

WATER PERMIT NO. 7284-3

Name of Applicant: AssKickin Ranch

Address: 700 N Bullard Ave, Goodyear AZ 85338

Phone: 623-931-3131 ext 29

Amount of Water Claimed: 1.78 cfs

Total Acres: 130 acres

Source of Water Supply: groundwater

Water to be used for: irrigation

County: Hughes

Type of Waste Disposal System:

Location: 20 miles southeast of Pierre

PRIORITY

Date Received: 11-08-12

Application/License Fee: \$ 1,150

Corrected Application Received: 12-12-2012

Period of Annual Use: May 1 – Sept 30

Remarks: Utilizing the existing well authorized under Permit No. 6295-3

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

Land to be Irrigated: NW ¼ Sec 34-T110N-R76W

Depth of Well: 47 feet deep

Well Driller:

Remarks:

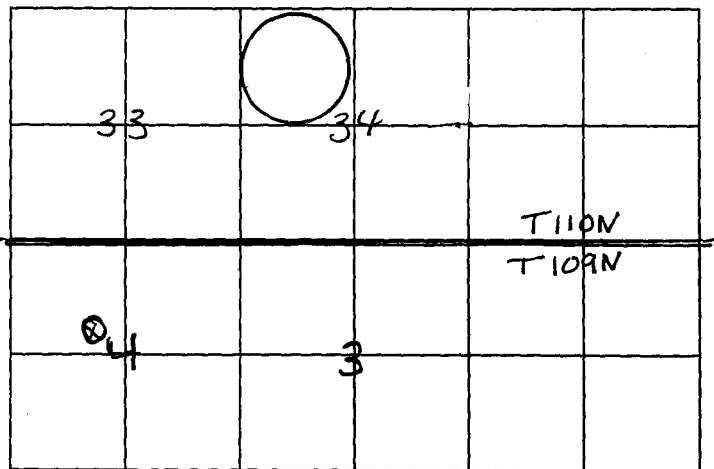
Type of Map: aerial

Prepared by: Lynn Beck

Reviewed and the Number Assigned on: 12-12-2011

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



FORM 2: Application for irrigation in South Dakota

(type or print)

RECEIVED

DEC - 6 2011

WATER RIGHTS
PROGRAM

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	(office use only)	
	No. <u>7284-3</u>	Hydrologic Unit <u>10140101</u>
	Basin <u>Missouri River</u>	
	Newspaper <u>Capital Journal P.O. Box 878</u> <u>605-224-7301</u> <u>Pierre 57501</u>	

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 6295.3
(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 AssKickin Ranch LLC Phone 623-931-3131
(check one) Owner ☐ Tenant/lessee ☐
Mailing Address 700 N Bullard Ave Goodyear AZ 85338
(Address) (City) (State) (Zip Code)
2. Amount of water claimed 0.90 *CFS or **GPM ***AF Total Acreage 130
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply Existing Well authorized by No. 6295-3
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Hughes
SE 1/4 NW 1/4 Sec 4 T109N R76W
5. County or counties where water will be used Hughes
6. Annual period during which water is to be used May 1 to Oct 31
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
N.W. corner section 34 <u>T110N R76W</u>	130		

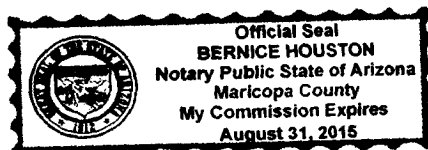
8. Give a description of the project. (Attach sheet if more space is needed)

Center pivot added to existing well or diversion point. See attached map Pivot #6

STATE OF SOUTH DAKOTA)
County of Hughes) SS

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)

I, Jeff Jacobs, 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 [Signature]Subscribed and sworn to before me this 1st day of December 20 11Notary Public signature [Signature]

**SOUTH DAKOTA
WATER PERMIT NO. 7284-3**

Date of first receipt of application November 8, 2011.

Date of return to applicant for corrections, amendments or changes November 10, 2011.

Date of receipt of corrected application December 12, 2011.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7284-3 to Ass Kickin Ranch, c/o Jeff Jacobs, 700 N Bullard Ave, Goodyear AZ 85338 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. 7284-3 authorizes an additional 0.90 cfs from one existing well completed into the Missouri: Pierre Aquifer (47 feet deep) located in the SE 1/4 NW 1/4 Section 4-T109N-R76W to irrigate 130 acres located in the NW 1/4 Section 34-T110N-R76W. This well is currently authorized by Water Right 6295-3 to appropriate 4.67 cfs to irrigate 340 acres. The diversion from this well will be 5.57 cfs to irrigate a total of 470 acres.
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 November 8, 2011.
4. The date of approval of Permit No. 7284-3 is January 23, 2012.
5. One-fifth of the construction is to be completed on or before July 23, 2014.
6. All construction is to be completed on or before January 23, 2017.
7. Water is to be put to beneficial use on or before January 23, 2021.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. 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

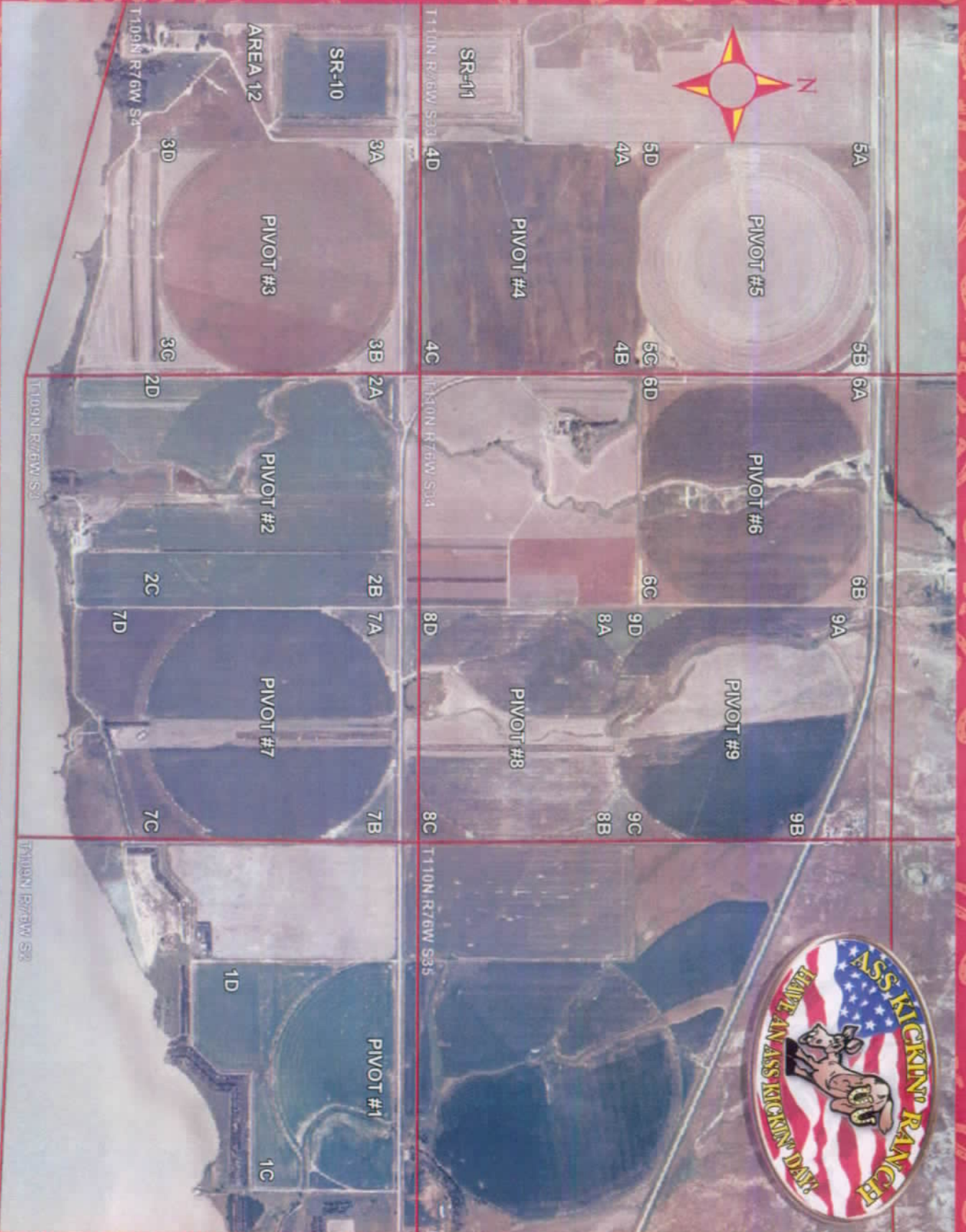
By: Garland Erbele

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

APR 25 2012

date



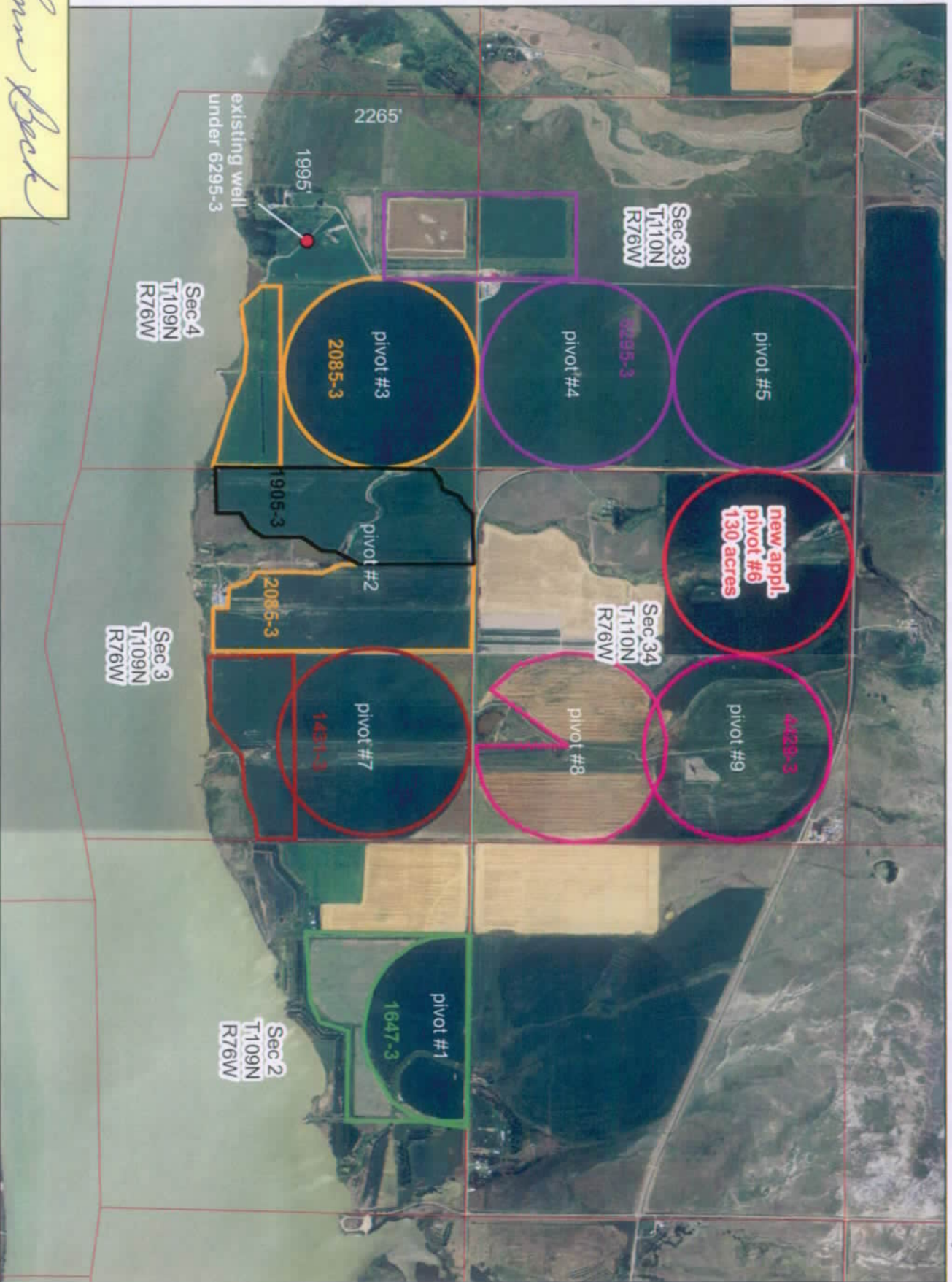


Arizona
700 North Bullard Ave. • Goodyear, AZ 85338
(623) 931-3131 • Jeff - ext. 29 • Bernice - ext. 34

South Dakota
21457 Sturgeon Rd. • Pierre, SD 57501
(605) 945-1206

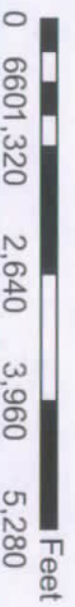
Rec'd 12/6/11

NEW APPLICATION
Ass Kickin Ranch
December 6, 2011



Lynn Beck
 Lynn Beck
 Natural Resources Engineer III
 DENR - Water Rights Program

SCALE



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 12/12, 20 11

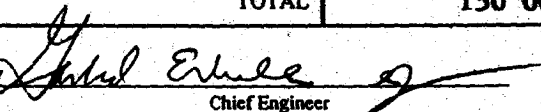
RECEIVED OF Ass Kickin RANCH LLC 700 N Bullard Ave Goodyear AZ 85338

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

Fee for Application for Permit No. <u>7284-3</u> 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 _____		
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	150 00

No. **05120**

By


Chief Engineer

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 12/6, 2011

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. <u>7284-3</u> to Appropriate Water, to construct and to put water to beneficial use	700	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. <u>7284-3</u>	200	00
Fee for Filing Transfer Form _____		
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	900 00

No. **05095**

By


Chief Engineer

RECEIVED

DEC 12 2011

WATER RIGHTS
PROGRAM

Water Permit Applications in South Dakota for AssKickin Ranch

Mr. Jacobs:

The Water Rights Program is in receipt of two applications for irrigation at the Ass Kickin Ranch. The one application is to add a groundwater (well) source to acreage currently irrigated from the Missouri River and authorized by Water Rights Nos. 1905-3 and 2085-3. The other application is to authorize the pivot in the NW ¼ Section 34 (Etzkorns) using the well authorized by Water Right No. 6295-3. Please confirm the following for each application.

NEW WELL FOR IRRIGATION OF NE1/4 SECTION 4 AND NW1/4 SECTION 3

1. Does the attached "Jacobs map.pdf" accurately reflect the 240 acres requested and the approximate proposed new well location? **Yes**
2. Is the well to be in the NE ¼ SW ¼ Section 4, T109N, R76W? **Yes**
3. The statutory limit pump rate for 240 acres is 3.42 cubic feet of water per second (1,539 gpm). Do you agree with this being the pump rate to be requested? **Yes**
4. The application you filed is in the name of Jeff Jacobs. Do you want your name or "Ass Kickin Ranch" to be listed as the applicant? **Yes it should be "AssKickin Ranch"**

APPLICATION FOR USE OF EXISTING WELL TO IRRIGATE NW ¼ SECTION 34

1. Does the attached map "Jacobs Etzkorns map.pdf" accurately reflect the acres being irrigated? **Yes**
2. Is it correct that this is the existing well in the SE ¼ NW ¼ Section 4 used to irrigate those acres authorized by WR no. 6295-3 (E ½ & SE ¼ SW 1/4 Section 33 and NE ¼ NW ¼ Section 4)? **Yes**
3. Is additional diversion rate authority (pump rate) being requested from the existing well? **Yes**
The current water right allows for a 2,100 gpm diversion rate from the well. What does the well actually produce? **2500**
4. You submitted \$900 in application filing fee. The actual fee for 130 additional acres is \$1050. Please submit the additional \$150. **Sorry about the math error**

Mr Jacobs, these applications are ultimately your responsibility and need to accurately reflect the irrigation systems in place in order to have proper legal standing. Therefore it is important for you to review this material and make sure it is correct prior to the Water Rights Program processing the applications. We will begin processing the applications once we receive the additional \$150 filing fee and responses to the questions above.

Eric Gronlund
Water Rights Program, DENR
605 773-3352
eric.gronlund@state.sd.us



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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. 7284-3, AssKickin Ranch**

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. 7284-3, AssKickin Ranch, c/o Jeff Jacobs, 700 N Bullard Avenue, Goodyear AZ 85338.

The Chief Engineer is recommending APPROVAL of Application No. 7284-3 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
December 28, 2011

**Report on Water Permit Application No. 7283-3 & 7284-3
for AssKickin Ranch
December 15, 2011**

Application No. 7283-3 proposes to appropriate 1,535 gallons per minute (3.42 cfs) from one well to be completed into the Missouri: Pierre Aquifer approximately 50 feet deep located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 4, T109N R76W in Hughes County. The water is to be used to irrigate approximately 240 acres located in the NW $\frac{1}{4}$ Section 3 and NE $\frac{1}{4}$ Section 4; all in T109N R76W. The annual period during which water will be used is May 1 through September 30. Water Right Nos. 1905-3 and 2085-3 authorize irrigation of the same acreage from the Missouri River.

Application No. 7284-3 proposes to appropriate an additional 400 gallons per minute (0.90 cfs) from one existing well completed into the Missouri: Pierre Aquifer 47 feet deep located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 4, T109N R76W in Hughes County. The water is to be used to irrigate 130 acres located in the NW $\frac{1}{4}$ Section 34- T110N R76W. The annual period during which water will be used is May 1 through October 31. This well is currently authorized by Water Right No. 6295-3 to appropriate 4.67 cfs to irrigate 340 acres. If approved, the diversion from this well will be 5.57 cfs to irrigate a total of 470 acres.

AQUIFER: Missouri Pierre

This report will address the availability of unappropriated water from the Pierre management unit of the Missouri aquifer.

**WATER AVAILABILITY
Aquifer Characteristics:**

The Missouri Pierre is a surficial outwash (sand and gravel) and alluvium that is under water table conditions in the area of this application. 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 for Water Right No. 6295-3 indicates topsoil from zero to four feet below ground surface and sand and gravel from four to 47 feet below ground surface. The static water level was reported at seven feet below ground surface.

Observation Well Data:

The Water Rights Program monitors an observation well, HU-82C, located about three miles east of this application location. Water levels for this well are controlled by the level of Lake Sharpe and do not fluctuate much. The water level record indicates that the aquifer is capable of sustaining additional withdrawals and a hydrograph of this observation well is included with this report (Water Rights, 2011).

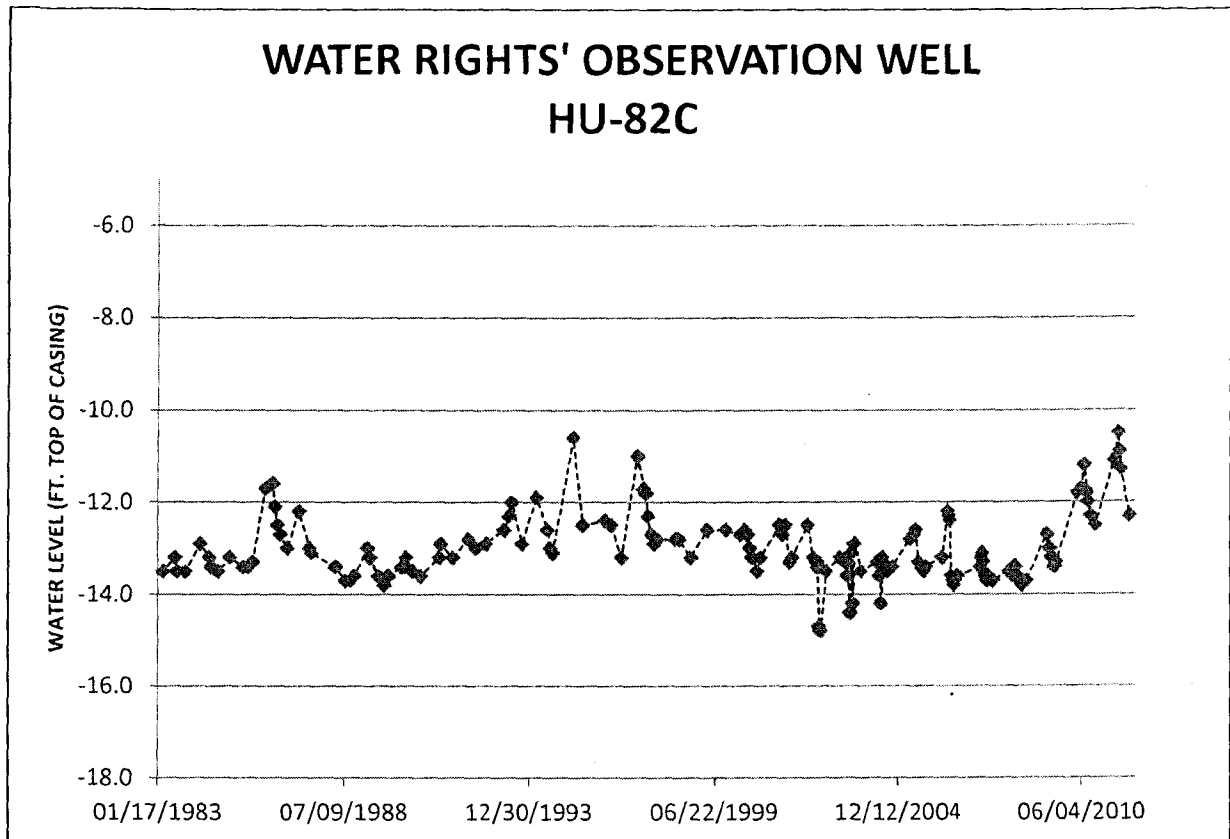


Figure 1. Hydrograph for Water Rights Observation Well HU-82C, completed into the Pierre management unit of the Missouri Aquifer within three miles of 7283-3 & 7284-3 (Water Rights, 2011).

In general, the hydrograph shows that over the period of record, withdrawals have not exceeded recharge.

Review of Existing Water Permits/Rights/Water Use:

In 2010, there were two permits appropriating water from the Pierre Management unit of the Missouri Aquifer. They appropriated 920 acre-feet of water and the reported pumpage was nearly 191 acre-feet. Unappropriated water is available from this aquifer.

Conclusions:

1. Water is available from the Pierre management unit of the Missouri aquifer.
2. The aquifer is under water-table conditions at this location. Drawdown will result from pumping. Interference is not expected to be a problem.
3. If the well covered by this Permit depletes the domestic supplies or interferes with prior water rights, restrictions or other arrangements may be required to protect these water supplies.
4. The existing well for Water Right No. 6295-3 appears to be constructed in accordance with SD Well Construction Standards. The new well for application No. 7283-3 must be constructed in accordance with SD Well Construction Standards.



Hayes Haas
Natural Resources Engineer

Bibliography:

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

Water Rights, 2011, Unpublished Observation Well Records for Hughes County, SD DENR, Division of Water Rights, Pierre, SD, 57501

RECEIVED

JAN 17 2012

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Hughes) SS

I, Marylinn Baker

certify that the attached printed Notice was
taken

from the Capital Journal

printed and published in Pierre SD

County of Hughes and

state of South Dakota. The notice was
published

in the newspaper on the following two dates:

January 5, 2012

January 12, 2012

Cost of Printing \$167.16

Marylinn Baker
(Signature)

Bookkeeper
(Title)

1-13-12

(Date Signed)

800 Public Notice 800 Public Notice

to appropriate with BOTH the ap-
3-42 cubic feet of plicant and Chief
water per second Engineer. The ap-
(cfs) from one well plicant must file a
to be completed petition it contest-
into the Missouri: ing the Chief Engi-
Pierre Aquifer (50 nair's recommen-
feet deep) located dations. The Chief
in NE 1/4 SW 1/4 Engineer's ad-
Section 4 for ink dress is "Water
gation of 240 Rights Program,
acres located in Foss Building, 523
the NW 1/4 Sec. E Capitol, Pierre
tion 3 and NE 1/4 SD 57501 (605
Section 4; all in 773-3352)" and
T108N-R76W.
the applicant's
Water Right Nos. mailing address is
1995-3 and given above. A
2085-3 authorize petition filed by el-
Irrigation of the an interested
same acreage person or the ap-
from the Missouri plicant must be
filed by January

Application No. 23, 2012.
7284-3 proposes The petition may
to appropriate an be informal, but
additional 0.90 cfs must include a
from one existing statement describ-
well completed ing the petitioner's
into the Missouri: interest in the ap-
Pierre Aquifer (47 plications, the pe-
feet deep) located tioner's reasons
in the SE 1/4 NW for opposing or
1/4 Section supporting the ap-
4-T108N-R76W to plications, and the
Irrigate 130 acres signature and
located in the NW mailing address of
1/4 Section the petitioner or
34-T110N-R76W, the petitioner's le-
This well is cur- gal counsel, if le-
rently authorized gal counsel is ob-
by Water Right tained. Contact
6295-3 to appro- Eric Gronlund at
plate 4.87 cfs to the above Water
Irrigate 340 acres. Rights Program
If approved, the address to request
diversion from this copies of Informa-
well will be 557 tion pertaining to
cfs to irrigate a to- these applications.
tal of 470 acres. Steven M. Pimer,
Pursuant to Secretary, Depart-
SDCL 46-2A-2, ment of Environ-
the Chief Engineer ment and Natural
recommends AP- Resources.

PROVAL of Appli-
cation Nos. Published twice
7283-3 and at the total ap-
7284-3 because proximate cost of
1) unappropriated \$67.16.

water is available,
2) existing rights
will not be unlaw-
fully impaired, 3) it
is a beneficial use
of water, and 4) it
is in the public in-
terest. In accor-
dance with SDCL
46-2A-23, the
Chief Engineer will
act on these appli-
cations, as recom-
mended, unless a
petition is filed op-
posing the appli-
cations or the ap-
plicant files a peti-
tion contesting the
Chief Engineer's
recommendations.
If a petition oppos-
ing the applica-
tions or contesting
the recommenda-
tions is filed, then
a hearing will be
scheduled and the
Water Manage-
ment Board will
consider these ap-
plications. Notice
of the hearing will
be given to the ap-
plicant and any
person filing a pe-
tition.

Any person inter-
ested in opposing
or supporting
these applications
or recommenda-
tions must file a
written petition

MAXLP 11788
July 1/5, 1172
NOTICE OF
APPLICATION
NOS. 7283-3 and
7284-3 to
Appropriate
Water
Notice is given
that AesKickin
Ranch, c/o Jeff
Jacobs, 700 N
Bullard Ave.
Goodyear A2
85338 has filed
the following appli-
cation for a water
permit.
Application No.
7283-3 proposes



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 28, 2011

Capital Journal
PO Box 878
Pierre SD 57501

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 7283-3 and 7284-3 to Appropriate Water to be published twice. Please publish the first notice on January 5, 2012 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 AssKickin Ranch, c/o Jeff Jacobs, 700 N Bullard Ave., Goodyear AZ 85338 (Ph # 623-931-3131 ext.29).

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-----

Nos. 7283-3 & 7384-3

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

Date _____

We are in receipt of your letter of December 28, 2011 enclosing Notice to Appropriate Water by Application Nos. 7283-3 & 7284-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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.

December 28, 2011

AssKickin Ranch
Jeff Jacobs
700 N Bullard Ave
Goodyear AZ 85338

Dear Mr. Jacobs:

Water Permit Application Nos. 7283-3 & 7284-3 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the 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 recommendations of the Chief Engineer and reports on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks. 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
eric.gronlund@state.sd.us

enclosures

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

Instruction to Newspaper - Publish first Notice on January 5, 2012 with the second publication 7 days later. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NOS. 7283-3 and 7284-3 to Appropriate Water

Notice is given that AssKickin Ranch, c/o Jeff Jacobs, 700 N Bullard Ave, Goodyear AZ 85338 has filed the following application for a water permit.

Application No. 7283-3 proposes to appropriate 3.42 cubic feet of water per second (cfs) from one well to be completed into the Missouri: Pierre Aquifer (50 feet deep) located in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4 for irrigation of 240 acres located in the NW $\frac{1}{4}$ Section 3 and NE $\frac{1}{4}$ Section 4; all in T109N-R76W. Water Right Nos. 1905-3 and 2085-3 authorize irrigation of the same acreage from the Missouri River.

Application No. 7284-3 proposes to appropriate an additional 0.90 cfs from one existing well completed into the Missouri: Pierre Aquifer (47 feet deep) located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 4-T109N-R76W to irrigate 130 acres located in the NW $\frac{1}{4}$ Section 34-T110N-R76W. This well is currently authorized by Water Right 6295-3 to appropriate 4.67 cfs to irrigate 340 acres. If approved, the diversion from this well will be 5.57 cfs to irrigate a total of 470 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 7283-3 and 7284-3 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 these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. 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 January 23, 2012.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.
Published twice at the total approximate cost of _____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

APR 25 2012

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

Dear Mr. Jacobs:

Enclosed are Water Permit Nos. 7283-3 and 7284-3 authorizing construction of your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Form 10's, *Notice of Completion of Works and Application of Water to Beneficial Use*, are enclosed. Please return the completed forms after you have finished the systems and have put the water to beneficial use. An investigation can then be scheduled so the water licenses 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,

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

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

March 9, 2016

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

RE: Water Right No. 1431-3 and Water Permit Nos. 7283-3, 7284-3 and 7443-3

Dear Mr. Jacobs:

I am writing in regard to the irrigation questionnaires you submitted in December, 2015 for the above listed Water Right and Permits. Enclosed are copies of the questionnaires.

I want to be sure what was reported is actually what was irrigated or if I am misunderstanding the forms you submitted. The following is a summary of the forms and discrepancies noted:

No.	Authorized	Reported
1431-3	203.75 acres	260 acres
7283-3	240 acres	255 acres
7284-3	130 acres	260 acres
7443-3	60 acres	240 acres (permit was for adding 60 acres to the system authorized under No. 7284-3)

The above are only a portion of the questionnaires you submitted; however, the other forms seemed consistent with what is authorized. If you are actually irrigating the additional acreage, we will work with you to obtain permits to be in compliance with South Dakota Water Law. If you copied figures back and forth from the questionnaires and did not actually irrigate over and above your permits, I can work with you to correct each of the questionnaires.

Once you have had an opportunity to review the enclosed forms, please give me a call. Thank you in advance for your help in updating the records.

Sincerely,

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

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WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

1431-3

7283-3

7284-3

7443-3

NAME & ADDRESS: Jeff Jacobs, Ass Kickin Ranch LLC, 700 w Bullard Ave, Goodyear, AZ

DATE: March 15, 2016

TELEPHONE: 623 931-3131 ex 29

RE: reported irrigated acreage

COMMENTS:

On March 9th, I wrote to Mr. Jacobs to find out if he was actually irrigating additional acreage over and above what was permitted. He called and indicated he was not irrigating more than allowed.

The questionnaires should reflect only the authorized acreage. I told him I would make the changes to the forms and asked that he look through the legal descriptions and acreage carefully next year.



Genny McMath
Water Rights Program

7284-3



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

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