

WATER PERMIT NO. 6295-3

Name of Applicant: Matt Bowen / Donna Bowen

Address: 706 N Monroe, Pierre SD 57501

Phone: 224-6932

Amount of Water Claimed: 1.11 cfs add'l

Total Acres: 340

Source of Water Supply: groundwater (one existing well)

Water to be used for: irrigation

County: Hughes

Type of Waste Disposal System:

Location: approximately 20 miles southeast of Pierre

PRIORITY

Date Received: 1-30-02

Fee: \$150

Corrected Application Received:

Period of Annual Use: May 1 – September 30

Remarks: Increases the diversion rate authorized by 6198-3 for a total of 4.67 cfs

Diversion Point: SE ¼ NW ¼ Sec 4-T109N-R76W

Land to be Irrigated: NE ¼ NW ¼ Sec 4-T109N-R76W; NE ¼, SE ¼, SE ¼ SW ¼ Sec 33 - T109N-R76W

Depth of Well: 47 feet

Well Driller: : Pullman Well Drilling

Remarks:

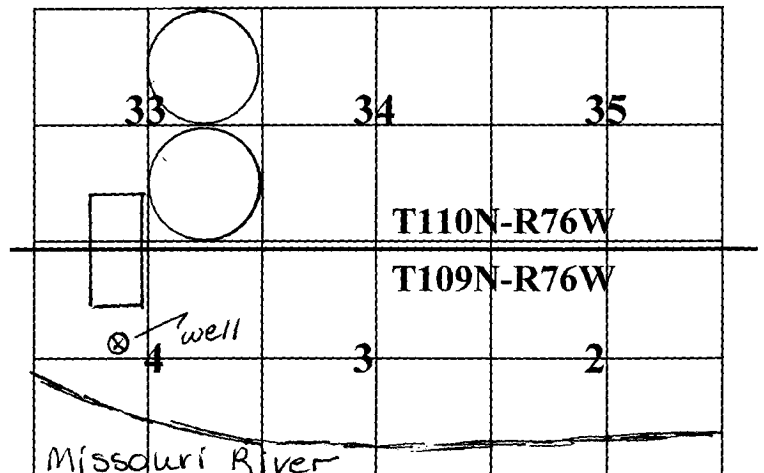
Type of Map: aerial

Prepared by: Lynn Beck

Reviewed and the Number Assigned on: 1-20-02

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



SOUTH DAKOTA
WATER PERMIT NO. 6295-3

Date of first receipt of application January 30, 2002.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6295-3 to Matt Bowen/Donna Bowen, 706 N Monroe, Pierre SD 57501 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. 6295-3 appropriates an additional 1.11 cubic feet of water per second (cfs) by increasing the diversion rate authorized by Water Permit No. 6198-3. Water Permit No. 6198-3 appropriates 3.56 cfs from one well (Missouri: Pierre Aquifer) 47 feet deep located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 4-T109N-R76W to irrigate 340 acres located in the E $\frac{1}{2}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33-T110N-R76W and the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 4-T109N-R76W. This permit increases the water appropriation from the one well from 3.56 cfs to 4.67 cfs.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – September 30.
3. The date from which applicant may claim right is January 30, 2002.
4. The date of approval of Permit No. 6295-3 is March 29, 2002.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

APR 16 2002

date





Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6295-3</u> (office use only)	Hydrologic Unit <u>10140101</u>
	Basin <u>Missouri River</u>	
	Newspaper <u>Capital Journal, Pierre</u>	

Application For Permit To Appropriate Water For Irrigation

Type of Application: X 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 of Applicant Matt Bowen/Donna Bowen Phone (605) 224-6932 or 224-2496
(check one) Owner Tenant/lessee
Mailing Address 706 N. Monroe, Pierre State SD 57501
(Street, RR, or Box and City) (Zip Code)

2. Amount of water claimed 1.11 *CFS or 500 **GPM ***AF Total Acreage No add'l
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Missouri: Pierre Aquifer

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) SE NW Section 4-T109N-R76W,
2265' S. and 1995' E. of the NW corner of Section 4-T109N-R76W.
County Hughes

5. County or counties where water will be used Hughes

6. Annual period during which water is to be used May 1 - September 30

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
Section 4-T109N-R76W: NE1/4 NW1/4	40	Section 33-T110N-R76W: NE1/4 SE1/4	32.5
Section 33-T110N-R76W: NE1/4 NE1/4	32.5	NW1/4 SE1/4	32.5
NW1/4 NE1/4	32.5	SW1/4 SE1/4	32.5
SW1/4 NE1/4	32.5	SE1/4 SE1/4	32.5
SE1/4 NE1/4	32.5	SE1/4 SW1/4	40

8. Give a description of the project. (Attach sheet if more space is needed)
This application is for an additional 1.11 cfs (500 gpm) of water to Water Permit No. 6198-3. The additional appropriation will allow all systems to run at the same time and will bring the total to 4.67 cfs or 2,100 gpm.

STATE OF SOUTH DAKOTA) SS

County of Hughes

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

Donna Bowen, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature Donna Bowen

Subscribed and sworn to before me this 24 day of January 19 2002

Notary Public signature [Signature] My Commission Expires February 2003

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 24" Depth 47'
- b) Casing Type PVC Diameter 16" Thickness _____
- c) Screen Type Stainless steel Diameter 16" Thickness _____
- d) Gravel Pack yes Length of Gravel Pack 17'
- e) Depth to Top of Water Bearing Material 4'
- f) Depth to Water (ground surface to water level) 7'
- g) Distance to nearest existing domestic well:

On applicants property _____ On 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

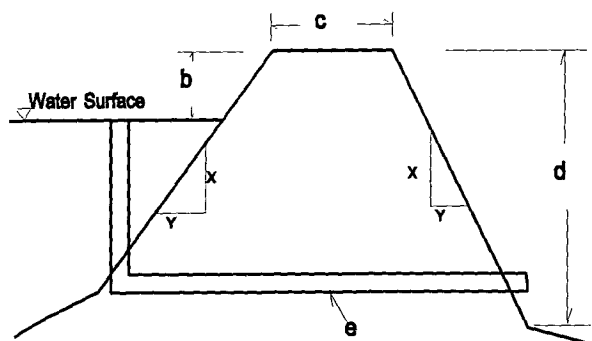
3. Dugout Information

- 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:



- 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 _____
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

November 16, 2001

Matt Bowen/Donna Bowen
706 N. Monroe
Pierre, SD 57501

Dear Mr. Bowen:

Enclosed is a partially completed application form and instruction sheet. You will not have to provide a map as stated in item 2.) on the instruction sheet. I have already prepared one. The enclosed copy is yours to keep.

An inspection of Permit No. 6198-3 found additional water use to what is authorized. Permit No. 6198-3 authorizes 3.57 cubic feet per second (1600 gallons per minute) of water to irrigate 340 acres. You indicated to me that you wish to be able to run all your irrigation systems at the same time. This will require 4.67 cfs or 2,100 gpm.

This application is for the additional 1.11 cfs (500 gpm) of water. A \$150.00 fee is required for the application. You will not have to pay the \$50.00 dollar inspection/licensing fee as it is already covered under Permit No. 6198-3. Once the new application is approved the two permits will be licensed together.

If you have any questions, please feel free to contact me at (605) 773-3352.

Sincerely,

Lynn Beck
Natural Resources Engineer Specialist

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

417068

Pierre, January 30, 2002

RECEIVED OF Donna Bowen, 706 N Monroe, Pierre, SD 57501
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____	150	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	150 00

By

Darlene Erbe
Chief Engineer
gm

REPORT ON WATER PERMIT APPLICATION NO. 6295-3
For Matt and Donna Bowen
February 22, 2002

Application No. 6295-3 proposes to appropriate an additional 1.11 cfs by increasing the diversion rate authorized by Water Permit No. 6198-3. Water Permit No. 6198-3 appropriates 3.56 cfs from one well approximately 47 feet deep located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of section 4, T109N R76W to irrigate 340 acres located in the E $\frac{1}{2}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ of section 33, T110N R76W and the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of section 4, T109N R76W in Hughes County. This application proposes to increase the water appropriation from the well from 3.56 cfs to 4.67 cfs.

AQUIFER – MISSOURI PIERRE (M-P)

The Missouri Pierre is a surficial outwash (sand and gravel) and alluvium which is under water table conditions in this area. The aquifer is hydraulically connected to Lake Sharpe. The aquifer underlies 70 square miles and contains an estimated 270,000 acre-feet of water in storage in Hughes County (Hamilton, 1986).

The well completion report filed with the application indicates sand and gravel from four to 47 feet below land surface. The completed well had a static water level of seven feet below land surface and was capable of producing 1000 gpm with five feet of drawdown. This equates to specific capacity of 200 gpm/ft of drawdown. Theoretically this well could yield 2100 gpm with 10.5 feet of drawdown or a pumping level of 17.5 feet.

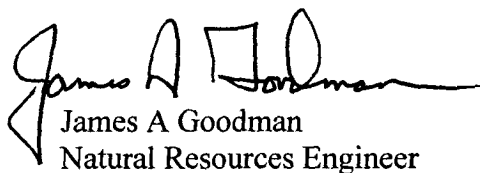
The water rights Program does monitor an observation well, HU-82C, that is located about three miles east of this application. Water levels for this well are controlled by the level of Lake Sharpe and do not fluctuate much. A hydrograph of this observation well is included with this report (Water Rights, 2002).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other ground water permits/rights in this area. Interference is not a concern. This is a ground water source but is strongly influenced by Lake Sharpe.

CONCLUSIONS

1. Water is available from the Missouri Pierre aquifer.
2. The aquifer is under water table conditions. Test information indicates the well is highly productive and interference is not a concern.
3. The well has been completed in accordance with SD Well Construction Standards.
4. Approval of this application will allow licensing of permit Nos. 6198-3 and 6295-3 to reflect the system as built.



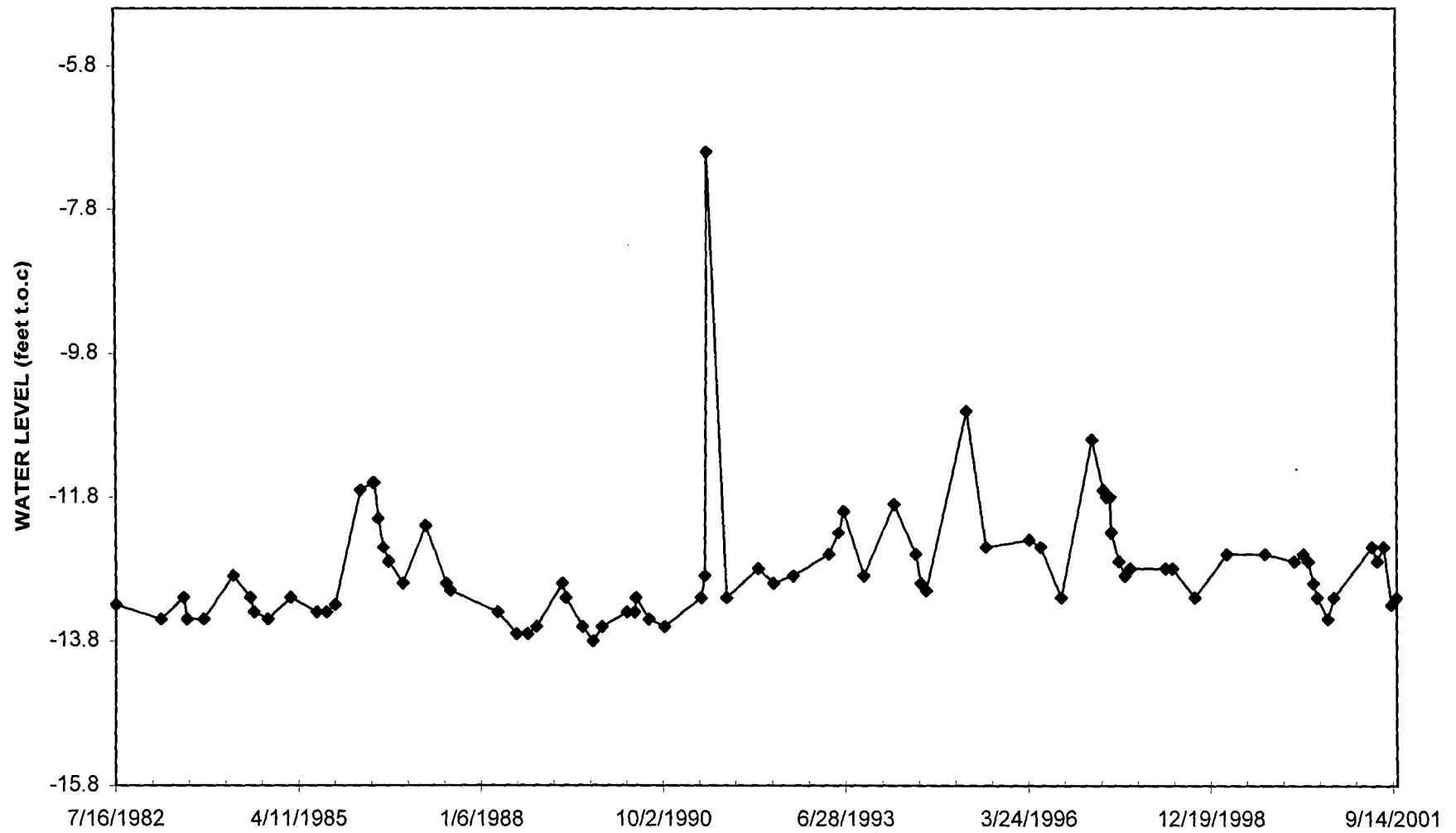
James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Hamilton, L.J., 1986, Water Resources of Hughes County, South Dakota, WRI 84-4195, USGS, Huron, SD, 57350.

Water Rights, 2002, Unpublished Observation Well Data for Hughes County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

**WATER RIGHTS' OBSERVATION WELL
HU-82C**





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6295-3, Matt Bowen and Donna Bowen**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 6295-3, Matt Bowen and Donna Bowen, 706 N. Monroe, Pierre SD 57501.

The Chief Engineer is recommending APPROVAL of Application No. 6295-3 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 rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
February 28, 2002



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

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

March 1, 2002

Donna Bowen
706 N Monroe
Pierre, SD 57501

Dear Ms. Bowen:

Water Permit Application No. 6295-3 filed by Matt Bowen and yourself for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Capital Journal printed at Pierre, SD (Ph # 605-224-7301). 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 a 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 of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. 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,

Eric Gronlund
Natural Resources Engineer
(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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

March 1, 2002

Capital Journal
PO Box 878
Pierre, SD 57501

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6295-3 to Appropriate Water to be published twice. Please publish the first notice on March 11, 2002 with the second publication 7 days later.

The applicant must verify to you that the notice is to be published, before you make the first publication **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Donna Bowen and Matt Bowen, 706 N Monroe, Pierre, SD 57501 (Ph # 605-224-6932 or 224-2496).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

No. 6295-3

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of March 1, 2002 enclosing Notice of Hearing to Appropriate Water by Application No. 6295-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

Instruction to Newspaper - Publish first Notice on March 11, 2002 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6295-3 to Appropriate Water

Notice is given that Matt Bowen / Donna Bowen, 706 N Monroe, Pierre SD 57501 have filed an application for a water permit to appropriate an additional 1.11 cubic feet of water per second (cfs) by increasing the diversion rate authorized by Water Permit No. 6198-3. Water Permit No. 6198-3 appropriates 3.56 cfs from one well (Missouri: Pierre Aquifer) 47 feet deep located in the SE ¼ NW ¼ Section 4-T109N-R76W to irrigate 340 acres located in the E ½, SE ¼ SW ¼ Section 33-T110N-R76W and the NE ¼ NW ¼ Section 4-T109N-R76W. This application proposes to increase the water appropriation from the one well from 3.56 cfs to 4.67 cfs.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6295-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. 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 the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by March 29, 2002.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



Capital Journal

AFFIDAVIT OF PUBLICATION

State of South Dakota, County of Hughes

Laura P Waack of said county, being, first duly sworn, on oath, says: That he/she is the publisher or an employee of the publisher of the Capital Journal, a daily newspaper published in the City of Pierre in said County of Hughes and State of South Dakota; that he/she has full and personal knowledge of the facts herein stated, that said newspaper is a legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive, that said newspaper has been published within the said County of Hughes and State of South Dakota, for at least one year next prior to the first publication of the attached public notice, and that the legal display advertisement headed Notice of Application No. 6295-3

a printed copy of which, taken from the paper in which the same was published, and which is hereto attached and made a part of this affidavit, was published in said newspaper for two successive week(s) to wit:

<u>March 11</u>	<u>20 02</u>	<u>20</u>
<u>March 18</u>	<u>20 02</u>	<u>20</u>
<u> </u>	<u>20</u>	<u>20</u>
<u> </u>	<u>20</u>	<u>20</u>
<u> </u>	<u>20</u>	<u>20</u>

That the full amount of the fee charged for the publication of the attached public notice inures to the sole benefit of the publisher or publishers; 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 whomsoever; that the fees charged for the publication thereof are: \$ 44.80.

Signed: Laura P Waack

subscribed and sworn to before me this 18 day of March 20 02

Marlin Baker

Notary Public in and for the County of Hughes, South Dakota.
My Commission expires 2-19, 20 03.

RECEIVED

MAR 20 2002

WATER RIGHTS
PROGRAM

No. 4504 2 tdlly 3/11, 3/18

**NOTICE OF APPLICATION
NO.6295-3 to Appropriate
Water**

Notice is given that Matt Bowen/
Donna Bowen, 706 N. Monroe,
Pierre, SD 57501 have filed an ap-
plication for a water permit to ap-
propriate an additional 1.11 cubic

feet of water per second (cfs) by in-
creasing the diversion rate author-
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Water Permit No. 6198-3 appropri-
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souri: Pierre Aquifer) 47 feet deep
located in the SE 1/4 NW 1/4 Sec-
tion 4-T109N-R76W to irrigate 340
acres located in the E 1/2, SE 1/4
SW 1/4 Section 33-T110N-R76W
and the NE 1/4 NW 1/4 Section 4-
T109N-R76W. This application
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Pursuant to SDCL 46-2A-2, the
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PROVAL of Application No.6295-3
because 1) unappropriated water is
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ment Board will consider the appli-
cation. Notice of the hearing will

be given to the applicant and any
person filing a petition.

Any person interested in oppos-
ing or supporting this application
or recommendation must file a
written petition with BOTH the
applicant and Chief Engineer. The
applicant must file a petition if
contesting the Chief Engineer's
recommendation. The Chief Engi-
neer's address is "Water Rights
Program, Foss Building, 523 E.
Capitol, Pierre SD 57501(605 773-
3352)" and the applicant's mailing
address is given above. A petition
filed by either an interested person
or the applicant must be filed by
March 29, 2002.

The petition may be informal,
but must include a statement de-
scribing the petitioner's interest in
the application, the petitioner's
reasons for opposing or supporting
the application, and the signature
and mailing address of the peti-
tioner or the petitioner's legal
counsel, if legal counsel is ob-
tained. Contact Eric Gronlund at
the above Water Rights Program
address to request copies of infor-
mation pertaining to this applica-
tion.

Steven M. Pirner
Secretary
Department of Environment
and Natural Resources

Permit No. 6198-3 (6295-3)
Missouri River River - Water District

Other permit/license(s) associated with project: none

Contact Person & Address: Matt Bowen, 21457 Sturgeon Rd., Pierre, SD 57501

Report Of Examination Of Works

On, October 22, 2001, I made a thorough examination of the water use system constructed by Matt Bowen/Donna Bowen of 706 N. Monroe, Pierre, SD 57501 holder of Permit No. 6198-3, bearing the priority of May 4, 2000 authorizing the diversion of 3.56 cu. ft. per second of the waters of Missouri: Pierre Aquifer for irrigation purposes, in Hughes County.

The system is in the following condition good. The point of diversion is located 2265' S. and 1995' E. of the NW corner of Section 4-T109N-R76W. The works are capable of diverting and conveying to the place of use 5.56 cu. ft. per second of water, maximum use will be 4.67 cu. ft. per second of water which is to be used for irrigation. This will require a permit for additional water. Water has been put to beneficial use to the maximum extent as follows:

In T109N-R76W Section4:

NE¼ NW¼ 40 acres

In T110N-R76W Section33:

NE¼ NE¼ 32.5 acres

NE¼ SE¼ 32.5 acres

NW¼ NE¼ 32.5 acres

NW¼ SE¼ 32.5 acres

SW¼ NE¼ 32.5 acres

SW¼ SE¼ 32.5 acres

SE¼ NE¼ 32.5 acres

SE¼ SE¼ 32.5 acres

SE¼ SW¼ 40 acres

comprising a total of 340 acres of land and the license should be issued for 4.67 cfs, once the permit for the additional 1.11 cfs is approved.

Review of Permit Qualifications And Regulations:

- 1) Special qualifications to permit being abided by yes
- 2) All structures, wells and lands on map yes
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period yes
- 4) Exceptions to compliance are: none

Report On the Specifics of the System

Diversion Point Information:

- 1) Well Drilling Firm: Pullman Well Drilling
- 2) No. of Wells 1
- 3) Depth(s) 47 feet
- 4) Well log is available yes

Casing:

- 1) Diameter 16 inches
- 2) Length 30 feet
- 3) Type pvc

Screen:

- 1) Type stainless steel
- 2) Length 17 feet
- 3) Static water level 7 feet

Pump\ Motor:

- 1) Pump Make Berkley
- 2) Pump Model B70383NP
- 3) Capacity 2500 GPM
- 4) Motor Make Cummins
- 5) Motor Model No. #
- 6) Horsepower rating 300 hp

Distribution System:

- 1) Type pvc 2) Size 10 inches 3) Length 8,000 feet
- 1) Type aluminum 2) Size 4 to 6 inches 3) Length 2640 feet

System Type:

Center pivot: In NE¼ Section 4-T110N-R76W

- 1) Make Reinke
- 2) Overall length 1320 feet
- 3) Number of towers 9
- 4) End gun yes
- 5) High or low pressure 40 to 60 psi
- 6) Capacity 800 GPM

Center pivot:

- 1) Make Valley
- 2) Overall length 1320 feet
- 3) Number of towers 8
- 4) End gun yes
- 5) High or low pressure 40 to 60 psi
- 6) Capacity 800 GPM

Gated Pipe: Currently use in NE¼ NW¼ Section 4-T109N-R76W

- 1) Length 1320 feet
- 2) Diameter 6 inches
- 3) Spacing of gates 30 inches

Sideroll: In SE¼ SW¼ Section 33-T110N-R76W

- 1) Length 1320 feet
- 2) Diameter of pipe 4 inches
- 3) Sprinkler spacing 30 feet
- 4) Capacity 250 GPM

Sideroll: To replace gated pipe in NE¼ NW¼ Section 4-T109N-R76W

- 1) Length 1320 feet
- 2) Diameter of pipe 4 inches
- 3) Sprinkler spacing 30 feet
- 4) Capacity 250 GPM

Chemigation: Hasn't chemigated for several years but will if needed.

- 1) Does chemigate yes, at center pivots
- 2) Main line check valve yes
- 3) Inspection port/air relief yes
- 4) Low pressure drain na
- 5) Discharge is 20' from source na
- 6) Interlock type pressure
- 7) Injection pump type rents, not on site
- 8) Injection check valve yes
- 9) Injection line check valve or positive displacement pump check valve
- 10) All chemigation equipment appears to be installed in the proper position and complies with chemigation laws and rules yes

COMMENTS: A Water Permit for an additional 1.11 cfs is needed. Irrigator wants to be able to run all systems together. There is sufficient production from the well to pump 2,100 gpm.

See 6295-3 - approved March 29, 2002.

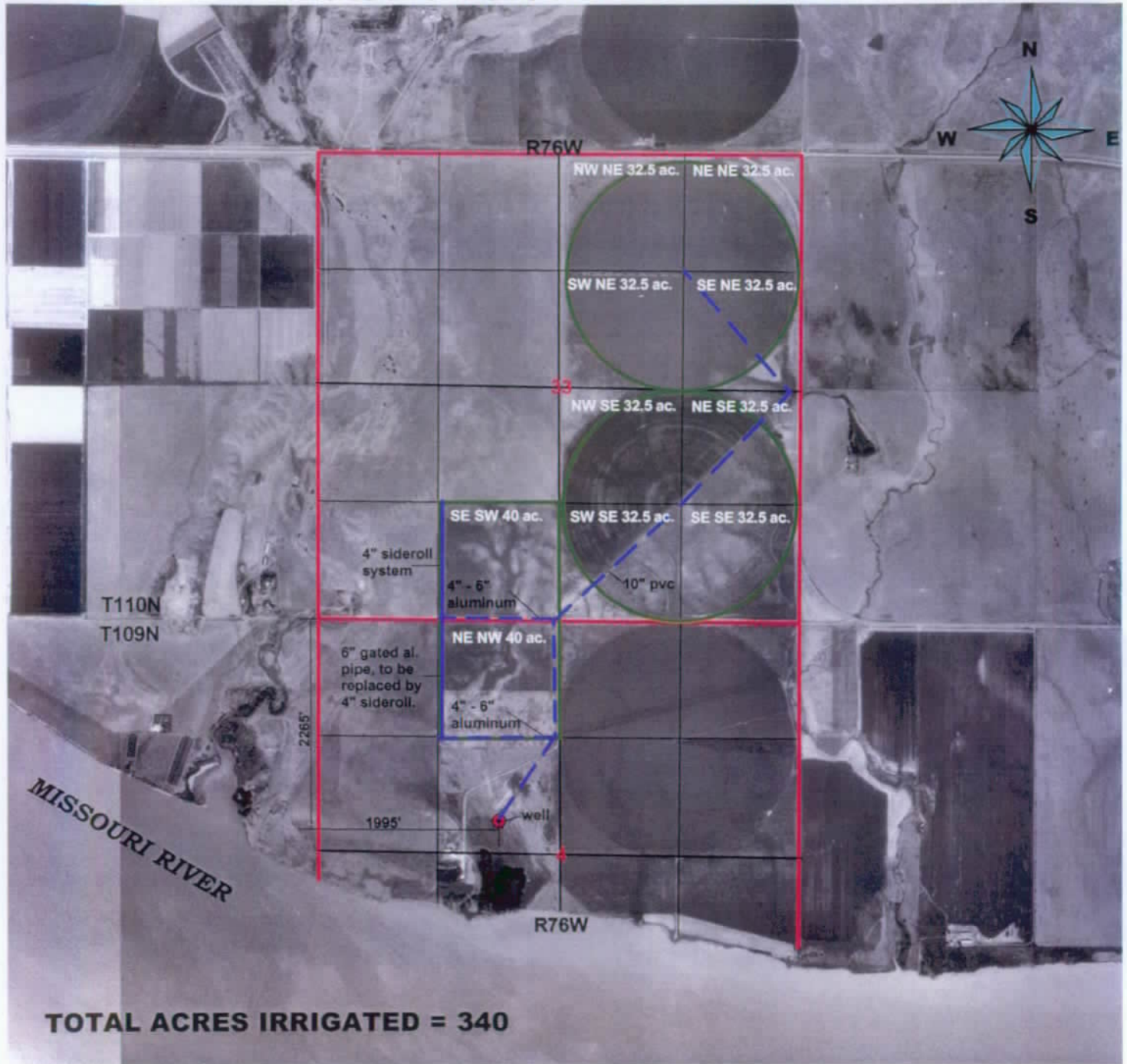
Gm

Lynn Beck
Lynn Beck

Natural Resources Engineer
DENR, Water Rights Program

Nov. 16, 2001
Date

WATER RIGHT NO. 6198-3 # 6295-3
Matt Bowen/Donna Bowen



0.5 0 SCALE 0.5 1 Miles

Lynn Beck
Natural Resources Engineer Specialist
DENR, Water Rights Program
November 16, 2001

Lynn Beck



South Dakota Department of
Environment and Natural Resources



Protecting South Dakota's Tomorrow ... Today

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6295-3

(1) Matt Bowen/Donna Bowen, 706 N Monroe, Pierre, SD 57501 made Application No. 6295-3, January 30, 2002 for a water permit to divert 1.11 cubic feet of water per second (cfs) from ground water (one existing well, Missouri Pierre Aquifer), Hughes County, South Dakota for irrigation purposes. Permit No. 6295-3, with a priority date of January 30, 2002 was approved March 29, 2002 and issued to the applicants for diversion of water with construction of the described water supply system and the application to beneficial use of water completed.

Water Permit No. 6295-3 appropriated an additional 1.11 cfs by increasing the diversion rate authorized by Water Permit No. 6198-3. Permit No. 6198-3, with a priority date of May 4, 2000, authorized diversion of 3.56 cfs to irrigate 340 acres. The additional appropriation allowed all systems to run at the same time and brings the total diversion rate to 4.67 cfs or 2,100 gallons per minute.

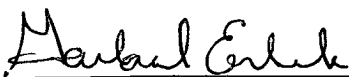
The applicable portions of Water Permit No. 6198-3 have been incorporated into this Water License No. 6295-3.

(2) It is certified that the permit holders have complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 4.67 cubic feet of water per second for beneficial use. The location of the diversion point is 2,265'S & 1,995'E of the NW corner of Section 4, T109N, R76W (SE ¼ NW ¼).

(3) The permit holders have complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate a **total of 340 acres listed below:**

Section 4, T109N, R76W		Section 33, T110N, R76W			
NE ¼ NW ¼	40.0 acres	NE ¼ NE ¼	32.5 acres	NE ¼ SE ¼	32.5 acres
		NW ¼ NE ¼	32.5 acres	NW ¼ SE ¼	32.5 acres
		SW ¼ NE ¼	32.5 acres	SW ¼ SE ¼	32.5 acres
		SE ¼ NE ¼	32.5 acres	SE ¼ SE ¼	32.5 acres
		SE ¼ SW ¼	40.0 acres		

(4) Pursuant to South Dakota Water Law 46-5-30.1 Matt Bowen/Donna Bowen, 706 N Monroe, Pierre, SD 57501 the holders and/or owners of Incorporated Water Right No. 6295-3 are issued a license to appropriate water, the right to use 4.67 cubic feet of water per second from ground water (one well) with priority dates of May 4, 2000 (3.56 cfs) and January 30, 2002 (1.11 cfs) from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Incorporated Water Right No. 6295-3 and subject to South Dakota State Law.



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

APR 16 2002

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

APR 16 2002

6295-3

Matt Bowen/Donna Bowen
706 N Monroe
Pierre SD 57501

Dear Mr. Bowen & Ms. Bowen:

Enclosed are Water Permit and Water License No. 6295-3. These are the final water right documents completing your process of obtaining a Water Right.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 6295-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 6295-3

Date: Dec 26, 2004

I/We request that Water Right/Permit No. 6295-3

formerly owned by: Matt Bowen and Donna Bowen

be transferred to: (name & address) South West Specialty Food Inc
700 N Bullard Ave Good Year AZ

Telephone No. 85338

Title to the following described land(s)/property has been transferred as described above:

1-800-536-3131 ext 29

East 1/2
Sec 33 T109N-R76W 320 Acres NE 1/4 NW 1/4
Sec 4 T109N-R76W 40 acres
Sec 33 SE 1/4 of SW 1/4 T109N-R76W 40 acres

I/We understand that the validity of Water Right/Permit No. 6295-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Jeffrey Tzobis, the new owner, certify that the above information is true and correct.

Jeffrey Tzobis
(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date January 24, 2005, 20__

RECEIVED OF Jerome Jacobs, 109 River Place Drive, Pierre SD 57501

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	2 50	
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>6295-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2 50

No.

001004

By

Garland E. Echele
Chief Engineer



6295-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 3, 2005

Jeffrey Jacobs
700 N Bullard Ave
Goodyear AZ 85338

RE: Water Right Nos. 1647-3, 1905-3, 2085-3 and 6295-3

Dear Mr. Jacobs:

I am writing in regard to the transfer of ownership of water rights held by Matt & Donna Bowen and Jerome Jacobs. Jerome stopped by the office January 24th to file the ownership changes. The transfers have been completed. The following changes were made:

- Water Right No. 6295-3 (formerly Matt & Donna Bowen) is now listed under Southwest Specialty Food Inc, % Jeffrey Jacobs;
- Water Right Nos. 1647-3, 1905-3 & 2085-3 (formerly Jerome Jacobs) are now listed in the name of Jeffrey Jacobs.

Each year in October, we mail out the annual irrigation questionnaire. Jerome requested that the annual forms be directed to his attention and he would ensure they were completed and returned to us.

If I can answer any questions for you, please contact me.

Sincerely,

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

c: Jerome Jacobs



6295-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

April 28, 2006

Jeffrey Jacobs
Ass Kickin' Ranch
700 N Bullard Ave
Goodyear AZ 85338

RE: Water Permit/Right Nos. 1647-3, 1905-3, 2085-3, 6295-3 & 6579-3

Dear Mr. Jacobs:

I am contacting you in regard to the above water permits or rights listed in your name. On your 2005 irrigation questionnaires you made a notation indicating the name should be changed to "Ass Kickin' Ranch". In order to have the change made, we need to have you complete transfer forms for all of them.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing the ownership/name change. Please review the forms and make any necessary corrections. Upon completion, please sign the forms and return them to our office with a required filing fee of \$2.50 each (total of \$12.50). The check or money order for the fee can be made payable to the Water Rights Program.

If I can answer any questions for you, please contact me.

Sincerely,

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

enclosures

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date May 9, 2006

RECEIVED OF Ass Kickin Ranch LLC, 700 N Bullard Ave, Goodyear AZ 85338

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

Fee for Application for Permit No. _____ and to put water to beneficial use _____	to Appropriate Water, to construct	2	50	
Fee for Application for Permit No. _____	to Appropriate Water for Future use			
Fee to retain Future Use Permit No. _____	after period of seven years.			
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____				
Fee for Filing Transfer Form _____	6295-3			
Fee for _____				
Fee for Issuing New Well Driller's License No. _____	for C.Y. _____			
Fee for Renewal of Well Driller's License No _____	for C.Y. _____			
Fee for Issuing Well Pump Installer's License No. _____	for C.Y. _____	2	50	
Fee for Renewal of Well Pump Installer's License No. _____	for C.Y. _____			
(Any Other Work Provided by Law)	TOTAL	2.50		

No.

02430

By

Darlene E. Eubank

Chief Engineer

g

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 6295-3

Date: 5-2-06

I/We request that Water Right No. 6295-3

formerly owned by: Southwest Specialty Food Inc

be transferred to: (name & address) Ass Kickin' Ranch

700 N. Bullard Ave., Goodyear, AZ 85338

Telephone No. (623) 931-3131

Title to the following described land(s)/property has been transferred as described above:

340 acres – NE ¼ NW ¼ Section 4, T109N, R76W;

NE ¼, SE ¼ SW ¼, SE ¼ Section 35, T110N, R76W

I/We understand that the validity of Water Right No. 6295-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Ass Kickin' Ranch, the new owner, certify that the above information is true and correct.


(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIVED
MAY - 8 2006
WATER RIGHTS
PROGRAM



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

May 9, 2006

Jeffrey Jacobs
Ass Kickin' Ranch
700 N Bullard Ave
Goodyear AZ 85338

RE: Water Permit/Right Nos. 1647-3, 1905-3, 2085-3, 6295-3 & 6579-3

Dear Mr. Jacobs:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" forms and filing fees you submitted for transferring the above Water Permits and Rights. The transfers have been made completed. Water Right Nos. 1647-3, 1905-3, 2085-3, 6295-3 and Water Permit No. 6579-3 are now listed in the name of Ass Kickin' Ranch.

Enclosed are your Receipt Nos. 02428, 02429, 02430, 02431 and 02432 in the amounts of \$2.50 each. You may keep these for your records.

If I can answer any questions for you, please contact me.

Sincerely,

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

enclosures

6295-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

JUN 20 2017

6295-3
7284-3
7443-3

Jeff Jacobs
Ass Kickin Ranch LLC
700 N Bullard Ave
Goodyear AZ 85338

Dear Mr. Jacobs:

Enclosed is Water License No. 7443-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 7443-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

Note: The applicable portions of Water Right No. 6295-3 and Water Permit No. 7284-3 were incorporated into Water License No. 7443-3.