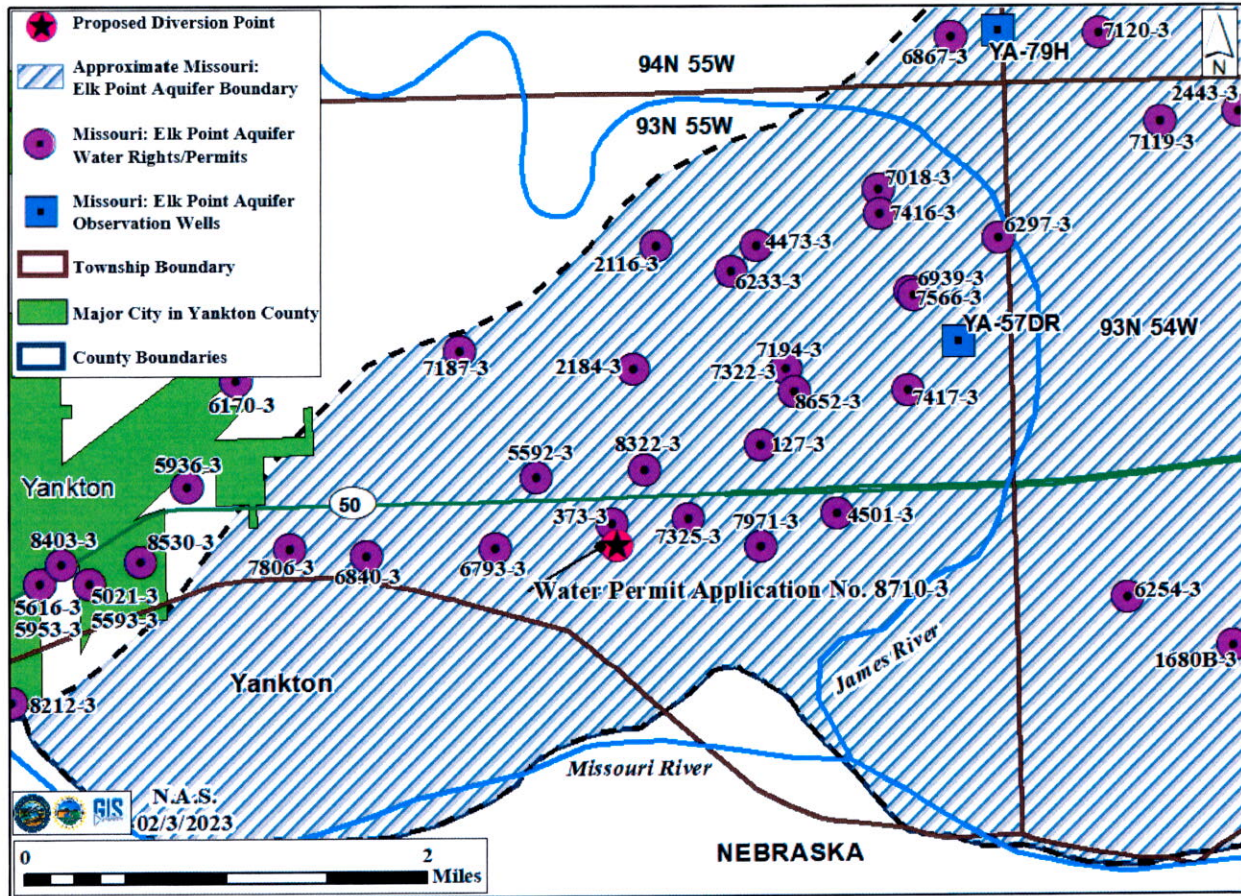


Figure 6. Map of the approximate Missouri: Elk Point aquifer boundary (modified from Hedges and others (1982)), with the location of the existing well for Water Permit Application No. 8710-3 (Water Rights, 2023d), and the Missouri: Elk Point aquifer water rights/permits and observation wells within approximately three miles (Water Rights, 2023b and 2023c)

The Missouri: Elk Point aquifer ranges from confined to unconfined aquifer conditions, but is primarily under unconfined conditions (Niehus, 1994 and 1997). Based on the water well completion report on file for the existing well proposed to be used, water well completion reports on file for nearby wells, and the lithologic logs on file for nearby observation wells, the Missouri: Elk Point aquifer is unconfined at the existing well location (SDGS, 2023; Water Rights, 2023b and 2023d). Drawdown created by pumping a well generally does not extend far from the pumped well in an unconfined aquifer; however, in a confined aquifer, drawdown from pumping could extend a distance from the diversion point. The exact drawdown behavior of a well cannot be known without an aquifer performance test. Examination of the hydrographs for observation wells completed into the Missouri: Elk Point aquifer show no signs of being significantly impacted by drawdown caused by pumping, despite usually being located within a mile of several high-yield wells (assumed to be a well with an authorized diversion rate greater than 0.2 cfs) (Water Rights, 2023b and 2023c).

At the existing well site, the Missouri: Elk Point aquifer has a saturated aquifer thickness of approximately 60 feet (Water Rights, 2023d). This would generally allow for enough thickness for a pump to be placed 20 feet below the top of the aquifer, which is required for the well to be

considered adequate under ARSD 74:02:04:20(6). Any drawdown as a result of the proposed diversion for this application is not expected to unlawfully impair nearby adequate wells. In Clay, Union, and Yankton Counties, there are no substantiated complaints on file with the DANR-Water Rights Program regarding well interference for adequate wells completed into the Missouri: Elk Point aquifer (Water Rights, 2023e).

When considering the saturated thickness of the Missouri: Elk Point aquifer near the existing well site, the generally unconfined nature of the aquifer, and the lack of well interference complaints for adequate wells completed into the Missouri: Elk Point aquifer, any drawdown created from the proposed diversion is not expected to cause an unlawful impairment on existing water right/permit holders or domestic users with adequate wells. Additionally, the well proposed to be used is an existing well that has been in place and is presumed to have been in use since roughly 2014 without any reported well interference complaints on file with the DANR-Water Rights Program (Water Rights, 2023d, and 2023e). Therefore, there is a reasonable probability that any interference from the proposed appropriation will not impose unlawful impairments on existing users with adequate wells.

SDCL 46-5-6:

Pursuant to SDCL 46-5-6, the diversion rate for an irrigation appropriation cannot be in excess of 1.0 cfs per 70 acres, or “the equivalent thereof.” The statute does provide that: “The Water Management Board may allow a greater diversion, in volume or rate or both, if the method of irrigation, any time constraints on diversion of water, or the type of soil so requires...”

If approved, Water Permit Application No. 8710-3 would authorize a maximum instantaneous diversion rate of 0.86 cfs from one well for the irrigation of 44 acres, from April to October, or at a rate of 1.37 cfs per 70 acres. The applicant did not provide a reason for the exceedance, but it appears to be due to a combination of the center pivot size and type of soils being irrigated. The pivot is smaller than a normal, quarter-sized pivot; however, smaller pivots often use a proportionally greater diversion rate to operate properly than their size would indicate is needed. In addition, the sprinkler nozzle size on the pivot may be larger to effectively apply water to the soils in the area which are sandy and require a greater application rate due to the high porosity/infiltration rate. These types of reasons fall within SDCL 46-5-6 which allows the Water Management Board to allow a greater diversion rate.

CONCLUSIONS:

1. Water Permit Application No. 8710-3 proposes to divert water at a maximum instantaneous diversion rate of 0.86 cfs and irrigate 44 acres. Water Right No. 373-3 authorizes 1.14 cfs from one well for the irrigation of 80 acres. This application proposes to appropriate an additional 0.86 cfs from the existing well completed into the Missouri: Elk Point aquifer (150 feet deep). This will allow the center pivot to make a full rotation.
2. If approved, Water Permit Application No. 8710-3 and Water Right No. 373-3 will collectively authorize a maximum instantaneous diversion rate of 2.0 cfs for the irrigation

of 124 acres. The site of interest is located in Yankton County approximately two miles east of Yankton, SD.

3. Based on observation well data and the hydrologic budget, there is a reasonable probability that unappropriated water is available from the Missouri: Elk Point aquifer to supply the proposed appropriation.
4. There is a reasonable probability that the proposed diversion by Water Permit Application No. 8710-3 will not unlawfully impair adequate wells for existing water rights/permits and domestic users.
5. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres due to the sprinkler nozzle size of the center pivot and the sandy soils near the existing well location. These types of reasons fall within SDCL 46-5-6 which allows the Water Management Board to allow a greater diversion rate.



Nakaila Steen
Natural Resources Engineer II
SD DANR - Water Rights Program

Reviewed by:



Adam Mathiowetz, PE
Natural Resources Engineer IV
SD DANR - Water Rights Program

References

- Arguez, A., I. Durre, S. Applequist, R. Vose, M. Squires, X. Yin, R. Heim, and T. Owen, 2020. NOAA's U.S. Climate Normals (1991-2020). Annual Precipitation Normals for Station USW00014943 Sioux City Airport, Iowa. NOAA National Center's for Environmental Information. Accessed August 29, 2022.
- Condley, J. and Lamkey, N. 2022. Investigation of Induced River Recharge in the Lewis and Clark Regional Water System Wellfield. Open-File Report 97-UR. SD DANR-Geological Survey. Vermillion, South Dakota.
- Drinking Water Program, 2023. Drinking Water System Information. SD DANR – Drinking Water Program Online Database. Accessed January 5, 2023. <<http://danr.sd.gov/des/dw/sysinfomap.aspx>>
- Elliott, C.M., and Jacobson, R.B. 2022. Sixty years of channel adjustments to dams in the two segments of the Missouri National Recreational River, South Dakota and Nebraska. U.S. Geological Survey Scientific Investigations. Report 2022–5087. 75 p.
- Fahrenbach, M.D., Steece, F.V., Sawyer, J.F., McCormick, K.A., McGillivray, G.L., Schulz, L.D., and Redden, J.A. 2010. South Dakota Stratigraphic Correlation Chart. Oil and Gas Investigations 3. SD DANR-Geological Survey, Vermillion, SD.

- Farmer, J., 2018a. Report on Water Permit Application No. 8322-3: Shawn Guthmiller. SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Farmer, J., 2018b. Report on Water Permit Application No. 8364-3: Daniel and Scott Hanson. SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Farmer, J., 2021. Report on Water Permit Application No. 8503-3: Sorensen Family Farm, LLC. SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Hedges, L.S., Allen, J., Holly, D.E., 1985. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 7: Ground Water Recharge; United States Army Corps of Engineers Contract DACW 45-80-C-0185.
- Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., and Schoon, R.A., 1982. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa. Task 1: Bedrock Topography and Distribution, Task 2: Extent of Aquifers, Task 3: Ground-Water Storage, Task 4: Computerized Data Base, Final Report. U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.
- Mathiowetz, A.W., 2022. Report on Water Permit Application No. 8614-3: Lewis & Clark Regional Water System. *In Progress*. SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Niehus, C.A., 1994. Water Resources of Lincoln and Union Counties, South Dakota. U.S. Geological Survey Water-Resources Investigations Report 93-4195. U.S. Geological Survey. Vermillion, SD.
- Niehus, C.A., 1997. Major Aquifers in Lincoln and Union Counties, South Dakota. U.S. Geological Survey - Information Pamphlet 49. U.S. Geological Survey. Vermillion, SD.
- NOAA, 1982. Evaporation Atlas for the Contiguous 48 United State. NOAA Technical Report NWS 33.
- SDGS, 2023. South Dakota Geological Survey Lithologic Logs Database. Accessed February 6, 2023. <http://cf.sddanr.net/lithdb/>.
- Stephens, J.C., 1967. Geology and Water Resources of Clay County, South Dakota, Part II. Water Resources. South Dakota DANR-Geological Survey Bulletin 19, Vermillion, SD.
- Stonesifer, J.R., 2013. Water Availability of the Missouri: Elk Point Aquifer. SD DANR-Water Rights Program, Joe Foss Building, Pierre, SD.
- USGS, 2023. USGS Surface-Water Daily Statistics for the Nation, Stream Gage #06467500, Missouri River at Yankton, SD. Accessed January 31, 2023.
- Water Rights, 1995. Findings of Fact, Conclusions of Law, and Final Decision in the Matter of Water Permit Application No. 2313-2, Coca-Cola Bottling Company of the Black Hills. DANR-Water Rights Program file for Water Right No. 2313-2. Pierre, SD.
- Water Rights, 2023a. "1979-2021 Irrigation Summaries by Aquifer", SD DANR-Water Rights Program, Joe Foss Building, Pierre, SD.
- Water Rights, 2023b. Observation Well Data, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2023c. Water Right/Permit Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2023d. Well Completion Reports, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2023e. County Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2023f. "2003-2021 Non-Irrigation Yearly Reports", SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

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

February 21, 2023

Coulson Land Co
c/o Tom Coulson
1205 W 11th St
Yankton SD 57078

Dear Mr. Coulson:

Water Permit Application No. 8710-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the 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 recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Karen Schlaak
Water Rights Program
(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.

NOTICE OF APPLICATION NO. 8710-3 to Appropriate Water

Notice is given that Coulson Land Co, c/o Tom Coulson, 1205 W 11th St, Yankton SD 57078 has filed an application for a water permit to appropriate an additional 0.86 cubic feet of water per second (cfs) and irrigate an additional 44 acres. Water Right No. 373-3 authorizes 1.14 cfs from one well for irrigation of 80 acres located in the NW 1/4 NW 1/4 Section 14 and the NE 1/4 NE 1/4 Section 15; all in T93N-R55W. This application proposes to appropriate an additional 0.86 cfs from the existing well completed into the Missouri:Elk Point Aquifer located in the SW 1/4 NW 1/4 Section 14 to irrigate 44 acres located in the SE 1/4 NE 1/4 Section 15 and the SW 1/4 NW 1/4 Section 14; all in T93N-R55W. This will allow the center pivot to make a full rotation. This application, if approved, and Water Right No. 373-3 combined, will authorize a total of 2.0 cfs for irrigation of 124 acres. The applicant is requesting a diversion rate greater than the statutory limit of 1.0 cfs per 70 acres. This site is located approximately 2 miles east of Yankton.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8710-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by March 13, 2023.

The petition shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by March 13, 2023.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled, and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, February 21, 2023 9:21 AM
To: Cassandra Brockmoller
Subject: 8710-3, Coulson Land Co
Attachments: 8710-3public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on March 3, 2023.

Coulson Land Co, c/o Tom Coulson, 1205 W 11th St, Yankton SD 57078 (605 661-2102) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak

DANR - Water Rights Program
(605) 773-3352
Website: <https://danr.sd.gov>



AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

RECEIVED

MAR 08 2023

OFFICE OF
WATER

COULSON LAND CO
C/O TOM COULSON
1205 W 11TH ST
YANKTON SD 57078

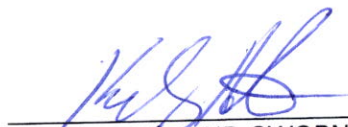
STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

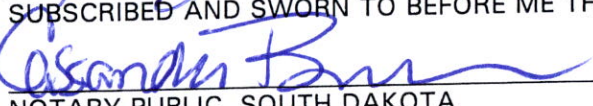
KELLY HERTZ, BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT (S)HE IS THE MANAGING EDITOR OF YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY
AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID
COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED
NOTICE OF APPLICATION NO.

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 3rd DAY OF March, 2023
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$44.48 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 03/03/2023

FILED ON: 03/03/2023


SUBSCRIBED AND SWORN TO BEFORE ME THIS 3rd DAY OF March, 2023


NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES 07/04/2026

Notice is given that Coulson Land Co, c/o Tom Coulson, 1205 W 11th St, Yankton SD 57078 has filed an application for a water permit to appropriate an additional 0.86 cubic feet of water per second (cfs) and irrigate an additional 44 acres. Water Right No. 373-3 authorizes 1.14 cfs from one well for irrigation of 80 acres located in the NW 1/4 NW 1/4 Section 14 and the NE 1/4 NE 1/4 Section 15; all in T93N-R55W. This application proposes to appropriate an additional 0.86 cfs from the existing well completed into the Missouri:Elk Point Aquifer located in the SW 1/4 NW 1/4 Section 14 to irrigate 44 acres located in the SE 1/4 NE 1/4 Section 15 and the SW 1/4 NW 1/4 Section 14; all in T93N-R55W. This will allow the center pivot to make a full rotation. This application, if approved, and Water Right No. 373-3 combined, will authorize a total of 2.0 cfs for irrigation of 124 acres. The applicant is requesting a diversion rate greater than the statutory limit of 1.0 cfs per 70 acres. This site is located approximately 2 miles east of Yankton.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8710-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineers recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by March 13, 2023.

The petition shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by March 13, 2023.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled, and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Published once at the total approximate cost of \$44.48 and can be viewed free of charge at www.sdpublicnotices.com.

Published March 3, 2023.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

MAR 27 2023

Coulson Land Co.,
c/o Tom Coulson
1205 W 11th Street
Yankton SD 57078

Dear Mr. Coulson:

Enclosed is Water Permit No. 8710-3 authorizing construction of the 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,

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

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

**Affidavit of Public Notice
on DANR Website**

Pursuant to SDCL § 46-2A-4, public notice of the following application was posted on the DANR web site at <https://danr.sd.gov/public>. The posted public notice is the same notice as published in the pertinent newspaper(s) and a copy of the public notice is maintained in the application file. If the application is contested, the posting is moved to the DANR contested case website at <https://danr.sd.gov/public/ContestedCase.aspx> until final action is taken on the application pursuant to SDCL § 46-2A-4.

Application No.: 8710-3

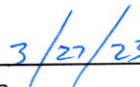
Name of Applicant: Coulson Land Co., c/o Tom Coulson

Date of Posting: 2/28/2023

Date of Removal: 3/27/2023



Ron Duvall, Water Rights Permitting Administrator



Date

Subscribed and sworn to before me, a notary public, this 27th day of March, 2023.



Notary Public - South Dakota
My commission expires: 4/1/2025

(SEAL)

