

3127-3A

PAID

JAN 23 2024
Ck# 1409
Rec'd# 123/24

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Mail to: SD DANR, Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182Water Right/Permit No. 3127-3Date: 12-29-2023I/We request that Water Right/Permit No. 3127-3 formerly owned by:MARK HONOMICHL be transferred to:

New Owner Name:

Robert Geary Rachel Geary

Address:

32750 480th Ave

mobile:

City, State, Zip

Elk Point SD 57025

email:

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

All in Section 11 - T90N - R49W

~~NW 1/4 - 134.6 acres~~

SW 1/4 - 46 acres

~~TOTAL - 180.6 acres~~This is the land that
is permittedThis is the Verbas
ground
not irrigatedI understand that the validity of Water Right/Permit No. 3127-3 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, Robert J Geary, 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, an inspection is conducted to issue a water right license for the project as developed. A water permit/right may be cancelled for one or more of the following 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

JAN 23 2024

OFFICE OF
WATER

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date January 23, 2024

RECEIVED OF Robert J. Geary 32750 480th Ave., Elk Point SD 57025

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>3127-3</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
me

STATE OF SOUTH DAKOTA
REISSUED WATER LICENSE NO. 3127-3A
(DIVISION OF WATER LICENSE NO. 3127-3 INTO 3127-3A & 3127-3B)

(1) Ben K. Honomichl; RT1 Box 8, Jefferson SD 57035, was issued Water License No. 3127-3, October 6, 1976, for a water right to divert 2.85 cubic feet of water per second (cfs) from groundwater, one well, (Missouri: Elk Point Aquifer), located in the NE ¼ SW ¼ Section 11, T90N, R49W, Union County, South Dakota for irrigation purposes. Water Right No. 3127-3, with a priority date of August 24, 1978, authorizes the irrigation of 180.6 acres located in the W ½ Section 11, T90N, R49W. Ownership of Water Right No. 1327-3 was transferred in its entirety to Mark Honomichl on June 18, 2021.

On December 29, 2023, Robert & Rachel Geary filed a "Notice of Transfer of Ownership" for a portion of the land described in the water right. Based on the ownership change, Water Right No. 3127-3 is being divided and reissued to reflect separate ownership as follows:

- **Water Right No. 3127-3A, Robert & Rachel Geary; 32750 480th Ave, Elk Point SD 57025** authorizing diversion of 0.66 cfs from one well to irrigate 46.0 acres within the SW ¼ Section 11, T90N, R49W.
- **Water Right No. 3127-3B, Mark Honomichl, PO Box 173, Jefferson SD 57038** authorizing the diversion of 1.92 cfs from one well to irrigate 134.6 acres within the NW ¼ Section 11, T90N, R49W.

(2) It is certified that the water right holders Robert & Rachel Geary, 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 0.66 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 700 ft S & 460' W of the center of Section 11, T90N, R49W (NE ¼ SW ¼)
(Latitude 42.62512 & Longitude -96.59892)

(3) The water is to be used during the following described annual period: April 1 – September 30.

(4) The water right holders have complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate to following land:

Section 11, T90N, R49W – SW ¼ 46 acres

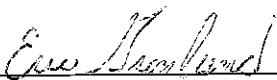
(5) Pursuant to South Dakota Water Law 46-5-30.1 Robert & Rachel Geary, the holders and/or owners of Water Right No. 3127-3A, are issued a license to appropriate water, the right to use 0.66 cubic feet of water per second from groundwater, one well (Missouri: Elk Point Aquifer), with a priority date of August 24, 1978, 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. 3127-3A and subject to the following qualifications:

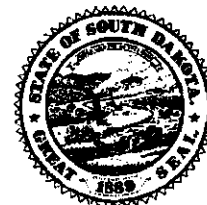
1. The irrigation well approved under this Water Right will be located near domestic wells and other irrigation wells which may obtain water from the same aquifer. The irrigation well owner, under this Water Right, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in irrigation wells having prior water rights.

continued

1. This Water Right is approved subject to the Irrigation Water Use Questionnaire being submitted each year.


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

FEB 05 2024
date





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

FEB 05 2024

3127-3A

Robert & Rachel Geary
32750 480th Ave
Elk Point SD 57025

Dear Mr. & Ms. Geary:

Enclosed is Water License No. 3127-3A and a receipt of payment for the transfer of ownership. Based on the ownership change you filed, Water Right No. 3127-3 was divided with the SW $\frac{1}{4}$ Section 11 being reissued in your name.

Water Right No. 3127-3A, authorizes the irrigation of 46.0 acres within the SW $\frac{1}{4}$ Section 11, T90N, R49W.

The Water Rights Program recognizes your indication of the absence of irrigation in the NW $\frac{1}{4}$ Section 11. We are working to determine ownership of the property. Upon verification that irrigation of the NW $\frac{1}{4}$ Section 11 is subject to forfeiture for non-use, that portion of the original Water Right No. 3127-3 will be scheduled for cancellation.

For your information SDCL 46-6-27 requires that if in the future, the owner of an existing well, 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.

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

Sincerely,

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

NOTE: The statutory limit for 46 acres is 0.66 cfs (approximately 300 gpm). Diversion of water under this water license is limited to 0.66 cfs.

enclosures