

WATER PERMIT NO. 8872-3

Name of Applicant: Coulson Land Company

Address: 1205 W 11th Street, Yankton SD 57078

Phone: 605-661-2102

Amount of Water Claimed: 1.67 cfs

Total Acres: 24

Source of Water Supply: Surface

Water to be used for: Irrigation

County: Yankton

Type of Waste Disposal System:

Location: Approx. 4 miles east of Yankton

PRIORITY Date Received: 05-28-24

Application/License Fee: \$500.00

Corrected Application Received: N/A

Period of Annual Use: April 1 – September 30

Remarks: Inspection of f7325-3 by Keith DeJong found irrigation system using water from the Missouri River, not a well

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

Land to be Irrigated: NW 1/4 Sec 14-T93N-R55W

Depth of Well: N/A

Well Driller: N/A

Remarks:

Type of Map: aerial

			14		

Reviewed and the Number Assigned on: 05-29-24

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 8872-3**

Date of first receipt of application May 28, 2024.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8872-3 to Coulson Land Company, 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. 8872-3 appropriates 1.67 cubic feet of water per second (cfs) from the Missouri River located in the SW 1/4 SE 1/4 Section 14 for irrigation of 24 acres located in the E 1/2 NW 1/4 Section 14; all in T93N-R55W. This site is located approximately three miles east of Yankton SD.
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 May 28, 2024.
4. The date of approval of Permit No. 8872-3 is August 12, 2024.
5. 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, Water Permit No. 8872-3 authorizes a maximum diversion rate of 1.67 cfs for the irrigation of 24 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

SEP 06 2024
date



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

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8872-3</u> Hydrologic Unit <u>10170101</u> Basin <u>Missouri River</u> Newspaper <u>Daily Press & Dakotan</u> (office use only)
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PAID
MAY 28 2024
Ck# 586
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 Company

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 605-661-2102 Email _____

2. Amount of water claimed 1.67 *CFS or 750 **GPM _____ ***AF Total Acreage 24
(*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 SW 1/4 SE 1/4 - Sec 14 - T93N - R55W
(example - 3 wells in SW1/4 NE1/4 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 - September 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
NE 1/4 NW 1/4 Sec 14 - T93N - R55W	23		
SE 1/4 NW 1/4 Sec 14 - T93N - R55W	1		

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

irrigation system developed under 7325-3 (authorized for diversion from 1 well) actually using water from Missouri River. Requesting a diversion rate greater than the statutory limit.

I, Tom 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.

2021-08

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

RECEIVED

MAY 28 2024

OFFICE OF
WATER



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

April 2, 2024

7325-3

Coulson Land Company
1205 W 11th St
Yankton SD 57058

To whom it may concern:

Water Permit No. 7325-3 was approved April 23, 2012, authorizing the diversion of 1.33 cfs (approx. 600 GPM), from groundwater, 1 well, for the irrigation of 24.1 acres, located in the NE ¼ NW ¼ Section 14, T93N-R55W, Yankton County.

An on-site inspection conducted by staff engineer, Keith Dejong, found that the diversion point developed to supply water to the irrigation system, was for a surface water source along the Missouri River, rather than the authorized well. The inspection also found that the pump rate is 1.67 cfs (approx. 750 GPM).

Per SDCL 46-5-13.1, a change in the diversion point location can only be made when the diversion is from the same source, no additional water is appropriated, and no new lands are being irrigated.

Due to the inspection findings, a new permit is required to bring the above-described irrigation system into compliance. Copies of the original permit application, Permit No. 7325-3, inspection report, and engineer's map are all enclosed for you to reference, as well as a partially completed permit application for diversion from the Missouri River.

Please complete the highlighted portions of the application and return it with payment in the amount of \$500.00. Checks should be made payable to "SD Water Rights Program".

Upon receipt of the completed application and necessary fees, our office will proceed with cancellation of Permit No. 7325-3.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

enclosures

**Report of Examination of Works and/or Application of Water to Beneficial Use
For Permit No. 7325-3**

I have this day, June 24, 2021, made a thorough examination of the water use system constructed by Coulson Land Company, 1205 West 11th Street, Yankton, SD 57078, holder of Permit No. 7325-3, bearing the priority of February 8, 2012 authorizing the diversion of 1.33 cu. ft. per second of the waters of groundwater (Missouri: Elk Point Aquifer) for the irrigation of 24.1 acres located in Yankton County.

Inspection contacts: Thomas Coulson and Duane Potts

A. Works used to divert the water:

Well Information

- 1) Well Drilling Firm: Hammond Wetmore, LLC
- 2) No. of Wells: 1
- 3) Depth(s): 95 feet
- 4) Well log is available: Yes

Casing:

- 1) Diameter: 12 inches
- 2) Length: 64 feet
- 3) Type: Plastic

Screen:

- 1) Diameter: 12 inches
- 2) Length: 30 feet
- 3) Type: PVC
- 4) Static water level: 22 feet

Pump: (well)

- 1) Make: NA
- 2) Model: NA
- 3) Capacity: NA GPM

Motor: (well)

- 1) Make: NA
- 2) Model No.: NA
- 3) Horsepower rating: NA hp

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

- 1) Type: PVC
- 2) Size: 8 inches
- 3) Length: 3,520 feet

C. Works used to apply water to beneficial use:

Center Pivot:

- 1) Make: Zimmatic
- 2) Overall length: 654 feet
- 3) Number of towers: 4
- 4) End gun: No
- 5) Capacity: 750 GPM

Chemigation Equipment:

- 1) Does chemigate: No

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by: No
2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period: Yes
3) Exceptions to compliance are: The water supply is from Water Right No. 6889-3 instead of the well. The well does not have a pump in it.

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows:
The well is 1,640 feet east and 400 feet south of the northwest corner of Section 14, T93N-R55W (Latitude 42.87888, Longitude -97.31231 – NE1/4 of the NW1/4).
2. The works are capable of diverting and conveying to the place of use 1.67 cu. ft. per second of water which is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows: All in Section 14-T93N-R55W:

NE1/4NW1/4 23 acres

SE1/4NW1/4 1 acre

comprising a total of 24 acres of land and the license should be issued for 0.00 cfs.

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

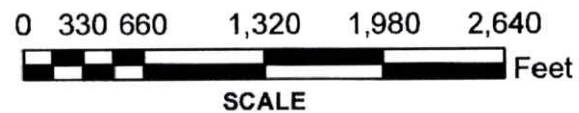
F. Comments or other permit(s) associated with the project: There is a pipe connecting this center pivot to the river intake for Water Right No. 6889-3. Currently, there is not a pump or motor in the well that was permitted. Also, there is not a pipe from the well to the pivot.

Keith DeJong

Keith DeJong
Water Rights Inspector
DANR, Water Rights Program

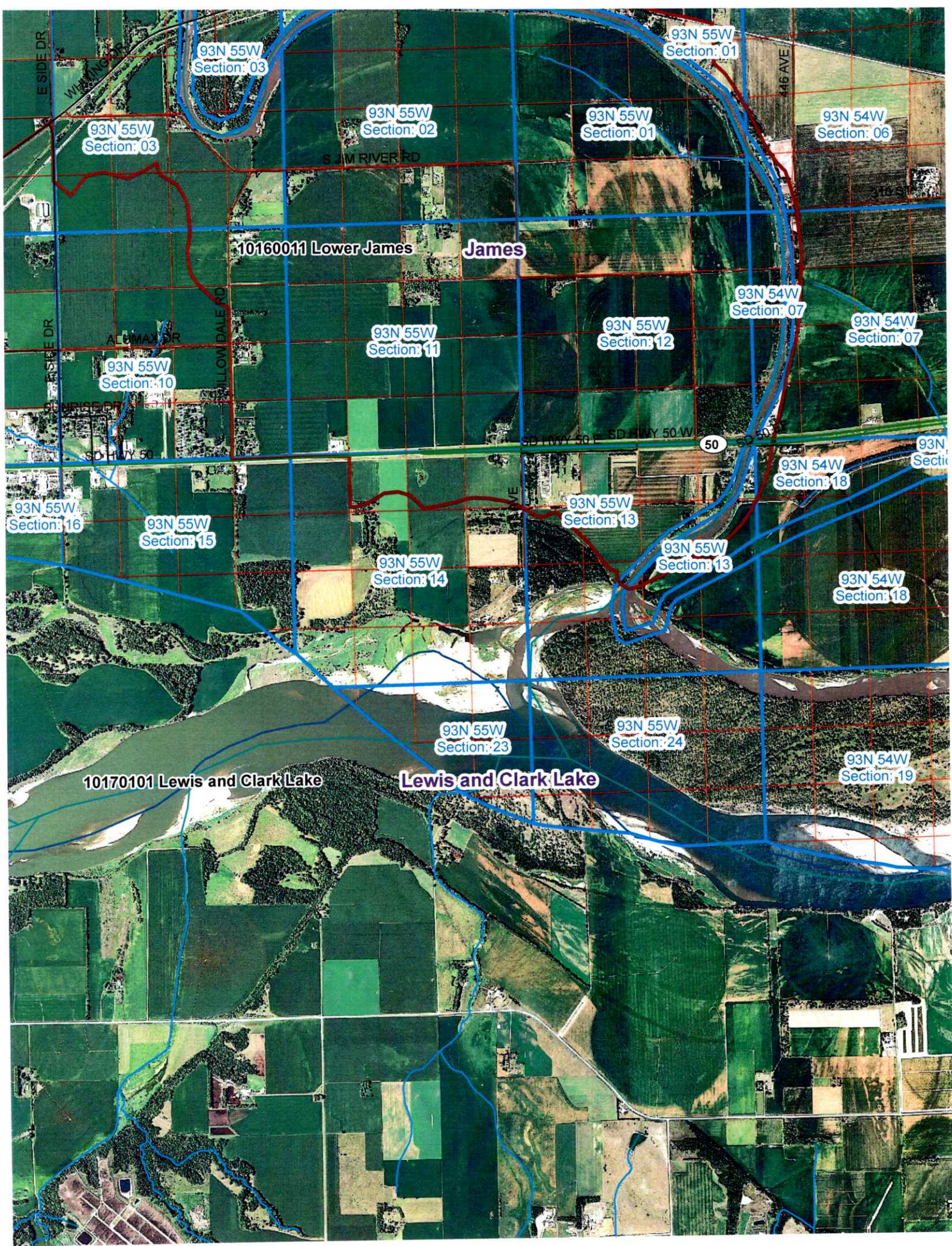
Date report completed: August 2, 2021

Water Right No. 7325-3



Keith DeJong

Keith DeJong, PE
Staff Engineer
August 2, 2021



SOUTH DAKOTA
WATER PERMIT NO. 7325-3

Date of first receipt of application February 8, 2012.

Date of return to applicant for corrections, amendments or changes February 9, 2012.

Date of receipt of corrected application February 16, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7325-3 to Coulson Land Company, 1205 W 11th St, Yankton SD 57078 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 7325-3 appropriates 1.33 cubic feet of water per second from one well completed into the Missouri:Elk Point Aquifer (95 feet deep) located in NE 1/4 NW 1/4 Section 14 for irrigation of 24.1 acres located in the NE 1/4 NW 1/4 Section 14; all in T93N-R55W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – September 30.
3. The date from which applicant may claim right is February 8, 2012.
4. The date of approval of Permit No. 7325-3 is April 23, 2012.
5. One-fifth of the construction is to be completed on or before October 23, 2014.
6. All construction is to be completed on or before April 23, 2017.
7. Water is to be put to beneficial use on or before April 23, 2021.
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 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 7325-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

AUG 10 2012
date



RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date May 29, 2024

RECEIVED OF Coulson Land Company C/O Tom Coulson 1205 W 11th Street Yankton SD 57078

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

Fee for Application for Permit No. <u>8872-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$500.00
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form _____	\$ _____
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
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	\$500.00

By Eric Gronlund
Chief Engineer

Sk



**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. 8872-3, Coulson Land Company**

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. 8872-3, Coulson Land Company, c/o Tom Coulson, 1205 W 11th Street, Yankton SD 57078.

The Chief Engineer is recommending APPROVAL of Application No. 8872-3 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, Water Permit No. 8872-3, authorizes a maximum diversion rate of 1.67 cfs for the irrigation of 24 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
July 22, 2024

Report to the Chief Engineer
Water Permit Application No. 8872-3
Coulson Land Company
18 July 2024

Water Permit Application No. 8872-3 proposes to appropriate 1.67 cubic feet of water per second (cfs) from the Missouri River located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14 for the irrigation of 24 acres located in the E $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 14, all in T93N-R55W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. The site is located in Yankton County, approximately three miles east of Yankton, South Dakota.

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

“Within sixty days of receipt of a completed application, the chief engineer shall recommend in writing approval, disapproval or deferral until further notice and shall schedule the application for hearing by the Water Management Board. The recommendation shall include any terms, conditions, restrictions, qualifications, quantifications, or limitations on perpetuity which are consistent with this chapter, necessary to protect the public interest and related to matters within the jurisdiction of the chief engineer or the board.”

SDCL 46-2A-9

“A permit to appropriate water may only be issued if there is reasonable probability that unappropriated water is available for the applicant’s proposed use, the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, the proposed use is a beneficial use, and the permit is 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.”

SDCL 46-5-6

“In the issuance of permits to appropriate water for irrigation or in the adjudication of rights to the use of water for such purpose, the amount allowed may not be in excess of the rate of one cubic foot of water per second for each seventy acres, or the equivalent thereof, delivered on the land for a specified time each year. 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. However, no annual volume may be greater than three acre-feet per acre delivered to the land. The above rate of one cubic foot per second for each seventy acres does not apply in cases of flood water at such times when the flow of the stream is much in excess of the total recorded and approved rights on the stream.”

Description of Proposed Water Source

The Missouri River Basin Mainstem System is comprised of six reservoirs that were constructed by the U.S. Army Corps of Engineers (USACE). Overall, the six reservoirs contain approximately 72.4 million acre-feet of water storage capacity. The dams at each of these reservoirs are Fort Peck, Garrison, Oahe, Big Bend, Fort Randall, and Gavins Point.

The proposed water source for this application is the Missouri River from a pump site located approximately 8 miles downstream of Lewis and Clark Lake and Gavins Point Dam in Yankton County, and about one mile upstream of the James River confluence with the Missouri. Flow hydrographs of the Missouri River are affected by the presence of the mainstem reservoir system, with natural flows stored and released according to an annual operating plan. Natural flow in an instream reservoir system like the Missouri River mainstem system is the volume of water moving past a point along a river that is not augmented by artificial releases from storage, and this flow is available for appropriation without the need for releases to augment the flow.

In 2001, the United States Geological Survey (USGS) conducted a study calculating flow percentiles with modeled daily discharge data for the years 1898 to 1997 at Oahe dam and Gavins Point dam (Jacobson and Heuser, 2001). The data is a flow alternative for the Missouri River where streamflow is modeled for the condition of constantly full reservoirs, and provides a realistic description of flows in the absence of regulation. For each day of the year, flow exceedance percentiles (10th, 25th, 50th, 75th, and 90th percentiles) were calculated for all the years of modeled data. For example, the 90th percentile line shows the flow that was equaled or exceeded 90% of the time on that day for each year. Figure 1 shows the five flow exceedance curves made for flow downstream of Gavins Point.

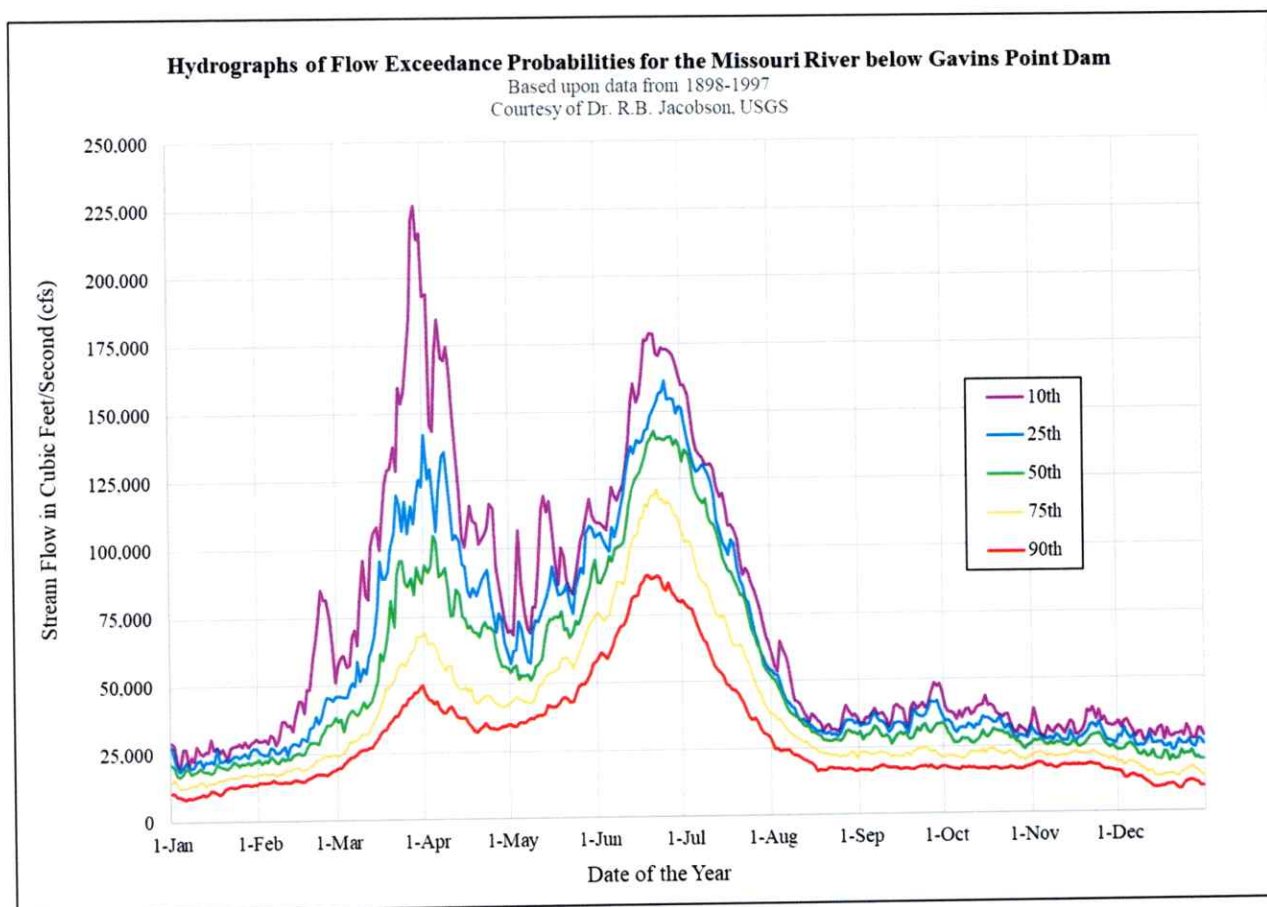


Figure 1. Flow exceedance probabilities for Missouri River modeled flows below Gavins Point dam, depicting flows in the absence of regulation (Jacobson and Heuser, 2001).

The natural variability of historical inputs for the Missouri River is reflected in the variability in the output discharge, and Figure 1 shows a range of availability of natural flows in the river throughout the year. Vertical variation in the graph is a measure of variation among years, and horizontal variation is a measure of seasonal variation (Jacobson and Heuser, 2001). Seasonal variability show two large peaks, the first in February, March and April, which correspond to the rapid melting of ice and snow from the plains in the early spring (USACE, 2018). The largest peak (except for the 10th percentile hydrograph which indicates flood conditions) is late spring to early summer, which shows rainfall over large areas of the Missouri Basin, including severe local thunderstorms and rapid melting of mountain snow (USACE, 2018). Late summer and fall show diminishing rainfall, and low runoff and light precipitation in the winter (USACE, 2018).

Existing Users

There are currently 249 existing water rights/permits appropriating approximately 1,212 cfs from the natural flows of the Missouri River in South Dakota (Water Rights, 2024). There are currently 20 future use permits reserving approximately 365,201 acre-feet. When a future use permit requests to put to beneficial use their reserved water, a new water permit is issued, which includes a pump rate and the annual volume for that water permit is subtracted from the volume of water reserved by the future use permit. Any active pumping of water reserved by future use permits are included in the 1,212 cfs previously mentioned.

Future Use Permit No. US594-3 held by the U.S. Bureau of Reclamation reserves approximately 1.1 million acre-feet of water from the Missouri and James Rivers for the suspended Oahe Irrigation Project. The status of this future use permit should be reviewed since the source of the water reserved was to be from a federal irrigation project that was never constructed and has been defunded (Water Rights, 2024).

The 90th flow exceedance probability means that the modeled natural flows will likely exceed a certain flow 90% of the time. This application proposes to pump from April 1 to September 30 during the irrigation season. Even at the 90th flow exceedance hydrograph, there will be at least an estimated 50,000 cfs to approximately 15,000 cfs of available flow during the proposed pump time. Water availability is not at issue at the current flow appropriation of 1,212 cfs and existing water rights will not be adversely impacted by this project.

Conclusions

1. This application proposes to appropriate 1.67 cfs from the Missouri River for the irrigation of 24 acres, which is equivalent to 4.87 cfs per 70 acres. This is presumably to operate a center pivot system which is nozzled to need 1.67 cfs to operate. This reason falls within SDCL 46-5-6 which allows the Water Management Board to allow a greater diversion rate.
2. The proposed water source for this project is from the natural flow of the Missouri River approximately 8 miles downstream of Gavins Point dam, and upstream of the confluence with the James River.
3. Water availability is not a concern when using the natural flows of the Missouri River as a source.
4. Approval of this permit will not adversely affect existing rights.



Brittan R. Hullinger
Natural Resources Engineer 1
SD DANR, Water Rights Program

References

- Jacobson, R.B. and Heuser, J. 2001. Visualization of Flow Alternatives, Lower Missouri River. U.S. Geological Survey. Open-File Report OF02-122.
- USACE. 2018. Missouri River Mainstem Reservoir System Master Water Control Manual. U.S. Army Corps of Engineers, Northwestern Division. Omaha, Nebraska.
- Water Rights. 2024. Water Right/Permit Files. SD DANR Water Rights Program. Joe Foss Building. Pierre, South Dakota.



**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.**

July 23, 2024

Coulson Land Company
c/o Tom Coulson
1205 W 11th Street
Yankton SD 57078

Dear Mr. Coulson:

Water Permit Application No. 8872-3 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 Daily Press & Dakotan printed in 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,

Rachel Rodriguez

Rachel Rodriguez
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. 8872-3 to Appropriate Water

Notice is given that Coulson Land Company, 1205 W 11th Street, Yankton SD 57078 has filed an application for a water permit to appropriate 1.67 cubic feet of water per second (cfs) from the Missouri River located in the SW 1/4 SE 1/4 Section 14 for irrigation of 24 acres located in the E 1/2 NW 1/4 Section 14; all in T93N-R55W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately three miles east of Yankton SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8872-3 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 August 12, 2024.

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 August 12, 2024.

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_

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Tuesday, July 23, 2024 1:01 PM
To: Kelly Kronaizl
Subject: 8872-3 Coulson Land Company
Attachments: 8872-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on August 2, 2024, in the Daily Press & Dakotan.

Coulson Land Company, 1205 W 11th Street, 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 Ave, Pierre SD 57501.

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

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

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

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

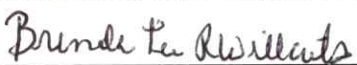
KELLY HERTZ, BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT (S)HE IS THE MANAGING EDITOR OF YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY
AND STATE, AND 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 2nd DAY OF August, 2024
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$40.00 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: 08/02/2024

FILED ON: 08/02/24


SUBSCRIBED AND SWORN TO BEFORE ME THIS 2nd DAY OF August, 2024


NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES 07/15/2028



RECEIVED

AUG 05 2024

OFFICE OF
WATER

NOTICE OF APPLICATION NO. 8872-3 to Appropriate Water

Notice is given that Coulson Land Company, 1205 W 11th Street, Yankton SD 57078 has filed an application for a water permit to appropriate 1.67 cubic feet of water per second (cfs) from the Missouri River located in the SW 1/4 SE 1/4 Section 14 for irrigation of 24 acres located in the E 1/2 NW 1/4 Section 14; all in T93N-R55W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately three miles east of Yankton SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8872-3 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 August 12, 2024.

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 August 12, 2024.

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 \$40.00 and can be viewed free of charge at www.sdpublicnotices.com

Published August 2, 2024.

RECEIVED

AUG 05 2024

OFFICE OF
WATER



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

SEP 06 2024

8872-3

Coulson Land Company
c/o Tom Coulson
1205 11st St
Yankton SD 57078

Dear Mr. Coulson:

Enclosed is Water License No. 8872-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 8872-3

(1) Coulson Land Company, 1205 W 11th St, Yankton SD 57078, made Application No. 8872-3, May 28, 2024, for a water permit to divert 1.67 cubic feet of water per second from the Missouri River, Yankton County, South Dakota for irrigation purposes. Permit No. 8872-3, with a priority date of May 28, 2024, was approved August 12, 2024.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.67 cubic feet of water per second for beneficial use. The location of the diversion point is:

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

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

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

Section 14, T93N-R55W
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 23 acres
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 1 acre
TOTAL: 24 acres

(5) Pursuant to South Dakota Water Law 46-5-30.1 Coulson Land Company, the holder and/or owner of Water Right No. 8872-3 is issued a license to appropriate water, the right to use 1.67 cubic feet of water per second from the Missouri River, with a priority date of May 28, 2024, from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 8872-3 and subject to the following qualifications:

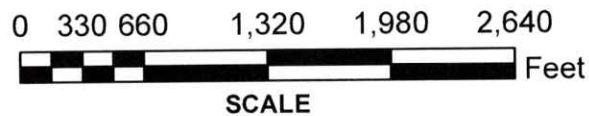
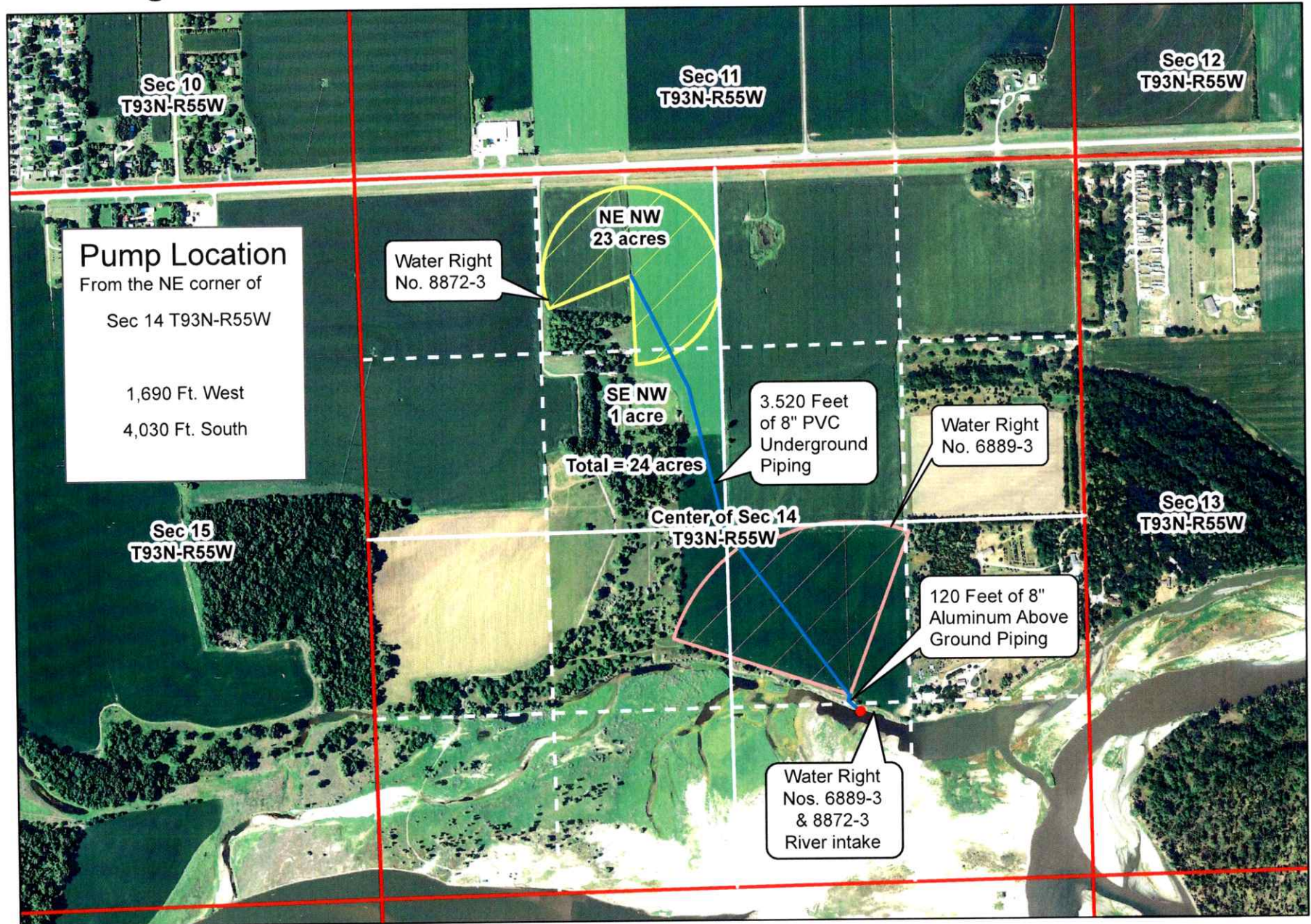
1. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soil so requires, Water Permit No. 8872-3 authorizes a maximum diversion rate of 1.67 cfs for the irrigation of 24 acres with an annual volume not to exceed 2 acre-feet of water per acre per year.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

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

SEP 06 2024
date

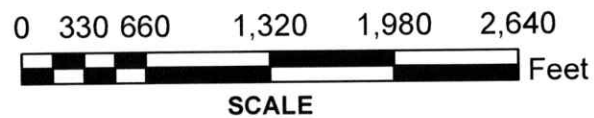


Water Right No. 8872-3



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

Water Right No. 8872-3



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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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PIERRE SD 57501-3182
danr.sd.gov

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

**Affidavit of Public Notice
Posting on DANR Website**

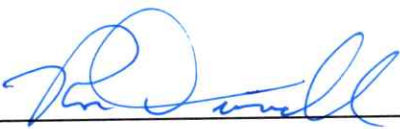
Pursuant to SDCL § 46-2A-4, public notice of the following application was posted on the DANR web site at <https://danr.sd.gov/public>. The posted public notice is the same notice as published in the pertinent newspaper(s) and a copy of the public notice is maintained in the application file. If the 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.: 8872-3

Name of Applicant: Coulson Land Company, c/o Tom Coulson

Date of Posting: 7/29/2024

Date of Removal: 9/6/2024



Ron Duvall, Engineer III

9/6/2024

Date

Subscribed and sworn to before me, a notary public, this 6th day of Sept, 2024.



Notary Public - South Dakota
My commission expires May 16, 2029



(SEAL)