

WATER PERMIT NO. 7443-3

Name of Applicant: Asskickin Ranch LLC

Address: 700 N Bullard Ave, Goodyear AZ 85338 Phone: 623-931-3131

Amount of Water Claimed: no add'l Total Acres: 60

Source of Water Supply: groundwater (one existing well)

Water to be used for: irrigation County: Hughes

Type of Waste Disposal System:

Location: 20 miles southeast of Pierre

PRIORITY Date Received: 9-27-12 Application/License Fee: \$ 500

Corrected Application Received: Period of Annual Use: May 1 – October 31

Remarks:

Diversion Point: SE 1/4 NW 1/4 Sec 4-T109N-
R76W

Land to be Irrigated: SE 1/4 Sec 33-T110N-R76W
and SE 1/4 NW 1/4 Sec 4-T109N-R76W

Depth of Well: 47 feet

Well Driller:

Remarks:

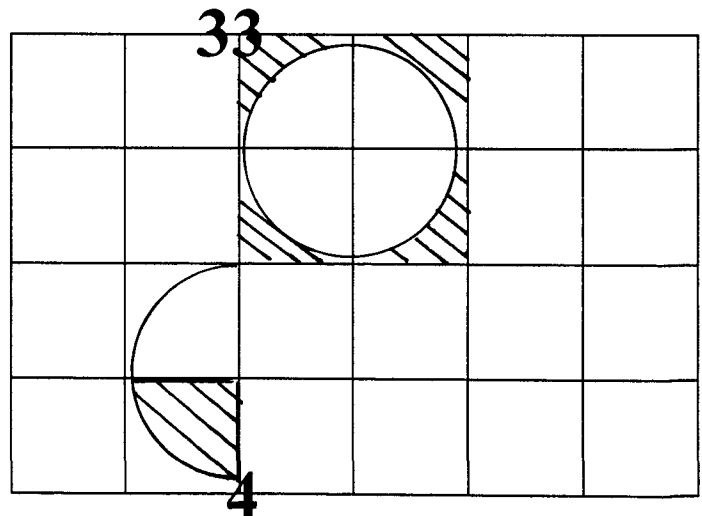
Type of Map: aerial

Prepared by: Ron Duvall

Reviewed and the Number Assigned on: 9-27-12

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



RECEIVED

SEP 27 2012

WATER RIGHTS
PROGRAM

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>7443-3</u> (office use only) Hydrologic Unit <u>10140101</u>
	Basin <u>Missouri River</u>
	Newspaper <u>Capital Journal PO Box 878</u> <u>Pierre 57501 - 605-224-7301</u>

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____
(Use predates Mar 2, 1955)

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

1. Name 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 no add'l *CFS or ***GPM ***AF Total Acreage 60
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply ground water - 1 existing well
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Hughes
SE1/4 NW1/4 section 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 - 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
SE1/4 sec 33-T110N-R76W	28		
SE1/4 NW1/4 sec 4-T109N-R76W	32		

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

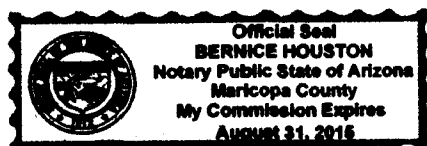
This application adds acres in section 4 due to the proposed replacement of a sideroll with a center pivot. Acres are also being added in section 33 to include areas covered by a pivot with a corner-system.

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

Subscribed and sworn to before me this 24th day of September 20 12

Bernice Houston
Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 7443-3**

Date of first receipt of application September 27, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7443-3 to AssKickin Ranch LLC, 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. 7443-3 authorizes irrigation of an additional 60 acres. Water Permit/Right Nos. 7284-3 and 6295-3 authorize 5.57 cubic feet of water per second from one well completed into the Missouri: Pierre Aquifer (47 feet deep) located in SE 1/4 NW 1/4 Section 4-T109N-R76W to irrigate 470 acres. This permit authorizes irrigation of an additional 60 acres located in the SE 1/4 Section 33-T110N-R76W and SE 1/4 NW 1/4 Section 4-T109N-R76W from the existing well. This permit does not authorize any increase in the developed diversion rate.
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 – October 31.
3. The date from which applicant may claim right is September 27, 2012.
4. The date of approval of Permit No. 7443-3 is December 17, 2012.
5. One-fifth of the construction is to be completed on or before June 17, 2015.
6. All construction is to be completed on or before December 17, 2017.
7. Water is to be put to beneficial use on or before December 17, 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 Water Right No. 6295-3 and Water Permit Nos. 7284-3 and 7443-3 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

JAN 26 2013

date



Scale: 1 inch = 833 feet

1,200

Feet



South Dakota
Department of Environment
& Natural Resources
Water Rights

Completed by:

Ron Duvall
Ron Duvall, Natural Resources Engineer
Water Rights Program

Diversion point(s) located using handheld GPS

Date: Aug 31, 2012

Appl No.

07-92

Date:

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 9/27, 20 12

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>7443-3</u> to Appropriate Water, to construct and to put water to beneficial use	500	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	500 00

No. **05592**

By *Garland Erbe*
Chief Engineer

Schlaak, Karen

From: Duvall, Ron
Sent: Friday, August 31, 2012 4:43 PM
To: 'jeff@asskickin.com'
Subject: Partially-completed irrigation permit application
Attachments: AssKickin_appl.pdf; AssKickin-IRRIG.pdf

Jeff,

Based on our visit on August 30, 2012, I have partially-completed a permit application and a map (see attachments) showing the location of the acreage to be added by the proposed, new pivot and also the corners covered by the existing corner pivot system. You do not need to complete the second page of the application form which includes the proposed well construction since the well already exists. Please make any changes needed to the application and then sign in the presence of a notary. If the map looks OK to you I will sign it when you return it with the application.

We do have an existing license fee on file with your last application (No. 7284-3) so you do not need to submit another \$200.00 license fee. The application fee you do need to submit to add 60 acres is \$500.00.

Please let me know if you have any questions.

Thank you,

Ron Duvall
Water Rights Program, DENR
<http://denr.sd.gov/wr>
605 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7443-3, AssKickin Ranch LLC**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 7443-3 AssKickin Ranch LLC, c/o Jeff Jacobs, 700 N Bullard Avenue, Goodyear AZ 85338.

The Chief Engineer is recommending APPROVAL of Application No. 7443-3 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 Water Right No. 6295-3 and Water Permit Nos. 7284-3 and 7443-3 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
November 27, 2012

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO.7443-3
ASSKICKIN RANCH LLC
C/O JEFF JACOBS
NOVEMBER 27, 2012

Water Permit Application No. 7443-3 proposes to appropriate 120 acre-feet (ac-ft) of water to irrigate 60 acres located in the SE ¼ Section 33-T110N-R76W and SE ¼ NW ¼ Section 4-T109N-R76W from an existing well completed into the Pierre management unit of the Missouri aquifer and authorized under Water Right/Permit Nos. 6295-3 and 7284-3. The well is 47 feet deep and is located in the SE ¼ NW ¼ Section 4-T109N-R76W in Hughes County. Water Right/Permit Nos. 6295-3 and 7284-3 authorize a diversion up to 260 acre-feet annually at a maximum diversion rate of 5.57 cubic feet per second (cfs) for the irrigation of 470 acres. This application, if approved, does not authorize any increase in the maximum diversion rate. Water Right No. 6295-3, Water Permit No. 7284-3 and Water Permit No. 7443-3 (if approved) will authorize the irrigation of 530 acres using an existing well and diverting water at a maximum rate of 5.57 cfs.

AQUIFER: Pierre management unit of the Missouri aquifer (M: P)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The Missouri: Pierre aquifer is composed mostly of medium to coarse sand and fine gravel that underlies the flood plain of and is hydraulically connected to the Missouri River (Hamilton, 1986). The aquifer underlies approximately 44,800 acres and contains an estimated 270,000 ac-ft of water in storage (Hamilton, 1986). According to Hamilton (1986), the average saturated thickness of the Missouri: Pierre aquifer is 30 feet but may exceed 100 feet locally. Water movement is generally toward the Missouri River from recharge areas along the flood plain (Hamilton, 1986). The aquifer is primarily under water table conditions and the upper 10 to 20 feet of the sand and gravel may not be saturated in some areas (Hamilton, 1986). There is a well completion report on file for the well proposed to supply this application. The well is 47 feet deep with four feet of topsoil and 43 feet of sand and gravel and 40 feet of saturated thickness (Water Rights, 2012c).

SDCL 46-2A-9

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is reasonable probability that there is unappropriated water available for the applicant's proposed use, that the proposed diversion can be developed without unlawful impairment of existing rights and that the proposed use is a beneficial use and in the public interest. This report will address the availability of unappropriated water and existing rights from the aquifer.

WATER AVAILABILITY:

Water Permit Application No. 7443-3 proposes to appropriate a 120 ac-ft annually from the Missouri: Pierre aquifer. Although the actual water use if this application is approved will most likely be less than 120 ac-ft annually. The probability of unappropriated water being available from an aquifer can be evaluated by considering SDCL 46-6-3.1 which requires "No application

to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source.

Recharge versus Discharge:

Recharge:

The Missouri: Pierre aquifer is recharged by precipitation and lateral recharge from the river (Hamilton, 1986). Hamilton (1986) states, "Lateral recharge induced from the river to the Pierre municipal wells probably averages about 2,200 acre-ft/yr." That is nearly 80 percent of the 1985 reported use, 2,763 ac-ft, and 72 percent of the 2005 reported use, 3,040 ac-ft (Friedeman, 2012). Due to the hydraulic connection between the aquifer and the Missouri River, water from the river could be induced to recharge the aquifer, as illustrated by Hamilton.

Discharge:

Discharge from the Missouri: Pierre aquifer is through evapotranspiration and withdrawal by wells. There are 16 water rights/permits appropriating water from the Missouri: Pierre, with one permit being for future use, Future Use Permit No. 5003-3, and one permit, Water Right No. 135-3, is a vested right and a future use permit, in addition, there are a number of well completion reports for domestic wells completed into the Missouri: Pierre on file with the DENR-Water Rights Program (Water Rights, 2012c). The amount of water that can be expected to be withdrawn through water rights/permits authorizing water use for non-irrigation purposes at the current appropriation level can be estimated by assuming: 1) water rights/permits limited by an annual volume will pump the entire volume appropriated, 2) water rights/permits limited only by diversion rate will pump at the maximum permitted diversion rate 60 percent of the time, and 3) future use permits can be fully developed. Table 1 shows the water reserved by the City of Pierre in future use permits (Water Rights, 2012b), the average withdrawal by irrigation permits from 1979-2011 (Water Rights, 1979-2012), the estimated water use by non-irrigation permits, excluding the City of Pierre (Water Rights, 2012b), and average withdrawals by the City of Pierre from 2003 to 2011 (Water Rights, 2003-2011).

Type	Use (ac-ft)
Future Use	3374
Irrigation	317.2
*Non-irrigation	208.5
Pierre	2923.8
Estimated Average Annual Use	6823.5
* excludes use by City of Pierre	

Table 1- Water use from the Missouri: Pierre aquifer.

The recharge rate required to supply the estimated average annual use by the aquifer is 1.83 in/yr, which is reasonable to attain. Since most of the well withdrawals from the aquifer induces lateral recharge from the Missouri River (Hamilton, 1986), there is a reasonable probability that unappropriated water is available for this proposed appropriation.

Observation Well Data:

Administrative Rule of South Dakota Section 74:02:05:07 requires that “the Water Management Board shall rely upon the record of observation well measurements to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge of the aquifer.”

The DENR-Water Rights Program monitors an observation well, HU-82C, located about three miles east of this application location. Water levels for observation well HU-82C are controlled by the water level of Lake Sharpe and do not fluctuate much. The water level record fluctuates more with the climatic conditions and drawdown does not appear to be significant over the period of record. The climatic effects on water level mask the temporal impacts of well withdrawal. Therefore, there is a reasonable probability that unappropriated water is available for this proposed diversion.

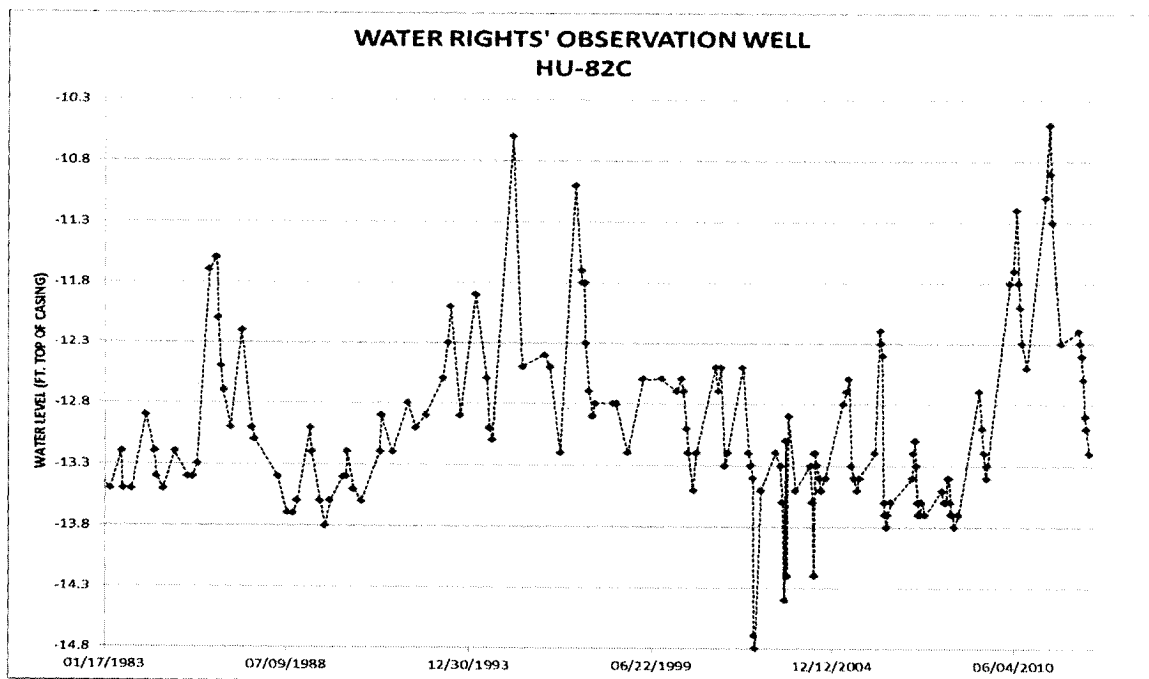


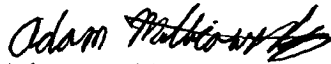
Figure 1- Hydrograph of DENR-Water Rights' observation well HU-82C (Water Rights, 2012a)

EXISTING WATER RIGHTS:

There are three water rights/permits authorizing wells and several domestic wells within one mile of this proposed well location. Water Right No. 6295-3 and Water Permit No. 7284-3 use the same well and this application proposes to also use that well to withdraw water from the Missouri: Pierre aquifer. Water Permit No. 7283-3 has its own well completed into the Missouri: Pierre aquifer. All three water rights/permits are held by the applicant, and the distance between wells is sufficient to ensure drawdown will not be significant. Therefore, there is a reasonable probability that this proposed appropriation can be made without adversely impacting existing appropriative or domestic users.

CONCLUSIONS:

1. Water Permit Application No. 7443-3 proposes to appropriate 120 acre-feet annually for the irrigation of 60 acres using an existing well authorized by Water Right/Permit Nos. 6295-3 and 7284-3.
2. This application, if approved, does not authorize any increase in the maximum diversion rate.
3. There is a reasonable probability that unappropriated water is available from the Missouri: Pierre aquifer to supply this proposed diversion.
4. There is a reasonable probability that the diversion requested by this application can be made without adversely affecting existing water rights/permits and domestic users.



Adam Mathiowetz

SD DENR-Water Rights Program

REFERENCES:

- Friedeman, B. November 14, 2012. Personal Communication. SD-DENR Drinking Water Program. Joe Foss Bldg., Pierre, South Dakota.
- Hamilton, L.J. 1986. Water Resources of Hughes County, South Dakota. Water-Resources Investigations Report 84-4195. USGS, Huron, SD.
- Water Rights. 1979-2012. "1979-2011 Irrigation Summaries by Aquifer": SD DENR-Water Rights Program, Joe Foss Building, Pierre, SD.
- Water Rights. 2003-2012. "2003-2011 Non-Irrigation Yearly Reports": SD DENR-Water Rights Program, Joe Foss Building, Pierre, SD.
- Water Rights. 2012a. Observation Well Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.
- Water Rights. 2012b. Water Right/Permit Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.
- Water Rights. 2012c. Well Completion Reports. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.

RECEIVED

DEC 21 2012

Form 8

WATER RIGHTS
PROGRAM

day, December 5, 2012

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

County of Hughes and

state of South Dakota. The notice was
published

in the newspaper on the following date:

12-5-12

Cost of Printing \$32.60

Marylinn Baker
(Signature)

Bookkeeper
(Title)

12-19-12
(Date Signed)

600 Public Notice

gate an additional
60 acres located
in the SE 1/4 Sec-

33-T10N-R76W
and SE 1/4 NW
1/4 Section
4-T10N-R76W
from the existing
well. This applica-

tion, if approved,
does not authorize
any increase in
the developed di-

vision rate.
Pursuant to
SDCL 46-2A-2,
the Chief Engineer
recommends AP-
PROVAL of Appli-
cation No. 7443-3
because 1) unap-
propriated water is
available, 2) exist-
ing rights will not
be unlawfully im-
paired, 3) it is a
beneficial use of
water, and 4) it is
in the public inter-
est. In accordance
with SDCL
46-2A-23, the
Chief Engineer will
act on this appli-
cation, as recom-
mended, unless a
petition is filed op-
posing the appli-
cation or the appli-
cant files a petition
contesting the
Chief Engineer's
recommendation.
If a petition oppos-
ing the application
or contesting the
recommendation
is filed, then a
hearing will be
scheduled and the
Water Manage-
ment Board will
consider this ap-
plication. Notice of
the hearing will be
given to the appli-
cant and any per-
son filing a peti-
tion.

Any person inter-
ested in opposing
or supporting this
application or rec-
ommendation
must file a written
petition with
BOTH the appli-
cant and Chief En-
gineer. The appli-
cant must file a
petition if contest-
ing the Chief En-
gineer's recommen-
dation. The Chief
Engineer's ad-
dress 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 ei-
ther an interested
person or the ap-
plicant must be
filed by December
17, 2012.

The petition may
be informal, but
must include a
statement describ-

ing the petitioner's
interest in the ap-
plication, the peti-
tioner's reasons
for opposing or
supporting the ap-
plication, and the
petitioner's signa-
ture and mailing
address. The appli-
cant must also
provide a statement
describing the appli-
cation and the reas-
ons for the applica-
tion.

Notice is given supporting the ap-
plication, and the
petitioner's signa-
ture and mailing
address. The appli-
cant must also
provide a statement
describing the appli-
cation and the reas-
ons for the applica-
tion.

Section
4-T10N-R76W to
Published once at
irrigate 470 acres. the total approx-
This application mate cost of
proposes to irri- \$32.60.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

November 28, 2012

Capital Journal
PO Box 878
Pierre SD 57501

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7443-3 to Appropriate Water. Please publish the notice once on December 5, 2012. 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 and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is AssKickin Ranch LLC, c/o Jeff Jacobs, 700 N Bullard Ave., Goodyear AZ 85338 (Ph # 623-931-3131).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATE, CONTACT
THE NEWSPAPER(S) RIGHT AWAY.

November 28, 2012

AssKickin Ranch LLC
Jeff Jacobs
700 N Bullard Ave
Goodyear AZ 85338

Dear Mr. Jacobs:

Water Permit Application No. 7443-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Capital Journal printed at Pierre SD (Ph # 605-224-7301). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

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.

Instruction to Newspaper - Publish the Notice on December 5, 2012. 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 NO. 7443-3 to Appropriate Water

Notice is given that Asskickin Ranch LLC, c/o Jeff Jacobs, 700 N Bullard Ave, Goodyear AZ 85338 has filed an application to irrigate an additional 60 acres. Water Permit/Right Nos. 7284-3 and 6295-3 authorize 5.57 cubic feet of water per second from one well completed into the Missouri: Pierre Aquifer (47 feet deep) located in SE 1/4 NW 1/4 Section 4-T109N-R76W to irrigate 470 acres. This application proposes to irrigate an additional 60 acres located in the SE 1/4 Section 33-T110N-R76W and SE 1/4 NW 1/4 Section 4-T109N-R76W from the existing well. This application, if approved, does not authorize any increase in the developed diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7443-3 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 this 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 this 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 December 17, 2012.

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.

Published once 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

JAN 26 2013

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

Dear Mr. Jacobs:

Enclosed is Water Permit No. 7443-3 authorizing construction of your 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,

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

enclosures



7443-3
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

enclosures

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

Water Permit Nos. 7284-3 and 7443-3
Missouri River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, May 8, 2017, made a thorough examination of the water use system constructed by AssKickin Ranch, LLC of 700 N Bullard Ave., Goodyear, AZ 85338 holder of Permit Nos. 7284-3 and 7443-3, bearing the priority of November 8, 2011 and September 27, 2012 authorizing the diversion of 0.90 and No Add'l cu. ft. per second of water for Irrigation purposes, in Hughes County.

Inspection contact & relationship **Tyson Hess (Renter, 605-222-0765)**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

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

Casing:

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

Screen:

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

Pump:

- 1) Make Flowserve
- 2) Model 14BN
- 3) Capacity 3,000 GPM

Motor:

- 1) Make US Motor
- 2) Model No. ID# 6377-Z10Z226R0668-3
- 3) Horsepower rating 200 hp

B. Works used to transport water to place of use:

- 1) Type Buried pipe

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make (4) Valley
- 2) Number of towers 6 tower NW ¼ Section 4-T109N-R76W
8 tower NW ¼ Section 34-T110N-R76W
8 tower w/cornering system SE ¼ Section 33-T110N-R76W
8 tower NE ¼ Section 33, T110N, R76W (taken from previous inspection)
- 3) End gun Y
- 4) High or low pressure Low
- 5) Capacity 600, 800, 800 and 800 GPM
- 6) Also, in SE ¼ SW ¼ Section 33, T110N, R76W, the 2001 inspection done by Lynn Beck found a sideroll running at 250 gpm. A small center pivot has now been installed which covers the same area.

Chemigation Equipment:

- 1) Does chemigate Y
- 2) Main line check valve Y
- 3) Inspection port/air relief Y
- 4) Low pressure drain NA
- 5) Discharge is 20' from source Y
- 6) Interlock type pressure
- 7) Injection pump type piston
- 8) Injection check valve Y
- 9) Injection line check valve or positive displacement pump Y
- 10) All chemigation equipment appears to be installed in the proper position and complies with chemigation laws and rules Y

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y
- 3) Exceptions to compliance are: None

The system is in Good condition with the point(s) of diversion located as follows:

Approximately 2,350 feet south and 2,110 feet east of the NW corner of Section 4-T109N-R76W
(N 44.27403, W -99.97924) (SE ¼ NW ¼)

Report of Examination of Works

Permit No. 7284-3 and 7443-3

The works are capable of diverting and conveying to the place of use 6.68 cu. ft. per second of water which is to be used for **Irrigation use**. Water has been put to beneficial use to the maximum extent as follows:

Water Permit No. 7443-3

Section 4-T109N-R76W

SE $\frac{1}{4}$ NW $\frac{1}{4}$ - 29 acres

Section 33-T110N-R76W

NW $\frac{1}{4}$ SE $\frac{1}{4}$ - 7 acres

NE $\frac{1}{4}$ SE $\frac{1}{4}$ - 7 acres

SW $\frac{1}{4}$ SE $\frac{1}{4}$ - 6 acres

SE $\frac{1}{4}$ SE $\frac{1}{4}$ - 7 acres

Water Right No. 6295-3

Section 33-T110N-R76W

NW $\frac{1}{4}$ NE $\frac{1}{4}$ - 32.5 acres

NE $\frac{1}{4}$ NE $\frac{1}{4}$ - 32.5 acres

SW $\frac{1}{4}$ NE $\frac{1}{4}$ - 32.5 acres

SE $\frac{1}{4}$ NE $\frac{1}{4}$ - 32.5 acres

SE $\frac{1}{4}$ SW $\frac{1}{4}$ - 40 acres

Section 4-T109N-R76W

NE $\frac{1}{4}$ NW $\frac{1}{4}$ - 40 acres

Water Permit No. 7284-3

Section 34-T110N-R76W

NW $\frac{1}{4}$ NW $\frac{1}{4}$ - 32.5 acres

NE $\frac{1}{4}$ NW $\frac{1}{4}$ - 32.5 acres

SW $\frac{1}{4}$ NW $\frac{1}{4}$ - 32.5 acres

SE $\frac{1}{4}$ NW $\frac{1}{4}$ - 32.5 acres

NW $\frac{1}{4}$ SE $\frac{1}{4}$ - 32.5 acres

NE $\frac{1}{4}$ SE $\frac{1}{4}$ - 32.5 acres

SW $\frac{1}{4}$ SE $\frac{1}{4}$ - 32.5 acres

SE $\frac{1}{4}$ SE $\frac{1}{4}$ - 32.5 acres

comprising a total of 526 acres of land and the license should be issued for 5.57 cfs.

All structures, wells and lands on map Y

Comments or other permit(s) associated with the project:

Water Permit No.7284-3 authorizes the diversion of 0.90 cfs of water from one well located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 4-T109N-R76W for irrigation of 130 acres located in the NW $\frac{1}{4}$ Section 34-T110N-R76W.

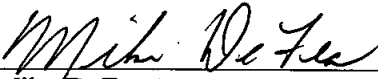
Water Permit No. 7443-3 authorizes "no additional" cfs of water for irrigation of 60 total acres located in Section 33-T110N-R76W and Section 4-T109N-R76W. The additional acreage was to accommodate the addition of a cornering system pivot in Section 33, and install a pivot system in Section 4. The water source for both Water Permit Nos. 7284-3 and 7443-3 is from the same well authorized by Water Right No. 6295-3.

Report of Examination of Works

Permit No. 7284-3 and 7443-3

Water Right No. 6295-3, authorizes the diversion of 4.67 cfs of water from one well for irrigation of 340 acres. Water Right No. 6295-3 has priority dates of May 4, 2000 for 3.56 cfs of water, and January 30, 2002 for 1.11 cfs for irrigation of the same 340 acres listed above.

Water Permit Nos. 7284-3, 7443-3 and Water Right No. 6295-3 should be incorporated to reflect the system as developed while each retaining their priority dates of November 8, 2011, September 27, 2012, May 4, 2000 and January 30, 2002.



Mike DeFea

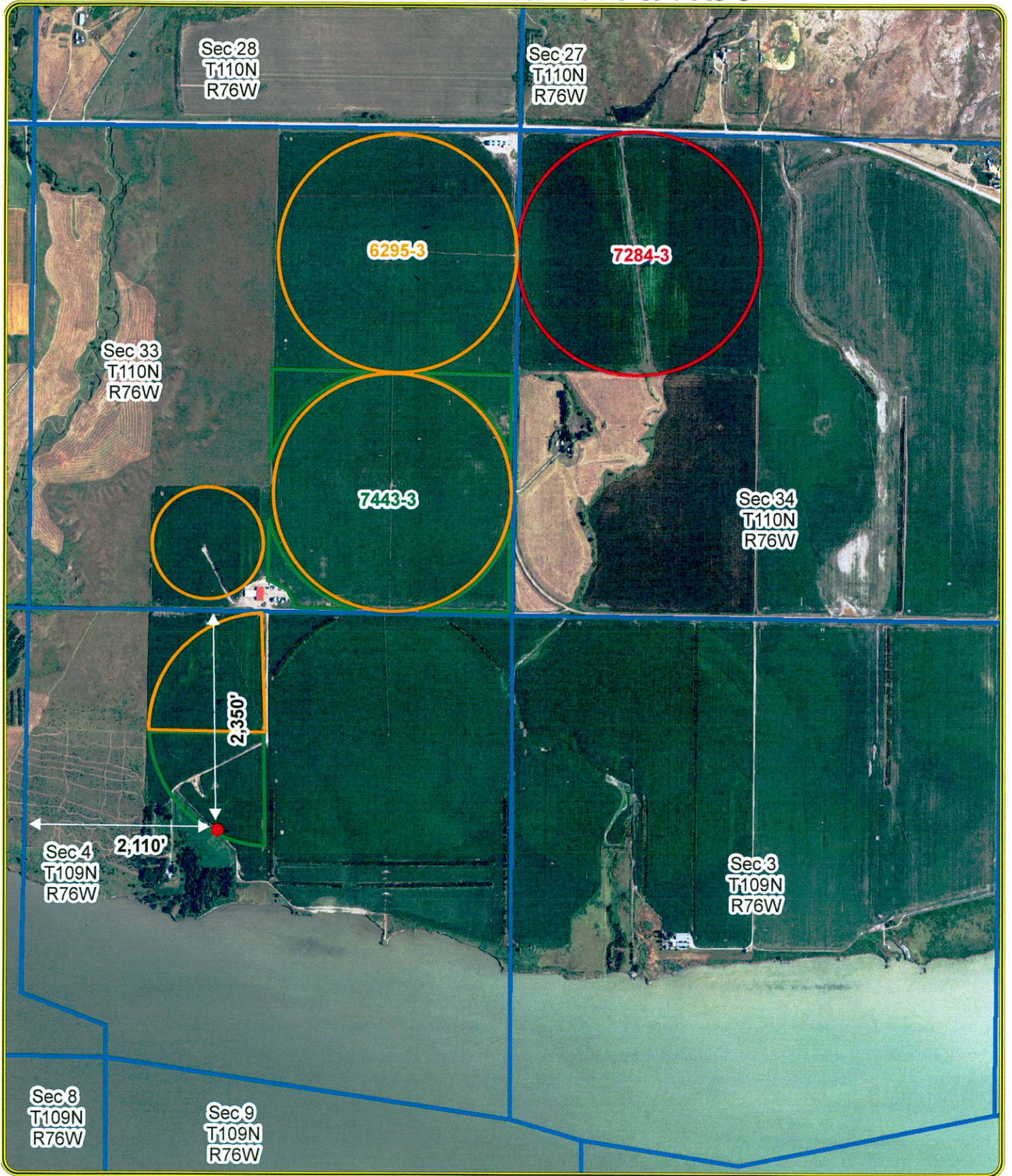
Natural Resources Engineer II
DENR, Water Rights Program

Date report completed: **May 16, 2017**

Note: Information for system and irrigated acreage originally licensed under Water Right No. 6295-3 were taken from inspection conducted by Lynn Beck in October, 2001.

AssKickin Ranch, LLC

Water Permit Nos. 7284-3 & 7443-3



Mike DeFea
Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
May 16, 2017

0 0.125 0.25 0.5 Miles



7443-3
RECEIVED

JUN - 2 2017

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 5-25-17TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

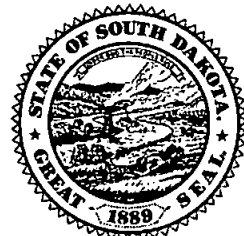
FROM:

Ass Kickin Ranch LLC
(name)700 N. Bullard Ave
(address)Goodyear AZ 85338
(city, state, zip)602-750-5333
(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. 7443-3 states that the water use system is to be constructed by12-17-2017, and water is to be put to beneficial use by 12-17-2021
(date) (date)The water use system was completed on 2-16-~~16~~14
(date)Applying the water to beneficial use was completed on 2-16-~~16~~14
(date)

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



**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7443-3**

(1) Ass Kickin Ranch LLC, % Jeff Jacobs, 700 N Bullard Ave., Goodyear AZ 85338 made Application No. 7443-3, September 27, 2012 for a water permit to add an additional 60 acres of land to an existing project located in Hughes County, South Dakota. The permit did not allow for an increase in the permitted diversion rate from the existing well. Permit No. 7443-3, with a priority date of September 27, 2012 was approved December 17, 2012 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before December 17, 2017 and for the application to beneficial use of said water on or before December 17, 2021. The Permit holder submitted a "*Notice of Completion of Works and Application of Water to Beneficial Use*" on June 2, 2017. The "*Notice*" stated the water use system was completed and the water placed to beneficial use in February, 2014.

The following permits are associated with the water use system utilizing one well:

- **Water Right No. 6295-3**, priority dates of May 4, 2000 (3.56 cfs & 340 acres) and January 30, 2002 (1.11 cfs additional diversion authority);
- **Water Permit No. 7284-3**, with a priority date of November 8, 2011, authorizing an additional 0.90 cfs and 130 acres;
- **Water Permit No. 7443-3**, with a priority date of September 27, 2012, authorizing irrigation of an additional 60 acres with no increase in the developed diversion rate.

The applicable portions of Water Right no. 6295-3 and 7284-3 are incorporated into Water License No. 7443-3. The priority dates for specific diversion rates and acreage are described below.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the water supply system and is entitled to divert 5.57 cubic feet of water per second for beneficial use. The location of the diversion point is approximately 2,350'S and 2,110'E of the NW corner of Section 4, T109N, R76W (SE ¼ NW ¼).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

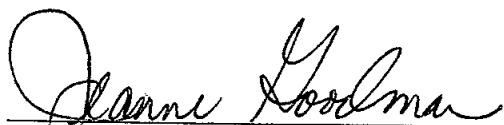
Legal descriptions			Priority dates
Section 4, T109N, R76W	SE ¼ NW ¼	29.0 acres	September 27, 2012
	NE ¼ NW ¼	40.0 acres	May 4, 2000
Section 33, T110N, R76W	NW ¼ SE ¼	39.5 acres	May 4, 2000 (32.5 acres), September 27, 2012 (7 acres)
	NE ¼ SE ¼	39.5 acres	May 4, 2000 (32.5 acres) September 27, 2012 (7 acres)
	SW ¼ SE ¼	38.5 acres	May 4, 2000 (32.5 acres) September 27, 2012 (6 acres)
	SE ¼ SE ¼	39.5 acres	May 4, 2000 (32.5 acres), September 27, 2012 (7 acres)
	SE ¼ SW ¼	40.0 acres	May 4, 2000
	NW ¼ NE ¼	32.5 acres	May 4, 2000
	NE ¼ NE ¼	32.5 acres	May 4, 2000
	SW ¼ NE ¼	32.5 acres	May 4, 2000
	SE ¼ NE ¼	32.5 acres	May 4, 2000
Section 34, T110N, R76W	NW ¼ NW ¼	32.5 acres	November 8, 2011
	NE ¼ NW ¼	32.5 acres	November 8, 2011
	SW ¼ NW ¼	32.5 acres	November 8, 2011
	SE ¼ NW ¼	32.5 acres	November 8, 2011
Total		526.0 acres	

continued

(4) Pursuant to South Dakota Water Law 46-5-30.1 Ass Kickin Ranch LLC, % Jeff Jacobs, 700 N Bullard Ave., Goodyear AZ 85338 the holder and/or owner of Incorporated Water Right No. 7443-3 is issued a license to appropriate water, the right to use 5.57 cubic feet of water per second from ground water, one well (Missouri: Pierre Aquifer) with priority dates of May 4, 2000 (3.56 cfs & 340 acres); January 30, 2002 (1.11 cfs); November 8, 2011 (0.90 cfs & 130 acres) and September 27, 2012 (56 acres) from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 7443-3 and subject to the following qualifications:

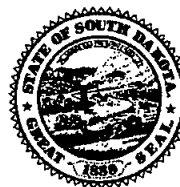
- The well approved under Water Right No. 6295-3 and Water Permit Nos. 7284-3 and 7443-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUN 20 2017

date



7443-3



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.

7443-3

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Agriculture and Natural Resources

Date May 13, 2021RECEIVED OF Riverview Organics LLP 12119 Stratford Dr. Ste. B Clive IA 50325

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	\$ _____
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>7443-3</u>	<u>\$50.00</u>
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>\$50.00</u>

By Eric Gronlund
 Chief Engineer
vm

PAID

MAY 13 2021

Ck# 05001

SD EForm - 0495LD V2

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

RECEIVED

MAY 13 2021

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

WATER RIGHTS
PROGRAM

Water Right/Permit No. 7443-3

Date: 05/10/21

I/We request that Water Right/Permit No. 7443-3 formerly owned by:

Ass Kickin' Ranch LLC

be transferred to:

New Owner Name: Riverview Organics, LLLP (as agent for tenants in common)

Address: 12119 Stratford Dr, Ste B

City, State, Zip Clive IA 50325 Telephone No. 515-222-1347

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

Legal Description of the property is attached as Exhibit A to this Notice of Transfer of Ownership.

★ I understand that the validity of Water Right/Permit No. 7443-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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 Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Steve Bruere, for Riverview Organics, LLLP, 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.

EXHIBIT A TO
NOTICE OF TRANSFER OF OWNERSHIP

TOWNSHIP 109 NORTH , RANGE 76 WEST OF THE 5TH P.M., HUGHES COUNTY, SOUTH DAKOTA: SECTION 2: Lots 2 and 3, N1/2N 1/2SW1/4NE1/4 and SE1/4NW1/4 less USA Take; SECTION 3: Lots 1, 2, 3 and 4, S1/2NE1/4, N1/2SE1/4 less USA Take , E1/2W1/2 less USA Take, SW1/4NW1/4 and NW1/4SW1/4 less USA Take; SECTION 4: Lots 1, 2 and 3, S1/2NE1/4, Lot 7 less USA Take and NE1/4SE1/4 less USA Take; The Northerly 330 feet of the Westerly 330 feet of Lot 6, and the Northerly 330 feet of the Easterly 330 feet of Lot 6; The N1/2SE1/4NW1/4; The 1/2SW1/4SE1/4NW1/4; The E1/2SE1/4SE1/4NW1/4; The NW1/4SE1/4SE1/4NW1/4; The Triangular portion of SW1/4SE1/4SE1/4NW1/4 bounded by the North and East sides of said SW1/4SE1/4SE1/4NW1/4 and by a diagonal line extending from the Southeast corner of said SW1/4SE1/4SE1/4NW1/4 to the Northwest corner thereof ; The Triangular portion of NE1/4SW1/4SE1/4NW1/4 bounded by the North and East sides of said NE1/4SW1/4SE1/4NW1/4 and by a diagonal line extending from the Southeast corner of said NE1/4SW1/4SE1/4NW1/4 to the Northwest corner thereof ; TOWNSHIP 110 NORTH , RANGE 76 WEST OF THE 5TH P.M., HUGHES COUNTY, SOUTH DAKOTA: SECTION 33: NE1/4 less Lot H-1 in NW1/4NE1/4 and less Lot H-2 in NE1/4NE1/4; SE1/4 and SE1/4SW1/4; SECTION 34: NW 1 /4, less highway right of way; E1 /2, lying South of highway right of way.



OFFICE OF THE SECRETARY OF STATE

STEVEN J. BARNETT, SECRETARY OF STATE

JASON LUTZ, DEPUTY SECRETARY OF STATE

7443-3

Filing Information

Name: **Riverview Organics LLLP**

General Information

SOS Business ID **FP201936**

Filing Type: Limited Partnership - Foreign
04/29/2021

Status: Good Standing

Duration Term: Perpetual

Registered Agent Address

C T CORPORATION SYSTEM
319 S COTEAU ST
PIERRE, SD 57501-3187

Principal Address

12119 STRATFORD DR, STE B
CLIVE, IA 50325

The following document(s) was/were filed in this office on the date(s) indicated below:

Date Filed	Filing Description	Image #
04/29/2021	Initial Filing	B0174-6271
04/29/2021	Articles of Amendment	B0174-6275



7443-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

May 13, 2021

Steve Bruere
Riverview Organics LLLP
12119 Stratford Dr Ste B
Clive IA 50325

RE: Water Permit/Right Nos. 7443-3, 7283-3, 4429-3, 2085-3, 1905-3, 1647-3, 1431-3

Dear Mr. Bruere:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for changing ownership on the above listed permits and rights.

The ownership changes have been completed. Nos. 7443-3, 7283-3, 4429-3, 2085-3, 1905-3, 1647-3, 1431-3 formerly held by Ass Kickin' Ranch LLC are now listed under Riverview Organics LLLP, as agent for tenants in common.

Each year we mail irrigators in South Dakota an irrigation questionnaire for reporting how much water they pumped during that specific crop season. The actual forms that will need to be completed and returned to us will be mailed to you in October.

The receipts for the filing fees are enclosed. If I can answer any questions for you, please let me know.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosures

7443-3

RECEIVED

MAR 07 2025

OFFICE OF
WATER

GREEN OVIATT LAW FIRM LLP

816 South Broadway
P.O. Box 1600
Watertown, South Dakota 57201-6600

Facsimile: 605-886-0934
TELEPHONE: 605-886-5812

Nancy L. Oviatt
John D. Knight
Timothy J. Cummings
Thomas J. Linngren

Ross H. Oviatt 1918-1991
Thomas J. Green 1936-2010

March 6, 2025

Amanda Dewell
DANR Water Rights Program
523 E Capitol Ave
Pierre, SD 57501

Dear Amanda:

Enclosed please find a check for \$300.00 to cover the fees associated with transferring water rights. Also enclosed are the six signed Notice of Transfer of Ownership forms. If you have any questions, please do not hesitate to call or email.

Sincerely,



John D. Knight
For the Firm
john@grolawfirm.com

JDK/mrk

Enclosures

RECEIVED SHANNON 3-7-25

RECEIVED

MAR 07 2025

OFFICE OF
WATER

PAID

MAR 07 2025

Ck# 4312

Rec't#

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 7443-3

Date: 3/6/25

I/We request that Water Permit/Right No. 7443-3

formerly owned by: Riverview Organics LLLP - Clive IA

be transferred to: (name & address) SEE ATTACHED

Email:

Telephone No.

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

526.0 acres located within the E 1/2 NW 1/4 Section 4-T109N-R76W &

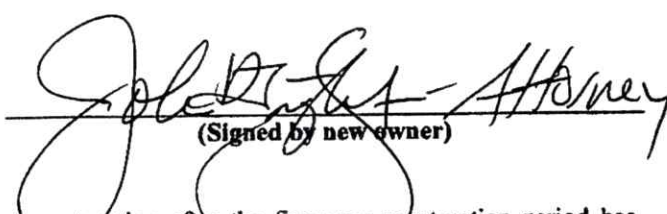
SE 1/4, SE 1/4 SW 1/4, NE 1/4 Section 33 & NW 1/4 Section 34; both in T110N-R76W

I/We understand that the validity of Water Permit/Right No. 7443-3 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 Fifty Dollars (\$50.00) 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 Leknarf Associates, LLC, 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

MAR 07 2025

OFFICE OF
WATER

ATTACHMENT

OWNER AND LESSOR

Leknarf Associates, LLC
c/o Michael Smothers
Cushman and Wakefield
575 Maryville Centre Drive, Suite 511
St. Louis, MO 63141
Phone: 1-515-207-9214
Email: Michael.Smothers@cushwake.com

OPERATOR AND LESSEE

McDonald Farms and Organics, LLC
Richard McDonald, Manager
11811 30th St. NE
McVile, ND 58254
Phone: 1-218-779-9933
Email: mcdonaldricky@gmail.com



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 7, 2025

Nos. 1431-3, 1647-3, 1905-3
2085-3, 7443-3, and 4429-3

Leknarf Associates LLC
c/o Michael Smothers
575 Maryville Centre Dr, STE 511
St Louis, MO 63141

Dear Mr. Smothers:

The South Dakota Water Rights Program is in receipt of the "Notice of Transfer of Ownership" forms and the required fees you submitted for Water Right Nos. 1431-3, 1647-31905-3, 2085-3, 7443-3, and 4429-3. Enclosed is a receipt of payment for your records.

Water Right Nos. 1431-3, 1647-31905-3, 2085-3, 7443-3, and 4429-3 previously held by Riverview Organics LLLP is now listed under Leknarf Associates LLC. I have also updated your contact information in our system.

As a reminder, so long as you use the water beneficially, as stated in the Water Rights (original copies enclosed), State Water Laws provide that you have a continuing right to use the water. Should the water not be put to beneficial use for a period longer than 3 consecutive years, without legal excuse, the Water Rights will be subject to cancellation.

If you have any questions, please contact me.

Sincerely,

Miranda Smith
Water Rights Program
605 773-3352
Miranda.Smith@state.sd.us

cc: John Knight, Green Oviatt Law Firm LLP (email)

NOTE: The validity of Water Right Nos. 1431-3, 1647-31905-3, 2085-3, 7443-3, and 4429-3 have not been determined by this transfer action. Only the Water Management Board has the authority to determine if a water permit/right is valid.

enclosures

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date March 7th, 2025

RECEIVED OF Green Oviatt Law Firm LLP PO Box 1600 Watertown SD 57201

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	\$ _____
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>1431-3, 1647-3, 1905-3, 2085-3, 7443-3, 4429-3</u>	<u>\$300.00</u>
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>\$300.00</u>

By

Eric Gronlund
Chief Engineer