

6458A-3

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

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

Water Right/Permit No. 6458-3

Date: 10/26/2023

I/We request that Water Right/Permit No. 6458-3 formerly owned by:
Paul Young be transferred to:

New Owner Name: Rex Bye

Address: 45142 Union School Rd mobile: 605-660-3268

City, State, Zip Gayville, SD 57031 email: rpbye@iw.net

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

SEC 36-T093N-R54W, SW1/4NE1/4 - 34.00 acres
SEC 36-T093N-R54W, NW1/4NE1/4 - 34.00 acres
SEC 36-T093N-R54W, NE1/4NW1/4 - 34.00 acres
SEC 36-T093N-R54W, NW1/4NW1/4 - 34.00 acres
SEC 36-T093N-R54W, SW1/4NW1/4 - 34.00 acres
SEC 36-T093N-R54W, SE1/4NW1/4 - 24.00 acres

☒ I understand that the validity of Water Right/Permit No. 6458-3 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, Rex Bye, the new owner, certify that the above information is true and correct.

Rex Bye
Rex Bye (Oct 26, 2023 10:08 CDT)
(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.

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date October 26, 2023

RECEIVED OF Pamela/Rex Bye 45142 Union School Rd., 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	\$ _____
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>6458-3</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
Em

STATE OF SOUTH DAKOTA
REISSUED WATER LICENSE NO. 6458A-3
(DIVISION OF WATER LICENSE NO. 6458-3 INTO 6458A-3 & 6458B-3)

(1) Paul Young; was issued Water License No. 6458-3, May 10, 2007, for a water right to divert 3.74 cubic feet of water per second (cfs) from groundwater, two wells (Missouri: Elk Point Aquifer), Yankton County, South Dakota for irrigation purposes. Water Right No. 6458-3, with priority dates of March 30, 1977, December 14, 1976, and December 23, 2003, authorizes the irrigation of 262.0 acres located in the S ½ SW ¼ Section 25, NW ¼ and W ½ NE ¼ Section 36; all in T93N-R54W.

On October 26, 2023, Rex Bye 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. 6458-3 is being divided and reissued to reflect separate ownership as follows:

- **Water Right No. 6458A-3, Rex Bye; 45142 Union School Rd, Gayville SD 57031** authorizing diversion of 2.77 cfs from two wells to irrigate 194.0 acres within the W ½ NE ¼ & NW ¼ Section 36, T93N, R54W.
- **Water Right No. 6458B-3, Paul Young; 815 James Pl, Yankton SD 57078** authorizing the diversion of 0.97 cfs from two wells to irrigate 68.0 acres within the S ½ SW ¼ Section 25, T93N, R54W.

(2) It is certified that the water right holder Rex Bye, has complied with the provisions of South Dakota State Law and is entitled to divert 2.77 cubic feet of water per second for beneficial use. The locations of the diversion points are:

- Well #1: 1,370 ft E of the NW corner of Section 36, T93N, R54W (NE ¼ NW ¼)
(Latitude 42.83732 & Longitude -97.17533)
- Well #2: 2,640 ft E & 1,320 ft S of the NW corner of Section 36, T93N, R54W (NE ¼ NW ¼)
(Latitude 42.83359 & Longitude -97.17036)

(3) The amount of appropriation may not exceed 2.0 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: March 1 – November 30.

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

Section 36, T93N, R54W					
PRIORITY DATES			PRIORITY DATES		
NE ¼ NW ¼	34 acres	December 14, 1976	NW ¼ NE ¼	34 acres	December 14, 1976
NW ¼ NW ¼	34 acres	March 30, 1977	SW ¼ NE ¼	34 acres	December 14, 1976
SW ¼ NW ¼	34 acres	December 23, 2003			
SE ¼ NW ¼	24 acres	December 14, 1976	TOTAL:	194 acres	

continued

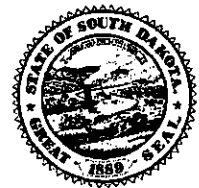
(5) Pursuant to South Dakota Water Law 46-5-30.1 Rex Bye, the holder and/or owner of Water Right No. 6458A-3 is issued a license to appropriate water, the right to use 2.77 cubic feet of water per second from groundwater, two wells (Missouri Elk Point Aquifer), with a priority dates as listed in (4), 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. 6458-3 and subject to the following qualifications:

1. The wells approved under this Water Right will be located near domestic wells and other wells which may obtain waster from the same aquifer. The well owner under this Water Right shall control their 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 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

NOV 01 2023
date





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

REV 01 2023

6458A-3

Rex Bye
45142 Union School Rd
Gayville SD 57031

Dear Mr. Bye:

Enclosed is Water License No. 6458A-3 and a receipt of payment for your records. Based on the ownership change you filed, Water Right No. 6458-3 was divided and reissued to reflect separate ownership as follows:

- Water Right No. 6458A-3 authorizing the irrigation of 194 acres within the W $\frac{1}{2}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ of Section 36, T93N, R54W.
- Water Right No. 6458B-3 authorizing the irrigation of 68 acres within the S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 25, T93N, R54W

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: While this Water Right includes diversion from both wells, access to wells on private property is not afforded under the license. Access arrangements would need to be made with the adjacent landowner.

enclosures

6458A-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

November 6, 2023

Sheila Woodward
PO Box 667
Yankton SD 57078

Dear Ms. Woodward

You are listed on the Secretary of State website for Paul Young LLC. It is our understanding that Mr. Young passed away. See recent correspondence intended for Mr. Young regarding a water right for irrigation. I attempted to resend to the 327 Broadway Avenue address but am uncertain if that address is still valid. Please make this gets to the appropriate person for Mr. Young. Thank you.

Sincerely,

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

enclosure