

WATER PERMIT NO. 8717-3

Name of Applicant: Coulson Land Co.

Address: 1205 W 11th St, Yankton SD 57075

Phone: 605 661-2102

Amount of Water Claimed: 2.0 cfs

Total Acres: 38.57

Source of Water Supply: Missouri River

Water to be used for: irrigation

County: Yankton

Type of Waste Disposal System:

Location: 2 miles east of Yankton

PRIORITY Date Received: 1-13-23

Application/License Fee: \$700

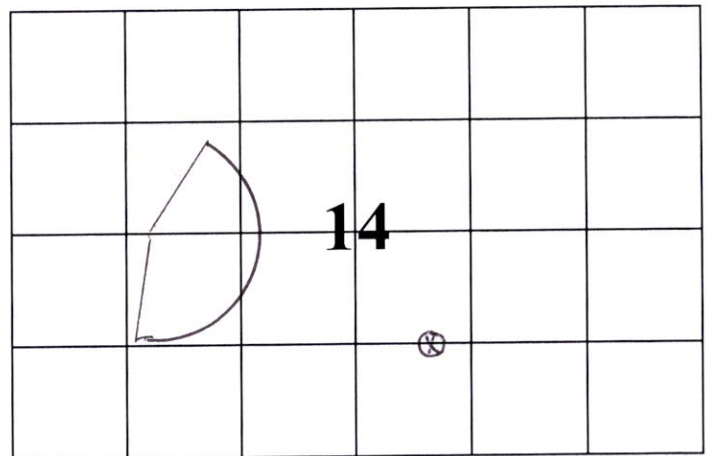
Corrected Application Received: 1-30-23

Period of Annual Use: April 1 – September 30

Remarks:

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

Land to be Irrigated: S1/2 NW 1/4, N 1/2 SW 1/4
Sec14-T93N-R55W



Depth of Well:

Well Driller:

Remarks:

Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 1-30-23

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 8717-3**

Date of first receipt of application January 13, 2023.

Date of return to applicant for corrections, amendments, or changes January 17, 2023.

Date of receipt of corrected application January 30, 2023.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8717-3 to Coulson Land Co., c/o Thomas R 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. 8717-3 appropriates an additional 0.67 cubic feet of water per second (cfs) from the Missouri River located in the W 1/2 SE 1/4 Section 14 for irrigation of an additional 38.57 acres located in the S 1/2 NW 1/4, N 1/2 SW 1/4 Section 14; all in T93N-R55W. This permit will utilize an existing Missouri River diversion point authorized by Water Permit No. 6889-3. This permit, and Water Permit No. 6889-3 combined, will authorize a total of 2.00 cfs for irrigation of 95.57 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 January 13, 2023.
4. The date of approval of Permit No. 8717-3 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. 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 Permit No. 6889-3, combined, authorizes a maximum diversion rate of 2.00 cfs for the irrigation of 95.57 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: Eric Gronlund
Eric Gronlund, Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources

MAR 27 2023
date



RECEIVED

JAN 13 2023

PAID

JAN 13 2023

Ck# 560

Rec't#

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8717-3</u>	(office use only) Hydrologic Unit <u>10170101</u>	OFFICE OF WATER
	Basin <u>Missouri River</u>		
	Newspaper <u>Press & Dakotan 665-7811</u>		

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.

Note: The "Name to Appear on Irrigation Permit" must be the name in which the property to be irrigated is held in.

Mailing Address 1205 W. 11th St. Yankton SD 57078
(Address) (City) (State) (Zip Code)

Phone 605-664-2911 Mobile _____ Email _____

2. Amount of water claimed 0.67 *CFS or 300 **GPM ***AF Total Acreage 38.57
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Missouri River

4. Location of point of diversion NW 1/4 - SE 1/4 section 14 - T93N - R55W
(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 April 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>SW 1/4 - NW 1/4 14-93-55</u>	<u>10</u>		
<u>NW 1/4 - SW 1/4 14-93-55</u>	<u>28.57</u>		

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

Source of water is Missouri River Water Permit #6889-3

Requesting diversion rate greater than statutory limit.

I, Thomas R. Coulson Managing Partner, the applicant, certify under
Name of Person Title (if applicable)

penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

CHUBB

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

Applicant/Policyholder Information

~~BOYD, DUANE (MP#640227)~~
~~Crop Year 2023~~

Agency/Agent Information

HUBBS AGENCY INC (213703)

14 93N 55W

Yankton County
South Dakota

☐ ASSOCIATED	38.57
☒ TOTAL	38.57

15 93N 55W

15

South Dakota 27431

14 93N 55W

14

Yankton

93N 55W

5282

2094

55

38.57

*Diversion Point
Permit-
6889-5*

93N 55W
Section: 10

93N 55W
Section: 11

93N
Section

93N 55W
Section: 15

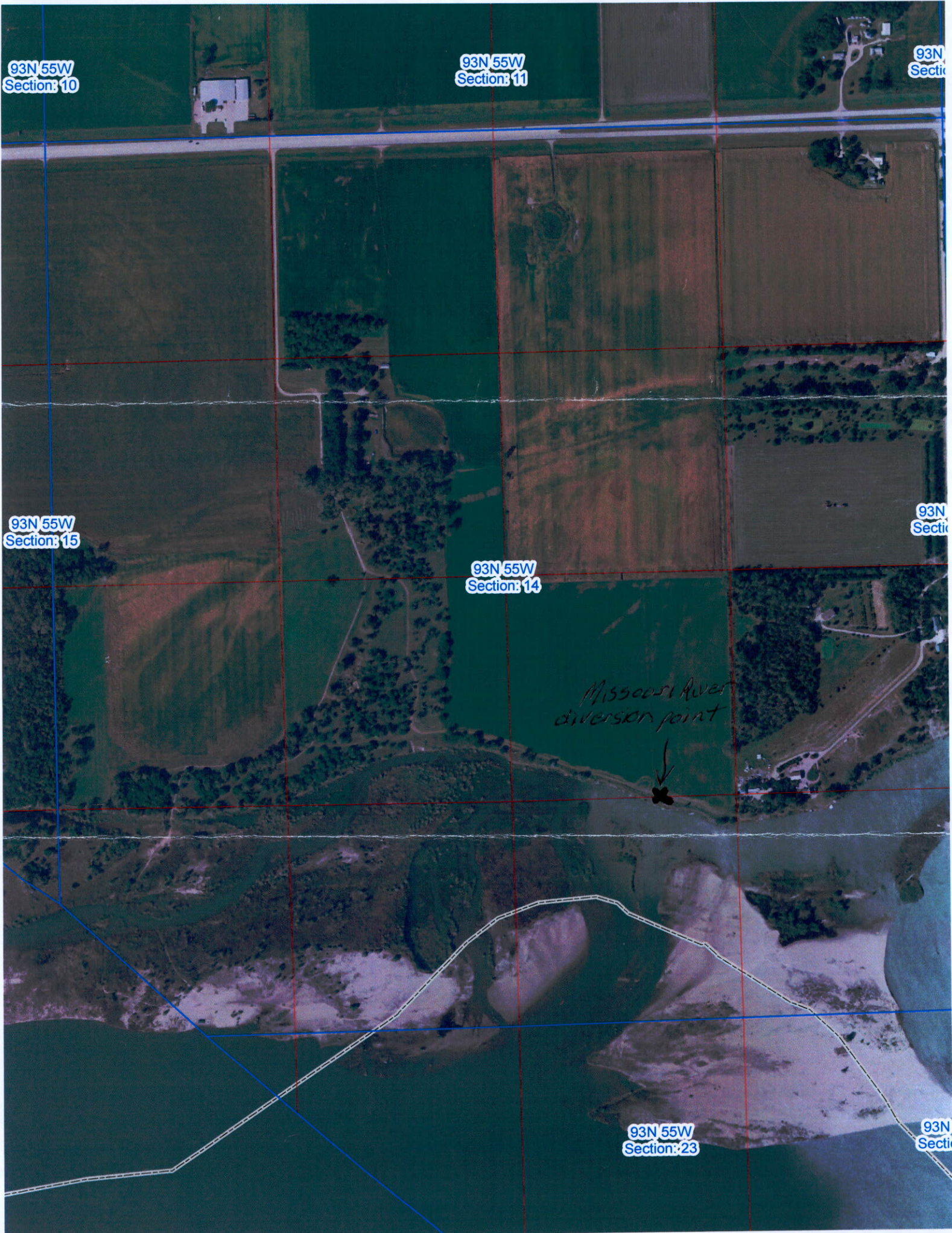
93N
Section

93N 55W
Section: 14

*Missouri River
diversion point*

93N 55W
Section: 23

93N
Section



RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date January 13, 2023

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>8717-3</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. <u>8717-3</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>700.00</u>

By Eric Gronlund
Chief Engineer
dm

Water Rights Program - DENR

File Documentation

File No. 8717-3

County: Yankton

Name of Person: Thomas Coulson, Coulson Land Co.

Address: 1205 11th St, Yankton SD 57078

Date February 15, 2023 **Telephone:** 605-664-2911

RE: Clarification of the requested pump rate for the application.

Comments:

I called Mr. Coulson concerning pump rate requested in the application. The application requested 2.0 cfs for irrigation of 38.57 acres, the application stated the same pump site authorized for Water Permit No. 6889-3 would be used for this permit as well. Water Permit No. 6889-3 is authorized to divert up 1.33 cfs. I asked Mr. Coulson if the 2.0 cfs included the 1.33 cfs already authorized or would be in addition to the 1.33 cfs. He said the 2.0 cfs was the combined total to be diverted for both water permits.

Application No. 8717-3 should be revised, and the requested diversion rate be amended to 0.67 cfs.



Mark D Rath
Natural Resources Engineer III



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 17, 2023

Coulson Land Co
Thomas R 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 from the Missouri River. In order to complete the application, the following is required.

- The application states 10 acres will be irrigated in the SW 1/4 NW 1/4 Section 14 and 28.57 acres located in the NW 1/4 SW 1/4 Section 14. I have included an aerial photo map showing all of Section 14-T93N-R55W. It appears that portions of the 38.57 acres to be irrigated will be located in the SE 1/4 NW 1/4 and the NE 1/4 SW 1/4 Section 14, as well. Do you agree? On the map, please outline the acres to be irrigated.
- Also, on the map mark the existing Missouri River diversion point with an "X".

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



**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. 8717-3, 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. 8717-3, Coulson Land Co., 1205 W 11th Street, Yankton SD 57078.

The Chief Engineer is recommending APPROVAL of Application No. 8717-3 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. 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 Permit No. 6889-3, combined, authorizes a maximum diversion rate of 2.00 cfs for the irrigation of 95.57 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.

Eric Gronlund, Chief Engineer
February 17, 2023

REPORT ON WATER PERMIT APPLICATION NO. 8717-3

Coulson Land Co.

February 16, 2023

Application No. 8717-3, proposes to appropriate 0.67 cubic feet of water per second (cfs) from the Missouri River located W 1/2 SE 1/4 Section 14 for irrigation of 38.57 acres located in the S 1/2 NW 1/4, N 1/2 SW 1/4 Section 1/4; all in T93N-R55W. The application will utilize an existing Missouri River diversion point authorized by Water Permit No. 6889-3. This application, if approved and Water Permit No. 6889-3, combined, will authorize a total of 2.00 cfs for irrigation of 95.57 acres. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately 2 miles east of Yankton in Yankton County.

South Dakota Codified Law SDCL 46-2A-2 directs the Chief Engineer to make a recommendation to the Water Management Board on a permit application. The Chief Engineer needs to consider four criteria in making a recommendation on whether a permit should be approved, approved with qualifications, denied, or deferred. They are: 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. This report will analyze the available information to make a recommendation to the Chief Engineer on the first two criteria the Chief Engineer needs to consider in making an official recommendation to the Water Management Board.

Review of the Proposed Project

The applicant proposes to irrigate 38.57 at a diversion rate of 0.67 cfs. This is greater than the statutory limit of 1 cfs per 70 irrigated acres allowed. SDCL 46-5-6 specifies water permits issued for irrigation may not be more than the rate of 1 cfs for each 70 acres. However, 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. The applicant proposes to utilize a center pivot irrigator that will make less than a half rotation.

Review of the Water Source

The water source for this project is from the natural flow of the Missouri River in the river downstream of Gavins Point Dam. The US Army Corps of Engineers constructed Gavins Point Dam impounding Lewis and Clark Lake in the 1950s as a part of a six reservoir Pick-Sloan project for the Missouri River. The six project dams, Ft. Peck, Garrison, Oahe, Big Bend, Ft.

Randall, and Gavins Point, are operated as a system providing storage and water releases for congressionally authorized purposes.

The flow hydrograph of the Missouri River in South Dakota has been altered in the past 60 to 80 years due to the presence of the Missouri River mainstem reservoir system, with excess natural flow going into storage and stored water released to supplement flows. The USGS, in a 2001 research study, made an estimation of the Missouri River natural flows at locations on the river at Oahe Dam and at Gavins Point Dam (Jacobson et. al. 2001). A percentile hydrograph displaying the daily 50, 25, and 10 percentile flows corresponding to drier climatic conditions, can also be derived from this study for the Missouri River at a point near Gavins Point Dam (Figure 1). This natural flow percentile hydrograph shows a similar double peak for the three percentile levels shown. The first April peak corresponds to the snowpack and spring rains runoff from the plains of Montana, Wyoming, North Dakota and South Dakota. The second June peak corresponds to snow melt run off from the mountains in Wyoming and Montana and from upstream summer thunderstorms. Considering the 10th percentile hydrograph corresponding to the daily flow values at or below this level on average one out of ten years, there is ample natural flow available, if this project is approved.

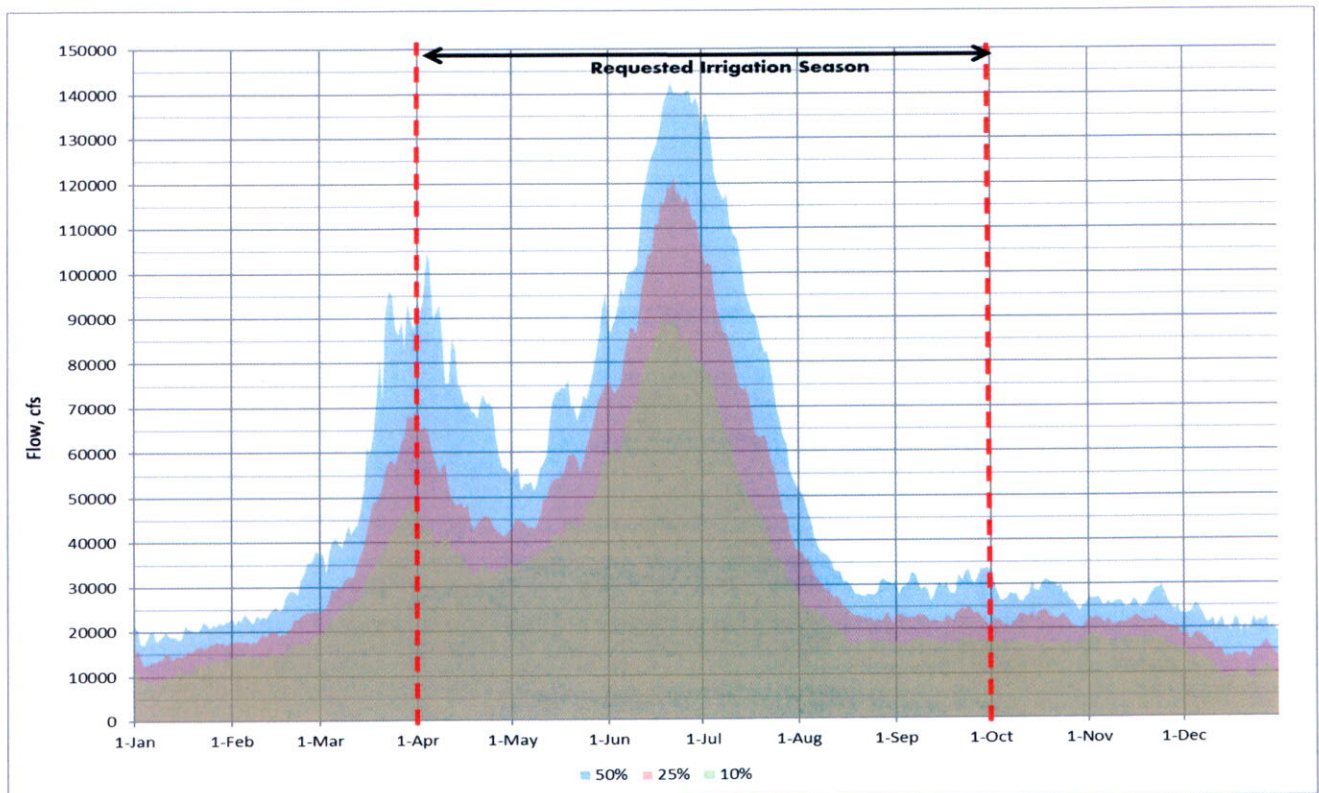


Figure 1 - Natural Flow Hydrograph for the Missouri River at Gavins Point Dam. (Jacobson, 2012)

Review of the Proposed Project and Existing Water Rights

There are 255 existing water rights/permits appropriating water from the natural flows of the Missouri River in South Dakota with a total authorized appropriation of 1,264.79 cfs. Currently there are 15 future use permits reserving 355,201 acre-feet annually for contemplated future development from the Missouri River. There is one future use permit for approximately 1.1 million acre-feet held by the US Bureau of Reclamation for the suspended Oahe Irrigation Project (Water Rights. 2023). As Figure 1 demonstrates, existing water rights will not be adversely impacted by this project. Water availability is not a concern when using the natural flows of the Missouri River as a source.

Conclusions

1. This application proposes to appropriate an additional 0.67 cfs to irrigate 38.57 acres.
2. The water source for this project is from the natural flow of the Missouri River downstream of Gavins Point Dam.
3. The applicant is requesting a diversion rate greater than 1 cfs per 70 acres for use in a center pivot irrigator that will make less than a half rotation.
4. Water availability is not a concern when using the natural flows of the Missouri River as a source.
5. Since water availability is not an issue, approval of this permit will not adversely affect these existing rights.



Mark D. Rath

Natural Resources Engineer III

References

1. USACE. 2023. Missouri River Mainstem System 2020-2021 Annual Operation Plan, December 2020. US Army Corps of Engineers – Northwest Division Missouri Basin Water Management Division.
2. Water Rights. 2023. Water Right/Permit Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

3. Jacobson. 2001. Visualization of Flow Alternatives, Lower Missouri River U.S. Geological Survey Open-file Report OF02-122. Robert B. Jacobson and Jeanne Heuser, U.S. Geological Survey, Columbia, MO.



**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 22, 2023

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

Dear Mr. Coulson:

Water Permit Application No. 8717-3 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. 8717-3 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 0.67 cubic feet of water per second (cfs) from the Missouri River located in the W 1/2 SE 1/4 Section 14 for irrigation of an additional 38.57 acres located in the S 1/2 NW 1/4, N 1/2 SW 1/4 Section 14; all in T93N-R55W. The application will utilize an existing Missouri River diversion point authorized by Water Permit No. 6889-3. This application, if approved, and No. 6889-3, combined, will authorize a total of 2.00 cfs for irrigation of 95.57 acres. The applicant is requesting a diversion rate greater than the statutory limit of 1 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. 8717-3 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.

Published once at the total approximate cost of_

NOTICE OF APPLICATION
NO. 8717-3 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 0.67 cubic feet of water per second (cfs) from the Missouri River located in the N 1/2 SE 1/4 Section 14 for irrigation of an additional 38.57 acres located in the S 1/2 NW 1/4, N 1/2 SW 1/4 Section 14; all in T93N-R55W. The application will utilize an existing Missouri River diversion point authorized by Water Permit No. 6889-3. This application, if approved, and No. 6889-3, combined, will authorize a total of 2.00 cfs for irrigation of 95.57 acres. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately 2 miles east of Yankton.

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2023.

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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 \$42.24 and can be viewed free of charge at www.sd-publicnotices.com.

Published March 3, 2023.

*emailed change
2/28/23*

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, February 22, 2023 11:11 AM
To: Cassandra Brockmoller
Subject: 8717-3, Coulson Land Co.
Attachments: 8717-3public.short_final.docx; FORM8.FRM.doc

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

Coulson Land Co, Tom Coulson, 1205 W 11th St, Yankton SD 57078 (605 664-2911) 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

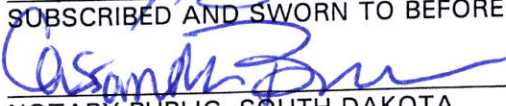
KELLY HERTZ, BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT (S)HE IS THE MANAGING EDITOR OF YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY
AND STATE, AND 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 \$42.24 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

Ad text : NOTICE OF APPLICATION
NO. 8717-3 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 0.67 cubic feet of water per second (cfs) from the Missouri River located in the W 1/2 SE 1/4 Section 14 for irrigation of an additional 38.57 acres located in the S 1/2 NW 1/4, N 1/2 SW 1/4 Section 14; all in T93N-R55W. The application will utilize an existing Missouri River diversion point authorized by Water Permit No. 6889-3. This application, if approved, and No. 6889-3, combined, will authorize a total of 2.00 cfs for irrigation of 95.57 acres. The applicant is requesting a diversion rate greater than the statutory limit of 1 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. 8717-3 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 \$42.24 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 Thomas R Coulson
1205 W 11th Street
Yankton SD 57078

Dear Mr. Coulson:

Enclosed is Water Permit No. 8717-3 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



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and NATURAL RESOURCES**

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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.: 8717-3

Name of Applicant: Coulson Land Co., Thomas R Coulson

Date of Posting: 2/28/2023

Date of Removal: 3/27/2023



Ron Duvall, Water Rights Permitting Administrator

3/27/23

Date

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



Notary Public - South Dakota
My commission expires:

(SEAL)

