

WATER PERMIT NO. 7458-3

Name of Applicant: Jim Bye

Address: 44920 312th St, Gayville SD 57031 Phone: 605 661-4870

Amount of Water Claimed: 3.78 cfs Total Acres: 270 acres

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation County: Yankton

Type of Waste Disposal System:

Location: 9 miles east of Yankton

PRIORITY Date Received: 10-11-12 Application/License Fee: \$ 1250

Corrected Application Received: Period of Annual Use: May 1 – Sept 30

Remarks:

Diversion Point: approximate center of SW 1/4
Sec 15-T93N-R54W

Land to be Irrigated: W 1/2 Sec 15-T93N-R54W

Depth of Well: 130 feet deep

Well Driller:

Remarks:

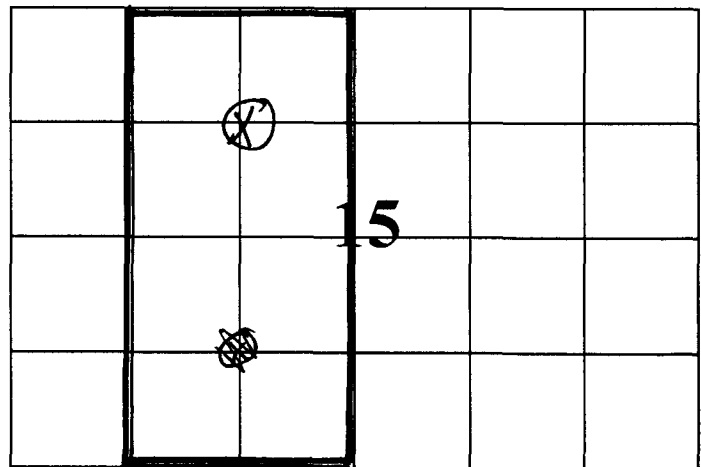
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 10-11-12

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



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. <u>7458-3</u> (office use only)
	Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u>
	Newspaper <u>Daily Press & Debate</u> <u>319 Walnut</u> <u>605-665-7811</u> <u>Yankton 57078</u>

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OCT 11 2012
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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 Phone 605-661-4870
Mailing Address 44920 312th St Gayville State S.D 57031
(check one) ☒ Owner ☐ Tenant/lessee
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 3.78 *CFS or 1050 **GPM ***AF Total Acreage 270
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply Missouri Aquifer
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Yankton
1 well in NW 1/4 of Section 15-T93N R 54W
(approximate center)
- County or counties where water will be used Yankton
- Annual period during which water is to be used May - Sept. 30
- 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
SE 1/4 of SW 1/4 of Section 15 T93 R 54	40	SE 1/4 of NW 1/4 of Section 15 T93 R 54	40
SW 1/4 of SW 1/4 of Section 15 T93 R 54	40	SW 1/4 of NW 1/4 of Section 15 T93 R 54	40
NE 1/4 of SW 1/4 of Section 15 T93 R 54	40	NE 1/4 of NW 1/4 of Section 15 T93 R 54	40
NW 1/4 of SW 1/4 of Section 15 T93 R 54	40	NW 1/4 of NW 1/4 of Section 15 T93 R 54	40

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

STATE OF SOUTH DAKOTA)
County of Yankton SS

Attachments: 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

Subscribed and sworn to before me this 5th day of October 20 12

Lamara L. Lee
Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 7458-3**

Date of first receipt of application October 11, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7458-3 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. 7458-3 appropriates 3.78 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (130 feet deep) located in the approximate center of the NW 1/4 Section 15 for irrigation of 270 acres located in the W 1/2 Section 15; 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 – September 30.
3. The date from which applicant may claim right is October 11, 2012.
4. The date of approval of Permit No. 7458-3 is January 7, 2013.
5. One-fifth of the construction is to be completed on or before July 7, 2015.
6. All construction is to be completed on or before January 7, 2018.
7. Water is to be put to beneficial use on or before January 7, 2022.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 7458-3 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.

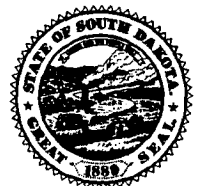
WATER MANAGEMENT BOARD

By: Garland Erbele

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

JAN 25 2013

date



Supplemental Information

(Complete applicable portions only)

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 22" Depth 130'
- b) Casing Type PVC Diameter 16" Thickness .5"
- c) Screen Type PVC Diameter 16" Thickness .5"
- d) Gravel Pack 1/8 to 3/8 Gravel Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 75'
- f) Depth to Water (ground surface to water level) 25'
- g) Distance to nearest existing domestic well:
- On applicants property NA On property owned by others > 4000

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

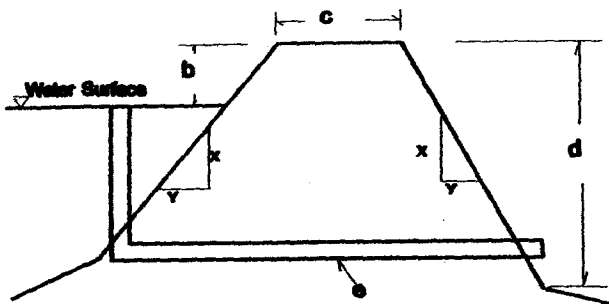
3. Dugout Information

- 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



United States Department of Agriculture
Farm Service Agency

PLSS: 15_93N_54W
Farm: 6400

Yankton County, SD

1:8,813

May 11, 2012



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2013

Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area.
Refer to your original determination (CPA-026 and attached maps) for exact wetland
boundaries and determinations, or contact NRCS.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 10/11, 20 12

RECEIVED OF Jim G Bye 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>7458-3</u> to Appropriate Water, to construct and to put water to beneficial use	1050	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>7458-3</u>	200	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	1250 00

No. **05613**

By *Shirley Erdel*
Chief Engineer

Water Rights Program - File Documentation

NAME: Jim Bye

ADDRESS: Gayville SD

DATE: 12-20-12 **COUNTY:** Yankton **TELEPHONE:** 605 661-4870

RE: Change of location of diversion point

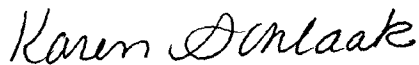
COMMENTS:

Jim Bye called regarding his application. Mr. Bye stated he had been gone and just read our report and recommendation regarding Application No. 7458-3 sent on Dec 12th. Mr. Bye stated since the application was submitted in October, he and the electrical company had determined it would be cheaper to run the electricity to the approximate center of the NW 1/4 instead of the SW 1/4 of Section 15-T93N-R54W.

The notice of this application ran in the Yankton paper today. After talking with Ron Duvall, we decided that in order avoid any legal entanglements in the future, we would send the notice to the Yankton paper to published again with the corrected legal description of the well location.

Joe Stonesifer stated moving the diversion point 1/2 mile to the north would not change any of the information within his report.

I called Mr. Bye and explained what we were going to do and he was in agreement.



Karen Schlaak
Water Rights Program



**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. 7458-3, 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. 7458-3, Jim Bye, 44920 312th Street, Gayville SD 57031.

The Chief Engineer is recommending APPROVAL of Application No. 7458-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 7458-3 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.

Garland Erbele, Chief Engineer
December 12, 2012

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 7458-3
JIM BYE
DECEMBER 4, 2012

Water Permit Application No. 7458-3 proposes to appropriate 540 acre-feet per year (ac-ft/yr) at a maximum diversion rate of 3.78 cubic feet of water per second (cfs) from one well to be completed into the Missouri: Elk Point aquifer. The well is expected to be approximately 130 feet deep and is to be located in the approximate center of the SW¼ of Section 15, T93N-R54W. This permit application proposes to irrigate 270 acres located in the W½ of Section 15 in T93N-R54W in Yankton County.

AQUIFER: Elk Point management unit of the Missouri aquifer (M: EP)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The Missouri: Elk Point is an alluvium mantled outwash consisting of clay and silt with sand and gravel that is predominately under water table conditions in the area (Jenson, 2000; Water Rights, 2012c). In total, the Missouri: Elk Point aquifer is estimated to underlie 219,100 acres and contain 3,287,100 acre-feet (ac-ft) of recoverable water in storage. The Missouri: Elk Point aquifer extends from Yankton County east into Clay County and further east into Union County. The proposed well site is located in Yankton County, approximately three miles west of the Clay and Yankton County border and just over a mile north of the Missouri River. For Clay and Yankton Counties combined, the aquifer is estimated to underlie 119,500 acres and contain 1,792,000 ac-ft of recoverable water in storage (Hedges and others, 1982). The aquifer connects to the Lower Vermillion-Missouri aquifer to the north, overlies the Dakota aquifer in portions of Clay County, and is hydraulically connected to the Vermillion River to the east and Missouri River to the south. Water in the aquifer generally moves from the northwest to the southeast and towards the Missouri River (Stephens, 1967).

A well completion report was not submitted with this application; however, sufficient information is available from area water rights/permits and well completion reports to evaluate the aquifer at the proposed well site. In the area of the proposed well site, the aquifer is approximately 100 feet thick, and the static water level is approximately 17 feet below ground surface (Water Rights, 2012b; 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 a 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 and pertinent to this application.

WATER AVAILABILITY:

This application proposes to appropriate 540 ac-ft/yr from the Missouri: Elk Point aquifer. If this application is approved, the actual water use will likely be less than the appropriation. The probability of unappropriated water 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 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."

HYDROLOGIC BUDGET:*Recharge:*

Recharge to the Missouri: Elk Point aquifer is due to infiltration of precipitation in areas where the aquifer is near land surface, inflow from the Lower Vermillion-Missouri aquifer at the Missouri: Elk Point aquifer's northern boundary, inflow from the Missouri and Vermillion Rivers during periods of high flow, inflow from the aquifer in surrounding counties, and leakage from the underlying Dakota aquifer.

Hedges and others (1985) estimated recharge, based on observation well data, of the Missouri: Elk Point aquifer to be 3.8 inches per year. Using this recharge rate and the area of the aquifer, a conservative estimate of recharge for the Missouri: Elk Point aquifer in Clay and Yankton Counties equals 37,800 ac-ft/yr. Stephens (1967) indicated that additional discharge by wells would induce additional recharge from the Missouri River.

Discharge:

Discharge from the Missouri: Elk Point aquifer occurs due to evapotranspiration in areas where the aquifer is near land surface, outflow to the Missouri and Vermillion Rivers during periods of low flow, outflow to the aquifer in surrounding counties, and well withdrawals from commercial use, industrial use, fish and wildlife propagation, municipal use, recreational use, rural water systems, suburban housing development, and irrigation. Currently there are a total of 197 water rights/permits appropriating water from the Missouri: Elk Point aquifer in Clay and Yankton Counties (Water Rights, 2012b).

From the Missouri: Elk Point aquifer in Clay and Yankton Counties, water rights/permits for commercial use, industrial use, fish and wildlife propagation, recreational use, rural water systems (RWSs), suburban housing development that are limited only by diversion rate currently appropriate a total of 11.314 cfs. Water rights/permits for commercial use, industrial use, fish and wildlife propagation, recreational use, rural water systems, suburban housing development that are limited by an annual volume currently appropriate a total of 25 ac-ft/yr (Water Rights, 2012b).

From the Missouri: Elk Point aquifer in Clay and Yankton Counties, water rights/permits for municipal use and RWSs that are limited only by diversion rate currently appropriate a total of 5.162 cfs. Water rights/permits for municipal use and RWSs that are limited by an annual volume currently appropriate a total of 33,326 ac-ft/yr. Future use permits for municipal use and RWSs reserve a total of 26,900 ac-ft/yr (Water Rights, 2012b).

The amount of water than can be expected to be withdrawn by the non-irrigation use water rights/permits at the current appropriation amount can be estimated by assuming: 1) water rights/permits limited by an annual volume will pump the entire volume appropriated annually, 2) water rights/permits limited only by diversion rate will pump at the maximum permitted diversion rate at 60 percent of the time, and 3) future use permits can be fully developed. At the current appropriation amount, the total annual withdrawal from the Missouri: Elk Point aquifer in Clay and Yankton Counties combined by non-irrigation use is expected to total less than 67,408 ac-ft/yr (Water Rights, 2012b).

Lewis and Clark RWS's expected water use is a significant portion of the annual volume of water anticipated to be used under current appropriations. Lewis and Clark RWS currently has two permits appropriating a total of 32,165 ac-ft/yr and four future use permits reserving a total of 25,000 ac-ft/yr, all from the Missouri: Elk Point aquifer (Water Rights, 2012b). Recognizing that due to the proximity of the wells to the Missouri River and the design of the wells, most of the water that will be withdrawn from the Lewis and Clark RWS wells will be induced from the Missouri River.

Figure 1 shows the Missouri: Elk Point aquifer's historic irrigation data for Clay and Yankton Counties combined. The development of this aquifer has been steadily increasing over the last decade. The number of permits and the amount of appropriations for irrigation in Clay and Yankton Counties has approximately doubled in this time period. In 2011, the annual volume of water appropriated totaled 59,580 ac-ft/yr. The annual withdrawal due to irrigation use fluctuates greatly, which is probably due mostly to yearly climatic conditions and does not seem to be dependent on the development of the aquifer. The average pumpage reported equals 5,145 ac-ft/yr. The maximum pumpage reported was in 2007 for 11,665 ac-ft/yr (Water Rights, 1979-2012).

In addition, there are many completion reports on file with the SD DENR-Water Rights Program in Clay and Yankton Counties for domestic wells that appear to be completed into the Missouri: Elk Point aquifer (Water Rights, 2012c). The annual withdrawal due to domestic use is not significant to the hydrologic budget of the aquifer.

Hydrologic Budget:

Recognizing that Lewis and Clark RWS withdraw water from the Missouri: Elk Point aquifer that is induced from the Missouri River and considering the remaining hydrologic budget, there is a reasonable probability that unappropriated groundwater is available from the Missouri: Elk Point aquifer for the proposed appropriation of 540 ac-ft/yr.

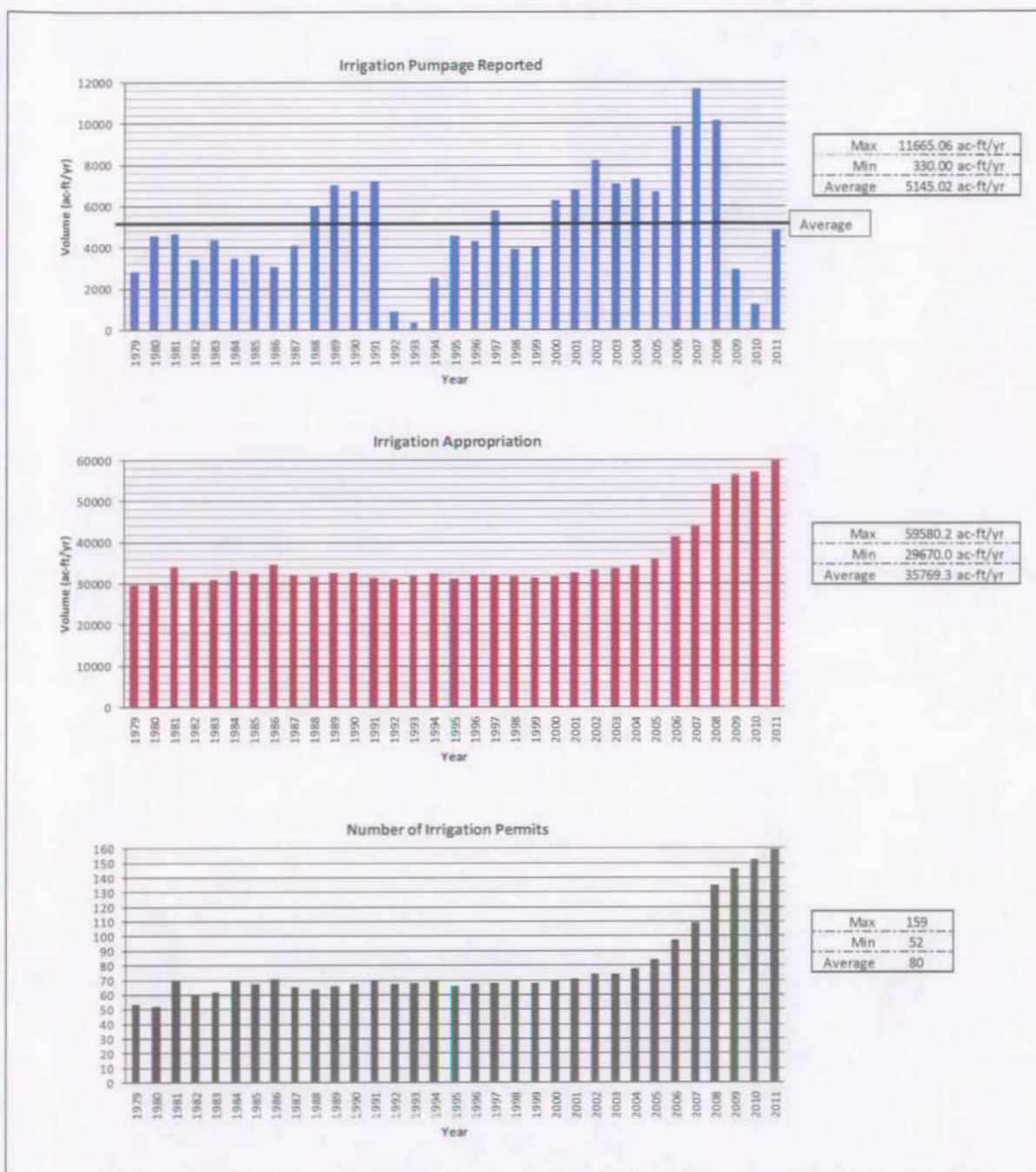


Figure 1: Historic irrigation water use from the Missouri: Elk Point aquifer in Clay and Yankton Counties (Water Rights, 1979-2011)

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 12 observation wells completed into the Missouri: Elk Point aquifer in Clay and Yankton Counties (Water Rights, 2012a). The nearest of these wells, YA-78J and YA-80KA, are located approximately two and one quarter miles northwest and three and one quarter miles southeast of the proposed well site, respectively. Hydrographs of these observation wells are shown in Figures 2 and 3.

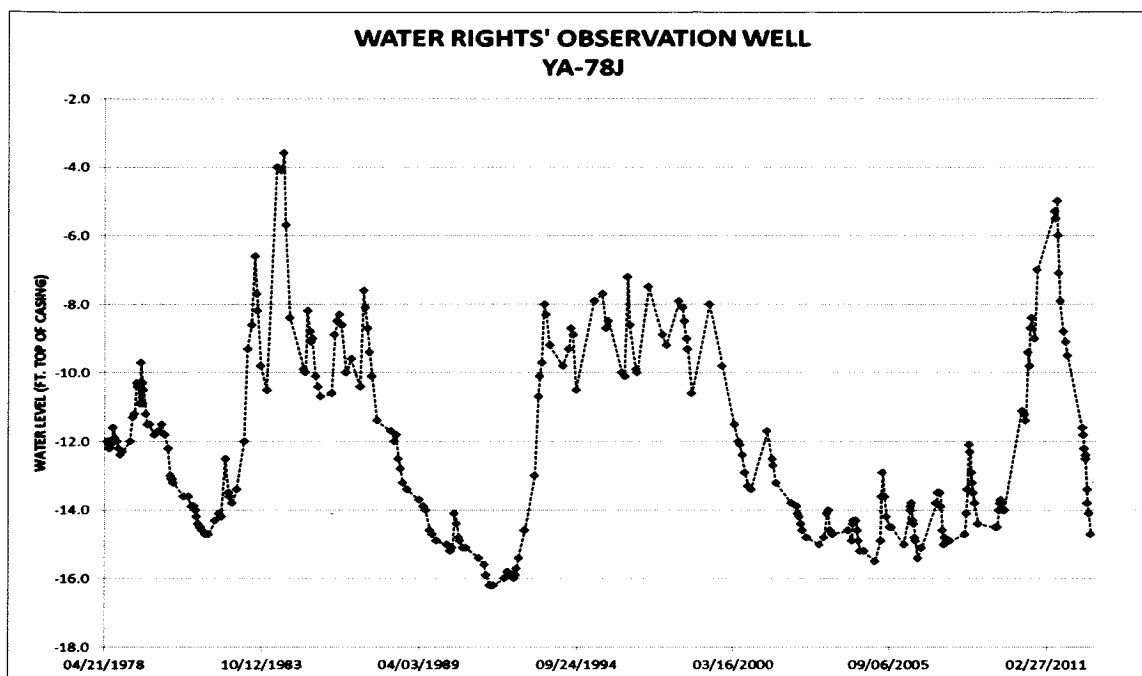


Figure 2: Hydrograph for DENR-Water Rights' observation well YA-78J (Water Rights, 2012a)

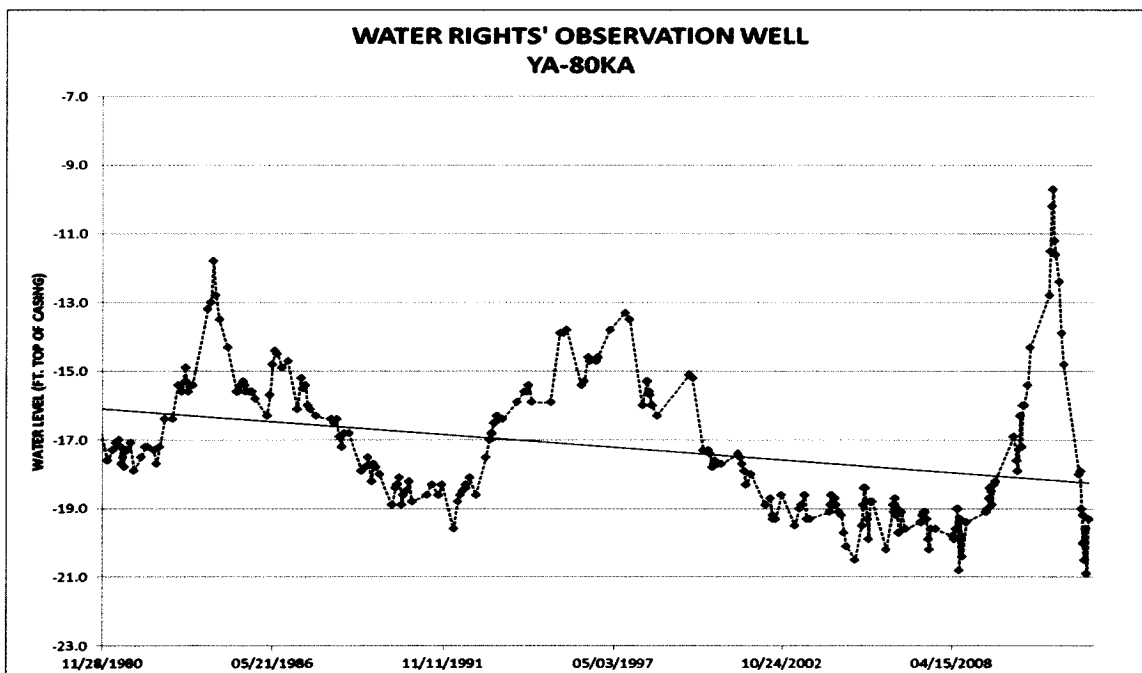


Figure 3: Hydrograph for DENR-Water Rights' observation well YA-80KA (Water Rights, 2012a)

The observation well data documents cyclic conditions of water levels, recharging during wet years and declining during dry years. Water levels may also be influenced by the aquifer's connection to the Missouri River. For example, high flows in the Missouri River during the summer of 2011 and the current drought conditions are evident in the hydrographs. The hydrographs also show the effects of nearby pumping on the aquifer. Observation well data indicates that temporal well withdrawal is masked by climatic conditions. Therefore, recharge to and natural discharge from the Missouri: Elk Point aquifer greatly exceeds well withdrawal.

The hydrograph of the observation well YA-80KA shows a slight decline of the Missouri: Elk Point aquifer's water table. This gradual decline has been attributed to entrenching the Missouri River (Goodman, 2007) or controlling the flow of the Missouri River by the Gavins Point Dam, which no longer allows inundating of the floodplain (Stephens, 1967). Regardless of cause, the declining water table levels demonstrate the hydraulic connection between the aquifer and the Missouri River. Pumping from the aquifer will induce recharge supplied by the Missouri River or capture discharge before outflowing to the river (Stephens, 1967).

EXISTING WATER RIGHTS:

There are 197 water rights/permits appropriating water from the Missouri: Elk Point aquifer in Clay and Yankton Counties. There are 14 water rights/permits and three domestic wells within two miles of the proposed well site, which are shown in table 1. Water Right Nos. 4700-3 and 7240-3 divert water from wells located within a half mile from the proposed well site (Water Rights, 2012b; Water Rights, 2012c).

Table 1: Water rights/permits and domestic wells completed into the Missouri: Elk Point aquifer within two miles of the proposed well site (Water Rights, 2012b; Water Rights, 2012c)

PERMIT NO.	NAME	STATUS	TYPE	CFS	ACRES
3722-3	Heine Farms	LC	IRR	2	230
4678-3	Craig Jepsen	LC	IRR	1.54	108
4700-3	D A Olson & Sons	LC	IRR	1.94	136
4846-3	Helen Ryken	LC	IRR	1.89	132
1680A-3	Thomas White	LC	IRR	2.93	205.3
6378-3	Jim Bye	LC	IRR	2.4	264
6775-3	James & Brian Ryken	LC	IRR	1.89	132
6780-3	Willard Schmidt	LC	IRR	1.64	115
6839-3	Karl M Schenk	PE	IRR	1.89	118
6967-3	Erickson Bye Farms	LC	IRR	2	253
7017-3	J & J Farming Company LLC	PE	IRR	1.56	160
7240-3	Karl M Schenk	PE	IRR	1.78	160
7241-3	Karl M Schenk	PE	IRR	1.78	160
7340-3	Heine Farms	PE	IRR	2.78	230
	Craig W. Jepsen		DOM		
	Clint Kaser		DOM		
	Gary Merkwan		DOM		
LC = Water right, PE = Water permit, IRR = Irrigation, DOM = Domestic					

Well interference has not been a problem with the Missouri: Elk Point aquifer. At the distances involved between the proposed well site and wells of existing water rights/permits and domestic users, interference is not expected to be a concern.

CONCLUSIONS:

1. The application proposes to appropriate 540 ac-ft/yr for irrigation.
2. Most of the water that will be withdrawn from the Lewis and Clark RWS wells will be induced from the Missouri River.
3. There is a reasonable probability that unappropriated water is available from the Missouri: Elk Point aquifer to supply the proposed appropriation.
4. There is a reasonable probability that this proposed well will not cause interference in existing nearby wells.



Joseph R Stonesifer
SD DENR-Water Rights Program

REFERENCES:

- Goodman, J.A. 2007. Report on Water Permit Application No. 6869-3 for Lewis and Clark RWS: SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.
- Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., and Schoon, R.A. 1982. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 1: Bedrock Topography and Distribution, Task 2: Extent of Aquifers, Task 3: Ground-Water Storage, Task 4: Computerized Data Base, Final Report. U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.
- Hedges, L.S., Allen, J., and Holly, D.E. 1985. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa. Task 7: Ground Water Recharge. South Dakota DENR-Geological Survey, Vermillion, SD.
- Jensen, A.R. 2000. Aquifer Materials Map 1. South Dakota DENR-Geological Survey, Vermillion, SD.
- Stephens, J.C. 1967. Geology and Hydrogeology of Clay County, South Dakota, Part II: Water Resources. South Dakota DENR-Geological Survey Bulletin 19, 62 p.
- Water Rights. 1979-2012. "Annual Irrigation Summary by Aquifer": SD DENR-Water Rights Program, Joe Foss Bldg., 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. Water Well Completion Reports, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.

RECEIVED

DEC 26 2012

WATER RIGHTS
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AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

12+20

NOTICE OF APPLICATION
NO. 7458-3 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 3.78 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (130 feet deep) located in the approximate center of the SW 1/4 Section 15 for irrigation of 270 acres located in the W 1/2 Section 15; all in T93N-R54W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7458-3 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 31, 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. Pimer, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of \$57.26.

Department of Environment and Natural Resources
PMB 2020
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

KELLY HERTZ BEING FIRST DULY SWORN ON OATH DEPOSES AND SAYS THAT HE IS THE MANAGING EDITOR OF, YANKTON MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER PUBLISHED AND CIRCULATED 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. 7458-3 to Appropriate Water

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE NEWSPAPER ON THE 20th DAY OF December 2012 THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION OF SAID NOTICE TO WIT \$26.15 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: 12/20/2012

FILED ON: 12/21/2012

SUBSCRIBED AND SWORN TO BEFORE ME THIS 21st DAY OF December

2012

Murrel R. Pimer
NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES

6/11/2013



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

December 12, 2012

Daily Press & Dakotan
319 Walnut
Yankton SD 57078

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7458-3 to Appropriate Water. Please publish the notice once on December 20, 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 Jim Bye, 44920 312th St., Gayville SD 57031 (Ph # 605-661-4870).

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

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, December 20, 2012 2:36 PM
To: 'Brenda.Willcuts@yankton.net'
Subject: FW: legal
Attachments: 7458-3public.short2.docx

Here is the Notice on Application No. 7458-3 for Jim Bye. This notice was published today. Mr. Bye has made a change on his application and so we are requesting it be published again on December 27, 2012. Mr. Bye will be responsible for publication costs.

Let me know if you have questions. I will be out of the office for a week after today.

Karen Schlaak
Water Rights Program
Phone: 605 773-3352
Fax: 605 773-4068

From: Schlaak, Karen
Sent: Monday, December 17, 2012 7:35 AM
To: 'Brenda Willcuts'
Subject: RE: legal

As requested. Please send me the affidavit ASAP
Thanks,
karen

From: Brenda Willcuts [<mailto:Brenda.Willcuts@yankton.net>]
Sent: Friday, December 14, 2012 2:38 PM
To: Schlaak, Karen
Subject: legal

Need notice of application for NO. 7458-3 to Appropriate Water for Jim BYe

Brenda Lee R. Willcuts
Classifieds
Yankton Daily Press & Dakotan
Missouri Valley Shopper
319 Walnut St.
Yankton, SD 57078

605-665-7811 ext. 116
605-665-0288-fax
email: brenda.willcuts@yankton.net

AFFIDAVIT OF PUBLICATION**YANKTON DAILY PRESS AND DAKOTAN**

Department of Environment and Natural Resources
PMB 2020
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

RECEIVED

DEC 31 2012

WATER RIGHTS
PROGRAM

KELLY HERTZ BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT HE IS THE MANAGING EDITOR OF, YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER
PUBLISHED AND CIRCULATED 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
Application No. 7458-3

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 27th DAY OF December 2012
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$24.83 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: 12/27/2012

FILED ON: 12/27/2012

SUBSCRIBED AND SWORN TO BEFORE ME THIS 27th DAY OF December

2012

[Signature]
NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES 8/19/2015

Notice is given that Jim Bye, 44920 312th St, Gayville SD 57031 has filed an application for a water permit to appropriate 3.78 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (130 feet deep) located in the approximate center of the NW 1/4 Section 15 for irrigation of 270 acres located in the W 1/2 Section 15; all in T93N-R54W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7458-3 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 January 7, 2013.

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 \$24.83.



**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.

December 12, 2012

Jim Bye
44920 312th St
Gayville SD 57031

Dear Mr. Bye:

Water Permit Application No. 7458-3 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 Daily Press & Dakotan printed at Yankton SD (Ph # 605-665-7811). 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.



**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 RIGHT AWAY.

December 21, 2012

Jim Bye
44920 312th St
Gayville SD 57031

Dear Mr. Bye:

Enclosed is the Notice of Application No. 7458-3. At your request, the legal description for the location of the well has been changed to the NW 1/4 Section 15-T93N-R54W. The notice has been sent to the Daily Press & Dakotan printed at Yankton SD (Ph # 605-665-7811). The notice is to be published on December 27, 2012 with the date for petitions to be filed being January 7, 2013.

You will need to contact the newspaper and authorize publication of this notice.

Sincerely,

Karen Schlaak
Water Rights Program
(605) 773-3352

enclosures

Instruction to Newspaper - Publish the Notice on December 20, 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. 7458-3 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 3.78 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (130 feet deep) located in the approximate center of the SW 1/4 Section 15 for irrigation of 270 acres located in the W 1/2 Section 15; all in T93N-R54W.

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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 _____.

NOTICE OF APPLICATION NO. 7458-3 to Appropriate Water

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7458-3 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.

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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 25 2013

Jim Bye
44920 312th St
Gayville SD 57031

Dear Mr. Bye:

Enclosed is Water Permit No. 7458-3 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

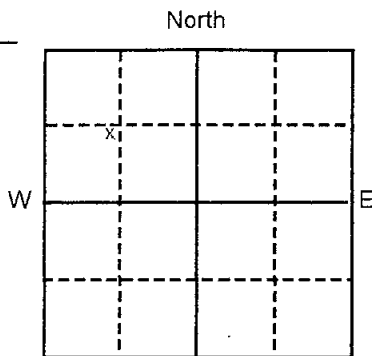
SD EForm - 1621LD V1

11-02

Location SW 1/4 NW 1/4 Sec 15 Twp 93N Rg 54W

County Yankton

Please mark well location with an "X"



Well Completion Date

June 11, 2013



Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
4,000.0 ft. from Septic Tank (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

bucket method

CASING DATA:

If other describe ☐ Steel ☒ Plastic ☐ Other

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	<u>16.00</u> IN	<u>0.0</u> FT	<u>62.0</u> FT	<u>24.00</u> IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Bentonite</u>	<u>25</u>	<u>9.5</u> Lb/gal	<u>0.0</u> Ft	<u>50.0</u> Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
Tremie Method

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 16.00 Inches Length 30.0 Feet
Material PVC
Slot Size .050 Set From 62.0 Feet to 92.0 Feet
Other information

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No
If so, what material?
Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☐ Yes, How?
☒ No, Why Not?
Lab to which water quality sample sent for analysis

Well Owner: Jim Bye

Business Name:

Address: 44920 312th Ave

City, State, Zip: Gayville SD 57031

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top Soil	0	1
Clay	1	26
Silty Sand w/ Clay Layers	26	43
Sand	43	58
Pebbly Sand	58	80
Sandy Gravel	80	90
Gravel w/ Rocks	90	92

STATIC WATER LEVEL

FEET
If flowing: closed in pressure PSI
GPM flow through inch pipe
Controlled by ☐ Valve ☐ Reducers ☐ Other
Reduced flow rate GPM
Can well be completely shut in?

WELL TEST DATA:

☐ Pumped Describe:
☐ Bailed
☐ Other
Pumping Level Below Land Surface
Ft. After Hrs. pumped GPM
Ft. After Hrs. pumped GPM
If pump installed, pump rate: GPM

REMARKS

RECEIVED
OCT - 4 2013
WATER RIGHTS PROGRAM

This well was drilled under license # 666 and this report is true and accurate.

Drilling firm: Hammond-Wetmore Drilling, LLC

Signature of License Representative:

[Signature]

Signature of Well Owner or Equitable Property Holder:

Date: 9/29/13

7458-3

SD EForm - 1311LD V1

Form 10

**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**

MAIL TO: PMB 2020

DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

ph. (605) 773-3352

Date Oct 28, 2016

FROM:

Tim Bye
(name)

44920 312th St.
(address)

Gayville SD 57031
(city) (state) (zip)

605-661-4870
(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.

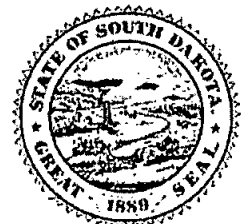
Water Permit No. 7458-3 states that the water use system is to be constructed by

1-7-2018, and water is to be put to beneficial use by 1-7-2022
(date) (date)

The water use system was completed on June 2013
(date)

Applying the water to beneficial use was completed on July 2013
(date)

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



Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7458-3

I have this day, October 28, 2016, made a thorough examination of the water use system constructed by Jim Bye, 44920 312th St, Gayville, SD 57031 of Permit No. 7458-3, bearing the priority of October 11, 2012 authorizing the diversion of 3.78 cu. ft. per second of the waters of Missouri:Elk Point Aquifer for irrigation purposes, of 270 acres, in Yankton County.

Inspection contact & relationship **Jim Bye, permit holder**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Hammond-Wetmore Drilling, LLC
- 2) No. of Wells 1
- 3) Depth(s) 92 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 16 inches
- 2) Length 62 feet
- 3) Type PVC

Screen:

- 1) Type PVC Manufactured
- 2) Length 30 feet
- 3) Static water level Unknown feet

Pump:

- 1) Make Grundfos Submersible
- 2) Model 1100S500
- 3) Capacity 1000 GPM

Motor:

- 1) Make Grundfos
- 2) Model No. Submersible
- 3) Horsepower rating 50 hp

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

- 1) Type PVC 2) Size 10 inches 3) Length 2570 feet

Comments: See map for approximate location.

C. Works used to apply water to beneficial use:

Center pivot (NW ¼ Sec 15-T93N-R54W):

- 1) Make Valley 8000
2) Overall length 1307 feet
3) Number of towers 7
4) End gun Yes
5) Capacity 1000 GPM

Center pivot (SW ¼ Sec 15-T93N-R54W):

- 1) Make Valley 8000
2) Overall length 1312 feet
3) Number of towers 7
4) End gun Yes
5) Capacity 1000 GPM

Comments: Water Permit 7458-3 appropriated 3.78 cfs or 1700 gpm, however only 2.22 cfs or 1000 gpm was developed.
System is set up so that only one center pivot can be operated at a time.

Chemigation Equipment:

- 1) Does chemigate No

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Yes
2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes, began irrigating in 2013.
3) Exceptions to compliance are: None

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: East 1330', South 1360' from NW Corner of Sec 15-T93N-R54W; Lat 42.87745/Long -97.21530; approximate center of NW 1/4 Sec 15-T93N-R54W.
2. The works are capable of diverting and conveying to the place of use 2.22 cfs or 1000 gpm 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 15-T93N-R54W.

NW 1/4 NW 1/4 - 31 ac

NE 1/4 NW 1/4 - 32 ac

SW 1/4 NW 1/4 - 35 ac

SE 1/4 NW 1/4 - 36 ac

NW 1/4 SW 1/4 - 34 ac

NE 1/4 SW 1/4 - 35 ac

SW 1/4 SW 1/4 - 18 ac

SE 1/4 SW 1/4 - 25 ac

comprising a total of 246 acres of land and the license should be issued for 2.22 cfs or 1000 gpm.

3. All structures, wells and lands on map Yes

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

Provide detailed explanation when multiple permits are involved or any discrepancy between what the permit was issued for and what was developed.

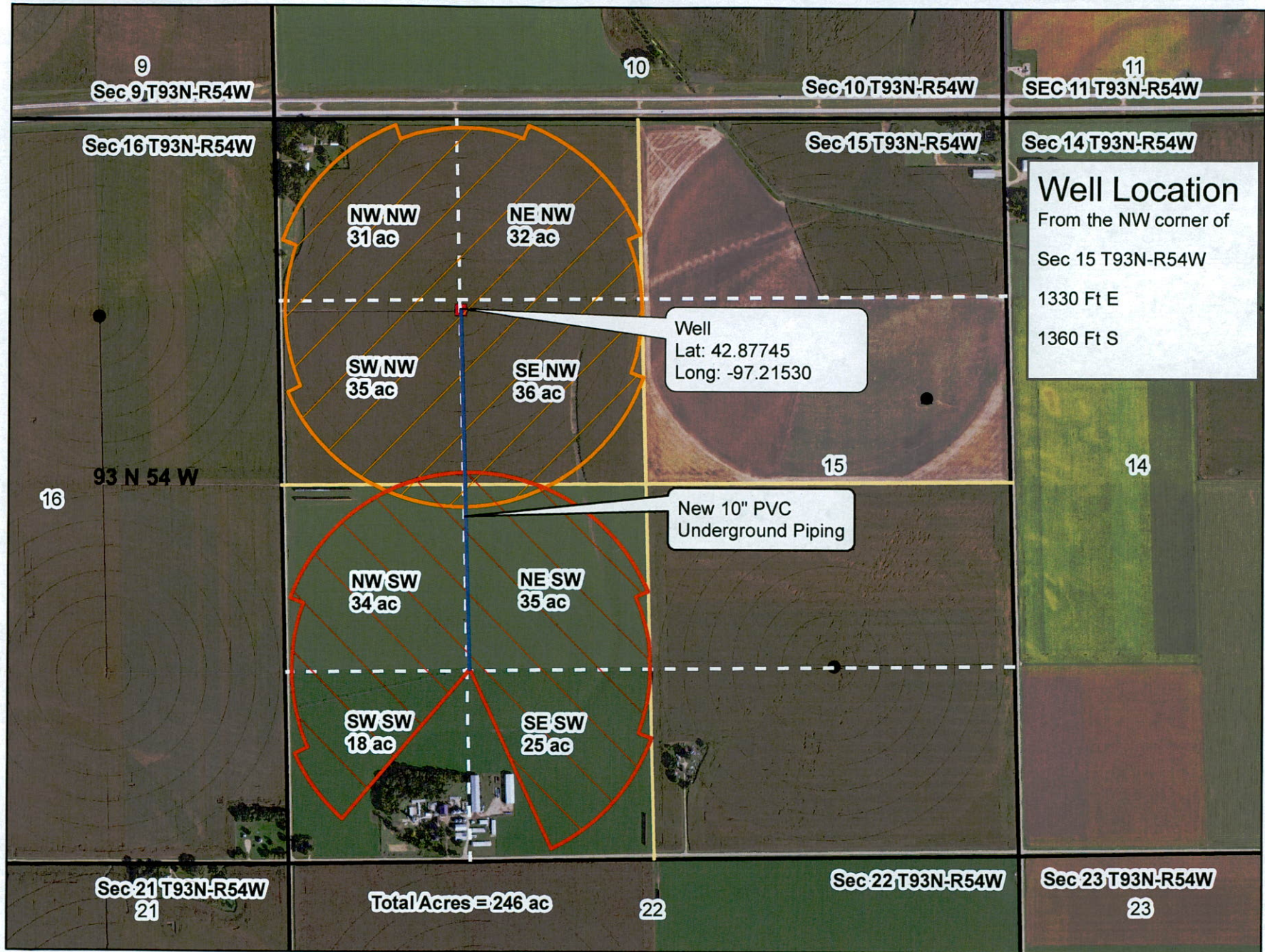
Four acres are overlapped between the two center pivots of Water Permit No. 7458-3.

Harold Holoch

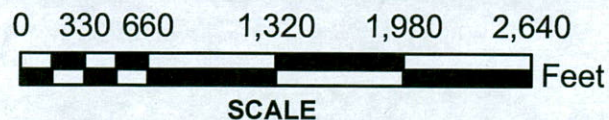
Harold Holoch, PE
Staff Engineer
DENR, Water Rights Program

Date report completed: December 6, 2017

7458-3



Well Location
From the NW corner of
Sec 15 T93N-R54W
1330 Ft E
1360 Ft S



Harold Holoch
Harold Holoch, PE
Staff Engineer
August 1, 2017



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

MAY 29 2018

7458-3

Jim Bye
44920 312th St
Gayville SD 57031

Dear Mr. Bye:

Enclosed is Water License No. 7458-3. 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 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.

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

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 7458-3

(1) Jim Bye, 44920 312th St, Gayville SD 57031 made Application No. 7458-3, October 11, 2012 for a water permit to divert 3.78 cubic feet of water per second from ground water, one well (Missouri Elk Point Aquifer), Yankton County, South Dakota for irrigation purposes. Permit No. 7458-3, with a priority date of October 11, 2012 was approved January 7, 2013 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before January 7, 2018 and for the application to beneficial use of said water on or before January 7, 2022.

The Permit holder submitted a "*Notice of Completion of Works and Application of Water to Beneficial Use*" on October 28, 2016. The "*Notice*" stated the water use system was completed in June, 2013 and the water placed to beneficial use in July, 2013.

(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 2.22 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 1,330'E and 1,360'S of the NW Corner of Sec 15-T93N-R54W (approximate center of NW ¼);
Latitude 42.87745, Longitude -97.21530

(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 15, T93N, R54W

NW ¼ NW ¼	31 acres	NW ¼ SW ¼	34 acres
NE ¼ NW ¼	32 acres	NE ¼ SW ¼	35 acres
SW ¼ NW ¼	35 acres	SW ¼ SW ¼	18 acres
SE ¼ NW ¼	36 acres	SE ¼ SW ¼	25 acres

Total 246 acres

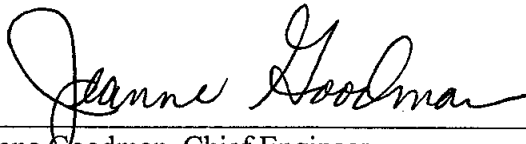
(4) Pursuant to South Dakota Water Law 46-5-30.1 Jim Bye, 44920 312th St, Gayville SD 57031 the holder and/or owner of Water Right No. 7458-3 is issued a license to appropriate water, the right to use 2.22 cubic feet of water per second from ground water, one well (Missouri Elk Point Aquifer) with a priority date of October 11, 2012 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. 7458-3 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.

continued

- The well authorized by Permit No. 7458-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the 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. *The well was drilled in June, 2013 by Hammond Wetmore Drilling LLC. A copy of the well completion report is on file with the Water Rights Program.*
- 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

MAY 29 2018

date

