

WATER PERMIT NO. 8905-3

Name of Applicant: **High Country Properties LLC**

Address: **25443 413th Avenue, Mitchell SD 57301**

Phone: **605-680-2900**

Amount of Water Claimed: **137.7 AF**

Total Acres: **N/A**

Source of Water Supply: **Surface runoff**

Water to be used for: **Fish & Wildlife**

County: **Jerauld**

Type of Waste Disposal System:

Location: **Approx. 2 miles northeast of Wessington Springs**

PRIORITY Date Received: **09-25-24**

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

Corrected Application Received: **10-17-24**

Period of Annual Use: **January 1 – December 31**

Remarks: **Series of dams designed to impound water, average depth of 3 feet or less at full capacity.**

Diversion Point: **SW 1/4 Sec 4-T107N0R64W**

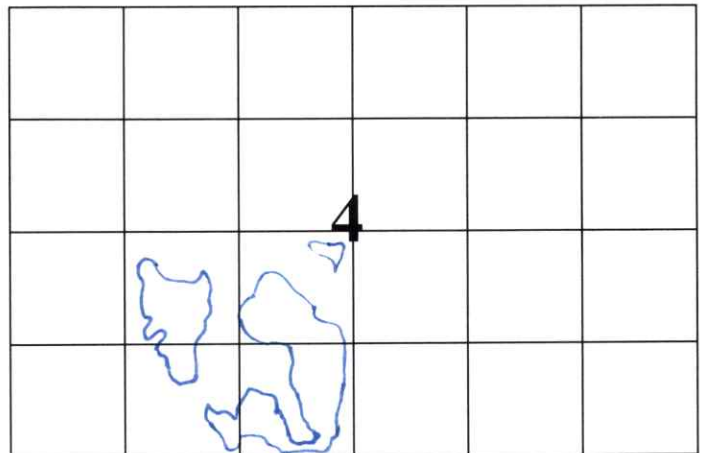
Land to be Irrigated: **N/A**

Depth of Well: **N/A**

Well Driller: **N/A**

Remarks:

Type of Map: **aerial**



Reviewed and the Number Assigned on: **10-17-24**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA WATER PERMIT NO. 8905-3

Date of first receipt of application September 25, 2024.

Date of return to applicant for corrections, amendments or changes September 26, 2024.

Date of receipt of corrected application October 17, 2024.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8905-3 to High Country Properties LLC., 25443 413th Avenue, Mitchell SD 57301, 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. 8905-3 authorizes impoundment of a combined total of 137.7 acre-feet of water of surface runoff to the outlet elevations of four dams to be located in the SW 1/4 Section 4-T107N-R64W with the impounded water to be located within the same area. This permit authorizes appropriation of sufficient runoff water annually to maintain the water level to the outlet elevations of the four dams. Water is to be used for fish and wildlife purposes. This site is located approximately two miles northeast of Wessington Springs SD.
2. The water appropriated shall be used for the purpose of fish and wildlife 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: January 1 – December 31.
4. The date of approval of Permit No. 8905-3 is December 31, 2024.
5. The date from which applicant may claim right is September 25, 2024.
6. One-fifth of the construction is to be completed on or before July 1, 2027.
7. All construction is to be completed on or before December 31, 2029.
8. Water is to be put to beneficial use on or before December 31, 2033.
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. Water Permit No. 8905-3 authorizes an impoundment with a storage capacity of 137.7 acre-feet of water at the normal pool elevation and sufficient water annually to maintain the water level to the primary outlet elevation.
2. After an annual fill to the primary outlet elevations is satisfied, no unlawful impairment of this Permit exists by a water permit/right holder placing water to beneficial use under their water permit/right with a junior priority date.
3. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.

WATER MANAGEMENT BOARD

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

JAN 22 2025
date



FORM 2: Application for uses other than irrigation
(type or print)

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8905-3</u> Hydrologic Unit <u>10160011</u>
	Basin <u>James R</u>
	Newspaper <u>Wessington Springs True Dakotan</u> <u>Nuron Plainsman</u> (office use only)

RECEIVED

SEP 25 2024

OFFICE OF
WATER

Application for Permit to Appropriate Water in South Dakota

Check use(s) of water:

☐
☐
☐

Municipal
Rural Water System
Domestic (over 18 gpm)

☐
☐
☐

Water Distribution System
Commercial
Industrial

☐
☒
☐

Recreational
Fish & Wildlife
Other

☐
☐

Institutional
Geothermal

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.)

1. Name to Appear on Water Permit High Country Properties LLC

Mailing Address 25443 413th Ave Mitchell SD 57301
(Address) (City) (State) (Zip Code)

Phone _____ Mobile 605-680-2900 Email bryce.gillen@gmail.com

2. Amount of water claimed _____ *CFS or _____ **GPM and 137.7 ***AF or _____ 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)

3. Source of water supply runoff and drainage that currently flow through the property

4. Location of point of diversion SW 1/4 4-107-64 County Jerauld
(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? _____
(example - NW1/4 section 12-T104N-R53W)

5. County or counties where water will be used Jerauld

6. Annual period during which water is to be used The runoff water will not be used, only stored in retention ponds for wildlife.
Jan - Dec 31

7. 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)

We intend to construct a series of dams designed to impound shallow water with depths ranging from 1 to 6 feet, with an average depth of 3 feet or less when at full capacity. These structures will serve to retain water until they reach their maximum capacity, at which point any excess will be directed back into the originating streams. This controlled overflow mechanism is integral to the replenishment of adjacent shallow wildlife retention ponds, ensuring a sustainable and balanced aquatic ecosystem.

I, Bryce Gillen Owner _____, the applicant, certify under
Name of Person Title (if applicable)

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

2021-08

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

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 Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System

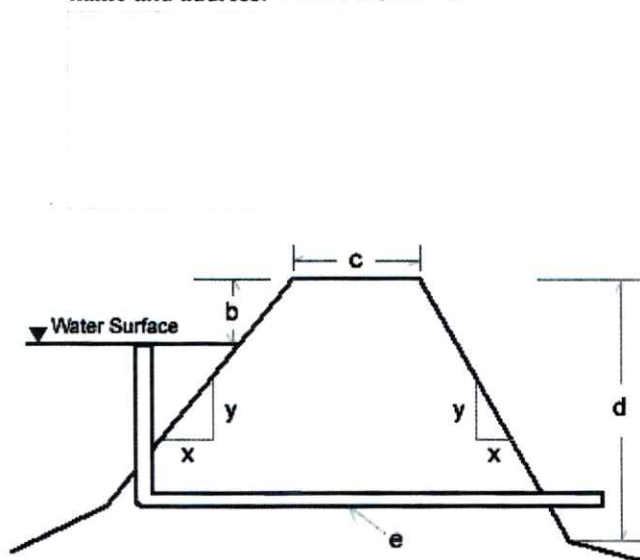
3. Dugout Information

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

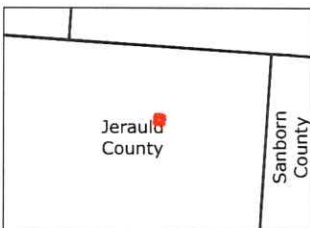
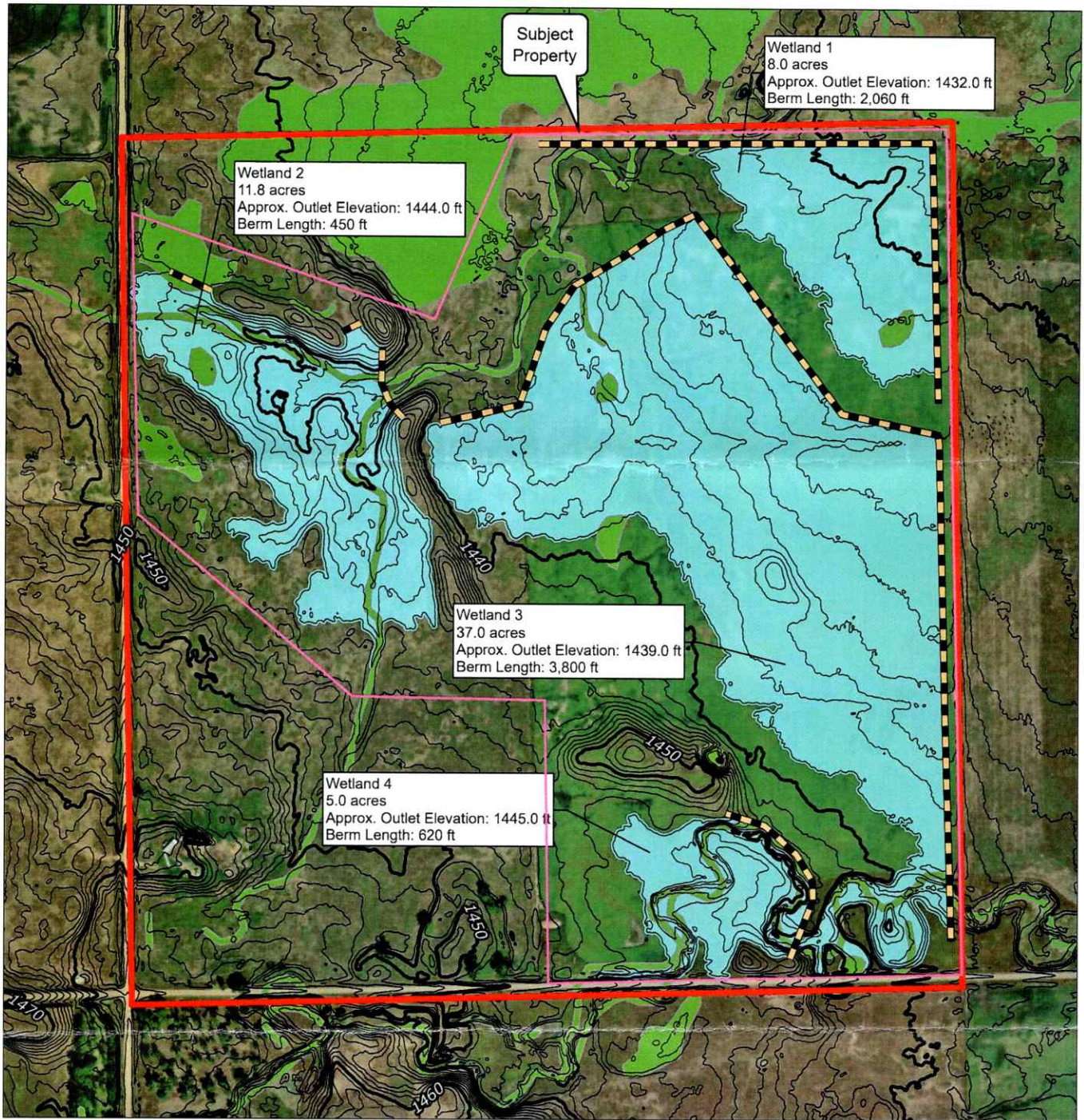
4. Water Storage Dams

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: SDFB's engineering consultant Stantec will follow NRCS standards and specifications for impoundments



- b) Freeboard approximately 2 ft
- c) Crest Width approximately 9ft TBD
Crest Length approximately 6920 ft
- d) Height Less than 6 ft
- e) Primary Outlet Capacity TBD
If pipe, diameter NA
- f) Secondary Spillway Capacity TBD
Spillway Width TBD
- g) X & Y Slope (e.g. 3 to 1 is a typical slope)
Upstream 3 to 1
Downstream 3 to 1
- h) Area of Impoundment 60.2 acres
- i) Storage 137.7 Acre Feet
- j) Drainage Area Above Dam 2,157 Acres

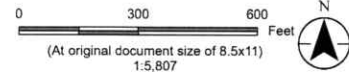


Notes

1. Coordinate System: NAD 1983 HARN StatePlane South Dakota South FIPS 4002 Feet
2. Data Sources: USGS
3. Background: USGS 7.5 Minute Quadrangle

Legend

- Subject Property
- Berm - Concept A
- Contour (1ft)
- Contour (10ft)
- SD Wetlands
- Proposed Restoration Concept A



Project Location: Wessington Springs, Jerauld Co., SD
Prepared by EJO on 2024-06-14
TR by MHR on 2024-06-14
Client/Project: 227701100

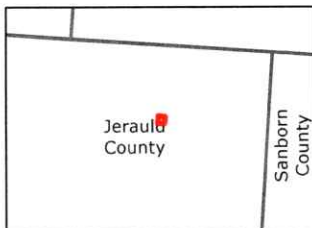
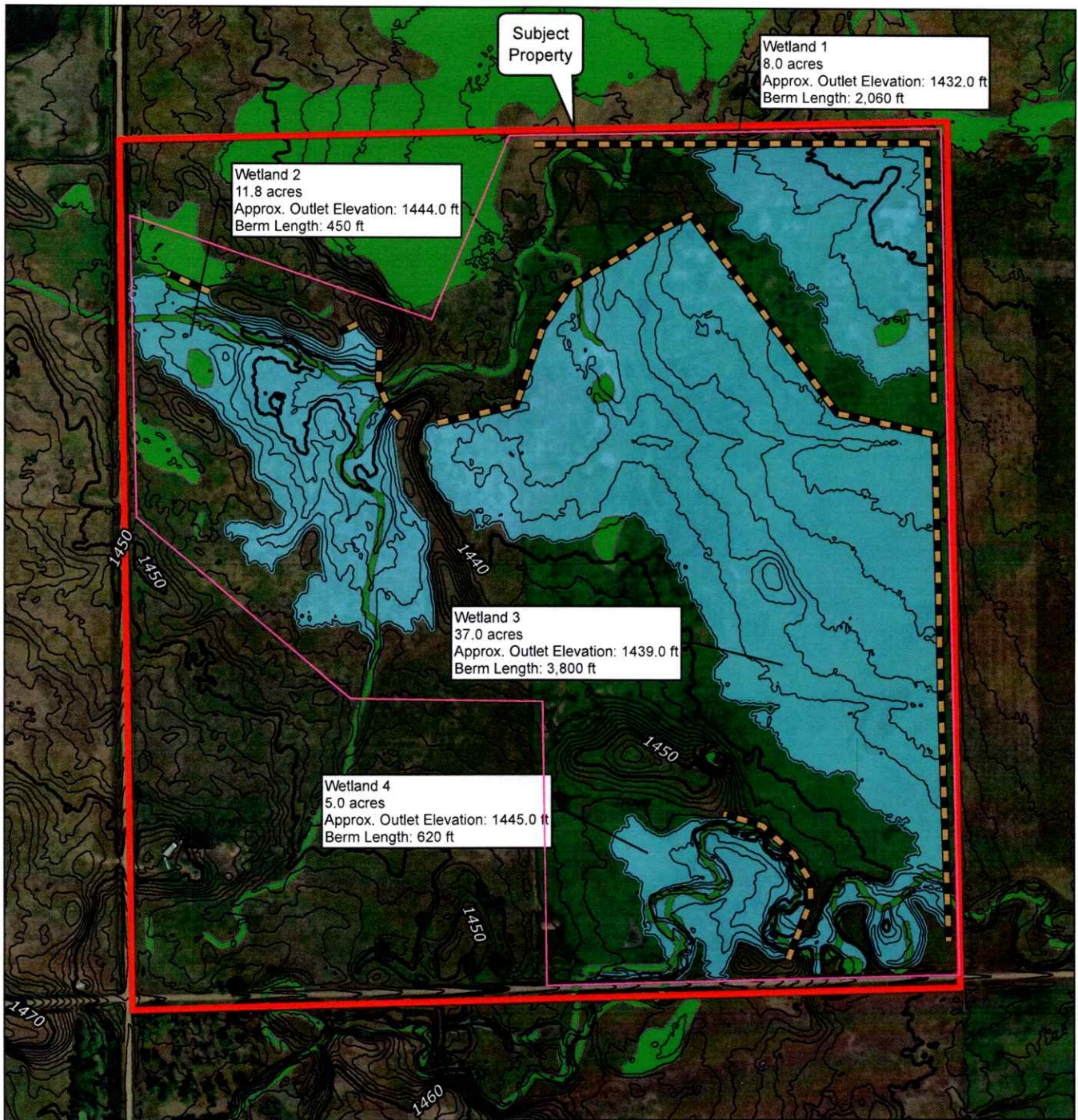
Client: South Dakota Farm Bureau
Project: Bryce Gillen Wetland Bank
Figure No. 1

Concept A

RECEIVED

SEP 30 2024

**OFFICE OF
WATER**

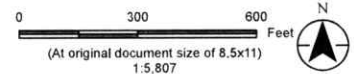


Legend

- Subject Property
- Berm - Concept A
- ~ Contour (1ft)
- ~ Contour (10ft)
- SD Wetlands
- Proposed Restoration - Concept A

Notes

1. Coordinate System: NAD 1983 HARN StatePlane South Dakota South FIPS 4002 Feet
2. Data Sources: USGS
3. Background: USGS 7.5 Minute Quadrangle



Project Location: Prepared by EJO on 2024-06-14
Wessington Springs, Jerauld Co., SD TR by MHR on 2024-06-14

Client/Project: 227701100

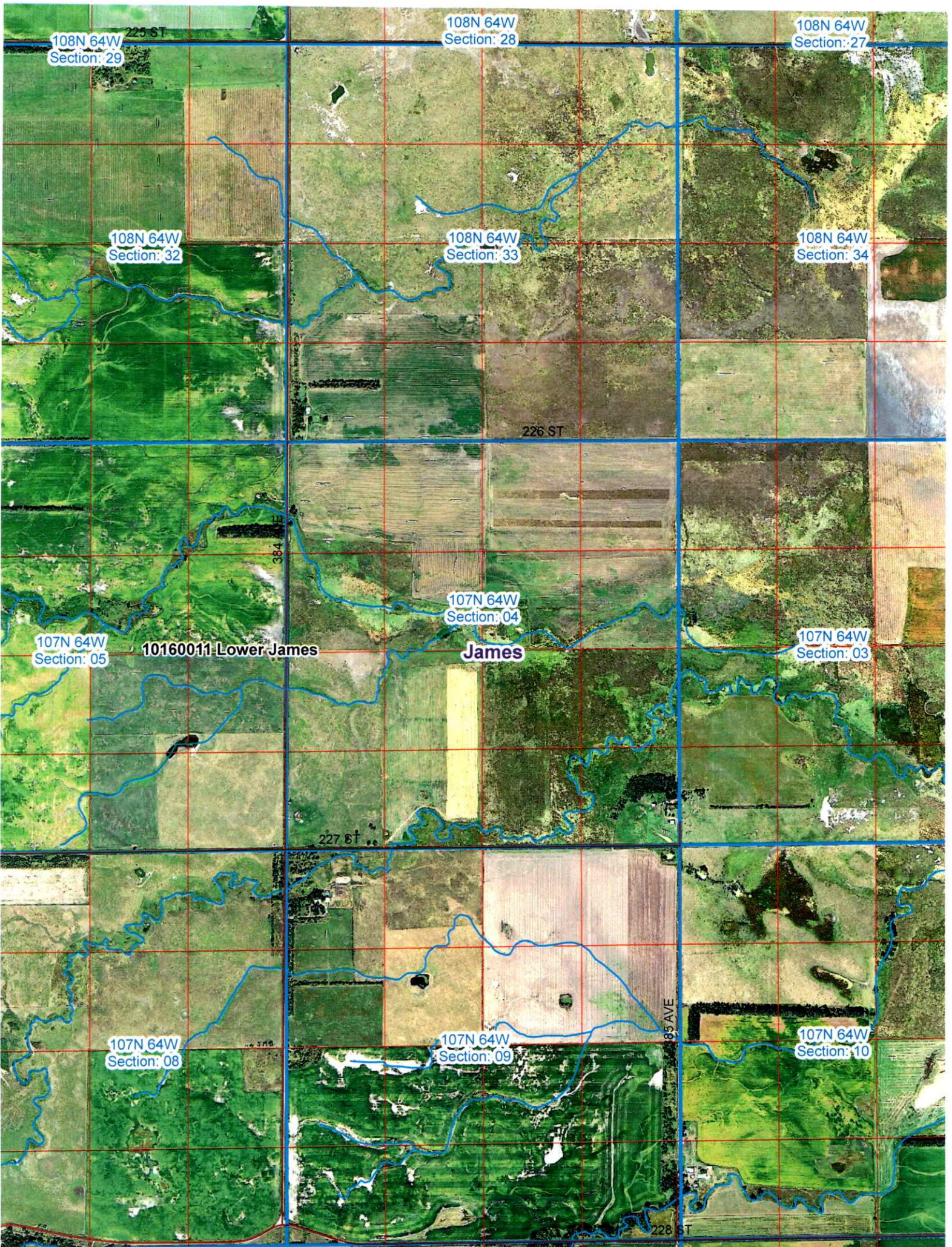
Client: South Dakota Farm Bureau
Project: Bryce Gillen Wetland Bank

Figure No.

1

Title

Concept A



RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date September 30th 2024

RECEIVED OF High Country Properties LLC 25443 413th Avenue Mitchell SD 57301

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

Fee for Application for Permit No. <u>8905-3</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>8905-3</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 Nordlund
Chief Engineer





DL268972

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

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: **High Country Properties 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

**25443 413TH AVE
MITCHELL, SD 57301**

Mailing Address

**25443 413TH AVE
MITCHELL, SD 57301**

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 **Timothy G Bottum**

Actual Street Address in this State

**1718 N SANBORN BLVD
PO BOX 1025
MITCHELL, SD 57301**

Mailing Address in this State

**PO BOX 1025
MITCHELL, SD 57301**

Article IV

The name and address of each organizer

Name

Address

Timothy G Bottum

1718 N Sanborn Blvd., PO Box 1025, Mitchell, SD 57301

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: _____

B0301-7717 02/21/2024 3:12PM 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).

Timothy G Bottum

Timothy G Bottum

Attorney

02/21/2024

PRINTED NAME

SIGNATURE

TITLE

DATED

State of South Dakota

Office of the Secretary of State

Certificate of Organization

Domestic Limited Liability Company

I, **Monae L. Johnson**, Secretary of State of the State of South Dakota, hereby certify that the ARTICLES OF ORGANIZATION for

High Country Properties LLC

BUSINESS ID# DL268972

with an effective date of: February 21, 2024, duly signed and verified, SDCL 47-34A-203, 212 has been received in this office and is found to conform to law.

ACCORDINGLY, and by virtue of the authority vested in me by law, I hereby issue this Certificate of Organization and attach hereto a duplicate of the ARTICLES OF ORGANIZATION.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of South Dakota, in Pierre, the Capital City, this day, February 21, 2024.

Monae L. Johnson

Monae L. Johnson
Secretary of State

02/21/2024 3:12 PM

Rodriguez, Rachel

From: Bryce Gillen <bryce.gillen@gmail.com>
Sent: Thursday, October 17, 2024 8:41 AM
To: Rodriguez, Rachel
Subject: Re: [EXT] Application for a Water Permit

Clay Wenzel owns the other half. We both have the signing authority for the entity. So either one of us can sign anything you might need from us to proceed.

On Thu, Oct 17, 2024 at 8:16 AM Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us> wrote:

I see. Since you only own 50% of the LLC, who owns the other 50%?

Thank you,

Rachel Rodriguez

DANR | Program Assistant

Rachel.Rodriguez@state.sd.us



From: Bryce Gillen <bryce.gillen@gmail.com>
Sent: Thursday, October 17, 2024 8:06 AM
To: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: Re: [EXT] Application for a Water Permit

Yes, Tim is my attorney. I am 50% owner of the High Country Properties LLC which owns the property. And I agree, Let go with the year around use.

Thanks

Rodriguez, Rachel

From: Bryce Gillen <bryce.gillen@gmail.com>
Sent: Thursday, October 17, 2024 8:06 AM
To: Rodriguez, Rachel
Subject: Re: [EXT] Application for a Water Permit

Yes, Tim is my attorney. I am 50% owner of the High Country Properties LLC which owns the property. And I agree, Let go with the year around use.

Thanks

On Thu, Oct 17, 2024 at 7:54 AM Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us> wrote:

Yes, I've received the check. However, these items are still outstanding:

- A review of the Secretary of State's corporation website finds Timothy G. Bottum, an attorney listed. On your application, you indicated that you are the owner. Are you the owner of the LLC or the property? Is Mr. Bottum your attorney?
- For period of annual use, I suggest year-around. Therefore, I suggest January 1- December 31, do you agree?

Thank you,

Rachel Rodriguez

DANR | Program Assistant

Rachel.Rodriguez@state.sd.us



From: Bryce Gillen <bryce.gillen@gmail.com>
Sent: Wednesday, October 16, 2024 7:16 PM
To: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: Re: [EXT] Application for a Water Permit

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Wednesday, October 16, 2024 11:20 AM
To: bryce.gillen@gmail.com
Subject: RE: Application for a Water Permit

Good morning,

I'm just following up on the email I sent on September 26, 2024, see below. Please provide the information and fees at your earliest convenience.

Thank you,

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



From: Rodriguez, Rachel
Sent: Thursday, September 26, 2024 9:36 AM
To: bryce.gillen@gmail.com
Subject: Application for a Water Permit

Good morning,

In reviewing your application, there are a few items that need to be addressed:

- A review of the Secretary of State's corporation website finds Timothy G. Bottum, an attorney listed. On your application, you indicated that you are the owner. Are you the owner of the LLC or the property? Is Mr. Bottum your attorney?
- For period of annual use, I suggest year-around. Therefore, I suggest January 1- December 31, do you agree?
- And as Ron mention, the fee is \$950.00. You may pay by check payable to SD Water Rights Program or credit card by calling 605-773-5559.

Once I receive the items above, I can begin processing your application.

Thank you,

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

Rodriguez, Rachel

From: Mathiowetz, Adam (DENR)
Sent: Friday, October 11, 2024 3:32 PM
To: Rodriguez, Rachel
Subject: RE: Ace Ready Mix Water Permit Application

Not really.



Adam Mathiowetz, PE
Engineer, Water Rights Program
Department of Agriculture and Natural Resources
523 E. Capitol Ave. Pierre SD, 57501
605.773.3352
danr.sd.gov

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Friday, October 11, 2024 3:23 PM
To: Mathiowetz, Adam (DENR) <Adam.Mathiowetz@state.sd.us>
Subject: Ace Ready Mix Water Permit Application

Adam,

Based on the applications point of diversion, see attachment, do you think this application will involve groundwater?

Thank you,

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



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Thursday, October 10, 2024 8:10 AM
To: 'bryce.gillen@gmail.com'
Subject: RE: Application for a Water Permit

Good morning,

I am just following up on the email I sent on Thursday. September 26th. I have received the fees, therefore the outstanding items are:

- A review of the Secretary of State's corporation website finds Timothy G. Bottum, an attorney listed. On your application, you indicated that you are the owner. Are you the owner of the LLC or the property? Is Mr. Bottum your attorney?
- For period of annual use, I suggest year-around. Therefore, I suggest January 1- December 31, do you agree?

Again, once the items above have been received, I can begin processing your application.

Thank you,

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



From: Rodriguez, Rachel
Sent: Thursday, September 26, 2024 9:36 AM
To: bryce.gillen@gmail.com
Subject: Application for a Water Permit

Good morning,

In reviewing your application, there are a few items that need to be addressed:

- A review of the Secretary of State's corporation website finds Timothy G. Bottum, an attorney listed. On your application, you indicated that you are the owner. Are you the owner of the LLC or the property? Is Mr. Bottum your attorney?
- For period of annual use, I suggest year-around. Therefore, I suggest January 1- December 31, do you agree?
- And as Ron mention, the fee is \$950.00. You may pay by check payable to SD Water Rights Program or credit card by calling 605-773-5559.

Once I receive the items above, I can begin processing your application.

Thank you,

Rodriguez, Rachel

From: Duvall, Ron
Sent: Wednesday, September 25, 2024 2:09 PM
To: Bryce Gillen
Cc: Rodriguez, Rachel; Dewell, Amanda; Kruger, Sean; Minerich, Shannon
Subject: FW: [EXT] Water retention ponds - Jerauld
Attachments: Water Rights app DNAR 8-18-2024 draft High Country Properties - 9-25-24.pdf; Bryce Gillen Wetland Bank - Prospectus Design with Easement Boundary.pdf

Bryce,

A water right permit is needed for the amount of storage claimed. The attached application and map look fine. The application/license fee for 137.7 acre-feet is \$950.00 (\$750.00 application fee, \$200.00 license fee). If anything else, Rachel will be in contact.

Thank you,

Ron

From: Kruger, Sean <Sean.Kruger@state.sd.us>
Sent: Wednesday, September 25, 2024 10:02 AM
To: Bryce Gillen <bryce.gillen@gmail.com>
Cc: Minerich, Shannon <Shannon.Minerich@state.sd.us>; Duvall, Ron <Ron.Duvall@state.sd.us>
Subject: FW: [EXT] Water retention ponds - Jerauld

Bryce,

I think you might have a couple programs mixed up in our department. This looks like a water rights request for the wetland bank. That will get handled through our water rights program, I am CCing Ron Duvall and hopefully he can get you taken care of there.

I believe we were looking at needing a water resource and enhancement permit for this as well, Shannon can weigh in on that. The only cost with that is the public notice but it does take a few weeks to complete the notice process.

Sean

From: Bryce Gillen <bryce.gillen@gmail.com>
Sent: Wednesday, September 25, 2024 9:32 AM
To: Kruger, Sean <Sean.Kruger@state.sd.us>
Cc: Minerich, Shannon <Shannon.Minerich@state.sd.us>
Subject: Re: [EXT] Water retention ponds - Jerauld

Sean,

It has taken sometime to get all of the design from the engineers for this project. I believe I have everything I need to on the filled out permit that I'm attaching to this email. I also provided a copy of the map from the Santec the engineering firm. If i remember correctly I have to send a check to get this started as well. I don't know the amount or who to make it out to. Also should I send a hard copy of this below along with a check or is pdf in this email sufficient? The permit doesn't say, but I'm wondering if the permit needs my signature as well where it asks for my name. Shoot me call when

your schedule allows and I can make sure i'm on the same page with everything that you need from me at this point. Thanks.

On Tue, Apr 30, 2024 at 11:22 AM Bryce Gillen <bryce.gillen@gmail.com> wrote:

Thanks for reaching out. I plan is still to get the forms filled out and over to you as soon as i get the engineered plan back form the engineering firm. we are being advised from the engineering firm to wait until we get their draft completed. I'm hoping to have those documents soon and I will be in touch with you as soon as I do. Thanks again for reaching out to me and we will be in contact soon.

On Tue, Apr 30, 2024 at 10:31 AM Kruger, Sean <Sean.Kruger@state.sd.us> wrote:

Bryce,

Just verifying we haven't missed something from you?



Sean Kruger

Water Quality Standards

Department of Agriculture and Natural Resources

523 E. Capitol Ave. Pierre, SD 57501

danr.sd.gov

From: Bryce Gillen <bryce.gillen@gmail.com>

Sent: Thursday, April 4, 2024 9:30 AM

To: Kruger, Sean <Sean.Kruger@state.sd.us>; Minerich, Shannon <Shannon.Minerich@state.sd.us>; Duvall, Ron <Ron.Duvall@state.sd.us>

Subject: [EXT] Water retention ponds - Jerauld

Thanks again for meeting with me last week about our water retention ponds we are hoping to build this summer out in Jerauld County. I have a meeting with an engineer next week, so plan is to visit with him 1st in case he wants me to change the heights and depths slightly than what I currently have. I'll be in touch with the applications next week sometime. Thanks.

--

Bryce Gillen (Owner)

GRIDLINE Tile & Excavation



**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. 8905-3, High Country Properties 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. 8905-3, High Country Properties LLC, c/o Bryce Gillen, 25443 413th Avenue, Mitchell SD 57301.

The Chief Engineer is recommending APPROVAL of Water Permit Application No. 8905-3 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. Water Permit No. 8905-3 authorizes an impoundment with a storage capacity of 137.7 acre-feet of water at the normal pool elevation and sufficient water annually to maintain the water level to the primary outlet elevation.
2. After an annual fill to the primary outlet elevations is satisfied, no unlawful impairment of this Permit exists by a water permit/right holder placing water to beneficial use under their water permit/right with a junior priority date.
3. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.

See report on application for additional information.

Eric Gronlund, Chief Engineer
December 9, 2024

Report to the Chief Engineer
On Water Permit Application No. 8905-3
High Country Properties LLC
December 11, 2024

Water Permit Application No. 8905-3 proposes to impound a combined total of 137.7 acre-feet of water from surface runoff to the outlet elevations of four dams to be located in the SW ¼ of Section 4-T107N-R64E with the impounded water to be located within the same area. Water Permit Application No. 8905-3 requests appropriation of sufficient runoff water annually to maintain the water level to the outlet elevations of the four dams. The water is requested to be used for fish and wildlife purposes. The site of interest is located in Jerauld County approximately two miles northeast of Wessington Springs, SD.

South Dakota Codified Law SDCL 46-2A-2 directs the Chief Engineer to make a recommendation to the Water Management Board on a water permit application. The Chief Engineer needs to consider four criteria when 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 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 best available information and 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.

WATER SOURCE: Runoff to two unnamed tributaries contributing to Firesteel Creek, a tributary of the James River

Review of Water Source and Availability

Water Permit Application No. 8905-3 proposes to appropriate a combined total of 137.7 acre-feet of water from surface runoff to the outlet elevations of four dams, followed by sufficient runoff water annually to maintain the water level to the outlet elevations of the four dams. The unnamed tributaries are located within the Bakers Lake-Firesteel Creek watershed (USGS, 2004). Based on the current plan provided with the application, none of these dams individually will be large enough for the Safety of Dams rules to apply.

The watershed area above the proposed dams was delineated using NRCS Engineering Tools for ArcGIS 10.3 (USDA-NRCS, 2024a). The elevation data used is a Light Detection and Ranging radar (LiDAR) DEM (Digital Elevation Model) dataset with 1-meter grid spacing (SDGS, 2024). A DEM is a representation of the bare ground (bare earth) topographic surface of the Earth excluding trees, buildings, and any other surface objects. Within the Bakers Lake-Firesteel Creek watershed, the contributing upstream watershed to the proposed dams was delineated to be

approximately 2,200 acres, with Wessington Springs, SD being within the watershed delineation. Figure 1 displays the delineation of the contributing watershed area above the proposed dam locations within using LiDAR 1-meter spaced dataset.

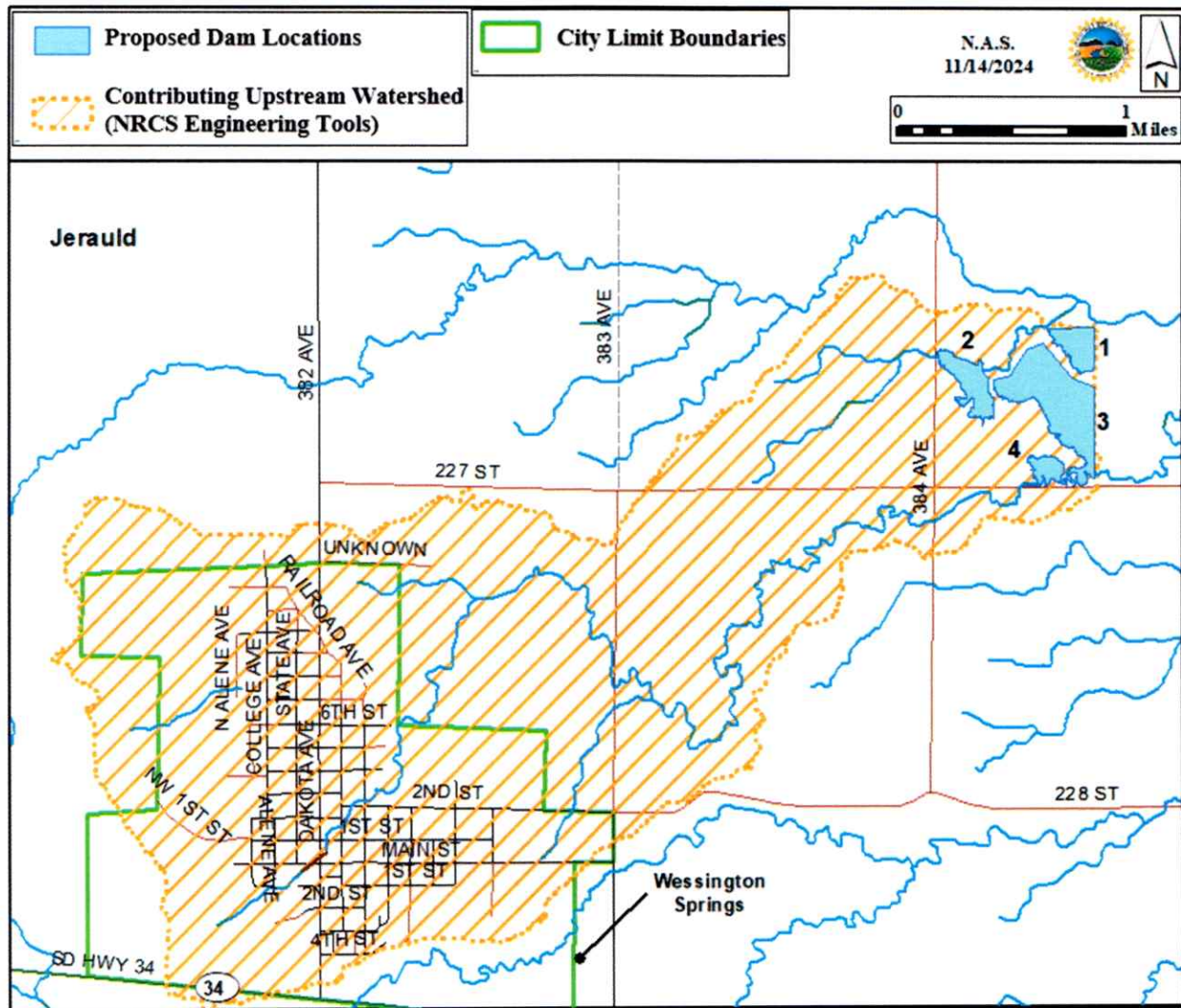


Figure 1: Map of the approximate watershed delineation above the four proposed dams made using LiDAR 1-meter spaced DEM (SDGS, 2024)

The NRCS annual surface yield method for South Dakota was used to estimate annual surface yield for the drainage area upstream of the proposed dam locations (USDA-NRCS, 1984). This NRCS method estimates the volume of runoff which can be expected for a twelve-month period at certain annual exceedance probabilities using contributing drainage area, soil cover complex number (runoff curve number, CN), and watershed location on an isogram map (USDA-NRCS, 1984).

The soil cover complex number, or the runoff curve number (CN) is necessary to determine the annual surface yield using the NRCS method (USDA-NRCS, 1984). The determination of the runoff curve number depends on the delineated watershed's soil and cover conditions (accessed from USDA-NRCS, 2024b), represented as hydrologic soil group, cover type, treatment, and

[illegible]

Table 1: Weighted curve numbers for hydrologic soil group ratios for cultivated land (without conservation treatment) used to determine curve number (USDA-NRCS, 1984 and 2024b)

Soil Group	CN	Map Unit Symbol	Map Unit Name	Weight	Weighted Values
B	81	CpC, DaB, EpB, HaB	Loam(s)	0.021	1.70
C	88	Av, BgB, EtD, ...	Loam(s)	0.717	63.10
D	91	DpA, Ln, Dz	Loam(s)	0.248	22.57
				Weighted Average CN	87.37
				CN	87

There is potential that the cultivated lands above the proposed dams may have conservation treatment, which causes lands to capture more runoff than cultivated lands with no conservation treatment. Therefore, a runoff curve number was calculated using the cover types for cultivated lands with conservation treatment and the hydrologic soil groups for the area of interest (Table 2).

Table 2: Weighted curve numbers for hydrologic soil group ratios for cultivated land (with conservation treatment) used to determine curve number (USDA-NRCS, 1984 and 2024b)

Soil Group	CN	Map Unit Symbol	Map Unit Symbol	Weight	Weighted Values
B	71	CpC, DaB, EpB, HaB	Loam(s)	0.021	1.49
C	78	Av, BgB, EtD, ...	Loam(s)	0.717	55.93
D	81	DpA, Ln, Dz	Loam(s)	0.248	20.09
				Weighted Average CN	77.51
				CN	77

The NRCS method is then used to determine the volume of runoff which can be expected for a twelve-month period. For example, an 0.8 probability of occurrence has an 80% change of occurring each year. The annual surface yields for the drainage area at certain probabilities are displayed in Table 3 and Table 4.

Table 3: Estimated Total Annual Yield of Surface Runoff (USDA-NRCS, 1984) using an estimated watershed area of approximately 2,200 acres using the 1-meter LiDAR DEM and runoff curve number of 87 (SDGS, 2024; USDA-NRCS, 1984)

Probability of Occurrence	Inches of Annual Yield per Acre	Annual Yield (Acre-feet)
0.8	0.9	165
0.5	1.9	348
0.2	3.5	642
0.1	5.2	953

Table 4: Estimated Total Annual Yield of Surface Runoff (USDA-NRCS, 1984) using an estimated watershed area of approximately 2,200 acres using the 1-meter LiDAR DEM and runoff curve number of 77 (SDGS, 2024; USDA-NRCS, 1984)

Probability of Occurrence	Inches of Annual Yield per Acre	Annual Yield (Acre-feet)
0.8	0.23	42
0.5	0.6	110
0.2	1.6	293
0.1	2.6	477

Water Permit Application No. 8905-3 proposes to impound a combined total of 137.7 acre-feet of water from surface runoff to the outlet elevations of four dams, followed by sufficient runoff water annually to maintain the water level to the outlet elevations of the four dams. To determine if the requested volume can be reasonably impounded, the estimated annual runoff from Tables 2 and 3 were plotted against their probability of exceedance, shown in Figures 3 and 4. The closer an r square value is to 1, the data better fits a trendline, making predictions more reliable.

For the requested volume of 137.7 acre-feet and a runoff curve number of 87, Figure 3 shows that exceeding 137.7 acre-feet of runoff in the drainage area is estimated to occur eight out of every ten years. Using a runoff curve number of 77, Figure 4 shows that exceeding 137.7 acre-feet of runoff in the drainage area is estimated to occur four to five years out of every ten years. Given the uncertainty of the cultivated lands upstream of the proposed dams having received or not received conservation treatment, the annual yield for the contributing watershed for eight of every ten years is expected to exceed between 42 and 165 acre-feet. As mentioned, Wessington Springs, SD exists within the contributing watershed delineated above. The annual yield range estimated for the contributing watershed may be conservative since runoff from a municipal footprint is likely higher than rural areas.

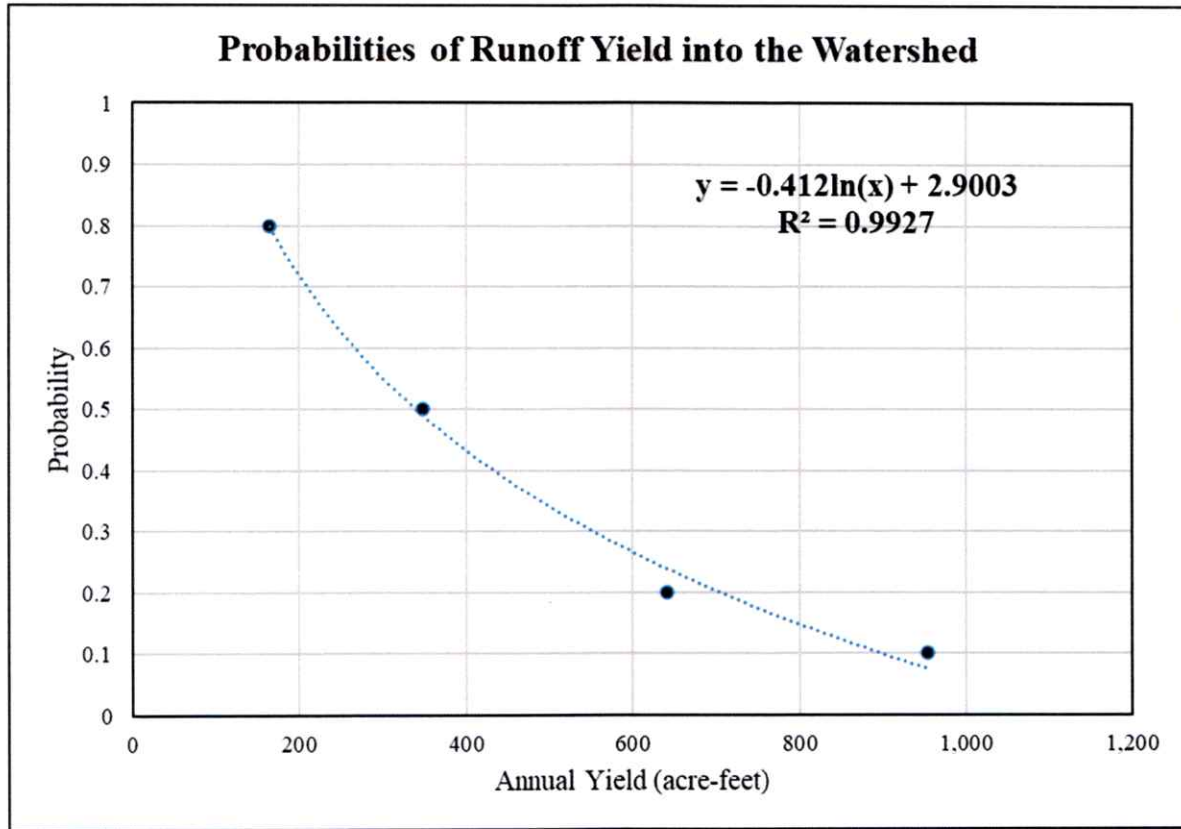


Figure 3: Plot of annual yield for the contributing watershed above the proposed dams against the probability of occurrence, using runoff curve number of 87. Note that this plot and trendline is only applicable for this specific watershed location and area.

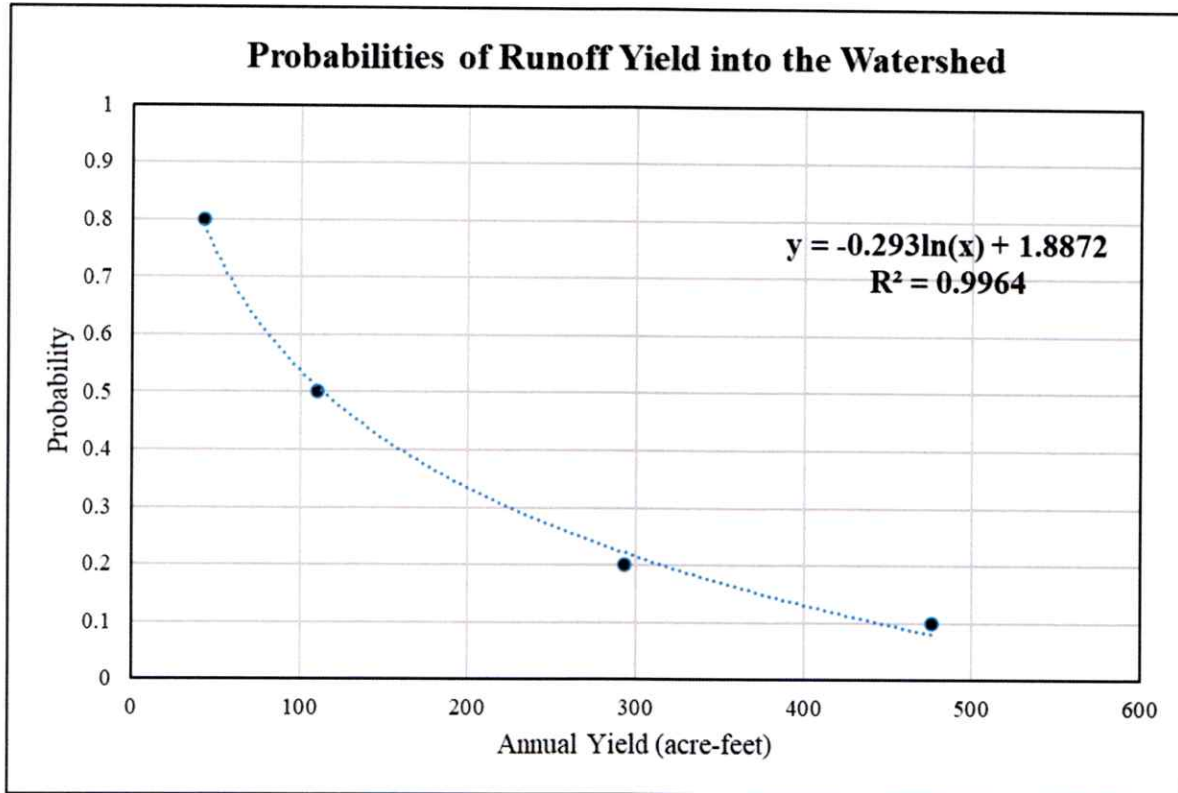


Figure 4: Plot of annual yield for the contributing watershed above the proposed dams against the probability of occurrence, using runoff curve number of 77. Note that this plot and trendline is only applicable for this specific watershed location and area.

The application indicated the intent is to store the captured runoff in four proposed dams. Annual water losses from the reservoir are mainly due to evaporation and seepage. It has been found that evaporation from a shallow lake, wet soil, or other moist natural surfaces is roughly 70% of the evaporation from a Class A pan for the same conditions (Farnsworth and Thompson, 1982). Near the proposed dam locations, the estimated average pan evaporation rate for April through October is 49 inches/year, and for November through March is 9.5 inches/year, for a total of 58.5 inches/year (4.88 feet/year) in pan evaporation (Poudyal, 2006). To account for evaporation from natural surfaces, 70% of that rate is approximately 41 inches/year (3.41 feet/year). While evaporation is not constant throughout the year, approximately 3.41 inches (0.28 feet/month) of evaporation occurs each month. Estimated loss due to seepage is not available since this is not known until after years of operation and is typically not measured (Kilts, 2022).

From 1985 to 2024, Jerauld County received approximately 21.2 inches of precipitation per year (1.76 feet/year) on average (NOAA, 2024). While precipitation is not constant throughout the year, approximately 1.76 inches of precipitation occurs each month in the county. The net loss between direct precipitation and evaporation is approximately 1.65 feet per year. Based on the collective surface area of the four proposed dams at the respective outlet elevations (61.8 acres) and the estimated net loss between evaporation and direct precipitation, the lost storage collectively for the impoundments is approximately 102 acre-feet per year. These precipitation

and evaporative estimates are not a guarantee of what will occur in any given year, but are on average, over time, estimates.

The proposed water source may not be a reliable source during multi-year drought periods. If this application is approved, it should contain the following qualification: Low flows as needed for downstream domestic use, including livestock watering and prior water rights/permits, must be by-passed.

Review of Existing Water Rights, Discussion, and Recommendation

There are no water rights/permits authorized to appropriate water from the unnamed tributaries contributing to Firesteel Creek that this application proposes to capture runoff from (Water Rights, 2024). The nearest water right - Water Right No. 6703-3 is authorized to divert from Firesteel Creek over 50 miles downstream from the proposed dams. Additionally, the nearest location notice on the unnamed tributaries is located approximately 0.4 river miles downstream from the proposed dams.

Given the lack of water rights/permits on the unnamed tributaries, and the lack of complaints for appropriative and domestic water uses, if Water Permit Application No. 8905-3 is approved, it is not expected to unlawfully impair existing downstream appropriative uses or domestic uses.

CONCLUSIONS:

1. Water Permit Application No. 8905-3 proposes to impound a combined total of 137.7 acre-feet of water from surface runoff to the outlet elevations of four dams to be located in the SW $\frac{1}{4}$ of Section 4-T107N-R64E with the impounded water to be located within the same area. Water Permit Application No. 8905-3 requests appropriation of sufficient runoff water annually to maintain the water level to the outlet elevations of the four dams. The water is requested to be used for fish and wildlife purposes. The site of interest is located in Jerauld County approximately two miles northeast of Wessington Springs, SD.
2. Using a runoff curve number of 87 for cultivated land (without conservation treatment), annual runoff from the contributing watershed is likely to exceed 137.7 acre-feet approximately every eight years out of every ten years.
3. Using a runoff curve number of 77 for cultivated land (with conservation treatment), annual runoff from the contributing watershed is likely to exceed 137.7 acre-feet approximately every four or five years out of every ten years.
4. Based on the collective surface area of the four proposed dams at the respective outlet elevations and the estimated net loss between evaporation and direct precipitation, the lost storage collectively for the impoundments is approximately 102 acre-feet per year. These precipitation and evaporative estimates are not a guarantee of what will occur in any given year, but are on average, over time, estimates. The proposed water source may not be a reliable source during multi-year drought periods.

5. Approval of this application is not expected to unlawfully impair existing water rights/permits, location notices, or domestic uses.
6. If this application is approved, it should contain the following qualification: Low flows as needed for downstream domestic use, including livestock watering and prior water rights/permits, must be by-passed.

Nakaila Steen

Nakaila Steen
Natural Resources Engineer II
SD DANR - Water Rights Program

References

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**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPERS RIGHT AWAY.**

December 12, 2024

High Country Properties, LLC.
c/o Bryce Gillen
25443 413th Avenue
Mitchell SD 57301

Dear Mr. Gillen:

Water Permit Application No. 8905-3 for fish and wildlife use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the True Dakotan printed in Wessington Springs SD (Ph # 605 539-1281) and the Plainsman printed in Huron SD (Ph # 605 353-7414). You will need to contact the newspapers and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspapers to authorize publication of your Notice and to arrange for payment. Early contact with the papers can eliminate delays. Upon receiving authorization from you, the publishers have been instructed to publish your notice. The newspapers have also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

NOTICE OF APPLICATION NO. 8905-3 to Appropriate Water

Notice is given that High Country Properties LLC., 25443 413th Avenue, Mitchell SD 57301, has filed an application for a water permit to impound a combined total of 137.7 acre-feet of water of surface runoff to the outlet elevations of four dams to be located in the SW 1/4 Section 4-T107N-R64W with the impounded water to be located within the same area. This application requests appropriation of sufficient runoff water annually to maintain the water level to the outlet elevations of the four dams. Water is to be used for fish and wildlife purposes. This site is located approximately two miles northeast of Wessington Springs SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8905-3 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 December 31, 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 December 31, 2024.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled, and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Published once at the total approximate cost of_

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Thursday, December 12, 2024 1:05 PM
To: Ruby Crandall
Subject: 8905-3 High Country Properties LLC - Public Notice
Attachments: 8905-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on December 18, 2024.

High Country Properties LLC., c/o Bryce Gillen, 25443 413th Avenue, Mitchell SD 57301, 605-680-2900, 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



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Thursday, December 12, 2024 1:02 PM
To: news@truedakotan.com
Subject: 8905-3 High Country Properties LLC - Public Notice
Attachments: 8905-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on December 18, 2024.

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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



Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Jerome) SS

I, Kristi Hine

certify that the attached printed Notice was taken

from the True Dakotan

printed and published in Wessington Springs

County of Jerome and

state of South Dakota. The notice was published

in the newspaper on the following date:

December 18, 2024

Cost of Printing \$44.73

Kristi Hine
(Signature)

Owner
(Title)

12/20/2024
(Date Signed)

NOTICE OF APPLICATION NO. 8905-3 TO APPROPRIATE WATER

Notice is given that High Country Properties LLC., 25443 413th Avenue, Mitchell SD 57301, has filed an application for a water permit to impound a combined total of 137.7 acre-feet of water of surface runoff to the outlet elevations of four dams to be located in the SW 1/4 Section 4-T107N-R64W with the impounded water to be located within the same area. This application requests appropriation of sufficient runoff water annually to maintain the water level to the outlet elevations of the four dams. Water is to be used for fish and wildlife purposes. This site is located approximately two miles northeast of Wessington Springs SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8905-3 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 December 31, 2024.

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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 December 31, 2024.

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Published once at the total approximate cost of \$44.73 and may be viewed free of charge at www.sdpublicnotices.com.

RECEIVED

DEC 26 2024

OFFICE OF
WATER

Proof Of Publication

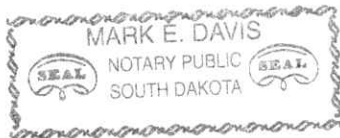
Huron Plainsman
49 3rd Street SE
Huron, SD 57350
605-353-7402
Legal Notice Number: 2875

I, Kim Davis, being duly sworn on oath say that the Plainsman is a daily paper published at Huron, Beadle County South Dakota, and that said newspaper has a bona fide circulation of at least 250 copies daily; that said newspaper has been published within said county for fifty-two consecutive weeks immediately prior to this date, that said newspaper is printed in whole or in part, in an office maintained at said place of publication; that I am a Legal Advertising Coordinator of said newspaper and know that facts herein state. The annexed notice headed: High Country Properties – Notice of Application was published for one day, in said newspaper and not in any supplement of the said newspaper, the publication was on 12/18/2024. That the full amount of the fee charged for the publishing \$45.85 insures to the benefit of the publisher of 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 person whom so ever.


Subscribed and sworn to me before this date 12/18/24.


Notary Public, South Dakota

My Term Expires 12/27/2024



RECEIVED

JAN 08 2025

OFFICE OF
WATER

F. P. 12-18-24

**NOTICE OF
APPLICATION**

**NO. 8905-3 to
Appropriate Water**

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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 December 31, 2024.

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2000 - Legals

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 December 31, 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.

No. 2875 (adv.)

Published one time at the total approximate cost of \$45.85 and may be viewed free of charge at www.sdpublicnotices.com.

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Thursday, December 12, 2024 1:06 PM
To: Bryce Gillen
Subject: 8905-3 High Country Properties LLC - Public Notice
Attachments: 8905-3 Rec.pdf; 8905-3 Ltr.pdf; 8905-3 PubNotice.pdf

Good afternoon,

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

JAN 22 2025

High Country Properties LLC.
c/o Bryce Gillen
25443 413th Avenue
Mitchell SD 57301

Dear Mr. Gillen:

Enclosed is Water Permit No. 8905-3 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.: 8905-3

Name of Applicant: High Country Properties LLC, c/o Bryce Gillen

Date of Posting: 12/16/2024

Date of Removal: 1/22/2025



Ron Duvall, Engineer III

1/22/2025

Date

Subscribed and sworn to before me, a notary public, this 22nd day of Jan, 20 25.



Notary Public - South Dakota
My commission expires:

(SEAL)

Rachel Rodriguez
My Commission Expires
May 16, 2029



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

Date 9/1/2026

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

FROM: High Country Properties LLC

(name)

25443 413th Ave

(address)

Mitchell, SD 57301

(city, state, zip)

605-680-2900

(phone)

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

Water Permit No. 8905-3 states that the water use system is to be constructed by
December 31, 2027 , and water is to be put to beneficial use by December 31, 2033 .
(date) (date)

The water use system was completed on July 1, 2026 .
(date)

Applying the water to beneficial use was completed on July 1, 2026 .
(date)

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


(signature)

