

WATER PERMIT NO. 8559-3

Name of Applicant: **TR Golf LLC**

Address: **150 S Oak Tree Lane, Dakota Dunes SD 57049**

Phone: **712 253-9124**

Amount of Water Claimed: **3.11 cfs**

Total Acres: **NA**

Source of Water Supply: **Big Sioux River**

Water to be used for: **recreation – aesthesis purposes**

County: **Union**

Type of Waste Disposal System:

Location: **near Dakota Dunes**

PRIORITY

Date Received: **10-25-21**

Application/License Fee: **\$ 700**

Corrected Application Received: **11-821**

Period of Annual Use: **March 15 – November 15**

Remarks: **To fill to borrow pits to create ponds on the golf course**

Diversion Point: **Gov't Lot 3 Sec 23-T89N-R48W**

Land to be Irrigated:

			23		

Depth of Well:

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **1-8-21**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 8559-3**

Date of first receipt of application October 25, 2021.

Date of return to applicant for corrections, amendments or changes October 26, 2021.

Date of receipt of corrected application November 8, 2021.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8559-3 to TR Golf LLC, 150 S Oak Tree Lane, Dakota Dunes SD 57049 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. 8559-3 appropriates 3 acre-feet of water annually at a maximum pump rate of 3.11 cubic feet of water per second (cfs) from the Big Sioux River located in Gov't Lot 3 Section 23 to fill two borrow pits (ponds) located in Gov't Lot 3 Section 23 and Gov't Lot 1 Section 26; all in T89N-R48W for recreational use on the golf course. This site is located on the east side of Dakota Dunes SD.
2. The water appropriated shall be used for the purpose of recreational use and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: March 15 – November 15.
4. The date from which applicant may claim right is October 25, 2021.
5. The date of approval of Permit No. 8559-3 is January 24, 2022.
6. One-fifth of the construction is to be completed on or before July 24, 2024.
7. All construction is to be completed on or before January 24, 2027.
8. Water is to be put to beneficial use on or before January 24, 2031.
9. 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 pump intake in the Big Sioux River shall be constructed so that the intake velocities at the intake point do not exceed 0.50 feet per second and the intake screen is 1/4 inch diameter or 3/16 inch slotted stainless steel or corrosion resistant screen to avoid entrainment or impinging fish.
2. The permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Big Sioux River.
3. Water Permit No. 8559-3 authorizes a total annual diversion of up to 3.0 acre-feet of water.

WATER MANAGEMENT BOARD

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

MAR 01 2022
date



Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8559-3</u> (office use only)	Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u>	
	Newspaper <u>Dakota Dunes N Sioux City Times</u>	
	<u>Press & Dakotan</u>	

RECEIVED

NOV - 8 2021

WATER RIGHTS
PROGRAMOriginally Received
10/25/21**Application For Permit To Appropriate Water Within The State Of South Dakota****Check use(s) of water:**

☐ Municipal	☐ Water Distribution System	☒ Recreational	☐ Institutional
☐ Rural Water System	☐ Commercial	☐ Fish & Wildlife	☐ Geothermal
☐ Domestic (over 18 gpm)	☐ Industrial	☐ Other	

Type of Application:
(check one)

☒ New	☐ Vested Right (Use predates Mar 2, 1955)	☐ Future Use Reservation
☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____		
☐ Amendment/Correction to Permit No. _____		

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

- Name to Appear on Water Permit TR GOLF LLC
Mailing Address 150 J. OAK TREE LANE Dakota Dunes SD 57049
(Address) (City) (State) (Zip Code)
Phone 605-232-3241 Mobile _____ Email two.rivers.gc@cableone.net
- Amount of water claimed 3.11 each 700 gpm *CFS or 1400 **GPM and ***AF or 100 Million Gallons
Flow rate and volume are both required. (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use
- Source of water supply BIG SIOUX RIVER
- Location of point of diversion WATER PUMP GOVT Lot 3 in 23-89-48 County Union
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☐ Yes ☐ No
If "Yes," where will water be used? borrow pits located Lot 3 Sec 23-T89N-R48W
(example - NW1/4 section 12-T104N-R53W)
- County or counties where water will be used Union
- Annual period during which water is to be used MARCH 15 to NOVEMBER 15
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

FILL TWO BORROW PITS W/ WATER YEARLY IF NEEDED TO CREATE
TWO PONDS ON THE GOLF COURSE.

I, Jay Layman, Manager, 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.

Supplemental Information

(type or print)

1. Well Information (check one or both as applicable) ☐ Drilling new well(s) ☒ Using existing well(s)a) If new wells, how many ____ Have test holes been drilled ☐ Yes ☐ No Drilled by ____
(if yes, please provide copies of logs)b) If existing wells, how many 1 Provide copy of log(s), if available. Drilled by HEINE Electric Irrigation

For either Existing or Proposed Wells:

c) Well Depth (required) 320' est Depth to Top of Water Bearing Material ? Depth to Water from Surface ?

d) Distance to nearest domestic well on applicant's property _____ Property owned by others _____

2. Wastewater Disposal System Information NA

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

b) System Capacity (gallons) _____ Year Constructed _____

c) Connected to the City of _____ Sanitary System

3. Dugout Information NA

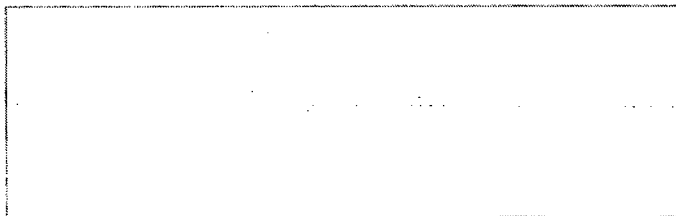
a) Surface Dimensions _____ Depth _____

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

4. Water Storage Dams NA

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

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



b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

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

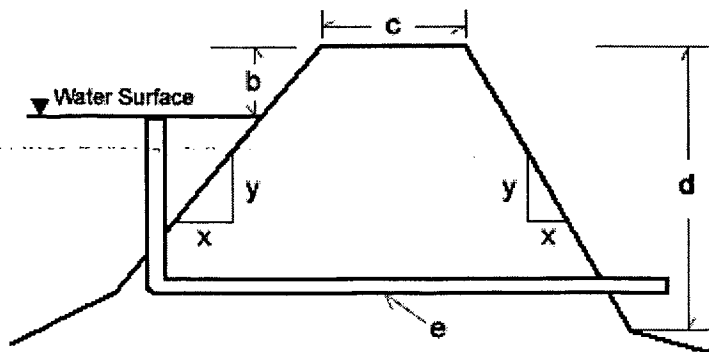
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



Big Sioux River

IOWA

Pit 1

Pit 2

Google Earth

100 m

Camera: 1,278 m 42°30'11"N 96°28'36"W 332 m

Iowa Thanks
You for Visiting

Big Sioux River

Pond

Pond

29

29

29

ITA

Dunes Dental 4 Kids

Google Earth

200 m

Camera: 2,495 m 42°30'07"N 96°28'48"W 335 m



89N 48W
Section: 22

89N 48W
Section: 23

89N 48W
Section: 27

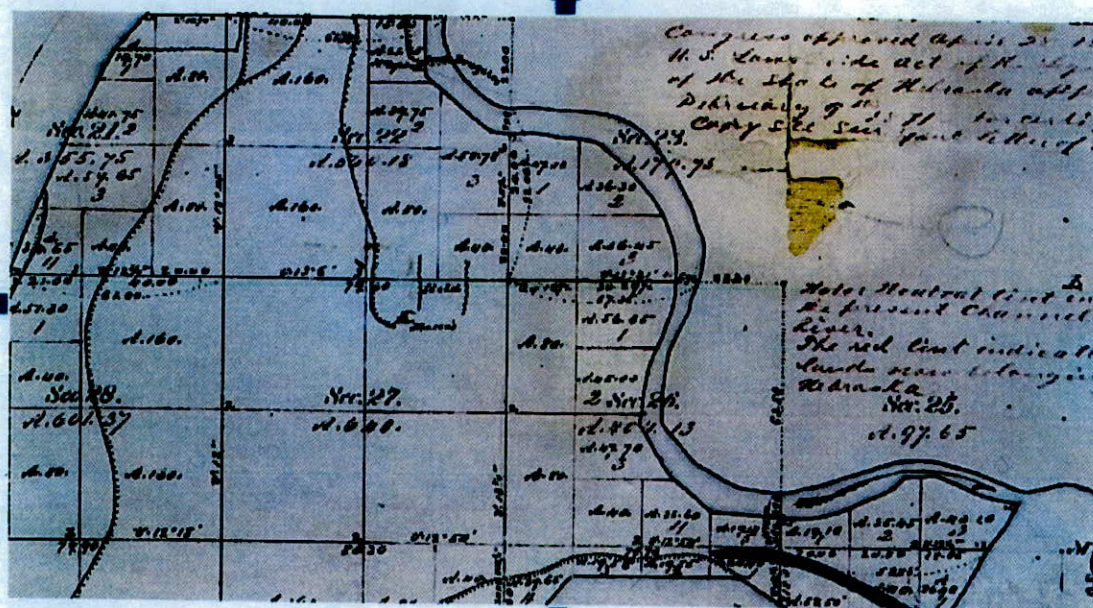
89N 48W
Section: 26

89N 48W
Section: 35

89N 48W
Section: 34

89N
Section

89N
Section



Hold down the Ctrl key to select a region with the mouse.



531114784

ANNUAL REPORT

Secretary of State
500 E. Capitol Ave
Pierre, SD 57501-5070
(605) 773-4845

Domestic Limited Liability Company
SDCL 47-34A-211; 59-11-24, 24.1

2021
FILING YEAR

Please Type or Print Clearly in Ink
Please submit one Original
Make payable to the SECRETARY OF STATE

Filing Fee: \$50

Total Fee: \$50

1. Business ID and Name:

DL175321
BUSINESS ID

TR GOLF, LLC
BUSINESS NAME

2. The jurisdiction under whose law it is formed **South Dakota**

3. The address of the principal executive office (business address):

Actual Street Address

**300 CENTENNIAL DRIVE, SUITE 200
NORTH SIOUX CITY, SD 57049**

Mailing Address

**300 CENTENNIAL DRIVE, SUITE 200
NORTH SIOUX CITY, SD 57049**

4. The South Dakota Registered Agent's Name:

South Dakota law permits the registered agent to be either (a) a noncommercial registered agent, or (b) a commercial registered agent.

(a) The South Dakota Noncommercial Registered Agent's name

Name **Nikki K Nobbe**

Actual Street Address in this State

**639 STREETER DRIVE
APT 201
NORTH SIOUX CITY, SD 57049**

Mailing Address in this State

**639 STREETER DRIVE
APT 201
NORTH SIOUX CITY, SD 57049**

5. If the LLC is manager-managed, list the names and addresses of its Managers. SDCL 59-11-24. If the LLC is member-managed, this section may be left blank.

Name	Address
Bart J Connelly	300 Centennial Drive, Suite 200, North Sioux City, SD 57049
Jay D Layman	300 Centennial Drive, Suite 200, North Sioux City, SD 57049
Jan Vontobel	300 Centennial Drive, Suite 200, North Sioux City, SD 57049

6. Beneficial Owners (optional): A beneficial owner is a person who has or in some manner controls an equity security. Please consult an attorney for legal advice if you have any questions concerning this entry. Any question under this heading is considered a request for legal advice and the secretary of state's office is, by statute, not permitted, to provide legal advice.

No person may execute this report knowing it is false in any material respect. Any violation may be subject to a criminal penalty (SDCL 22-39-36).

B0157-9347 11/09/2020 10:06AM Rec'd by SD SOS



11/09/2020

Dated

Email (Optional)

Dan A. Moore

Signature of an Authorized Person

Dan A. Moore

Printed Name

B0157-9348 11/09/2020 10:06AM Rec'd by SD SOS



RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date October 25, 2021

RECEIVED OF Connelly Tiehen & Sons/TR Golf LLC PO Box 1268 Dakota Dunes SD 57049

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

Fee for Application for Permit No. <u>8559-3</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>8559-3</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
EG



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

October 26, 2021

TR Golf LLC
Roll Slater, Mgr
150 S Oak Tree Lane
Dakota Dunes SD 57049

Dear Sir:

Thank you for submitting the two *Applications for a Permit to Appropriate Water* located in Union County. In order to complete the applications, the following is required.

- Regarding the application from the Big Sioux River, what is the proposed pump rate from the river to the borrow pits? *700 gpm/ Kert. 4 input.*
- Regarding your signature on the application, a review of the Secretary of State's corporation website finds TR Golf LLC listed. Your name is not listed as one of its partners. DANR will need the application to be signed by a listed partner or a statement of authority that the person signing the application has the authority to act on behalf of TR Golf LLC on all matters involving the water permit application. The applications are enclosed.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

enclosures

*we need dry to
sign & resub.*

B

Schlaak, Karen

From: 2 RIVERS GOLF <tworiversgc@cableone.net>
Sent: Monday, November 8, 2021 11:03 AM
To: Schlaak, Karen
Subject: Re: [EXT] Water permit applications - TR Golf LLC

1400. Possibly two pumps at 700 each if necessary.

Sorry for the error.

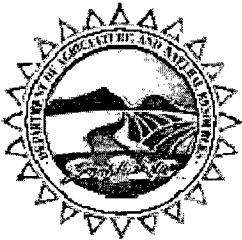
Rodd

From: "Schlaak, Karen" <Karen.Schlaak@state.sd.us>
To: "2 RIVERS GOLF" <tworiversgc@cableone.net>
Sent: Monday, November 8, 2021 10:37:29 AM
Subject: Water permit applications - TR Golf LLC

We received the two returned water permit applications. I just want to clarify the following:
On the application from the Big Sioux River, what is the proposed pump rate from the river to the borrow pits.....you indicate 700 gpm on the letter, but on the application you indicate 1400 gpm. Which is the correct amount?

Thanks,

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



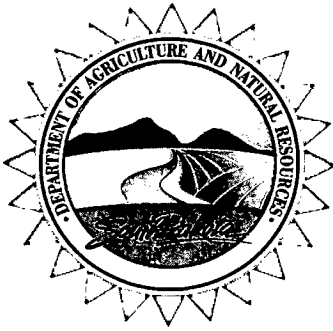
Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, January 6, 2022 9:12 AM
To: '2 RIVERS GOLF'
Subject: Water Permit Application Nos. 8559-3 and 8560-3
Attachments: 2391.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>





**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. 8559-3, TR Golf LLC**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 8559-3, TR Golf LLC, 150 S Oak Tree Lane, Dakota Dunes SD 57049.

The Chief Engineer is recommending APPROVAL of Application No. 8559-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, 3) the proposed use is a beneficial use and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board with the following qualifications:

1. The pump intake in the Big Sioux River shall be constructed so that the intake velocities at the intake point do not exceed 0.50 feet per second and the intake is screen 1/4 inch diameter or 3/16 inch slotted stainless steel or corrosion resistant screen to avoid entrainment or impinging fish.
2. The permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Big Sioux River.
3. Water Permit No. 8559-3 authorizes a total annual diversion of up to 3.0 acre-feet of water.

See report on application for additional information.

Eric Gronlund, Chief Engineer
December 13, 2021

REPORT ON WATER PERMIT APPLICATION NO. 8559-3

TR Golf LLC

December 10, 2021

Application No 8559-3, proposes to appropriate 3 acre-feet of water annually at a maximum pump rate of 3.11 cubic feet of water per second from the Big Sioux River located in Gov't Lot 3 Section 23 to fill two borrow pits (ponds) located in Gov't Lot 3 Section 23 and Gov't Lot 1 Section 26; all in T89N-R48W for recreational use for the golf course. This site is located on the east side of Dakota Dunes SD in southern Union 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 Water Source

The water source for this application is from the Big Sioux River. The proposed diversion point is located on the lower Big Sioux River 1.9 miles upstream from the confluence with the Missouri River located at the Iowa-South Dakota border. At this location, water levels can be affected by backup water from the Missouri River during higher flow periods.

The Big Sioux River is a prairie stream with headwaters located in the northern prairie coteau in southern Roberts, eastern Day and eastern Clark counties, in northeastern South Dakota. The river drains glacial till and outwash plains as it runs southward to its junction with the Missouri River near Sioux City, Iowa. The Big Sioux River physical geography is characterized by glaciated terrain and rolling plains. Rivers commonly follow the valleys formed by glacial lobes, which were glaciated as recently as 14,000 years ago. Drainages in this region formed after retreat of glaciers and are therefore poorly established in parts of the watershed. The poorly established drainage patterns are accompanied by numerous areas of internal drainages, or "potholes," and are commonly referred to as the "Prairie Pothole Region" (Hoogestrat and Stamm, 2015). As is typical of prairie streams in South Dakota, the peak runoff occurs during the spring months due to plains

snowpack melt and from runoff of larger rain events. Runoff tends to decrease in the late summer months going into fall and winter.

The US Geological Survey (USGS) maintains and operates a long-term streamflow gaging network in South Dakota. The nearest long-term gaging station, USGS 06485500 Big Sioux River at Akron Iowa is located approximately 50 river miles upstream from this project. Figure 1 shows plots of historical percentile data from 1928 to 2021 for this stream flow gage. Looking at the requested period of use at the 50th percentile, with flows at or below this level on average one out of two years, the median daily flow values range from over 1200 cfs from mid-March through early July before dropping to above 150 cfs through mid-November. During the period of proposed use at the 25th percentile level, flow ranges from over 400 cfs from mid-March through late June before dropping to around 150 cfs through mid-November. During the period of proposed use at the 10th percentile level, with flow is at this level or below on average one out of ten years, the median daily flow values range from over 150 cfs from mid-March through mid-July before dropping to around 75 cfs through mid-November (USGS. 2021). This reach of the lower Big Sioux River has not historically experienced a water shortage, and the Chief Engineer has not had to issue shutoff orders for any of the existing water permits located in this reach (Water Rights. 2021). There is reasonable probability there is sufficient water for this project.

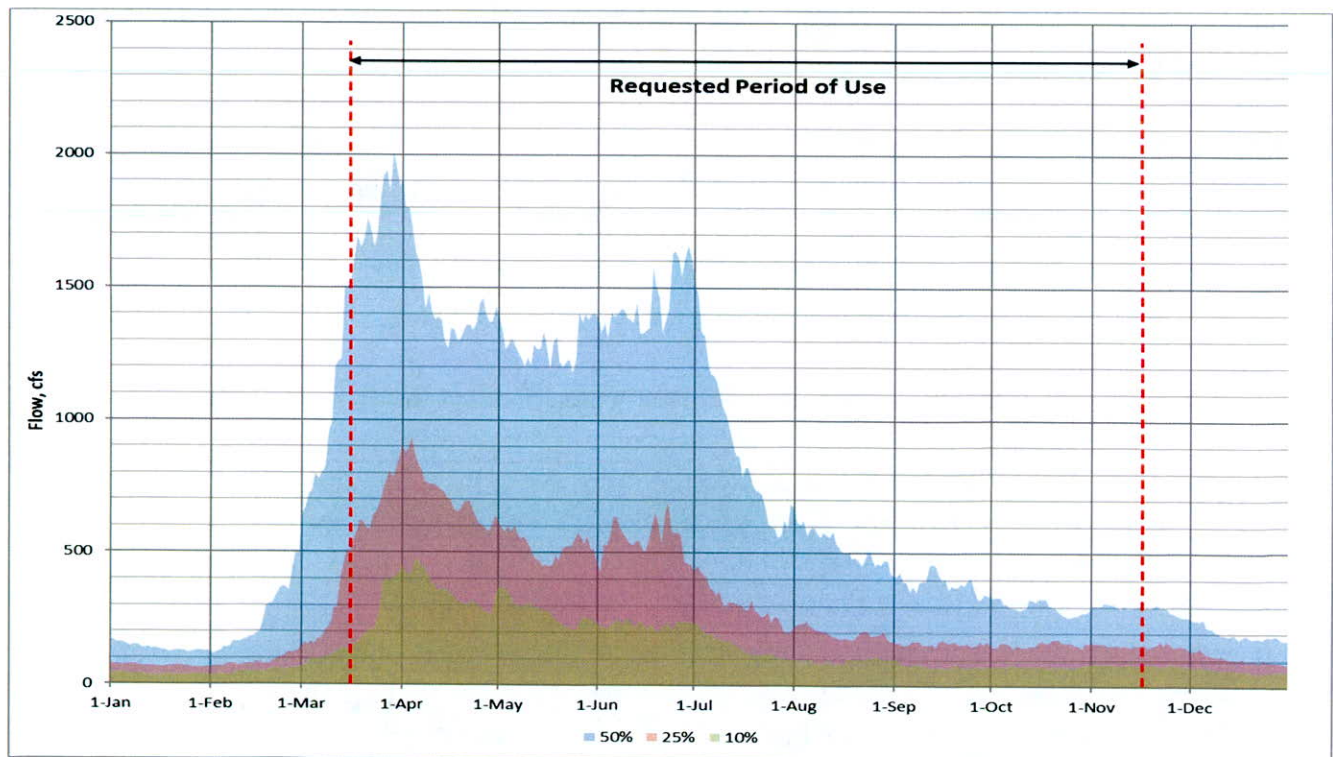


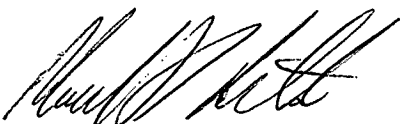
Figure 1. Daily percentile flow hydrographs for the USGS 06485500 Big Sioux River gage at Akron IA 1928-2021, contributing drainage area 6,995 mi² (USGS, 2021).

Review of Existing Water Rights

There are 65 existing water rights/permits appropriating water from the Big Sioux River from its headwater in southwest Roberts County to the confluence with the Missouri River near North Sioux City in southern Union County. There are two of these rights held by the Department of Game Fish and Parks authorizing the appropriation of 2,000 cfs of flood flows to raise water levels in Lake Poinsett. The remaining 63 existing rights appropriate 150.74 cfs for other consumptive uses. There are no existing water rights/permits appropriating water from the Big Sioux River downstream of the proposed project to the Missouri River. This reach of the Big Sioux River does not have a history of having shutoff order issued to junior water right holders by the Chief Engineer due to low flows. This project can be developed without adversely impacting existing rights.

Conclusions

1. This application proposes to appropriate 3 acre-feet of water annually at a maximum pump rate of 3.11 cubic feet of water per second from the Big Sioux River to fill two ponds for recreational use at a golf course.
2. This reach of the lower Big Sioux River has not historically experienced a water shortage, and the Chief Engineer has not issued shutoff orders in this reach of the lower Big Sioux River.
3. There is reasonable probability there is sufficient water for this project.
4. This project can be developed without unlawful impairment of existing domestic water uses and water rights.



Mark D. Rath

Natural Resources Engineer III

References

1. Hoogstraal, G.K. and J. F. Stamm, 2015. Climate and Streamflow Characteristics for Selected Streamgages in Eastern South Dakota, Water Years 1945–2013. USGS Scientific Investigations Report 2015-5146.
2. USGS. 2021. United States Geological Survey, National Water Information System – Stream Gaging Station Network for South Dakota.
3. Water Rights. 2021. Water Right/Permit Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

AFFIDAVIT OF PUBLICATION

RECEIVED

JAN 20 2022

WATER RIGHTS
PROGRAM

YANKTON DAILY PRESS AND DAKOTAN

TR GOLF LLC
150 S OAK TREE LANE
DAKOTA DUNES SD 57049

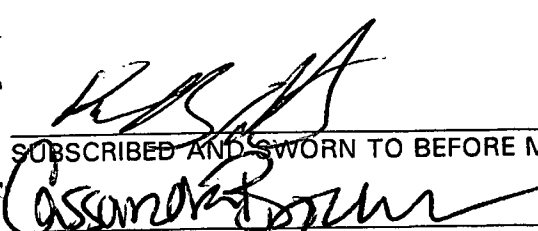
STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

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
1 + 13 NOTICE OF APPLICATIO

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 13th DAY OF January, 2022
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$50.56 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: 01/13/2022

FILED ON: 01/13/2022


SUBSCRIBED AND SWORN TO BEFORE ME THIS 13th DAY OF January, 2022

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

NOTICE OF APPLICATION NOS. 8559-3 and 8560-3 to
Appropriate Water

Notice is given that TR Golf, LLC c/o Jay Layman, Mgr, 150 S Oak Tree Lane, Dakota Dunes SD 57049 has filed the following applications for a water permit. Application No. 8559-3 proposes to appropriate 3 acre-feet of water annually at a maximum pump rate of 3.11 cubic feet of water per second (cfs) from the Big Sioux River located in Govt Lot 3 Section 23 to fill two borrow pits (ponds) located in Govt Lot 3 Section 23 and Govt Lot 1 Section 26; all in T89N-R48W for recreational use on the golf course.

Application No. 8560-3 proposes to irrigate an additional 65 acres and increase the permitted diversion rate authorized by Water Permit No. 8510-3 by 0.12 cfs. Water Permit No. 8354-3 and 8510-3 each appropriate 1.11 cfs. Water Permit No 8354-3 authorizes one well completed into the Missouri/Elk Point Aquifer located in the NW1/4 NW 1/4 Section 26 and No. 8510-3 authorizes one well completed into the Dakota Aquifer located in the NE 1/4 NW 1/4 (Govt Lot 1) Section 26, both for irrigation of 30 acres located in the portions of the NW 1/4, Govt Lot 1 & 2 Section 26 and Govt Lot 3 Section 23; all in T89N-R48W. This application corrects the location of the Dakota Aquifer well which was completed in the NW 1/4 NE 1/4 (Govt Lot 1) Section 26-T89N-R48W and requests to irrigate an additional 65 acres located in the area described above from the wells authorized by Permit Nos. 8354-3 and 8510-3. Also, the diversion rate of 1.11 cfs from the Dakota Aquifer authorized by No. 8510-3 is being increased from 1.11 cfs to 1.23 cfs. This site is located on the east side of Dakota Dunes SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 8559-3 and 8560-3 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 recommendations with qualifications, the applications, and staff reports 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 the applications or recommendations 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 applications, or other matter concerning the applications 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 January 24, 2022.

The petition shall include a statement describing the unique injury upon approval of the applications on the petitioner, the petitioner's reasons for opposing the applications, 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 applications 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 January 24, 2022.

If the applicant does not contest the recommendations of the Chief Engineer and no petition to oppose the applications is received, the Chief Engineer shall act on the applications pursuant to the recommendations with no hearing held before the Water Management Board. If a petition opposing

the applications or contesting the recommendations is filed, then a hearing will be scheduled, and the Water Management Board will consider the 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 \$50.56.

AFFIDAVIT OF PUBLICATION

RECEIVED
JAN 18 2022
State of South Dakota)
County of Union) :SS
WATER RIGHTS
PROGRAM
Bruce Odson,
the publisher of the Dakota Dunes / North Sioux City Times,
deposes and says that

The Dakota Dunes / North Sioux City Times
is a legal weekly newspaper of a general circulation, printed and published
in North Sioux City, County of Union, State of South Dakota, and has been
such legal newspaper during the time hereinafter mentioned, and that af-
fiant is and was during all the time hereinafter mentioned in charge of the
advertising department thereof, and has personal knowledge of all the facts
stated in this affidavit: and that the notice and advertisement headed:

Notice of Application Nos. 8559-3 and 8560-3

a printed copy of which is hereunto attached and made a part hereof,
was printed and published in the said newspaper at least once in

each week for 1 successive weeks; that said newspaper at
the time of the first publication of said notice hereinafter stated, had, and
still has, a bona fide circulation of over two hundred paid copies weekly,
and had been published in the said County of Union for more than one year
immediately prior to the date of the said publication of said notice, and that
said newspaper during said times, was, and is, printed in part in an office
maintained at said city of North Sioux City, the said place of publication;
that the first publication of said notice in said newspaper was

on Thursday, the 13 day of January, 2022

and that the succeeding publications were

on Thursday, the _____ day of _____, _____

on Thursday, the _____ day of _____, _____

on Thursday, the _____ day of _____, _____

that the fees for the printing and publishing of said notice and advertise-
ment in said newspaper as aforesaid were

\$ 52.54, that the full amount of the fee charged insures to
the benefit of the publisher of the said newspaper, that no agreement
or 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 other
person whomsoever.

Subscribed and sworn to before me

this 13 day of January, 2022

My commission expires 7-12-23

SUSAN ODSON
NOTARY PUBLIC
SOUTH DAKOTA
Notary Public

NOTICE OF APPLICATION NOS. 8559-3 AND 8560-3 TO APPROPRIATE WATER

Notice is given that TR
Golf LLC c/o Jay Layman,
Mgr, 150 S Oak Tree Lane,
Dakota Dunes SD 57049
has filed the following ap-
plications for a water per-
mit. Application No. 8559-3
proposes to appropriate 3
acre-feet of water annually
at a maximum pump rate of
3.11 cubic feet of water per
second (cfs) from the Big
Sioux River located in Gov't
Lot 3 Section 23 to fill two
borrow pits (ponds) located
in Gov't Lot 3 Section 23
and Gov't Lot 1 Section
26; all in T89N-R48W for
recreational use on the golf
course.

Application No. 8560-3
proposes to irrigate an addi-
tional 65 acres and increase
the permitted diversion rate
authorized by Water Per-
mit No. 8510-3 by 0.12 cfs.
Water Permit No. 8354-3
and 8510-3 each appropri-
ate 1.11 cfs. Water Permit
No. 8354-3 authorizes one
well completed into the
Missouri-Elk Point Aquif-
er located in the NW 1/4
NW 1/4 Section 26 and No.
8510-3 authorizes one well
completed into the Dakota
Aquifer located in the NE
1/4 NW 1/4 (Gov't Lot 1)
Section 26, both for irriga-
tion of 30 acres located in
the portions of the NW 1/4,
Gov't Lot 1 & 2 Section 26
and Gov't Lot 3 Section 23;
all in T89N-R48W. This
application corrects the lo-
cation of the Dakota Aquifer
well which was completed in
the NW 1/4 NE 1/4 (Gov't
Lot 1) Section 26 T89N-
R48W and requests to ir-
rigate an additional 65
acres located in the area
described above from the
wells authorized by Permit
Nos. 8354-3 and 8510-3.
Also, the diversion rate of
1.11 cfs from the Dakota
Aquifer authorized by No.
8510-3 is being increased
from 1.11 cfs to 1.23 cfs.
This site is located on the
east side of Dakota Dunes
SD.

Pursuant to SDCL 46-
2A-2, the Chief Engineer
recommends APPROVAL of
Application Nos. 8559-3 and
8560-3 with qualifications
because 1) unappropriated
water is available, 2) exist-
ing 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 regula-
tory authority of the Water
Management Board. The
Chief Engineer's recom-
mendations with qualifica-
tions, the applications, and
staff reports are available
at <https://danr.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 the applications
or recommendations shall
allege that the application,
upon approval, will cause
injury to the person that is
unique from any injury suf-
fered by the public in gen-
eral. The injury must con-
cern a matter either within
the regulatory authority
found in SDCL 46-2A-9 for
approval or denial of the
applications, or other mat-
ter concerning the applica-
tions 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 oppos-
ing the application shall be
filed on a form provided by
the Chief Engineer. The pe-
tition form is available on-
line at <https://danr.sd.gov/public>
or by contacting the
Chief Engineer. The Chief
Engineer's address is "Wa-
ter Rights Program, Foss
Building, 523 E Capitol,
Pierre SD 57501" or call
(605) 773-3352. The ap-
plicant's mailing address is
given above. If contesting
the Chief Engineer's recom-
mendation, the applicant
shall also file a petition. A
petition filed by either an
interested person or the
applicant must be filed by
January 24, 2022.
The petition shall in-
clude a statement describ-
ing the unique injury upon
approval of the applications
on the petitioner, the pe-
titioner's reasons for oppos-
ing the applications, and
the name and mailing ad-
dress of the petitioner or the
petitioner's legal counsel, if
legal counsel is obtained.
Any interested person
may file a comment on the
applications with the Chief
Engineer. The comment
shall be filed on a form pro-
vided 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 hear-
ing that may be held. Any
comment must be filed by
January 24, 2022.
If the applicant does not
contest the recommenda-
tions of the Chief Engineer
and no petition to oppose the
applications is received, the
Chief Engineer shall act on
the applications pursuant to
the recommendations with
no hearing held before the
Water Management Board.
If a petition opposing the
applications or contesting
the recommendations is
filed, then a hearing will be
scheduled, and the Water
Management Board will
consider the application.
Notice of the hearing will be
given to the applicant and
any person filing a petition.
Publish Jan. 13, 2022
Published once at the total
approximate cost of \$52.54
T2-A-176

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, January 6, 2022 9:02 AM
To: 'Sam Berres'
Subject: 8559-3 and 8560-3, TR Golf LLC
Attachments: 8559-3&8560-3public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on January 13, 2022 in the Press & Dakotan.

TR Golf LLC, c/o Jay Layman, 150 S Oak Tree, Dakota Dunes SD 57049 (605 232-3241) 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: Thursday, January 6, 2022 9:01 AM
To: G5 (leader1@iw.net)
Subject: 8559-3 and 8560-3, TR Golf LLC
Attachments: 8559-3&8560-3public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on January 13, 2022 in the Dakota Dunes/North Sioux City Times.

TR Golf LLC, c/o Jay Layman, 150 S Oak Tree, Dakota Dunes SD 57049 (605 232-3241) 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>





**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.**

January 6, 2022

TR Golf LLC
c/o Jay Layman
150 S Oak Tree Lane
Dakota Dunes SD 57049

Dear Mr. Layman:

Water Permit Application Nos. 8559-3 and 8560-3 for irrigation and recreation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Dakota Dunes North Sioux City Times printed at North Sioux City (Ph # 605 232-3539) and the Press & Dakotan printed at Yankton (Ph # 605 665-7811). You will need to contact the newspapers and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and reports on the applications are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above 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 recommendations, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the applications.

NOTICE OF APPLICATION NOS. 8559-3 and 8560-3 to Appropriate Water

Notice is given that TR Golf, LLC c/o Jay Layman, Mgr, 150 S Oak Tree Lane, Dakota Dunes SD 57049 has filed the following applications for a water permit. Application No. 8559-3 proposes to appropriate 3 acre-feet of water annually at a maximum pump rate of 3.11 cubic feet of water per second (cfs) from the Big Sioux River located in Gov't Lot 3 Section 23 to fill two borrow pits (ponds) located in Gov't Lot 3 Section 23 and Gov't Lot 1 Section 26; all in T89N-R48W for recreational use on the golf course.

Application No. 8560-3 proposes to irrigate an additional 65 acres and increase the permitted diversion rate authorized by Water Permit No. 8510-3 by 0.12 cfs. Water Permit No. 8354-3 and 8510-3 each appropriate 1.11 cfs. Water Permit No 8354-3 authorizes one well completed into the Missouri:Elk Point Aquifer located in the NW1/4 NW 1/4 Section 26 and No. 8510-3 authorizes one well completed into the Dakota Aquifer located in the NE 1/4 NW 1/4 (Gov't Lot 1) Section 26, both for irrigation of 30 acres located in the portions of the NW 1/4, Gov't Lot 1 & 2 Section 26 and Gov't Lot 3 Section 23; all in T89N-R48W. This application corrects the location of the Dakota Aquifer well which was completed in the NW 1/4 NE 1/4 (Gov't Lot 1) Section 26-T89N-R48W and requests to irrigate an additional 65 acres located in the area described above from the wells authorized by Permit Nos. 8354-3 and 8510-3. Also, the diversion rate of 1.11 cfs from the Dakota Aquifer authorized by No. 8510-3 is being increased from 1.11 cfs to 1.23 cfs. This site is located on the east side of Dakota Dunes SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 8559-3 and 8560-3 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 recommendations with qualifications, the applications, and staff reports 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 the applications or recommendations 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 applications, or other matter concerning the applications 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 January 24, 2022.

The petition shall include a statement describing the unique injury upon approval of the applications on the petitioner, the petitioner's reasons for opposing the applications, 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 applications 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 January 24, 2022.

If the applicant does not contest the recommendations of the Chief Engineer and no petition to oppose the applications is received, the Chief Engineer shall act on the applications pursuant to the recommendations with no hearing held before the Water Management Board. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled, and the Water Management Board will consider the 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
and NATURAL RESOURCES**

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

MAR 01 2022

TR Golf LLC
c/o Jay Layman, Manger
150 S Oak Tree Lane
Dakota Dunes SD 57049

Dear Mr. Layman:

Enclosed are Water Permit Nos. 8559-3 and 8560-3 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permist.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, are enclosed. Please return the 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

8559-3
RECEIVED
APR 14 2022
WATER RIGHTS
PROGRAM

m 10

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

Date Apr. 11, 2022

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

FROM: TR Golf c/o Rod Slater

(name)

150 S. Oak Tree Ln

(address)

Dakota Dunes, SD 5704

(city, state, zip)

605 732-3241

(phone)

(712) 253-9124 cell

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. 8559-3 states that the water use system is to be constructed by

Jan 24, 2027
(date)

, and water is to be put to beneficial use by

January 24, 2031
(date)

The water use system was completed on 4-8-2022
(date)

Applying the water to beneficial use was completed on 4-8-22
(date)

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

Rod Slater

(signature)





8559-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

April 20, 2022

8559-3
8560-3

Rodd Slater
TR Golf LLC
150 S Oak Tree Ln
Dakota Dunes SD 57049

Dear Mr. Slater:

I am writing to acknowledge receipt of the "Notice of Completion of Works" forms that you sent in to let us know that you are completed with the water use systems authorized under Water Permit Nos. 8559-3 and 8560-3.

The systems are 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 the projects and the staff inspection has no bearing on your water permits.

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,

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us