

WATER PERMIT NO. 6378-3

Name of Applicant: Jim Bye

Address: 44920 312th St, Gayville SD 57031

Phone: 605 267-4155

Amount of Water Claimed: 4.56 cfs

Total Acres: 320

Source of Water Supply: groundwater (2 wells)

Water to be used for: irrigation

County: Yankton

Type of Waste Disposal System:

Location: 7 miles east of Yankton

PRIORITY Date Received: 12-23-2002

Application/License Fee: \$375

Corrected Application Received: 1-6-2003

Period of Annual Use: May 1 – Aug 31

Remarks:

Diversion Point: center of NE ¼ and SE ¼ Sec 16-T93N-R54W

Land to be Irrigated: E ½ Sec 16-T93N-R54W

Depth of Well: approximately 100 feet deep

Well Driller: :

Remarks:

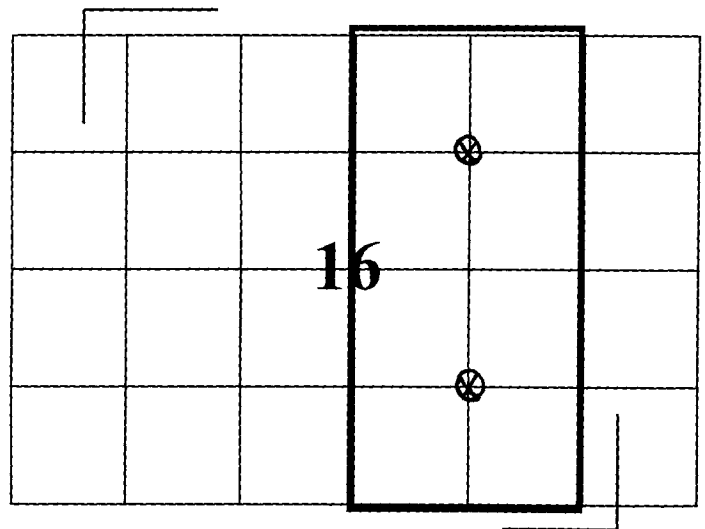
Type of Map: aerial

Prepared by: Valerie Schoenchild, NRCS

Reviewed and the Number Assigned on: 1-7-2003

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



**SOUTH DAKOTA
WATER PERMIT NO. 6378-3**

Date of first receipt of application December 23, 2002.

Date of return to applicant for corrections, amendments or changes December 23, 2002.

Date of receipt of corrected application January 6, 2003.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6378-3 to Jim Bye, 44920 312th St, Gayville SD 57031 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. 6378-3 appropriates 4.56 cubic feet of water per second from two wells (Missouri Elk Point Aquifer) approximately 100 feet deep located in the centers of the NE ¼ and SE ¼ Section 16 to irrigate 320 acres located in the E ½ Section 16; all in T93N-R54W.
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 – August 31.
3. The date from which applicant may claim right is December 23, 2002.
4. The date of approval of Permit No. 6378-3 is February 18, 2003.
5. One-fifth of the construction is to be completed on or before August 18, 2005.
6. All construction is to be completed on or before February 18, 2008.
7. Water is to be put to beneficial use on or before February 18, 2012.
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 wells 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. The wells authorized by Permit No. 6378-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

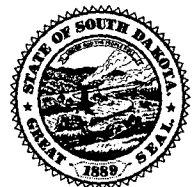
WATER MANAGEMENT BOARD

By: Garland Erbele

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

MAR 11 2003

date



FORM 2: Application for irrigation in South Dakota
(Type or print)

Mail to:
Water Rights Program
Joe Foss Building
523 E. Capitol
Pierre, SD 57501-3181
(605) 773-3352

No. 6378-3 (office use only)
Hydrologic Unit 10170101
Basin Missouri River
Newspaper Daily Press & Dakotan, Yankton

RECEIVED

DEC 23 2002

WATER RIGHTS
PROGRAM

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.) _____

- Name of Applicant Jim Bye (check one) ☒ Owner ☐ Tenant/leasee Phone 605-267-4155
Mailing Address 44920 312th St Gazville State SD 57031
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 4.56 CFS or ***GPM ***AF Total Acreage 320
(*Cubic Feet per Second) (**Gallons per Minute) (***) Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) one well in center
of NE 1/4 16-93-54 one well in center
of SE 1/4 16-93-54 County Yankton
- County or counties where water will be used Yankton
- Annual period during which water is to be used may - June - July - Aug. 31
- 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
NE 1/4 sec 16 93-54	160		
SE 1/4 sec 16 93-54	160		

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

STATE OF SOUTH DAKOTA) SS
County of Yankton

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

I, Jim Bye, 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 Jim Bye

Subscribed and sworn to before me this 19th day of December 20 02

Melvin H. Hargrett
Notary Public signature

Commission Expires Nov. 21, 06

(Complete applicable portions only)

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 22 Depth 100 ft
 b) Casing Type PVC Diameter 16 Thickness 40
 c) Screen Type PVC Diameter 16 Thickness 40
 d) Gravel Pack yes Length of Gravel Pack 60 ft
 e) Depth to Top of Water Bearing Material 29 ft S YA 28 J
 f) Depth to Water (ground surface to water level) 10 ft
 g) Distance to nearest existing domestic well:
 On applicants property 1/4 mile free flowing On property owned by others 1/4 mile Free Flowing

2. Wastewater Disposal System Information

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

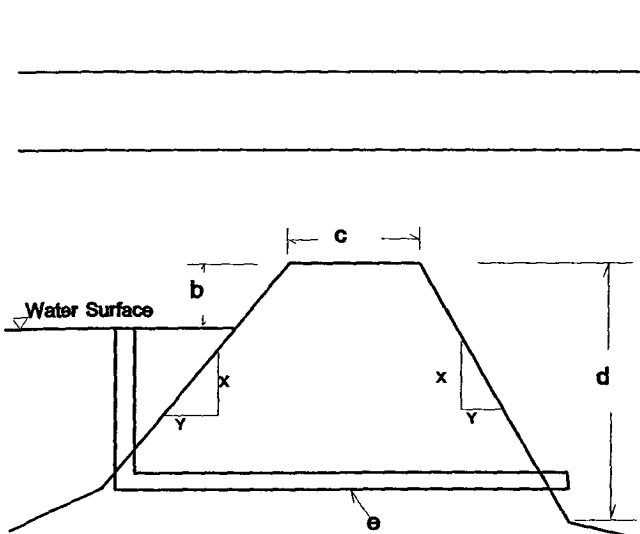
3. Dugout Information

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

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:



- b) Freeboard _____
 c) Crest Width _____
 Crest Length _____
 d) Height _____
 e) Primary Outlet Capacity _____
 If pipe, diameter _____
 f) Secondary Spillway Capacity _____
 Spillway Width _____
 g) X & Y Slope _____
 Upstream _____
 Downstream _____
 h) Surface Area of Impoundment _____
 i) Storage _____ Acre Feet
 j) Drainage Area Above Dam _____ Acres

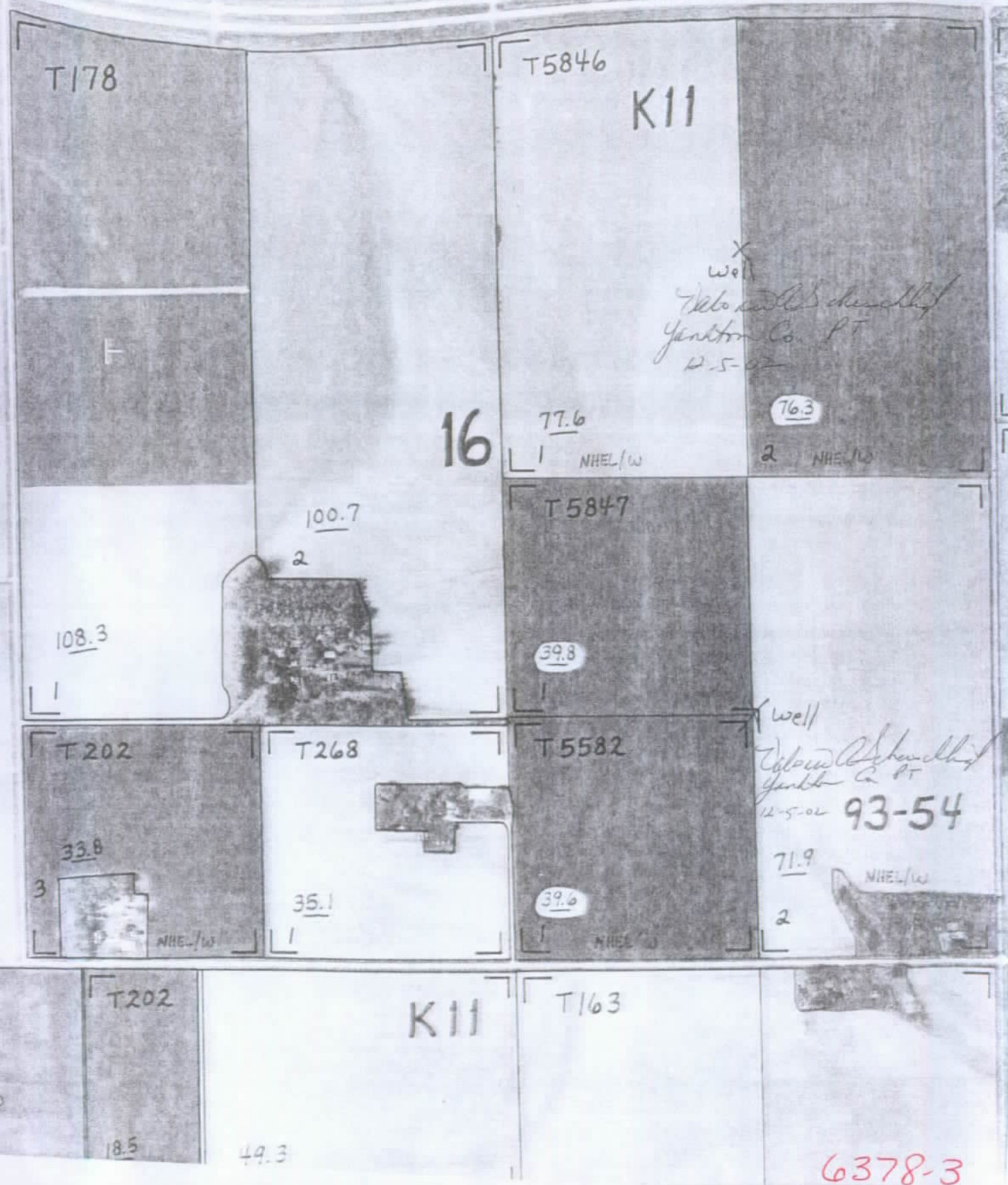
RECEIVED

JAN 06 2003

WATER RIGHTS
PROGRAM

MAP NOT TO SCALE
THIS IS NOT AN OFFICIAL WETLAND MAP

2002



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date January 6, 2003

RECEIVED OF Bye Brothers, 44920 312th St., Gayville SD 57031

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

Fee for Application for Permit No. <u>63793</u> to Appropriate Water, to construct and to put water to beneficial use	325	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>6379-3</u>	50	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	375.00

No. 000077

By Dorland Eide

Chief Engineer gm



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 23, 2002

Jim Bye
44920 312th St
Gayville SD 57031

Dear Mr. Bye:

Thank you for submitting the *Application for a Permit to Appropriate Water For Irrigation*. In order to complete the application the following is required.

Please complete the enclosed "Supplemental Information" sheet regarding the Well Information – Proposed Construction and submit a well log or test hole log signed by a licensed South Dakota well driller if available.

We are returning your check for \$15. The application/license filing fee will be \$375. This amount is based on the 320 acres you are proposing to irrigate.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

enclosures

REPORT ON WATER PERMIT NO. 6378-3

For Jim Bye
January 9, 2003

Application No. 6378-3 proposes to appropriate 4.56 cfs (2,050 gpm) from two wells approximately 100 feet deep located in the centers of the NE ¼ and SE ¼ of section 16 to irrigate 320 acres located in the E ½ of section 16; all in T93N R54W in Yankton County.

AQUUIFER – MISSOURI ELK POINT (M-EP)

The Missouri Elk Point is an alluvium-mantled outwash (sand and gravel) which is under water table conditions in this area. The aquifer is equivalent to the southern portion of the Lower James Missouri aquifer as described in the Yankton County Study (Bugliosi, 1986). The Missouri Elk Point aquifer underlies 45,000 acres and contains an estimated 675,000 acre-feet of recoverable water in storage in Yankton County (Hedges, 1982). The aquifer is hydraulically connected to the Lower James Missouri aquifer to the north, extends into Clay County to the east and to both the James and Missouri Rivers. Ground water movement is from north to south and locally toward the James and Missouri Rivers.

No test well information was submitted with the application, however, based upon test drilling for the Yankton County Study, observation well drilling for Water Rights and other well logs in the area all indicate adequate ground water in the area. Area irrigation wells are capable of pumping 1,000 to 2,000 gallons per minute. The aquifer is highly productive in this area with specific capacities reported to range from 124 to 173 gpm/ft of drawdown (Bugliosi, 1986).

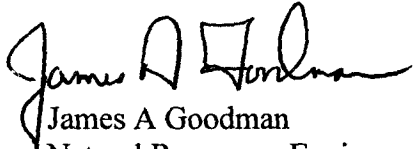
The Water Rights Program monitors two observation wells, YA-78J and YA-80KA located two miles north and three miles south respectively, from this application. Water levels for these wells show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. The water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2003). Hydrographs for these two observation wells are included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing water permit/right is about one-half mile southwest of this application. Interference is not a concern. Pumping in this area does not create significant drawdown that extends very far from the individual production wells. This is shown by the observation well water level data. There are other irrigation wells in the area and there have never been any complaints concerning availability.

CONCLUSIONS

1. Water is available from the Missouri Elk Point aquifer.
2. The aquifer is under water table conditions in this area. Drawdown created by pumping is not significant. Interference is not a concern.
3. The wells authorized by this application must be constructed in accordance with SD Well Construction Standards.
4. No test well information was submitted with this application but there is sufficient information available from the county study, observation well drilling and other irrigation wells in the area to evaluate the ground water supply in this area.


James A Goodman
Natural Resources Engineer

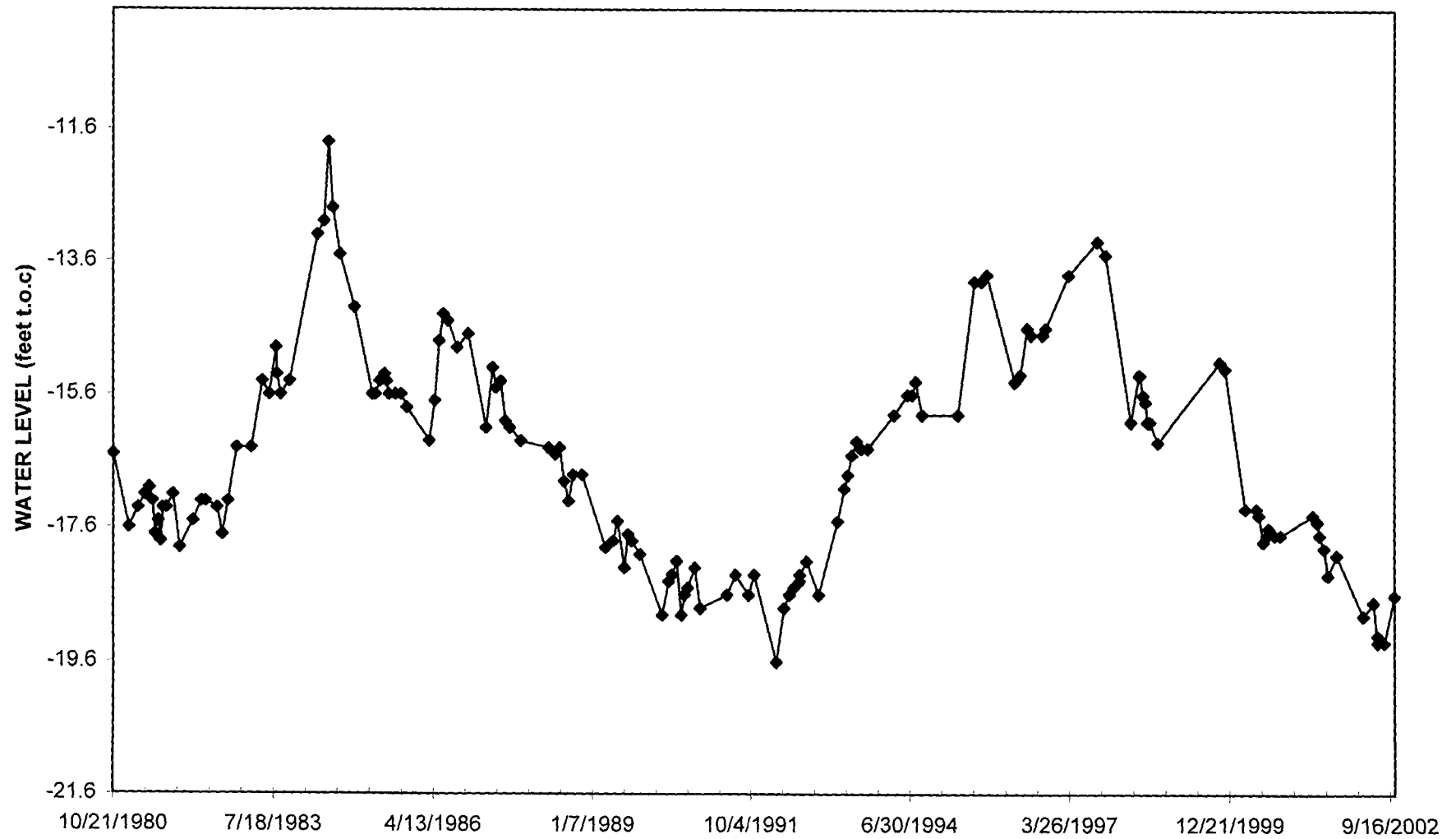
BIBLIOGRAPHY

Bugliosi, E.F., 1986, Water Resources of Yankton County, South Dakota, Water Resources Investigations Report 84-4241, USGS, Huron, SD, 57350.

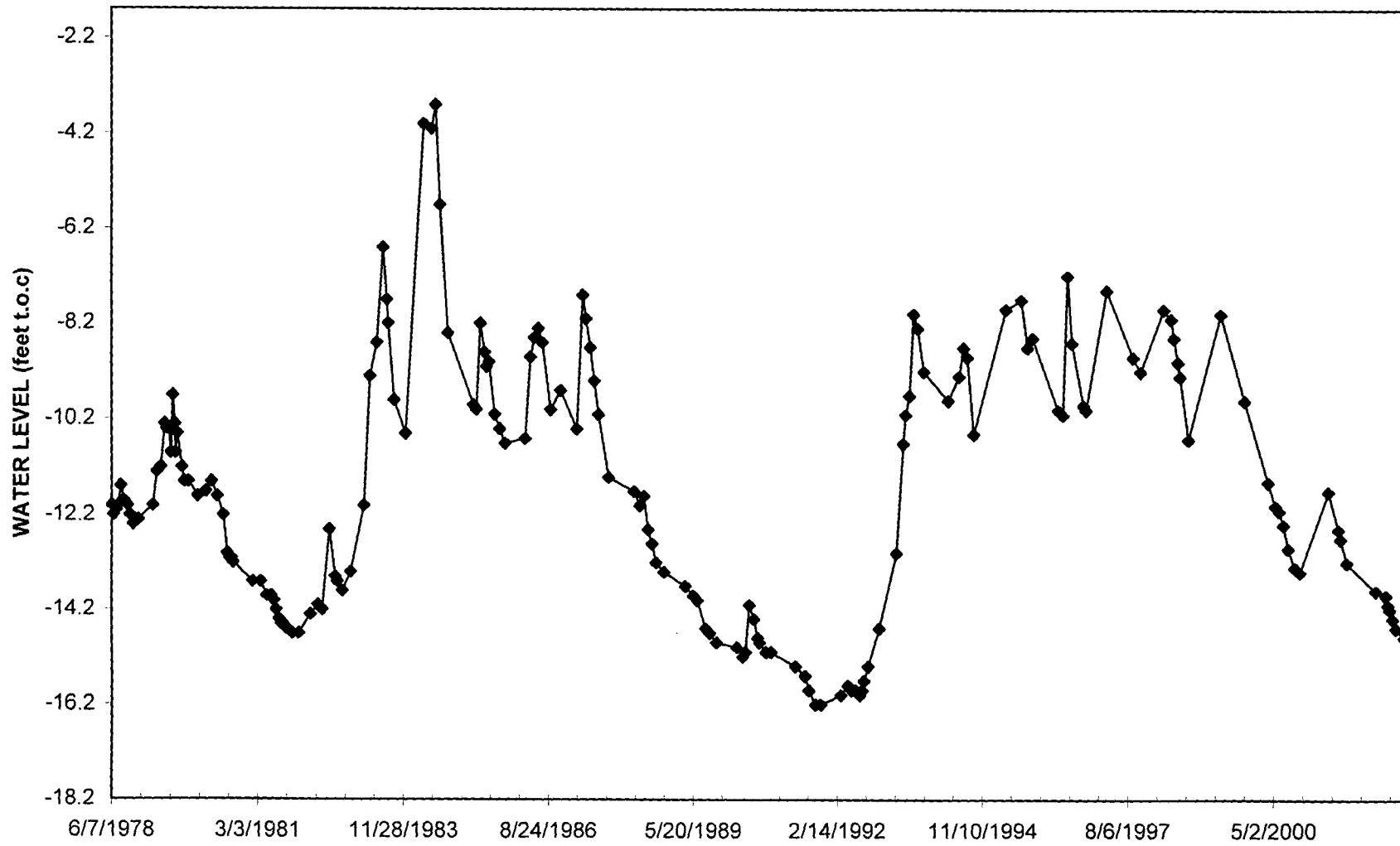
Hedges, L.S., 1982, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Water Rights, 2003, Unpublished Observation Well Data for Yankton County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL
YA-80KA



WATER RIGHTS' OBSERVATION WELL
YA-78J





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

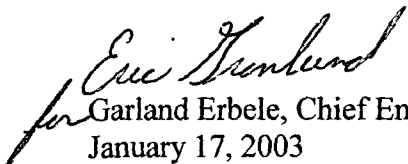
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6378-3, Jim Bye**

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. 6378-3, Jim Bye, 44920 312th Street, Gayville SD 57031.

The Chief Engineer is recommending APPROVAL of Application No. 6378-3 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 wells 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. The wells authorized by Permit No. 6378-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.


for Garland Erbele, Chief Engineer
January 17, 2003

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

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

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

RITA THOMAS BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT SHE IS THE PUBLISHER OF THE YANKTON
PRINTING COMPANY, A CORPORATION, THE PRINTER AND THE
PUBLISHER OF THE YANKTON DAILY PRESS AND DAKOTAN, A LEGAL
DAILY NEWSPAPER PRINTED AND PUBLISHED IN THE CITY OF YANKTON,
SAID COUNTY AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF
THE SAID COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE
ANNEXED Notice of Application No. 6378-3 to Appropriate Water

TAKEN FROM THE PAPER IN WHICH IT WAS PUBLISHED IN THE
NEWSPAPER ON THE 5th DAY OF February 2003
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID Notice TO WIT \$18.56 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 1/29/03; 2/5/03

FILED ON: 2/5/03

Rita L. Thomas
SUBSCRIBED AND SWORN TO BEFORE ME THIS 5th DAY OF February, 2003

Donna M. Schell
NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES 08/19/03

1+29 & 2+5

**NOTICE OF APPLICATION NO. 6378-3
to Appropriate Water**

Notice is given that Jim Bye, 44920 312th St, Gayville SD 57031 has filed an application for a water permit to appropriate 4.56 cubic feet of water per second from two wells (Missouri Elk Point Aquifer) approximately 100 feet deep located in the centers of the NE1/4 and SE1/4 Section 16 to irrigate 320 acres located in the E1/2 Section 16; all in T93N-R54W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6378-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605-773-3352)" and the applicants mailing address is given above. A petition filed by either an interested person or the applicant must be filed by February 18, 2003.

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.

RECEIVED

FEB 10 2003

WATER RIGHTS
PROGRAM



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

January 21, 2003

Jim Bye
44920 312th St
Gayville SD 57031

Dear Mr. Bye:

Water Permit Application No. 6378-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Daily Press & Dakotan printed at Yankton, SD (Ph # 605-665-7811). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 21, 2003

Daily Press & Dakotan
PO Box 56
Yankton SD 57078-0056

ATTENTION: Legal Public Notice

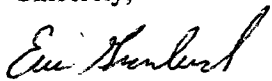
Enclosed is a Notice of Hearing on Application No. 6378-3 to Appropriate Water to be published twice. Please publish the first notice on January 29, 2003 with the second publication 7 days later.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Jim Bye, 44920 312th St., Gayville SD 57031 (Ph # 605-267-4155).

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

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

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 6378-3

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

Date _____

We are in receipt of your letter of January 21, 2003 enclosing Notice of Hearing to Appropriate Water by Application No. 6378-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

Instruction to Newspaper - Publish first Notice on January 29, 2003 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6378-3 to Appropriate Water

Notice is given that Jim Bye, 44920 312th St, Gayville SD 57031 has filed an application for a water permit to appropriate 4.56 cubic feet of water per second from two wells (Missouri Elk Point Aquifer) approximately 100 feet deep located in the centers of the NE ¼ and SE ¼ Section 16 to irrigate 320 acres located in the E ½ Section 16; all in T93N-R54W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6378-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by February 18, 2003.

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.



MAR 11 2003
MAR 11 2003

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Jim Bye
44920 312th St
Gayville SD 57031

Dear Mr. Bye:

Enclosed is Water Permit No. 6378-3 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

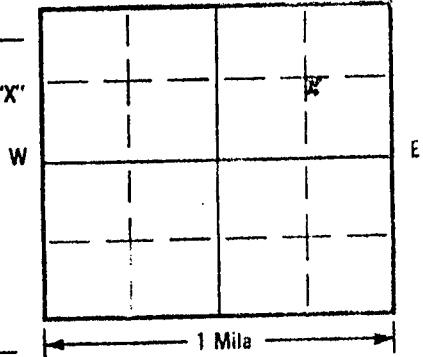
enclosures

SOUTH DAKOTA WATER WELL COMPLETION REPORT 6378-3 07-92

Location SE 1/4 NE 1/4 Sec 16 Twp 93N Rg 54W

County YANKTON

Please mark well location with an "X"



Well Completion Date

6-2-03

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, old lot, etc.)? 3000 ft. from SEPTIC TANK (identify source).

PROPOSED USE:

- ☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Rotary

SING DATA: ☐ Steel ☒ Plastic ☐ Other

Other describe _____

PEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>321 LB/FT</u>	<u>16 IN</u>	<u>0 FT</u>	<u>55 FT</u>	<u>22 IN</u>
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

ROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>PORT GRT</u>	<u>46</u>	<u>210</u> lb./gal	<u>20</u> ft	<u>55</u> ft
<u>PORT GRT</u>	<u>27</u>	<u>214</u> lb./gal	<u>0</u> ft	<u>20</u> ft

Describe grouting procedure Tremie

SCREEN: ☐ Perforated pipe ☒ Manufactured

Water 16 IN Length 40 FEET

Material PVC

Size 060 Set From 55 Feet to 95 Feet

or information _____

IS A PACKER OR SEAL USED? ☐ YES ☒ NO

What material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: HTH

_____ NO, Why Not? _____

Water sent to for water analysis _____

Well Owner: Jim Bye

Business Name: _____

Address: CAyville SD

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Clay; BPN, Silty</u>	<u>0</u>	<u>9</u>
<u>Sand, fine</u>	<u>9</u>	<u>18</u>
<u>Clay, Black</u>	<u>18</u>	<u>27</u>
<u>Sand, fine</u>	<u>27</u>	<u>40</u>
<u>Sand; Medium to Coarse</u>	<u>40</u>	<u>48</u>
<u>GRAVEL, coarse</u>	<u>48</u>	<u>80</u>
<u>GRAVEL; V. COARSE; Bould</u>	<u>80</u>	<u>113</u>

STATIC WATER LEVEL 18

If flowing: closed in pressure _____

GPM flow _____ through _____ inch _____

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped

Describe: _____

☐ Bailed

☐ Other

Pumping Level Below Land Surface

36 ft. After 6 Hrs. pumped 1000 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate 800 GPM

REMARKS

RECEIVED

JAN 30 2004

WATER RIGHTS PROGRAM

This well was drilled under license # 666

And this report is true and accurate.

Drilling firm HANCOCK Wetmore Drilling

Signature of License Representative:

R. D. Hancock

Signature of Well Owner or Equitable Property Holder:

J. Bye

7-10-03

Permit No. 6378-3
Missouri River - Water District

Contact Person & Address: **Jim Bye, 44920 312th St, Gayville SD 57031**

Report Of Examination Of Works

On, **September 22, 2009**, I made a thorough examination of the water use system constructed by **Jim Bye** of **44920 312th St, Gayville SD 57031** holder of Permit No. **6378-3**, bearing the priority of **December 23, 2002** authorizing the diversion of **4.56** cu. ft. per second of the waters of **ground water (Missouri; Elk Point)** for **irrigation** purposes, in **Yankton** County.

The system is in the following condition **good**. The point of diversion is located **From the NE corner of Section 16 T93N-R54W 1320 ft west and 1400 ft south** with a longitude of **-97.22522** and a latitude of **42.87744** as determined using **GPS**. The works are capable of diverting and conveying to the place of use **2.40** cu. ft. per second of water which is to be used for **irrigation**. Water has been put to beneficial use to the maximum extent as follows:

All land is located in **Sec 16 T93N-R54W**:

<u>NW ¼ NE ¼ -33 ac</u>	<u>NE ¼ NE ¼ -33 ac</u>	<u>SE ¼ NE ¼ -33 ac</u>
<u>SW ¼ NE ¼ -33 ac</u>	<u>NW ¼ SE ¼ -33 ac</u>	<u>NE ¼ SE ¼ -33 ac</u>
<u>SE ¼ SE ¼ -33 ac</u>	<u>SW ¼ SE ¼ -33 ac</u>	

comprising a total of **264** acres of land and the license should be issued for **2.40** cfs.

Review of Permit Qualifications And Regulations:

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

Report On the Specifics of the System

Diversion Point Information:

Well Information:

- 1) Well Drilling Firm: **Hammond Wetmore**
- 2) No. of Wells **1**
- 3) Depth(s) **113** feet
- 4) Well log is available **yes**

Casing:

- 1) Diameter **16** inches
- 2) Length **55** feet
- 3) Type **pvc**

Screen:

- 1) Type pvc
- 2) Length 40 feet
- 3) Static water level 18 feet

Pump:

- 1) Make Western Land Roller
- 2) Model 6305NG012660
- 3) Size 8
- 4) Capacity 1080 GPM

Motor:

- 1) Make US Electrical
- 2) Model No. BF54A
- 3) Horsepower rating 50 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type pvc
- 2) Size 10 inches
- 3) Length 2640 feet

SYSTEM TYPE:

Center pivot:

- 1) Make Valley
- 2) Overall length 1280 feet
- 3) Number of towers 7
- 4) End gun yes
- 5) High or low pressure lo
- 6) Capacity 1080 GPM

Center pivot:

- 1) Make Valley
- 2) Overall length 1280 feet
- 3) Number of towers 7
- 4) End gun yes
- 5) High or low pressure lo
- 6) Capacity 1080 GPM

CHEMIGATION EQUIPMENT:

- 1) Does chemigate no
- 11) **Comments :** none



Mark D. Rath
Natural Resources Engineering Specialist
DENR, Water Rights Program

1-5-2009

Date



0 455 910 1,820 2,730 3,640 Feet



Mark D Rath
01-05-2010



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JAN 13 2010

6378-3

Jim Bye
44920 312th St
Gayville SD 57031

Dear Mr. Bye:

Enclosed is Water License No. 6378-3. 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. 6378-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

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

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6378-3**

(1) Jim Bye, 44920 312th St, Gayville SD 57031 made Application No. 6378-3, December 23, 2002 for a water permit to divert 4.56 cubic feet of water per second from ground water (two wells – Missouri:Elk Point Aquifer), Yankton County, South Dakota for irrigation purposes. Permit No. 6378-3, with a priority date of December 23, 2002 was approved February 18, 2003 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before February 18, 2008 and for the application to beneficial use of said water on or before February 18, 2012.

(2) It is certified that the permit holder has 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 2.40 cubic feet of water per second for beneficial use. The location of the diversion point is 1,320 feet west and 1,400 feet south of the NE corner of Section 16, T93N, R54W (approximate center of the NE ¼).

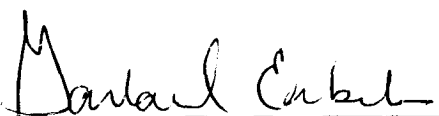
(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 16, T93N, R54W			
NW ¼ NE ¼	33 acres	NW ¼ SE ¼	33 acres
NE ¼ NE ¼	33 acres	NE ¼ SE ¼	33 acres
SE ¼ NE ¼	33 acres	SE ¼ SE ¼	33 acres
SW ¼ NE ¼	33 acres	SW ¼ SE ¼	33 acres
Total 264 acres			

(4) Pursuant to South Dakota Water Law 46-5-30.1 Jim Bye, 44920 312th St, Gayville SD 57031 the holder and/or owner of Water Right No. 6378-3 is issued a license to appropriate water, the right to use 2.40 cubic feet of water per second from ground water (one well – Missouri:Elk Point Aquifer) with a priority date of December 23, 2002 from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6378-3 and subject to the following qualifications:

- 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.
- The wells* authorized by Permit No. 6378-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:28 (**only one well was drilled - log completed by Hammond-Wetmore Drilling and is on file with the Program*)
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.


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

JAN 13 2010
date





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 22, 2010

NOTICE

TO: JIM BYE, 44920 312TH ST, GAYVILLE, SD 57031

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaire(s)

Our records indicate that the 2009 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6378-3. The request for the Questionnaire was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 6378-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **10:00 am, March 10, 2010** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6378-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office on/or before **March 5, 2010**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq.aspx>

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

6378-3
[Home](#) | [Help](#) | [Sign In](#)[Track & Confirm](#)[FAQs](#)

Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 8573

Service(s): **Signature Confirmation™**Status: **Delivered**

Your item was delivered at 11:33 AM on January 23, 2010 in GAYVILLE, SD 57031. The item was signed for by B BYE.

Track & Confirm

Enter Label/Receipt Number.

[Go >](#)

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)

Proof of Delivery

Verify who signed for your item by email, fax, or mail. [Go >](#)[Site Map](#)[Customer Service](#)[Forms](#)[Gov't Services](#)[Careers](#)[Privacy Policy](#)[Terms of Use](#)[Business Customer Gateway](#)

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No FEAR Act EEO Data

FOIA

SIGNATURE CONFIRMATION RECEIPT

SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 8573

JIM BYE
44920 312TH ST
GAYVILLE SD 57031

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:
Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com®
or call 1-800-222-1811

☐ Priority Mail™ Service
☐ First-Class Mail® parcel
☐ Package Services parcel



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 1, 2010

6378-3

Jim Bye
44920 312th St
Gayville SD 57031

Dear Mr. Bye:

I am writing to acknowledge receipt of your 2009 irrigation questionnaire. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Right No. 6378-3.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

December 31, 2012

No. 6378-3

Ricky Bye
31116 450th Ave
Gayville SD 57031

Dear Mr. Bye:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Permit No. 6378-3. The water permit is currently listed in the name of Jim Bye.

The transfer form should be checked over for accuracy and **signed by the new owner**. Upon completion, return the form to our office with a required filing fee of \$50.00.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352
email: karen.schlaak@state.sd.us

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 6378-3

Date: _____

I/We request that Water Right/Permit No. 6378-3

formerly owned by: Jim Bye

be transferred to: (name & address) Ricky Bye, 31116 450th Ave, Gayville SD 57031

Telephone No. 605 661-5745

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

320 acres located in the E 1/2 Section 16-T93N-R54W

I/We understand that the validity of Water Right/Permit No. 6378-3 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 Ricky Bye, the new owner, certify that the above information is true and correct.

Ricky J. Bye
(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/14, 20 13

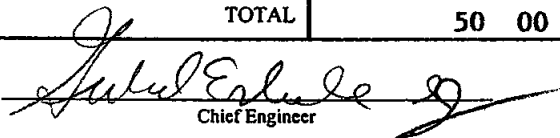
RECEIVED OF Rickyt Bye 31116 450th Ave Gayville SD 57031

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	50	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 <u>6378-Z</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. 05951

By


Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 15, 2013

6378-3

Ricky Bye
31116 450th Ave
Gayville SD 57031

Dear Mr. Bye:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Right No. 6378-3.

The ownership change has been completed. Water Right No. 6378-3 formerly held by Jim Bye is now listed in your name.

Enclosed for your records is Receipt no. 05951 in the amount of \$50. If you have any questions, please contact me.

Sincerely,

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

enclosure