

WATER PERMIT NO. 8820-3

Name of Applicant: **Nineteen Flags, LLC**

Address: **2601 S. Minnesota Ave., Suite 105-154, Sioux Falls SD 57105**

Phone: **605-359-6914**

Amount of Water Claimed: **2.5 cfs**

Total Acres: **100**

Source of Water Supply: **Surface**

Water to be used for: **Irrigation**

County: **Minnehaha**

Type of Waste Disposal System:

Location: **Approx. 1/4 mile north of Sioux Falls SD**

PRIORITY

Date Received: **01-02-24**

Application/License Fee: **\$950.00**

Corrected Application Received: **01-18-24**

Period of Annual Use: **April 1 – November 15**

Remarks: **Surface water for irrigation of golf course**

Diversion Point: **SE 1/4 NE 1/4 Sec 26 -T102N-
R49W**

Land to be Irrigated: **S1/2 SE 1/4 Sec 23, N 1/2 NE
1/4 Sec 26, SE 1/4 NE 1/4 Sec 26, W 1/2 NW 1/4
Sec 25; all in T102N-R49W**

			26		

Depth of Well: **N/A**

Well Driller:

Remarks:

Type of Map: **topo**

Reviewed and the Number Assigned on: **01-19-24**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 8820-3**

Date of first receipt of application January 18, 2024.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8820-3 to Nineteen Flags, LLC, 2601 S. Minnesota Avenue, Suite 105-154, Sioux Falls SD 57105, 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. 8820-3 appropriates 2.5 cubic feet of water per second (cfs) (up to 200 acre-feet annually) from Slip Up Creek located in the SE 1/4 NE 1/4 Section 26 for irrigation of 100 acres of a golf course located in the S 1/2 SE 1/4 Section 23; N 1/2 NE 1/4, SE 1/4 NE 1/4 Section 26; W 1/2 NW 1/4 Section 25; all in T102N-R49W. Water will be diverted from Slip Up Creek to primary and secondary dugouts located in the SE1/4 NE1/4 Section 26-T102N-R49W with a combined storage capacity of 23.2 acre-feet. The dugouts will also capture incidental surface runoff. Water will be pumped from the dugouts to the irrigated area at a rate of 3.60 cfs. This site is located approximately one quarter of a mile north of Sioux Falls 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 – November 15.
3. The date from which applicant may claim right is January 18, 2024.
4. The date of approval of Permit No. 8820-3 is March 18, 2024.
5. One-fifth of the construction is to be completed on or before September 18, 2026.
6. All construction is to be completed on or before March 18, 2029.
7. Water is to be put to beneficial use on or before March 18, 2033.
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 water rights must be by-passed.
2. The irrigation intake for this project shall be constructed so that the intake velocities at the intake point do not exceed 0.50 feet per second in open water or 0.25 feet per second in an embayment 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.
3. 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, Permit No. 8820-3 authorizes a maximum diversion rate of 3.60 cfs from the storage dugouts for irrigation of 100 acres. Combinations of diversions under Water Permit No. 8709-3 and this Permit authorize an annual volume not to exceed 2 acre feet of water per acre per year.

(continued)

4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

MAR 26 2024
date



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

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8820-3</u> (office use only)
	Hydrologic Unit <u>10170203</u>
	Basin <u>Lower Big Sioux</u>
	Newspaper <u>Argus Leader</u>

PAID
JAN 18 2024
Ck# 2113
Rec't# 11827
Received via DocuSign 1-2-2024

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 Nineteen Flags, 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 2601 S. Minnesota Avenue Suite 105-154 Sioux Falls SD 57105
(Address) (City) (State) (Zip Code)

Phone 605-359-6914 Mobile _____ Email danny@mapletongolfclub.com

2. Amount of water claimed 2.50 *CFS or 200 **GPM 100 ***AF Total Acreage 100
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Slip Up Creek

4. Location of point of diversion Slip Up Creek diversion structure in SE 1/4 NE 1/4 Section 26, T102N-R49W
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Minnehaha

5. County or counties where water will be used Minnehaha

6. Annual period during which water is to be used April 1st - November 15th

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
S1/2 SE1/4 sec 23-102N-49W	<u>25</u>	Irrigate 100 acres within the described area	
N1/2 NE1/4 sec 26-102N-49W	<u>25</u>		
SE1/4 NE1/4 sec 26-102N-49W	<u>25</u>		
W1/2 NW1/4 sec 25-102N-49W	<u>25</u>		

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

Surface water for irrigation of golf course turf.

Withdrawal may occur anytime March through November. However, the pump intake structure will be designed so that only water above a minimum stream flow will be diverted.

Water will be diverted to both the primary dugout and the secondary dugout.

Pump rate from Slip Up Creek to the dugouts is 2.50 CFS; irrigation application rate is 3.60 CFS.

I, Daniel Amundson President, 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.

2015-10

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

JAN 18 2024

OFFICE OF
WATER

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 ____ Provide copy of log(s), if available. Drilled by ____

For either Existing or Proposed Wells:

c) Well Depth (required) ____ 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 Informationa) Type of System (i.e. septic tank, drain field) NA

b) System Capacity (gallons) ____ Year Constructed ____

c) Connected to the City of NA Sanitary System**3. Dugout Information**a) Surface Dimensions 4.19 Acres at surface Depth 15 feetb) Depth to water (ground surface to water level) 5 feet**4. Water Storage Dams**

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

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

b) Freeboard ____

c) Crest Width ____

Crest Length ____

d) Height ____

e) Primary Outlet Capacity ____

If pipe, diameter ____

f) Secondary Spillway Capacity ____

Spillway Width ____

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

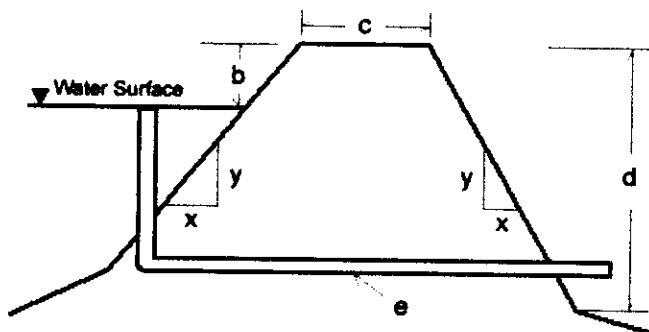
Upstream ____

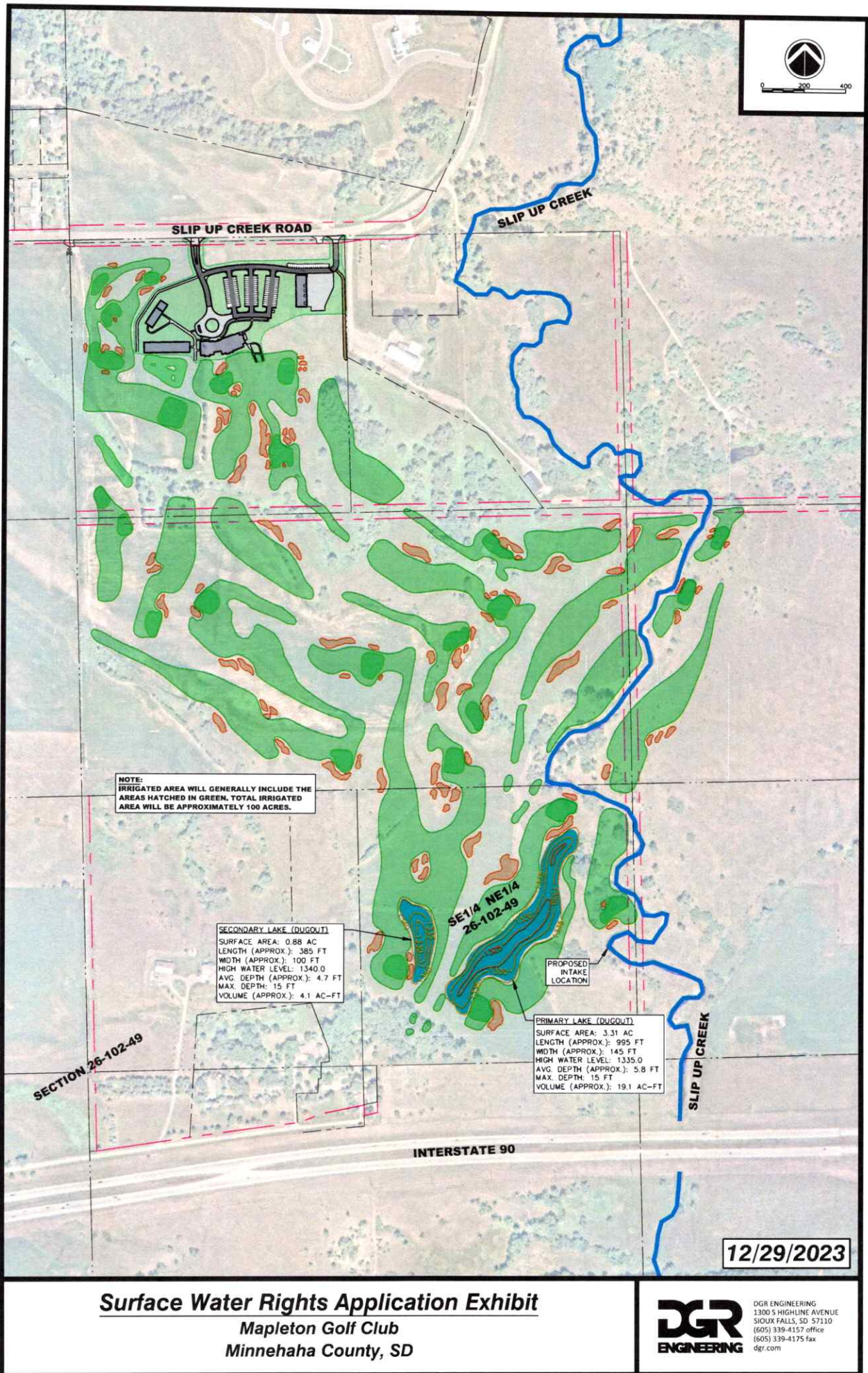
Downstream ____

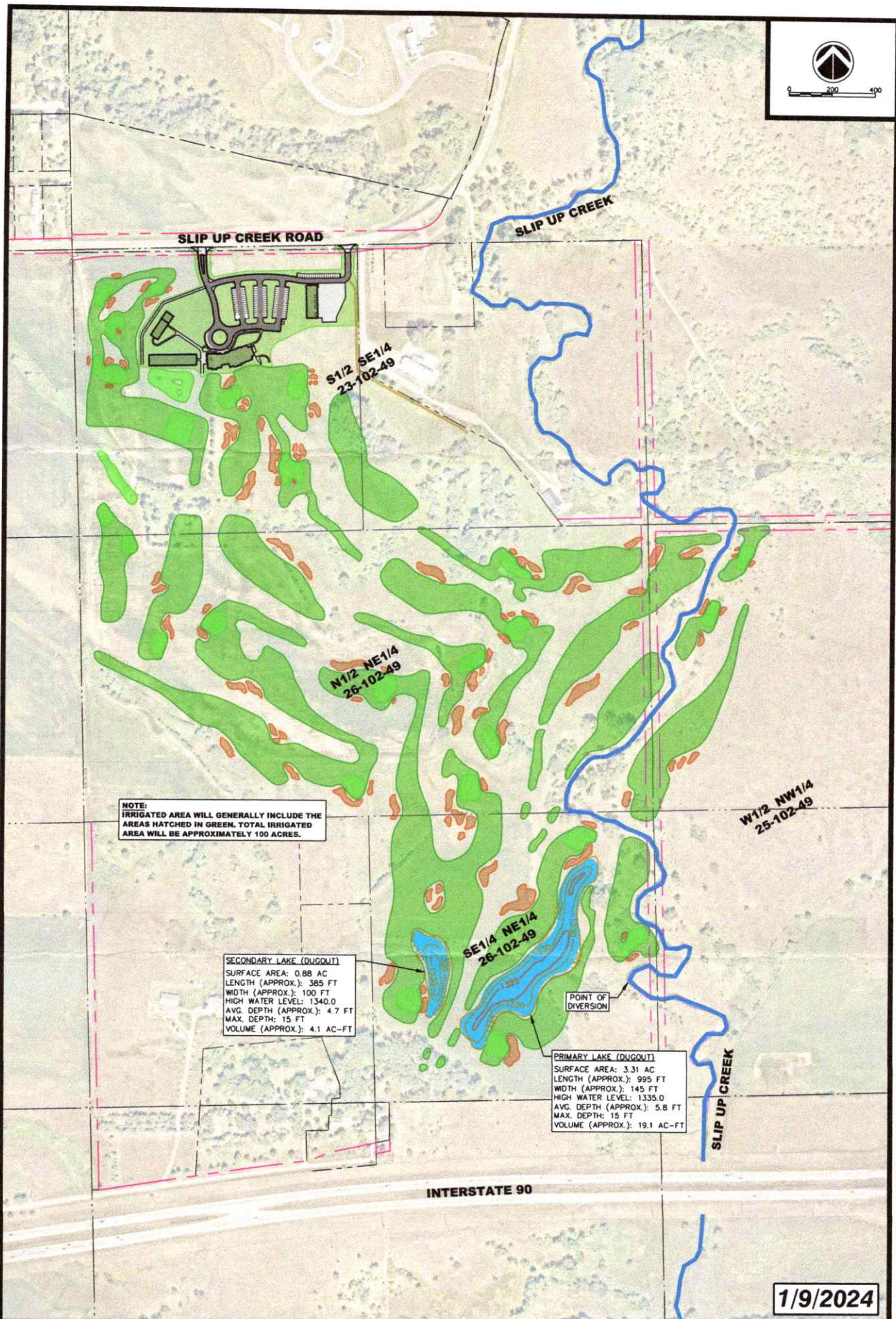
h) Surface Area of Impoundment ____

i) Storage ____ Acre Feet

j) Drainage Area Above Dam ____ Acres



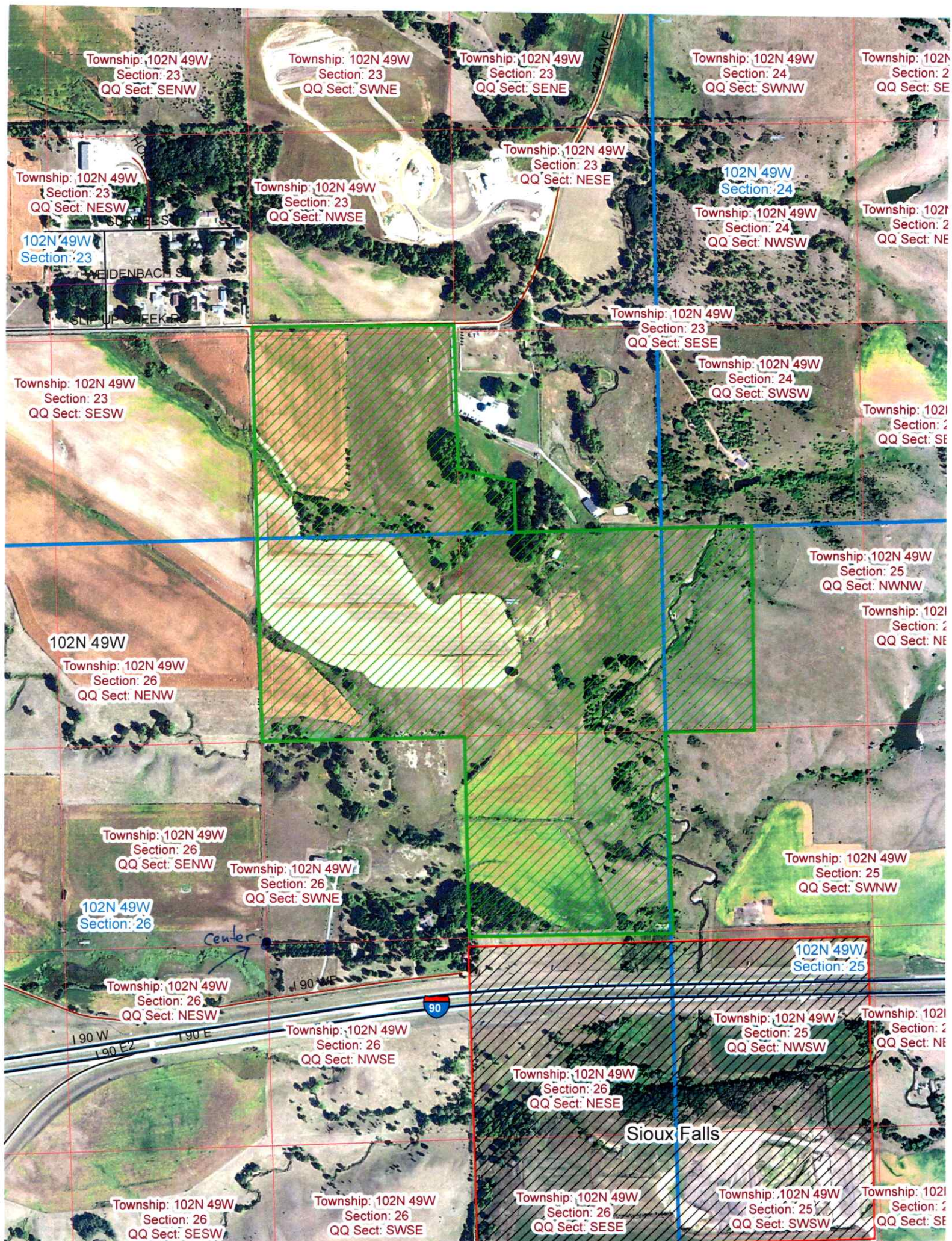




Surface Water Rights Application Exhibit
Mapleton Golf Club
Minnehaha County, SD



DGR ENGINEERING
1300 S HIGHLINE AVENUE
SIOUX FALLS, SD 57110
(605) 339-4157 office
(605) 339-4175 fax
dgr.com



RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

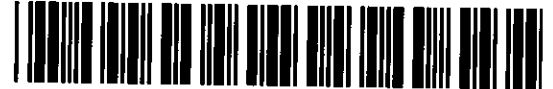
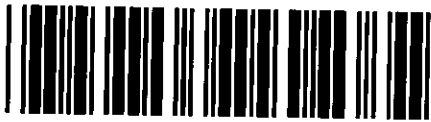
Date January 18, 2024

RECEIVED OF Nineteen Flags, LLC 2601 S. Minnesota Avenue Suite 105-154 Sioux Falls SD 57105

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

Fee for Application for Permit No. <u>8820-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>750.00</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>8820-3</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>950.00</u>

By Eric Gronlund
Chief Engineer
jm



DL245864

B0259-1371 03/07/2023 12:31PM Rec'd by SD SOS

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

ARTICLES OF ORGANIZATION

DOMESTIC LIMITED LIABILITY COMPANY
SDCL 47-34A-203, 212

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

Filing Fee: \$150

Total Fee: \$150

Article I

The name of the Company: **NINETEEN FLAGS, LLC**

Article II

The address of the initial designated office in or out of the State of South Dakota where the company conducts its business:

Actual Street Address

**2601 S. MINNESOTA AVENUE SUITE 105-154
SIOUX FALLS, SD 57105**

Mailing Address

**2601 S. MINNESOTA AVENUE SUITE 105-154
SIOUX FALLS, SD 57105**

Article III

SDCL 59-11-6

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 **JENNIFER L. LARSEN**

Actual Street Address in this State

**600 S MAIN AVE STE 102
SIOUX FALLS, SD 57104-4992**

Mailing Address in this State

**PO BOX 964
SIOUX FALLS, SD 57101-0964**

Article IV

The name and address of each organizer

Name

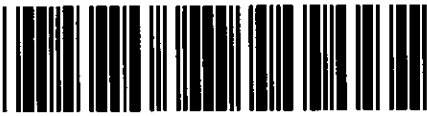
Address

JENNIFER L. LARSEN**600 S. MAIN AVENUE SUITE 102, SIOUX FALLS, SD 57104**

Article V

The duration of the company if other than perpetual is: **Perpetual**

If the document is not to be effective upon filing by the Secretary of State, the delayed effective date is: _____



B0259-1372 03/07/2023 12:31PM Rec'd by SD SOS

Article VI

☒ Member-Managed ☐ Manager-Managed

Article VII

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.

Signature/Authorization

The Articles of Organization must be executed by the organizers.

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).

JENNIFER L LARSEN

JENNIFER L LARSEN

03/07/2023

PRINTED NAME

SIGNATURE

TITLE

DATED

**OPERATING AGREEMENT
OF
NINETEEN FLAGS, LLC**

This Operating Agreement ("**Agreement**") of **NINETEEN FLAGS, LLC** (the "**Company**") is made and entered into effective as of the 7th day of March, 2023, by **Mapleton RE Partners, LLC**, as sole member.

1. **Formation.** The Company was organized as a South Dakota limited liability company pursuant to the South Dakota Uniform Limited Liability Company Act by the filing of its Articles of Organization with the Secretary of State of South Dakota.

2. **Name.** The name of the Company is "Nineteen Flags, LLC." The name of the Company may be changed at any time and from time to time in the discretion of the Member by filing Articles of Amendment and any other documents necessary or appropriate to effectuate such name change with the appropriate authority as required by applicable law.

3. **Principal Place of Business.** The principal office and place of business of the Company shall be 2601 S. Minnesota Ave., Ste. 105-154, Sioux Falls, SD 57105. The Company may locate its principal office and place of business at any other place or places as the Member may from time to time deem advisable.

4. **Registered Agent and Registered Office.** The name of the Company's registered agent and the address of the Company's registered office in the State of South Dakota shall be Jennifer L. Larsen, c/o Hagen, Wilka & Archer, LLP, 600 S. Main Ave, Sioux Falls, SD 57104. The registered agent and registered office may be changed from time to time by filing the name of the new registered agent and/or the address of the new registered office with the appropriate authority as required by applicable law.

5. **Term.** The Company shall continue in existence until terminated under this Agreement.

6. **Purpose.** The sole purpose of the Company shall be real estate of a golf course and related facilities and all other business as is permitted by statute. The Company shall have the authority to do any and all things necessary, convenient, or incident to the achievement of the foregoing and the operation of the business.

7. **Rights and Responsibilities of the Member.** The rights and responsibilities of the Member as a member of the Company shall be as provided in the Company's Articles of Organization (as amended from time to time, the "**Articles of Organization**"), this Agreement and the Act (except to the extent properly governed by the Articles of Organization and/or this Agreement).

8. **Capital Contributions.** The Member shall be deemed to have made capital contributions to the Company in cash or property in the amount set forth opposite the Member's name on **Schedule 1** hereto.

9. Capital Account. A capital account shall be established and maintained for each Member in accordance with the requirements of Section 704(b) of the Internal Revenue code of 1986, as amended (the “Code”), and the regulations promulgated thereunder.

10. Tax Allocations and Cash Distributions. All income tax allocations and cash distributions made by the Company shall be made in accordance with the Membership Interests set forth on Schedule 1 hereto.

11. Meetings and Consents. There shall be no annual meeting of the Member. Each outstanding Membership Interest, regardless of class, shall be entitled to one vote or a fraction of one vote per one percent of Membership Interest or fraction of Membership Interest owned by the Member on each matter submitted to a vote at a meeting of Member. The holders of a majority of the Membership Interests entitled to vote, represented in person or by proxy, shall constitute a quorum at a meeting of Members. Any action required or permitted to be taken at a meeting of the Member may be taken without a meeting, without prior notice, and without a vote, if a consent or consents in writing, setting forth the action so taken, shall have been signed by the holder or holders of all the Membership Interests entitled to vote with respect to the action that is the subject matter of the consent.

12. Management. The business and affairs of the Company shall be managed by its Member. All business shall be determined and decisions made by the vote or consent of the holders of a majority of the Membership Interests in the Company. For the purpose of establishing and harmonizing the policies and business practices of the Company and for the securing of uniformity and continuity in the conduct of the Company business, the general management of all matters relating to the day-to-day Company business and implementation of Members’ decisions may be made by a Managing Member. The Managing Member shall have all necessary powers to carry out the purposes and business of the Company, except for those decisions specifically determined by the Member. The Managing Member shall be Mapleton RE Partners, LLC.

The consent of the Member shall be required for the following actions:

- (1) purchase, sell or otherwise acquire or dispose of any real estate;
 - (2) cause the Company to become a surety, guarantor or accommodation party to any obligation for the benefit of any third party;
 - (3) cause or agree to any merger, share exchange or consolidation of the Company with or into any other organization;
 - (4) sell all or substantially all of the property of the Company;
- and
- (5) amend this Agreement or the Articles, except that the First Amended and Restated Operating Agreement attached to that certain Confidential Private Placement Memorandum dated on or about March 21, 2023 shall be deemed approved.

13. Officers. The Member of the Company may delegate duties to the officers of the Company at any time. Unless the Member decide otherwise, if the title is one commonly used for officers of a business corporation, the assignment of such title shall constitute the delegation to such Member of the authority and duties that are normally associated with that office. As of the date hereof, the officers of the Company are: Danny Amundson – President; Travis Thie – Vice President; Dan Statema – Treasurer; Kristen Kuchta – Secretary.

14. Reliance. Any person dealing with the Company may rely on the authority of any Member in taking any action that is in the name of the Company without inquiry into the provisions of this Agreement or compliance therewith.

15. Indemnification. The Company shall indemnify the Member, officers and their agents for all costs, losses, liabilities and damages paid or accrued by the Member, officers or their agents in connection with the business of the Company to the maximum extent permitted under the Act.

16. Dissolution. The Company shall be dissolved only upon the occurrence of any of the following events: (a) the Member filing articles of termination with the South Dakota Secretary of State; or (b) the judicial dissolution of the Company pursuant to the Act. Upon an event of dissolution, the Company shall cease to carry on its business, except insofar as may be necessary for the winding up of its business.

17. Notices. All notices to be provided to the Member under the Act or this Agreement, shall be in writing, and delivered by hand, facsimile, electronic mail or US Mail.



DL245864

ARTICLES OF ORGANIZATION

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

DOMESTIC LIMITED LIABILITY COMPANY
SDCL 47-34A-203, 212

Filing Fee: \$150

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

Total Fee: \$150

Article I

The name of the Company: **NINETEEN FLAGS, LLC**

Article II

The address of the initial designated office in or out of the State of South Dakota where the company conducts its business:

Actual Street Address

**2601 S. MINNESOTA AVENUE SUITE 105-154
SIOUX FALLS, SD 57105**

Mailing Address

**2601 S. MINNESOTA AVENUE SUITE 105-154
SIOUX FALLS, SD 57105**

Article III

SDCL 59-11-6

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 **JENNIFER L. LARSEN**

Actual Street Address in this State

**600 S MAIN AVE STE 102
SIOUX FALLS, SD 57104-4992**

Mailing Address in this State

**PO BOX 964
SIOUX FALLS, SD 57101-0964**

Article IV

The name and address of each organizer

Name

Address

JENNIFER L. LARSEN

600 S. MAIN AVENUE SUITE 102, SIOUX FALLS, SD 57104

Article V

The duration of the company if other than perpetual is: **Perpetual**

If the document is not to be effective upon filing by the Secretary of State, the delayed effective date is: _____

B0259-1371 03/07/2023 12:31PM Rec'd by SD SOS

13. Officers. The Member of the Company may delegate duties to the officers of the Company at any time. Unless the Member decide otherwise, if the title is one commonly used for officers of a business corporation, the assignment of such title shall constitute the delegation to such Member of the authority and duties that are normally associated with that office. As of the date hereof, the officers of the Company are: Danny Amundson – President; Travis Thie – Vice President; Dan Statema – Treasurer; Kristen Kuchta – Secretary.

14. Reliance. Any person dealing with the Company may rely on the authority of any Member in taking any action that is in the name of the Company without inquiry into the provisions of this Agreement or compliance therewith.

15. Indemnification. The Company shall indemnify the Member, officers and their agents for all costs, losses, liabilities and damages paid or accrued by the Member, officers or their agents in connection with the business of the Company to the maximum extent permitted under the Act.

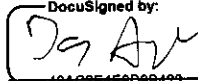
16. Dissolution. The Company shall be dissolved only upon the occurrence of any of the following events: (a) the Member filing articles of termination with the South Dakota Secretary of State; or (b) the judicial dissolution of the Company pursuant to the Act. Upon an event of dissolution, the Company shall cease to carry on its business, except insofar as may be necessary for the winding up of its business.

17. Notices. All notices to be provided to the Member under the Act or this Agreement, shall be in writing, and delivered by hand, facsimile, electronic mail or US Mail.

IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement,
or caused it to be duly executed, effective as of the date first set forth above.

Mapleton RE Partners, LLC

DocuSigned by:

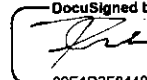


49AC2E4E9D98423...

By: Danny Amundson

Its: Member

DocuSigned by:

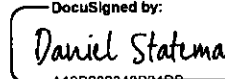


98E1B2F8448E4F4...

By: Travis Thie

Its: Member

DocuSigned by:



A12B202349D24DB...

By: Daniel Statema

Its: Member

SCHEDULE 1

MEMBER

Name and Address	Capital Contribution	Percentage of Membership Interest
Mapleton RE Partners, LLC	\$1,000.00	100%

Rodriguez, Rachel

From: Duvall, Ron
Sent: Tuesday, January 9, 2024 9:29 AM
To: Rodriguez, Rachel
Subject: FW: [EXT] Nineteen Flags Operating Agreement
Attachments: Operating Agreement_Nineteen Flags, LLC_Fully Executed.pdf; RE: [EXT] Mapleton GC Surface Water Rights

Rachel,

I printed the attachment and added it to the file for the Nineteen Flags water permit application. Sounds like a revised application is being submitted. My email from January 3 is also attached.

Thank you,

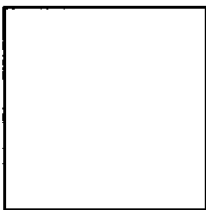
Ron

From: Danny Amundson <danny@mapletongolfclub.com>
Sent: Tuesday, January 9, 2024 9:17 AM
To: Duvall, Ron <Ron.Duvall@state.sd.us>
Cc: Trent Bruce <trent.bruce@dgr.com>; Riley Rinehart <riley.rinehart@dgr.com>
Subject: [EXT] Nineteen Flags Operating Agreement

Ron,

Thanks for taking my call. Attached is the operating agreement for Nineteen Flags, LLC which lists me as Managing Member and President.

I will sign the Surface Water Rights Application and send it in along with the check for payment.



Rodriguez, Rachel

From: Riley Rinehart <riley.rinehart@dgr.com>
Sent: Tuesday, January 9, 2024 3:01 PM
To: Duvall, Ron; Gronlund, Eric; Rath, Mark; Mathiowetz, Adam (DENR); Rodriguez, Rachel
Cc: danny@mapletongolfclub.com; Clay Fetherbay; Trent Bruce; Matthew Oedekoven; Dan Nebelsick
Subject: RE: [EXT] Mapleton GC Surface Water Rights

Ron,

We will review your edits and likely change the application to specify 200 acre-feet, as suggested, then get this submitted. Thanks again for the help.

Riley Rinehart, PE
DGR Engineering

From: Duvall, Ron <Ron.Duvall@state.sd.us>
Sent: Tuesday, January 9, 2024 2:11 PM
To: Riley Rinehart <riley.rinehart@dgr.com>; Gronlund, Eric <Eric.Gronlund@state.sd.us>; Rath, Mark <Mark.Rath@state.sd.us>; Mathiowetz, Adam (DENR) <Adam.Mathiowetz@state.sd.us>; Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Cc: danny@mapletongolfclub.com; Clay Fetherbay <cfetherbay@LandscapesUnlimited.com>; Trent Bruce <trent.bruce@dgr.com>; Matthew Oedekoven <matthew.oedekoven@dgr.com>; Dan Nebelsick <dan.nebelsick@dgr.com>
Subject: RE: Mapleton GC Surface Water Rights

Riley,

I put in the legal descriptions of the areas that encompasses the 100 acres to be irrigated and a more precise legal for the diversion point. If those look good to you, then I think the application is ready to be submitted.

One other thing the application specifies up to 18 inches of water to be applied per acre (150 acre-feet total). The statutory limit is typically up to 24 inches of water with some exceptions for up to three acre-feet per acre. I have seen plenty of golf courses reporting their annual use over the years and many of them use every bit of 2 acre-feet per acre if not more. It is worth considering whether to specify 200 acre-feet on this application to make it 2 acre-feet per acre. If it turns out 18 inches doesn't cut it, you will be back in for another permit to increase the volume.

Thank you,

Ron

From: Riley Rinehart <riley.rinehart@dgr.com>
Sent: Tuesday, January 9, 2024 9:47 AM
To: Duvall, Ron <Ron.Duvall@state.sd.us>; Gronlund, Eric <Eric.Gronlund@state.sd.us>; Rath, Mark <Mark.Rath@state.sd.us>; Mathiowetz, Adam (DENR) <Adam.Mathiowetz@state.sd.us>; Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Cc: danny@mapletongolfclub.com; Clay Fetherbay <cfetherbay@LandscapesUnlimited.com>; Trent Bruce <trent.bruce@dgr.com>; Matthew Oedekoven <matthew.oedekoven@dgr.com>; Dan Nebelsick <dan.nebelsick@dgr.com>
Subject: RE: [EXT] Mapleton GC Surface Water Rights

Ron,

Rodriguez, Rachel

From: Duvall, Ron
Sent: Wednesday, January 3, 2024 10:33 AM
To: Riley Rinehart; Gronlund, Eric; Rath, Mark; Mathiowetz, Adam (DENR); Rodriguez, Rachel
Cc: danny@mapletongolfclub.com; Clay Fetherbay; Trent Bruce; Matthew Oedekoven; Dan Nebelsick
Subject: RE: [EXT] Mapleton GC Surface Water Rights

Riley,

The application looks good based on a quick look -- a few things to address though:

- Is water going to be diverted to both the primary dugout as well as the secondary dugout? I assume so, but please confirm,
- We would like two pump rates to be identified. A rate from Slip Up Creek to the dugout(s) and the irrigation application rate. You identified 2.50 cfs, but I don't know which of the application rates that signifies; and,
- The name of the applicant is Nineteen Flags, LLC which I found on the South Dakota Secretary of State website. According to the Articles of Organization, the registered agent for Nineteen Flags is Jennifer L. Larsen. The name on the bottom of the water permit application will either need to be Jennifer Larsen or she will need to provide a statement of authorization allowing Danny Amundson to file the application on behalf of Nineteen Flags, LLC.

Also, you are correct, the application/license fee is \$950.00.

Thank you,

Ron Duvall
Dept. of Agriculture & Natural Resources
Office of Water, Water Rights Program
605.773.3352
danr.sd.gov



DANR
SOUTH DAKOTA

From: Riley Rinehart <riley.rinehart@dgr.com>
Sent: Tuesday, January 2, 2024 9:31 AM
To: Gronlund, Eric <Eric.Gronlund@state.sd.us>; Duvall, Ron <Ron.Duvall@state.sd.us>; Rath, Mark <Mark.Rath@state.sd.us>; Mathiowetz, Adam (DENR) <Adam.Mathiowetz@state.sd.us>
Cc: danny@mapletongolfclub.com; Clay Fetherbay <cfetherbay@LandscapesUnlimited.com>; Trent Bruce <trent.bruce@dgr.com>; Matthew Oedekoven <matthew.oedekoven@dgr.com>; Dan Nebelsick <dan.nebelsick@dgr.com>
Subject: RE: [EXT] Mapleton GC Surface Water Rights

Good morning Eric,

Please find the attached 'Application for Permit to Appropriate Water for Irrigation', and the associated exhibit, for your initial review. The information included within is consistent with our discussions over the past few months. Please let us know if you and your team have any comments or questions that need to be addressed prior to a formal submittal. Also, can you please confirm the fee that is due with the application? I believe it would be \$950.

Thank you,

Riley Rinehart, PE

Thanks for the quick review. Please see the responses below to each of your comments, and the attached revised application and exhibit. If all looks acceptable, please let us know, then the application will be signed and submitted with payment.

Thank you,

Riley Rinehart, PE
DGR Engineering

From: Duvall, Ron <Ron.Duvall@state.sd.us>
Sent: Wednesday, January 3, 2024 10:33 AM
To: Riley Rinehart <riley.rinehart@dgr.com>; Gronlund, Eric <Eric.Gronlund@state.sd.us>; Rath, Mark <Mark.Rath@state.sd.us>; Mathiowetz, Adam (DENR) <Adam.Mathiowetz@state.sd.us>; Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Cc: danny@mapletongolfclub.com; Clay Fetherbay <cfetherbay@LandscapesUnlimited.com>; Trent Bruce <trent.bruce@dgr.com>; Matthew Oedekoven <matthew.oedekoven@dgr.com>; Dan Nebelsick <dan.nebelsick@dgr.com>
Subject: RE: Mapleton GC Surface Water Rights

Riley,

The application looks good based on a quick look -- a few things to address though:

- Is water going to be diverted to both the primary dugout as well as the secondary dugout? I assume so, but please confirm, **Yes, water will be diverted to both dugouts. The application has been revised to state so.**
- We would like two pump rates to be identified. A rate from Slip Up Creek to the dugout(s) and the irrigation application rate. You identified 2.50 cfs, but I don't know which of the application rates that signifies; and, **The rate from Slip Up Creek to the dugouts is 2.50 cfs, and the irrigation application rate is 3.60 cfs. The application has been revised to include the irrigation application rate in the project description.**
- The name of the applicant is Nineteen Flags, LLC which I found on the South Dakota Secretary of State website. According to the Articles of Organization, the registered agent for Nineteen Flags is Jennifer L. Larsen. The name on the bottom of the water permit application will either need to be Jennifer Larsen or she will need to provide a statement of authorization allowing Danny Amundson to file the application on behalf of Nineteen Flags, LLC. **Danny Amundson provided a copy of the operating agreement for Nineteen Flags LLC in a separate email. The operating agreement lists Danny as Managing Member and President.**

Also, you are correct, the application/license fee is \$950.00.

Thank you,

Ron Duvall
Dept. of Agriculture & Natural Resources
Office of Water, Water Rights Program
605.773.3352
danr.sd.gov



DANR
SOUTH DAKOTA

From: Riley Rinehart <riley.rinehart@dgr.com>
Sent: Tuesday, January 2, 2024 9:31 AM
To: Gronlund, Eric <Eric.Gronlund@state.sd.us>; Duvall, Ron <Ron.Duvall@state.sd.us>; Rath, Mark <Mark.Rath@state.sd.us>; Mathiowetz, Adam (DENR) <Adam.Mathiowetz@state.sd.us>
Cc: danny@mapletongolfclub.com; Clay Fetherbay <cfetherbay@LandscapesUnlimited.com>; Trent Bruce <trent.bruce@dgr.com>; Matthew Oedekoven <matthew.oedekoven@dgr.com>; Dan Nebelsick

<dan.nebelsick@dgr.com>

Subject: RE: [EXT] Mapleton GC Surface Water Rights

Good morning Eric,

Please find the attached 'Application for Permit to Appropriate Water for Irrigation', and the associated exhibit, for your initial review. The information included within is consistent with our discussions over the past few months. Please let us know if you and your team have any comments or questions that need to be addressed prior to a formal submittal. Also, can you please confirm the fee that is due with the application? I believe it would be \$950.

Thank you,

Riley Rinehart, PE



1300 S Highline Avenue
Sioux Falls, SD 57110
phone: 605-339-4157
cell: 605-553-1172
www.dgr.com

Trusted. Professional. Solutions.

-----Original Appointment-----

From: Riley Rinehart

Sent: Tuesday, November 21, 2023 3:42 PM

To: Duvall, Ron; Gronlund, Eric; Rath, Mark; Mathiowetz, Adam (DENR); Clay Fetherbay; danny@mapletongolfclub.com; Peppel, Kurt; Trent Bruce; Matthew Oedekoven; Dan Nebelsick

Subject: Mapleton GC Surface Water Rights

When: Wednesday, November 22, 2023 2:30 PM-3:30 PM (UTC-06:00) Central Time (US & Canada).

Where: Microsoft Teams Meeting

Meet via Teams to discuss surface water rights for the Mapleton Golf Club.

Microsoft Teams meeting

Join on your computer, mobile app or room device

[Click here to join the meeting](#)

Meeting ID: 254 008 326 828

Passcode: 2WjvfD

[Download Teams](#) | [Join on the web](#)

[Learn More](#) | [Meeting options](#)



**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. 8820-3, Nineteen Flags, 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. 8820-3, Nineteen Flags, LLC, 2601 S. Minnesota Avenue, Suite 105-154, Sioux Falls SD 57105.

The Chief Engineer is recommending APPROVAL of Application No. 8820-3 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. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
2. The irrigation intake for this project shall be constructed so that the intake velocities at the intake point do not exceed 0.50 feet per second in open water or 0.25 feet per second in an embayment 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.
3. 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, Permit No. 8820-3 authorizes a maximum diversion rate of 3.60 cfs from the storage dugouts for irrigation of 100 acres. Combinations of diversions under Water Permit No. 8709-3 and this Permit authorize an annual volume not to exceed 2 acre feet of water per acre per year.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Eric Gronlund, Chief Engineer
February 16, 2024

NOTE: Issuance of this permit deals with the withdrawal of water only. It does not address other concerns or permitting issues, such as the Topeka Shiner, from other State or Federal entities. The permit holder is responsible to obtain any other necessary permits.

REPORT ON WATER PERMIT APPLICATION NO. 8820-3

Nineteen Flags, LLC

February 13, 2023

Water Permit Application No. 8820-3 proposes to appropriate 2.5 cubic feet of water per second (cfs) (up to 200 acre feet annually) from Slip Up Creek located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26 for the irrigation of 100 acres of a golf course located in the S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 23; N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26; W $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 25; all in T102N-R49W. Water will be diverted from Slip Up Creek to primary and secondary dugouts located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26, T102N-R49W with a combined storage capacity of 23.2 acre-feet. The dugouts will also capture incidental surface runoff. Water will be pumped from the dugouts to the irrigated area at a rate of 3.60 cfs. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately one quarter of a mile north of Sioux Falls, SD in Minnehaha 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.

SDCL 46-5-6 states that "in the issuance of permits to appropriate water for irrigation, 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, and the volume of water diverted for use may not exceed two acre-feet per acre. The Water Management Board may allow a greater diversion, in volume or rate or both, if the method of irrigation, any time constraints on diversion of water, or the type of soil so requires." The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. The irrigation of a golf course is turf irrigation with a limited number of hours each day when the system can be operated, which the Water Management Board has allowed to be an acceptable reason for a greater diversion rate.

Review of the Proposed Water Source

The water source for this future use reservation is from Slip Up Creek, a prairie stream tributary to the Big Sioux River. The location where the water would be taken is approximately one mile

north of the current City of Sioux Falls' northeastern city limit boundary. The Slip Up Creek watershed at that location encompasses approximately 28.6 square miles and lies parallel and immediately to the east of the Big Sioux River in the central portion of Minnehaha County (USGS, 2019).

A watershed yield analysis for Slip Up Creek was conducted in 2023 by LRE Water for Future Use Permit Application No. 8806-3. This recent yield analysis estimated the average annual yield of Slip Up Creek to be 3,800 acre-feet, which is the mean of all 50th percentile flow values for each year. The city of Sioux Falls reserved 3,600 acre-feet annually under this future use permit (Water Rights, 2024a). Based upon this analysis, there is 200 acre-feet of water available annually for other uses from Slip Up Creek (Water Rights, 2024a).

The applicant will be diverting from the creek when flow is available into storage dugouts. Water will be pumped from the dugouts for irrigation of the golf course. The two dugouts where water from the creek will be pumped have a combined storage capacity of 23.2 acre-feet, meaning that the applicants have a little less than nine full refills of the two dugouts before the remaining volume of 200 acre-feet is reached. Irrigators in South Dakota, with limited exceptions, are not authorized to use more than two feet of water per acre per year. Assuming an application rate of two acre-feet/year per permitted acre, this application is expected to pump approximately 200 acre-feet/year from Slip Up Creek.

The review of the Slip Up Creek watershed by LRE Water estimated a total annual average volume of water that will be available 50% of the time based on similar watersheds. However, there is no guarantee that the creek will be flowing enough to pump, or that there will be 200 acre-feet of water available for appropriation each year.

Review of the Existing Water Rights

There are no existing water rights/permits appropriating water from Slip Up Creek. However, there is one existing future use permit No. 8806-3 held by the City of Sioux Falls reserving 3,600 acre-feet annually from Slip Up Creek (Water Rights, 2024b). Approval of this permit would not be expected to adversely impact any existing rights. The distance from the proposed diversion point on Slip Up Creek to the confluence of the creek with the Big Sioux River is approximately 1.75 miles. Given the limited distance of the creek between the golf course and city limits, any domestic uses from the creek are expected to be minimal and will not be adversely impacted.

Recommendations

To better manage the appropriation of water from Slip Up Creek, the applicants for Water Permit Application No. 8820-3 should be required to report to the Chief Engineer the annual volume and the rate of water pumped from Slip Up Creek.

Conclusions

1. This application proposes to appropriate 2.5 cfs (up to 200 acre-feet annually) from Slip Up Creek for irrigation of 100 acres of a golf course.
2. Water will be diverted from Slip Up Creek to primary and secondary dugouts with a combined storage capacity of 23.2 acre-feet. The dugouts will also capture incidental surface runoff.
3. A yield analysis estimated the average annual yield of Slip Up Creek to be 3,800 acre-feet.
4. A future use permit held by the city of Sioux Falls reserves 3,600 acre-feet annually from Slip Up Creek.
5. Based upon the yield analysis, there is reasonable probability that 200 acre-feet is available annually for other uses from Slip Up Creek.
6. SDCL 46-5-6 states the Water Management Board may allow a greater diversion rate of water equivalent of 1 cfs per 70 acres if the method of irrigation, time constraints on diversion of water, or the type of soil so requires.
7. There are no other existing water right/permits and one future use permit reserving water from Slip Up Creek.
8. Approval of this permit is not expected to adversely impact any existing domestic uses or water rights.



Mark D. Rath
Natural Resources Engineer III
SD DANR, Water Rights Program



Brittan Hullinger
Natural Resources Engineer I
SD DANR, Water Rights Program

References

USGS (U.S. Geological Survey). 2019. U.S. Geological Survey StreamStats.
<<https://streamstats.usgs.gov/ss/>>, accessed on December 21, 2023.

Water Rights. 2024a. Report on Future Use Permit Application No. 8806-3. SD DANR Water Rights Program. Joe Foss Building. Pierre, South Dakota.

Water Rights. 2024b. 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.**

February 26, 2024

Nineteen Flags, LLC
c/o Daniel Amundson
2601 S. Minnesota Ave., Suite 105-154
Sioux Falls SD 57105

Dear Mr. Amundson:

Water Permit Application No. 8820-3 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 Argus Leader printed in Sioux Falls SD (requires prepayment, see contact information). 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.

Instruction to Newspaper - Publish the Notice on March 7, 2024. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 8820-3 to Appropriate Water

Notice is given that Nineteen Flags, LLC, 2601 S. Minnesota Avenue, Suites 105 – 154, Sioux Falls SD 57105 has filed an application for a water permit to appropriate 2.5 cubic feet of water per second (cfs) (up to 200 acre-feet annually) from Slip Up Creek located in the SE 1/4 NE 1/4 Section 26 for irrigation of 100 acres of a golf course located in the S 1/2 SE 1/4 Section 23; N 1/2 NE 1/4, SE 1/4 NE 1/4 Section 26; W 1/2 NW 1/4 Section 25; all in T102N-R49W. Water will be diverted from Slip Up Creek to primary and secondary dugouts located in the SE1/4 NE1/4 section 26-T102N-R49W with a combined storage capacity of 23.2 acre-feet. The dugouts will also capture incidental surface runoff. Water will be pumped from the dugouts to the irrigated area at a rate of 3.60 cfs. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately one quarter of a mile north of Sioux Falls SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8820-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by March 18, 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 March 18, 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__

Order Confirmation

Not an Invoice

Account Number:	1378883
Customer Name:	Nineteen Flags LLC
Customer Address:	Nineteen Flags LLC 2601 S Minnesota AVE Suites 105 – 154 Sioux Falls SD 57105-4742
Contact Name:	Daniel Amundson
Contact Phone:	(605) 945-0593
Contact Email:	rachel.rodriguez@state.sd.us
PO Number:	

Date:	02/27/2024
Order Number:	9899700
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	173.0000
Height in Inches:	0.0000

[Print](#)

Product	#Insertions	Start - End	Category
SFA Sioux Falls Argus Leader	1	03/07/2024 - 03/07/2024	Public Notices
SFA argusleader.com	1	03/07/2024 - 03/07/2024	Public Notices

As an incentive for customers, we provide a discount off the total order cost equal to the 3.99% service fee if you pay with Cash/Check/ACH. Pay by Cash/Check/ACH and save!

Total Cash Order Confirmation Amount Due	\$60.17
Service Fee 3.99%	\$2.40
Cash/Check/ACH Discount	-\$2.40
Payment Amount by Cash/Check/ACH	\$60.17
Payment Amount by Credit Card	\$62.57

Order Confirmation Amount	\$60.17
---------------------------	---------

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, February 26, 2024 3:17 PM
To: legals@argusleader.com
Subject: 8820-3 Nineteen Flags, LLC - Public Notice
Attachments: 8820-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on March 7, 2024.

Nineteen Flags, LLC, c/o Daniel Amundson, 2601 S. Minnesota Avenue, Suites 105 – 154, Sioux Falls SD 57105, 605-359-6914 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





South Dakota
GANNETT

PO Box 630567 Cincinnati, OH 45263-0567

PROOF OF PUBLICATION

Water Rights Program
Nineteen Flags LLC
2601 S Minnesota AVE
Suites 105 – 154
Sioux Falls SD 57105-4742

STATE OF WISCONSIN, COUNTY OF BROWN

The Argus Leader, a daily newspaper published in the city of Sioux Falls, Minnehaha County, State of South Dakota, and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspapers in the issue:

03/07/2024

and that the fees charged are legal.
Sworn to and subscribed before on 03/07/2024

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$60.17

Order No: 9899700

of Copies:

Customer No: 1378883

1

PO #:

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

MARIAH VERHAGEN
Notary Public
State of Wisconsin

**NOTICE OF
APPLICATION NO. 8820-3
to Appropriate Water**

Notice is given that Nineteen Flags, LLC, 2601 S. Minnesota Avenue, Suites 105 - 154, Sioux Falls SD 57105 has filed an application for a water permit to appropriate 2.5 cubic feet of water per second (cfs) (up to 200 acre-feet annually) from Slip Up Creek located in the SE 1/4 NE 1/4 Section 26 for irrigation of 100 acres of a golf course located in the S 1/2 SE 1/4 Section 23; N 1/2 NE 1/4, SE 1/4 NE 1/4 Section 26; W 1/2 NW 1/4 Section 25; all in T102N-R49W. Water will be diverted from Slip Up Creek to primary and secondary dugouts located in the SE 1/4 NE 1/4 section 26-T102N-R49W with a combined storage capacity of 23.2 acre-feet. The dugouts will also capture incidental surface runoff. Water will be pumped from the dugouts to the irrigated area at a rate of 3.60 cfs. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately one quarter of a mile north of Sioux Falls SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8820-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief

Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by March 18, 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 March 18, 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 March 7, 2024 at the total approximate cost of \$60.17 and may be viewed free of charge at www.sdpublicnotices.com.

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Wednesday, February 28, 2024 8:11 AM
To: danny@mapletongolfclub.com
Subject: 8820-3 Nineteen Flags, LLC - Public Notice
Attachments: 8820-3 Rec.pdf; 8820-3 Ltr.pdf; 8820-3 PubNotice.pdf; ArgusLeaderConfo.pdf; Invoice.pdf

Good Morning,

Attached is a copy of the report, chief engineer's 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 also being mailed to you today.

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





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

MAR 26 2024

Nineteen Flags, LLC
c/o Daniel Amundson
2601 S. Minnesota Ave, Suite 105-154
Sioux Falls SD 57105

Dear Mr. Amundson:

Enclosed is Water Permit No. 8820-3 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

**Affidavit of Public Notice
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.: 8820-3

Name of Applicant: Nineteen Flags, LLC, Danny Amundson

Date of Posting: 3/4/2024

Date of Removal: 3/26/2024

Ron Duvall, Engineer III

3/26/2024

Date

Subscribed and sworn to before me, a notary public, this 26th day of March, 2024.

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



(SEAL)



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 14, 2025

NOTICE

TO: NINETEEN FLAG LLC, DANIEL ADMUNDSON, 2601 S MINNESOTA AVE, SIOUX FALLS, SD 57105

FROM: Ron Duvall, Engineer III
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaire(s)

Our records indicate your 2024 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 8820-3. The request for the Questionnaire was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 8820-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held on **Wednesday, March 5, 2025, at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 8820-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 5, 2025**, hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: GZGXOO**

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 21, 2025

8820-3

Nineteen Flag LLC
c/o Daniel Amundson
2601 S Minnesota Ave, Suite 105-154
Sioux Falls SD 57105

Dear Mr. Amundson:

I am writing to acknowledge the receipt of your 2024 irrigation questionnaire(s).

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 8820-3. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

If you have any questions or concerns, please contact me.

Sincerely,

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