

WATER PERMIT NO. 2017-1

Name of Applicant: Broken Bridge Ranch LLC

Address: 14780 SD Hwy 34, Sturgis SD 57785

Phone: 605 490-8103

Amount of Water Claimed: 3 cfs Total Acres: 210

Source of Water Supply: Belle Fourche River

Water to be used for: irrigation County: Meade

Type of Waste Disposal System:

Location: 18 miles northeast of Sturgis

PRIORITY Date Received: 4-4-22 Application/License Fee: \$ 1150

Corrected Application Received: Period of Annual Use: May 1 – Oct 1

Remarks:

Diversion Point: SW 1/4 NW 1/4 Sec 24-T6N-R8E

Land to be Irrigated: NE 1/4, SE 1/4 NW 1/4, NE 1/4 SW 1/4, N 1/2 SE 1/4 Sec 24-T6N-R8E

Depth of Well: NA

Well Driller:

Remarks:

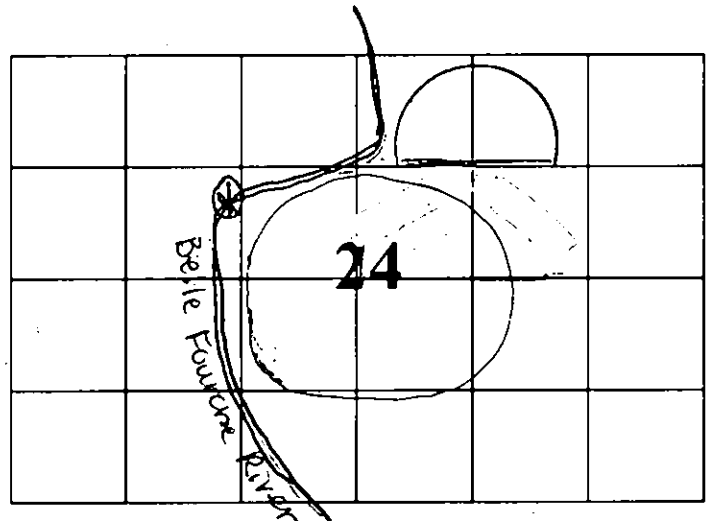
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 4-4-22

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



**SOUTH DAKOTA
WATER PERMIT NO. 2017-1**

Date of first receipt of application April 4, 2022.

Date of return to applicant for corrections, amendments or changes April 4, 2022.

Date of receipt of corrected application April 8, 2022.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2017-1 to Broken Bridge Ranch LLC, c/o Patrick Daly, 14780 SD Hwy 34, Sturgis SD 57785 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. 2017-1 appropriates 3.0 cubic feet of water per second from the Belle Fourche River located in the SW 1/4 NW 1/4 Section 24 for irrigation of 221 acres located in the NE 1/4, SE 1/4 NW 1/4, E 1/2 SW 1/4, SW 1/4 SE 1/4, N 1/2 SE 1/4 Section 24; all in T6N-R8E. This site is located approximately 18 miles northeast of Sturgis 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: May 1 – October 1.
3. The date from which applicant may claim right is April 4, 2022.
4. The date of approval of Permit No. 2017-1 is May 9, 2022.
5. One-fifth of the construction is to be completed on or before November 9, 2024.
6. All construction is to be completed on or before May 9, 2027.
7. Water is to be put to beneficial use on or before May 9, 2031.
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. Low flows as needed for downstream domestic use including livestock water and prior rights must be bypassed. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
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

JUN 01 2022
date



APR 04 2022

WATER RIGHTS
PROGRAM

PAID

APR 4 2022

Ck# 07538

Rec't#

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>2017-1</u> (office use only) Hydrologic Unit <u>10120202</u>
	Basin <u>Belle Fourche River</u>
	Newspaper <u>Faith Independent</u>
	<u>Rapid City Journal</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 Broken Bridge Ranch LLC

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

Mailing Address 14780 SD Hwy 34 Sturgis SD 57785
(Address) (City) (State) (Zip Code)

Phone _____ Mobile 605-490-8103 Email pddaly@earthlink.net

2. Amount of water claimed 3 *CFS or ***GPM ***AF Total Acreage 210.221
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Belle Fourche River SW 1/4 NW 1/4 Sec 24 - T6N - R8E

4. Location of point of diversion See Map
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

County Meade

5. County or counties where water will be used Meade

6. Annual period during which water is to be used May 1 thru Oct 1

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>Sec 24 - T6N - R8E NW 1/4 NE 1/4</u>	<u>30</u>	<u>SE 1/4 NW 1/4</u>	<u>25</u>
<u>See Map NE 1/4 NE 1/4</u>	<u>30</u>	<u>NE 1/4 SW 1/4</u>	<u>40</u>
<u>SE 1/4 NE 1/4</u>	<u>4</u>	<u>SE 1/4 SW 1/4</u>	<u>10</u>
<u>SW 1/4 NE 1/4</u>	<u>25</u>	<u>NE 1/4 SE 1/4</u>	<u>7</u>

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

SW 1/4 SE 1/4 10
NW 1/4 SE 1/4 40

I, P. D. Daly member, 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.

Enter your contact information.



Grower: Pat Daly



Broken Bridge Ranch Irrigation Project

Meade Co., SD, Section 24, T6N, R8E

Broken Bridge Ranch Water Draw Point

NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of
NE $\frac{1}{4}$ NE $\frac{1}{4}$
20 A. ~~10~~ A.

SW $\frac{1}{4}$ of
NE $\frac{1}{4}$
40 A.

SE $\frac{1}{4}$
of NE $\frac{1}{4}$
13 A.

SE $\frac{1}{4}$ of
NW $\frac{1}{4}$
27 A.

NE $\frac{1}{4}$ of
SW $\frac{1}{4}$
40 A.

~~NW~~ $\frac{1}{4}$ of
SE $\frac{1}{4}$
40 A.

NE $\frac{1}{4}$ of
SE $\frac{1}{4}$
20 A.



6N 8E
Section: 14

6N 8E
Section: 13

6N 9E
Section: 18

6N 8E
Section: 23

6N 8E
Section: 24

6N 9E
Section: 19

6N 8E
Section: 26

6N 8E
Section: 25

6N 9E
Section: 30

Schlaak, Karen

From: pddaly@earthlink.net
Sent: Friday, April 8, 2022 7:50 AM
To: Schlaak, Karen
Subject: Re: [EXT] Water Permit Application for Broken Bridge Ranch LLC

yes I do agree, thanks for pointing that out. Pat Daly

-----Original Message-----

From: Schlaak, Karen <Karen.Schlaak@state.sd.us>
Sent: Apr 7, 2022 3:46 PM
To: pddaly@earthlink.net <pddaly@earthlink.net>
Subject: Water Permit Application for Broken Bridge Ranch LLC

Mr. Daly,

Enclosed is a map we prepared that outlines the area you are proposing to irrigate. When compared to your map, it appears the pivot will cover portions of SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 24 also. This would increase the total number of acres from 210 to 221. Do you agree with these changes on your application? The application fee does not change.

Let me know if you have questions.

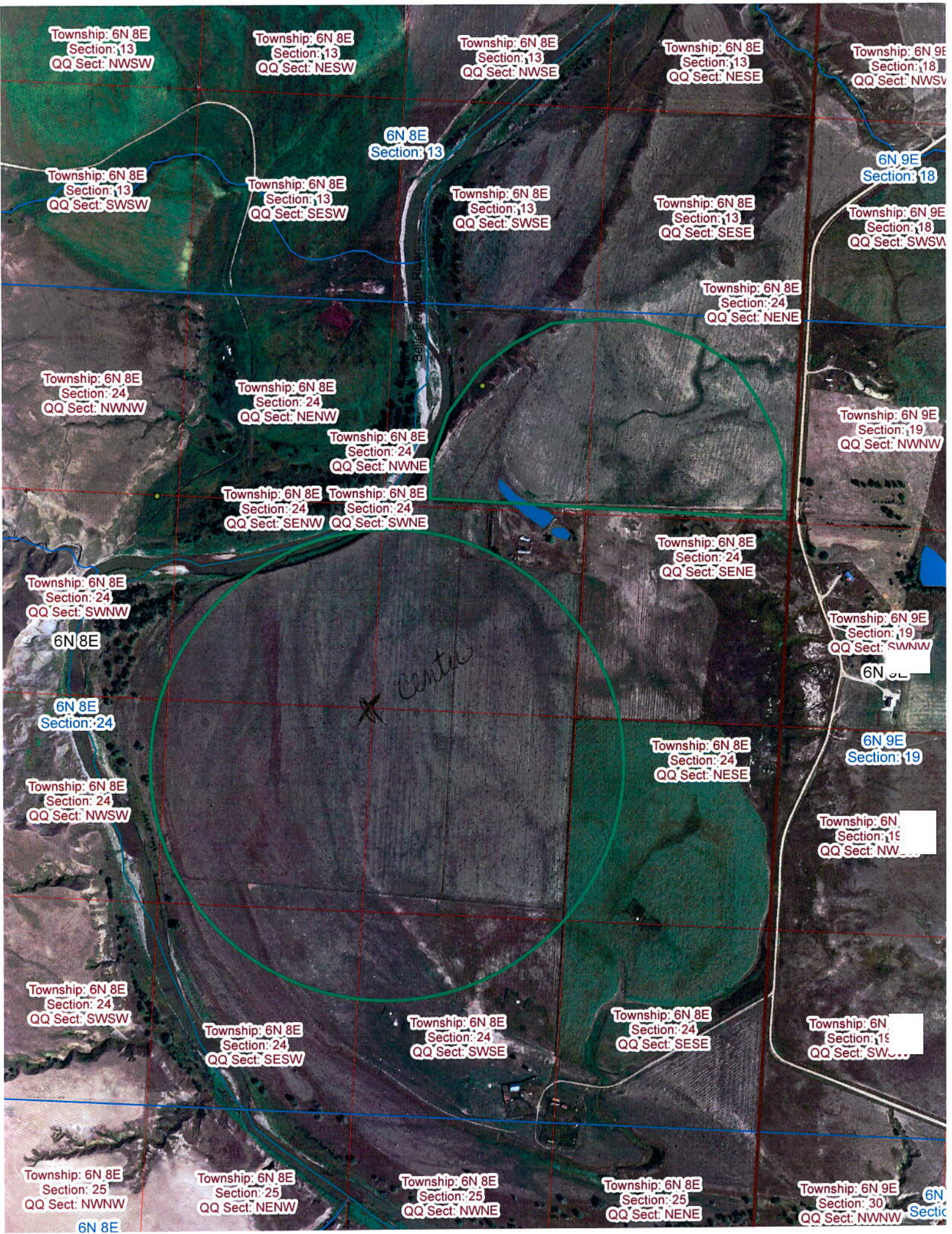
Karen Schlaak

DANR - Water Rights Program

(605) 773-3352

Website: <https://danr.sd.gov>





RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date April 4, 2022

RECEIVED OF Broken Ridge Livestock LLC 14780 SD Hwy 34 Sturgis SD 57785

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

Fee for Application for Permit No. <u>2017-1</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>950.00</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>2017-1</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>1150.00</u>

By Eric Gronlund
Chief Engineer
ERG



OFFICE OF THE SECRETARY OF STATE
STEVEN J. BARNETT, SECRETARY OF STATE
JASON LUTZ, DEPUTY SECRETARY OF STATE

Filing Information

Name: **BROKEN BRIDGE RANCH, L.L.C.**

General Information

SOS Business ID DL012423
Filing Type: Limited Liability Company - Domestic
11/02/2006
Status: Good Standing
Duration Term: Perpetual
Managed By: Member-Managed

Registered Agent Address
PATRICK D DALY
14780 SD HWY 34
STURGIS, SD 57785

Principal Address
14780 SD HWY 34
STURGIS, SD 57785-6332

The following document(s) was/were filed in this office on the date(s) indicated below:

Date Filed	Filing Description	Image #
09/29/2021	2021 Annual Report	B0193-7693
11/09/2020	2020 Annual Report	B0158-0055
10/22/2019	2019 Annual Report	B0117-9742
10/20/2018	2018 Annual Report	B0078-1669
10/25/2017	2017 Annual Report	B0043-3541
10/27/2016	2016 Annual Report	
10/31/2015	2015 Annual Report	
11/05/2014	2014 Annual Report	
11/01/2013	2013 Annual Report	
11/07/2012	2012 Annual Report	
11/15/2011	2011 Annual Report	
11/01/2010	2010 Annual Report	
11/01/2009	2009 Annual Report	
11/01/2008	2008 Annual Report	
11/28/2007	2007 Annual Report	
11/02/2006	Initial Filing	DL012423



**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. 2017-1, Broken Bridge Ranch LLC**

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. 2017-1, Broken Bridge Ranch LLC, c/o Patrick Daly, 14780 SD Hwy 34, Sturgis SD 57785.

The Chief Engineer is recommending APPROVAL of Application No. 2017-1 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. Low flows as needed for downstream domestic use including livestock water and prior rights must be by-passed. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
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
April 19, 2022

REPORT ON WATER PERMIT APPLICATION NO. 2017-1

Broken Bridge Ranch LLC.

April 11, 2022

Application No 2017-1, proposes to appropriate 3.0 cubic feet of water per second from the Belle Fourche River located in the SW 1/4 NW 1/4 Section 24 for irrigation of 221 acres located in the SE 1/4 NW 1/4, NE 1/4, SW 1/4 SE 1/4, E 1/2 SW 1/4, N 1/2 SE 1/4 Section 24; all in T6N-R8E. This site is located approximately 18 miles northeast of Sturgis SD in Meade 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 Water Source

The Belle Fourche River headwaters in northeast Wyoming and flows northeast around the northern edge of the Black Hills of South Dakota then east to the Cheyenne River confluence north of Wasta, South Dakota, for an approximate distance of 290 river miles. Included in this stretch is the Belle Fourche Reservoir, which is part of the United States Department of the Interior's Belle Fourche Project. This project was completed in 1914 and includes a diversion dam, storage dam and a system of canals that irrigate 57,068 acres within the Belle Fourche Irrigation District located in southern Butte County in western South Dakota.

The United States Geological Survey (USGS) maintains stream flow gaging stations on the Belle Fourche River near Sturgis, SD (Figure 1). This application is for a new water permit to irrigate 221 acres approximately six stream miles downstream of the Sturgis gage. This gage is located downstream of several Belle Fourche Irrigation District waste ways and tributaries such as Owl and Horse Creeks. Large portions of the water in the reach of the river where this irrigation project is to be located consist of irrigation return flows coming from the Belle Fourche Irrigation District during the irrigation season. Unlike a typical prairie river with flows peaking

in March and April with snow melt and spring rains and then trailing off throughout the summer months into fall, flow in the Belle Fourche River in this reach is affected by irrigation return flows.

The impact of the irrigation return water can be observed in Figure 1, a percentile hydrograph for the USGS Stream Gaging Station No 06437000 Belle Fourche River near Sturgis. The hydrograph of historical percentile data from 1952 to 2021 shows a large increase in the flows during the months of May through September (USGS. 2022). At the 50th percentile, the mean daily flow values are at or above 100 cfs from mid-March until the end of April before drastically increasing to 200 to 250 cfs by mid-May with flows spiking to approximately 300 cfs. At least 220 cfs is available from mid-May until mid-September when flow drops to approximately 180 cfs at the end of September coinciding with the end of the requested period of use. At the 10th percentile, winter flows are 10 to 20 cfs until the beginning of March before increasing to around 40 cfs by mid-May. Flow then increases to around 150 cfs by mid-July and holds until early September before dropping off to around 40 cfs at the end of September.

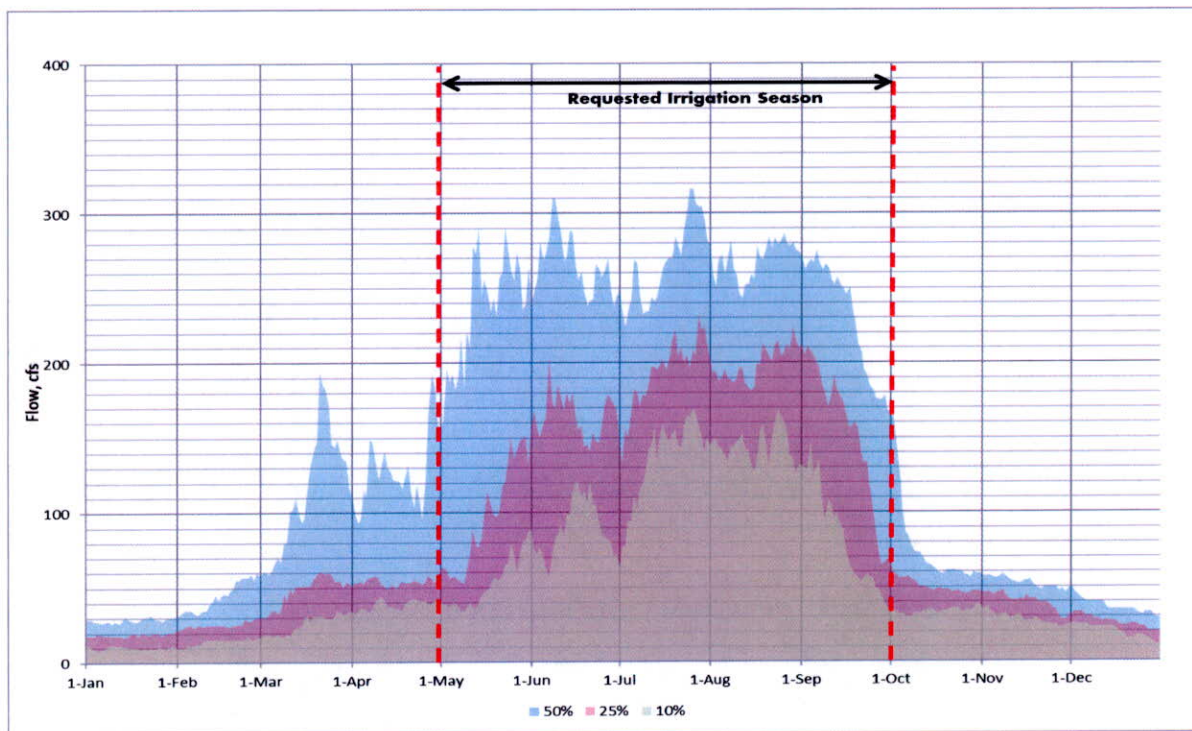


Figure 1. USGS Stream Gaging Station No 06437000 Belle Fourche River near Sturgis, 1953-2021 (USGS. 2022).

Figure 2 shows a percentile hydrograph for the USGS Stream Gaging Station No 06438000 Belle Fourche River near Elm Springs for the period 1953 to 2021 (USGS. 2022). At the 50th percentile, the mean daily flow values are at or above 130 cfs from mid-March until the end of April before increasing to 200 to 350 cfs by mid-May with flows spiking to approximately 300

cfs. At least 220 cfs is available from mid-May until the first part of September when flow drops to approximately 160 cfs at the end of September coinciding with the end of the requested period of use. At the 10th percentile, winter flows are 10 to 20 cfs until the beginning of March before increasing to around 35 cfs by mid-May. Flow then increases to around 130 cfs by mid-July and holds steady until early September before dropping off to around 50 cfs by the end of September.

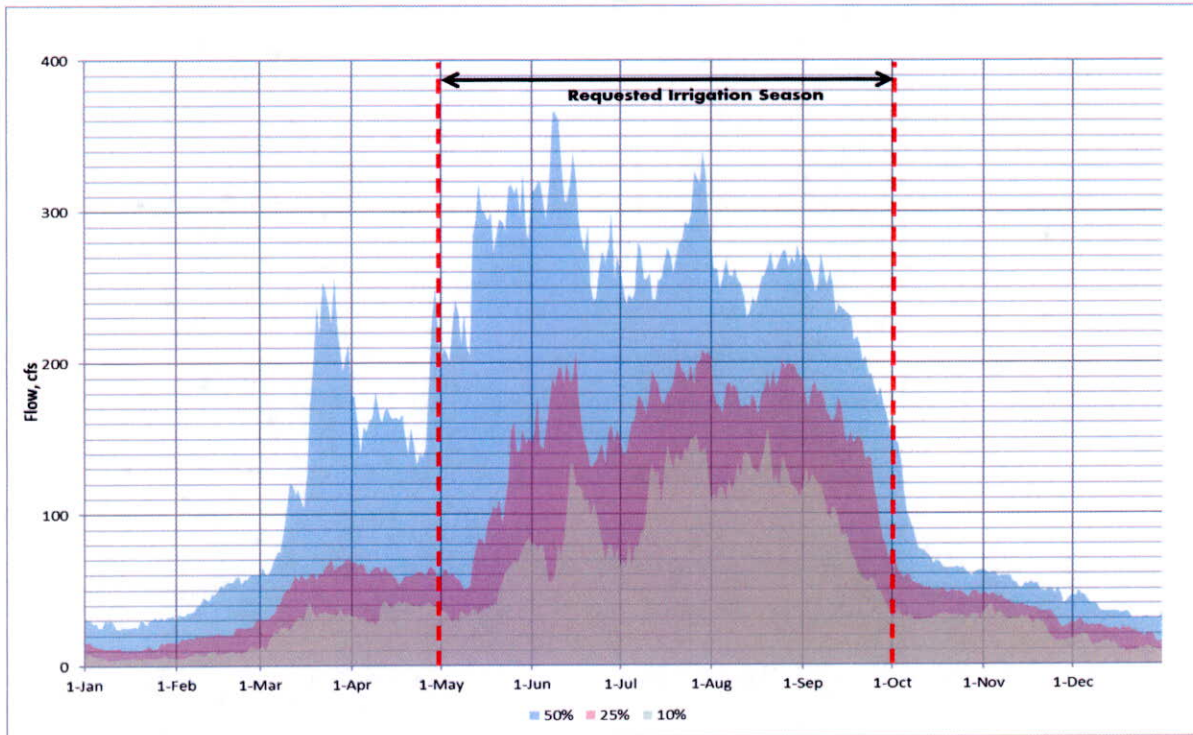


Figure 2. USGS Stream Gaging Station No 06438000 Belle Fourche River near Elm Springs, 1953-2021 (USGS, 2022).

Based upon a review of the historical USGS streamflow data, there is reasonable probability there will be water available for this project except under extremely dry climatic conditions.

Review of Existing Water Rights

There are 23 existing water rights/permits appropriating 94.16 cfs from Belle Fourche River downstream of this proposed project and the confluence with the Cheyenne River. If this permit is approved, it is not expected to adversely affect existing rights (Water Rights, 2022). In addition, if Application No. 2017-1 is approved, it will have a priority date that is junior to the existing water rights and will be subject to bypassing low flows to downstream domestic water users and senior water right holders.

Conclusions

1. This application proposes to appropriate 3.0 cubic feet of water per second from the Belle Fourche River for irrigation of 221 acres.
2. Based upon a review of the historical USGS streamflow data, there is reasonable probability there will be water available for this project except under extremely dry climatic conditions.
3. If this permit is approved, it would not be expected to adversely affect existing rights.



Mark D. Rath
Natural Resources Engineer III

References

1. USGS. 2022. United States Geological Survey, National Water Information System – Stream Gaging Station Network for South Dakota.
2. Water Rights. 2022. Water Right/Permit Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, April 19, 2022 12:44 PM
To: pddaly@earthlink.net
Subject: Water Permit Application No. 2017-1
Attachments: 3292.pdf

Attached is a copy of the report, chief engineer recommendation and information regarding the public notice for your water permit application. As stated in the letter, please contact the paper(s) as soon as possible to authorize publication and arrange for payment. This information is being mailed to you today.

Karen Schlaak

DANR - Water Rights Program

(605) 773-3352

Website: <https://danr.sd.gov>



*** Proof of Publication ***

STATE OF SOUTH DAKOTA)

County of Pennington)

SS:

RECEIVED

MAY 04 2022

WATER RIGHTS
PROGRAM

S.D. DANR - Ground Water
GROUND WATER PROGRAM
523 E CAPITOL AVE
PIERRE SD 57501

ORDER NUMBER 45545

The undersigned, being duly sworn, upon his/her oath says: That he/she is now and was at all time hereinafter mentioned, a clerk of the RAPID CITY JOURNAL, a corporation of Rapid City, South Dakota, a legal and daily newspaper printed and published in Rapid City, in said County of Pennington, and has full and personal knowledge of all the facts herein stated as follows: that said newspaper is and at all of the times herein mentioned has been a legal and daily newspaper with a bonafide paid circulation of at least Two Hundred copies daily, and has been printed and published for at least one year prior to the first date of the published notice.

This affidavit is a true and corrected copy of notice which appeared

in said newspaper once each Week for ONE
successive Week the first publication there of being on the
27 day of April, 2022
Karissa Carmichael

Section: Legal

Category: 0072 Public Notices

PUBLISHED ON: 04/27/2022

TOTAL AD COST: 67.40

FILED ON: 5/2/2022

Subscribed and sworn to before me this

_____ day of _____, 20____.

_____ Notary Public

My commission expires

_____, 20____

Apr. 27 L45545
NOTICE OF APPLICATION NO.
2017-1 to Appropriate Water
Notice is given that Broken Bridge
Ranch LLC, c/o Patrick Daly, 14780
SD Hwy 34, Sturgis SD 57785 has
filed an application for a water
permit to appropriate 3.0 cubic feet
of water per second from the Belle
Fourche River located in the SW 1
1/4 NW 1/4 Section 24 for irrigation
of 221 acres located in the NE 1/4,
SE 1/4 NW 1/4, E 1/2 SW 1/4, SW
1/4 SE 1/4, N 1/2 SE 1/4 Section
24; all in T6N-R8E. This site is
located approximately 18 miles
northeast of Sturgis SD.
Pursuant to SDCL 46-2A-2, the
Chief Engineer recommends AP-
PROVAL of Application No. 2017-1
with qualifications because 1) un-
appropriated 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 concern-
ing 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 re-
quirements 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
May 9, 2022.

The petition shall include a state-
ment describing the unique injury
upon approval of the application on
the petitioner, the petitioner's reas-
ons 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 May 9, 2022.

If the applicant does not contest the
recommendation of the Chief Engi-
neer and no petition to oppose the
application is received, the Chief
Engineer shall act on the applica-
tion pursuant to the recommenda-
tion 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 Manage-
ment 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 approx-
imate cost of \$67.40)

RECEIVED

APR 28 2022

Form 8

WATER RIGHTS
PROGRAM

• April 27, 2022

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Meade) SS

I, Kris Stocklin-Johnson

certify that the attached printed Notice was taken

from the Faith Independent

printed and published in Faith

County of Meade and

state of South Dakota. The notice was published

in the newspaper on the following date:

04/27/2022

Cost of Printing \$36.74

Kris Stocklin-Johnson
(Signature)

Editor

(Title)

4/28/2022
(Date Signed)

NOTICE OF APPLICATION NO. 2017-1 to Appropriate Water

Notice is given that Broken Bridge Ranch LLC, c/o Patrick Daly, 14780 SD Hwy 34, Sturgis SD 57785 has filed an application for a water permit to appropriate 3.0 cubic feet of water per second from the Belle Fourche River located in the SW 1/4 NW 1/4 Section 24 for irrigation of 221 acres located in the NE 1/4 SE 1/4 NW 1/4, E 1/2 SW 1/4, SW 1/4 SE 1/4, N 1/2 SE 1/4 Section 24, all in T6N-R8E. This site is located approximately 18 miles northeast of Sturgis SD.

Pursuant to SDCL 48-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2017-1 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://denr.sd.gov/public> or contact Ron Duval 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 48-2A-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 48-2-9 and 48-2-11, 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://denr.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 May 9,

2022.

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://denr.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 May 9, 2022.

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 April 27, 2022 at the total approximate cost of \$36.74

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, April 19, 2022 9:22 AM
To: 'faithind@faithsd.com'
Subject: 2017-1, Broken Bridge Ranch LLC
Attachments: 2017-1public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on April 27, 2022.

Broken Bridge Ranch LLC, c/o Patrick Daly, 14780 SD Hwy 34, Sturgis SD 57785 (605 490-8103) 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>



Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, April 19, 2022 9:23 AM
To: RCY Legals (legals@rapidcityjournal.com)
Subject: 2017-1, Broken Bridge Ranch LLC
Attachments: 2017-1public.short_final.docx; FORM8.FRM.doc

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**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 NEWSPAPERS RIGHT AWAY.**

April 19, 2022

Broken Bridge Ranch LLC
c/o Patrick Daly
14780 SD Hwy 34
Sturgis SD 57785

Dear Mr. Daly:

Water Permit Application No. 2017-1 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Faith Independent printed at Faith (Ph # 605 967-2161) and the Rapid City Journal printed at Rapid City (Ph # 605 493-8336). You will need to contact the newspapers 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 newspapers to authorize publication of your Notice and to arrange for payment. Early contact with the papers can eliminate delays. Upon receiving authorization from you, the publishers have been instructed to publish your notice. The newspapers have 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

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. 2017-1 to Appropriate Water

Notice is given that Broken Bridge Ranch LLC, c/o Patrick Daly, 14780 SD Hwy 34, Sturgis SD 57785 has filed an application for a water permit to appropriate 3.0 cubic feet of water per second from the Belle Fourche River located in the SW 1/4 NW 1/4 Section 24 for irrigation of 221 acres located in the NE 1/4, SE 1/4 NW 1/4, E 1/2 SW 1/4, SW 1/4 SE 1/4, N 1/2 SE 1/4 Section 24; all in T6N-R8E. This site is located approximately 18 miles northeast of Sturgis SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2017-1 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 May 9, 2022.

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 May 9, 2022.

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_



**DEPARTMENT of AGRICULTURE
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523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

JUN 01 2022

Broken Bridge Ranch LLC
c/o Patrick Daly
14780 SD Hwy 34
Sturgis SD 57785

Dear Mr. Daly:

Enclosed is Water Permit No. 2017-1 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

2017-1

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

Date 7-30-24

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

FROM: Broken Bridge Ranch LLC c/o Patrick Daly
(name)
14780 SD Hwy 34
(address)
Sturgis SD 57785 605-490-8103
(city, state, zip) (phone)

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

Water Permit No. 2017-1 states that the water use system is to be constructed by
June 1 - 2024, and water is to be put to beneficial use by July 1 - 2024.
(date) (date)

The water use system was completed on June 15 - 2024.
(date)

Applying the water to beneficial use was completed on June 15 - 2024.
(date)

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

Patrick Daly
(signature)



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

August 13, 2024

2017-1

Broken Bridge Ranch LLC
c/o Patrick Daly
14780 SD HWY 34
Sturgis SD 57785

Dear Mr. Daly:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with your water use system authorized by Water Permit No. 2017-1.

The system is now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Water Rights Program
(605) 773-3352
email: Amanda.Dewell@state.sd.us