

Water Right Number 4376-3

1. Considered MARCH 28, 19 79
2. Name of Applicant ROBERT G. FREEBURG
3. Post Office Address FRANKFORT, S.D. 3-116-62
4. Amount of water claimed NO ADD'L (2.10)
5. Source of water supply 57' WELL
6. Water to be used for IRRIGATION
Acres to be irrigated NO ADD'L (150)
7. Water to be diverted and used in SPINK County
about ONE Mile EAST of FRANKFORT
8. Proof of Publication
Received 3-12-79
Not received -
9. Application
Approved 3-29-79
Subject to WI
Not approved -
Action deferred -
10. Remarks:

*add diversion
on 3113-3*

No. 4375-3
 Map No. 3568-3 Water Division No. 3 JAMES RIVER District
 (Blanks to be filled by the Engineer for the W. R. C.)


APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE: Draw a line through items not applicable)

1. Name of Applicant Robert G. Freeburg
 Postoffice address Frankfort, State South Dakota 57440
 If a corporation show date and place of incorporation _____ completed
2. Method of accomplishing work (contract, employment of others, or by direct labor) _____ completed
3. Name of diversion work Robert G. Freeburg - Unit #1
4. Amount of water claimed (cubic feet per second) 2.1 (no additional)
5. Source of water supply two wells
6. Location of point of diversion Well #1-1320' N and 1320' E of SW corner of Section 3,
Well #2-1000' N and 1650' E of SW corner of Section 3, all in T116N, R62W
 _____ County Spink
7. Annual period or periods during which water is to be used March - November
8. Use to be made of water (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation
9. For irrigation use, _____ Total number of acres to be irrigated 138 (no additional)

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 3-T116N, R62W	36		
NE $\frac{1}{4}$ SW $\frac{1}{4}$ " " "	36		
SW $\frac{1}{4}$ SW $\frac{1}{4}$ " " "	33		
SE $\frac{1}{4}$ SW $\frac{1}{4}$ " " "	33		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system completed years. Additional time required to complete application of water to the proposed beneficial use _____ years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Redfield Press
12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

two pumps and motors

B. Works proposed to transport water to place of use.

510' 8" PVC pipe underground

C. Works proposed to apply water to beneficial use.

center pivot

Estimated Total Cost \$ _____

 Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
 (See instructions concerning preparation.)

STATE OF SOUTH DAKOTA)

County of Spink)
 I, Robert G. Freeburg, the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.
Signed Robert G. FreeburgSubscribed and sworn to before me this 12 day of February, 19 79
Mrs. Louise Lynn Neal
 Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 4376-3
ROBERT G. FREEBURG FRANKFORT
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57440 With the following modifications.
 (State)

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

Priority for this Permit No. 4376-3 is established by Permit No. 3113-3.

Date of first receipt of application FEBRUARY 7, 19 79
 Date of return to applicant for correction, amendments or changes required _____ 19 ____
 Date of receipt of corrected application _____ 19 ____
 Approved MARCH 29, 19 79, Recorded in Book 20 Page 297

WATER RIGHT PERMIT NO. 4376-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 4376-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is OCTOBER 1, 19 76
2. The equivalent of at least one-fifth of the work above specified to be completed on or before _____, 19 ____
3. The whole of said work is to be completed on or before _____, 19 ____
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is COMPLETED 19 ____
5. The water appropriated shall be used for the purpose of IRRIGATION

6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

7. The amount of the appropriation herein granted shall not exceed NO ADDITIONAL cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before THIS DATE, 19 ____; said water to be used during the following described annual period: MARCH - NOVEMBER

Witness my hand this 11th day of APRIL, 19 79

WATER RIGHTS COMMISSION

By:

John H. Hark
 Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 ____

Water License Issued _____, 19 ____

SON DRILLING INC. DRILLERS LOG

PAGE NO.

Robert Freeburg
JOB NAME

3-116-62-Spink Co.
LOCATION

11/15/76
—DATE

14
RIG NO.

Russell
Ragusa
FOREMAN

DEPTH	TIME	Offset Well Quarter by Frankfort	REMARKS
0-10	2:00	0-3	Top soil, 3-10 yellow clay.
10-20	2:30	10-15	Yellow clay with gravel and rocks-15-20 Blue clay and gravel.
20-30	3:00	20-24	Blue clay, gravel and rocks-24-25 blue clay, traces of sand
		25-30	Medium to coarse sand, traces of coal
30-40	4:00	30-32	Fine sand, some medium sand 34-40 Coarse sand and gravel and rock.
40-50	4:30	40-45	Fine to medium sand, traces of coarse sand.
		45-48	Coarse sand and gravel-48-50 Coarse sand and gravel with blue clay str
50-60	5:00	50-55	Coarse sand and gravel, traces of blue clay
		55-58	Blue clay, shale
		TD 56 Ft.	WH 14 Ft.
		30 Ft.	of Plastic Screen
		1 - 20 Ft.	length
		1 - 10 Ft.	length
		25 Ft.	Plastic Blank
		18 Tons	of Gravel

PAGE NO.

Russell
Rasmussen
FOREMAN

DEPTH	TIME	Main Hole by Frankfort	REMARKS
0-10	3:30	Top soil, yellow clay, gravel and rocks.	
10-20	5:00	Yellow clay, gravel and rocks.	
20-30	10:30	20-25 Blue clay, 25-30 Medium to coarse sand, some gravel, streaks of coal.	
30-40	11:00	30-35 medium to coarse sand, some gravel, traces of coal.	
		35-40 Coarse sand more gravel traces of coal.	
40-50	11:45	Medium to coarse sand, some gravel, small traces of coal	
50-60	3:30	50-56 Medium to coarse sand and gravel.	
		56-58 Shale	
		TD 57 Ft.	
		20 Ft.-Stainless Steel Screen-100 Slot	
		37 Ft. Plastic Blank	
		18 Tons of Pen Gravel	

12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates

- (1) Drill Hole, Diameter 30 inch, Depth 56
- (2) Casing, Type Plastic (wood, concrete, steel, etc) Diameter 16 Thickness 3/4"
- (3) Perforated Screen.
Type plastic, Diameter 16, Length 3.0 ft
- (4) Gravel Pack, Thickness 14", Length of gravel pack 56 ft

E. Dugout Information or Estimates.

- (1) Surface dimensions _____, Depth _____

F. Fill out for Either a Well or a Dugout.

- (1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials Attached Copy

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Thickness of water bearing material _____

Depth to water (ground surface to water level) 14 ft

- (2) Distance to nearest existing household or livestock watering wells.

On same owner's property 350 ft. On property owned by others 580 ~~750~~ ft.

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

Rakul P. Deekung
Signature of Applicant

Form 2A - Wells, Dugouts or Water Storage Dams (Supplement to form 2)

12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates

- (1) Drill Hole, Diameter 30 inch, Depth 56
- (2) Casing, Type plastic (wood, concrete, steel, etc) Diameter 16, Thickness 3/4"
- (3) Perforated Screen.
- Type plastic, Diameter 16, Length 30 ft
- (4) Gravel Pack Thickness 14", Length of gravel pack 56 ft

E. Dugout Information or Estimates.

- (1) Surface dimensions _____, Depth _____

F. Fill out for Either a Well or a Dugout.

- (1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials Attached Copy

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Thickness of water bearing material _____

Depth to water (ground surface to water level) 14 ft

- (2) Distance to nearest existing household or livestock watering wells.

On same owner's property 350 rds. On property owned by others 580 ~~500~~ rds.

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

Robert A. Anderson
Signature of Applicant

January 23, 1979

Robert G. Freeburg
Frankfort, SD 57440

Dear Mr. Freeburg:

On October 10, 1978 in the process of making the final inspection of your Water Right Permit No. 3113-3, I found that you have two wells, whereas your permit calls for one. In order to comply with the South Dakota Water Laws it will be necessary for you to submit an application for the additional well.

Enclosed is completed Form 2 "Application for Permit to Appropriate Water" for the additional well. Please check the forms, make any necessary corrections, sign the form, notarize and return them to this office with a check for \$150.00 to cover the cost of the filing fees.

Enclosed are Forms 2A that you need to fill out for the additional well. We will need a signed drillers log of the additional well.

Also enclosed is a map of the area which you should check over, make any necessary corrections and return it to this office.

If you have any questions, please feel free to contact this office.

Sincerely,

LEROY J. MERNAUGH
Water Resources Engineer

LJM/gy

encl

Trinity + S. 2d
Feb - 4

Leroy F. Mernaugh
Water Resources Eng.

Dear Sir:

I am sadly disappointed to learn
of another \$150.00 cost to my already
expensive project. Seems as though I
applied for 21 cu ft of water on my
permit & I am not claiming any
more water or land.

I understand if the Co agent
or well driller would have chided
me to the necessary filing fee for
the additional well at that time
it would have been \$8.00

Please recognizing the date on
the driller well along with the
enclosed information concerning the

did my log & told every
information to you.

I'm enclosing the check
you ask for but I'd ^{sure}
expect you'd issue the ^{first} license
for the same.

Sincerely

Rakhi Pradhan

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 6763

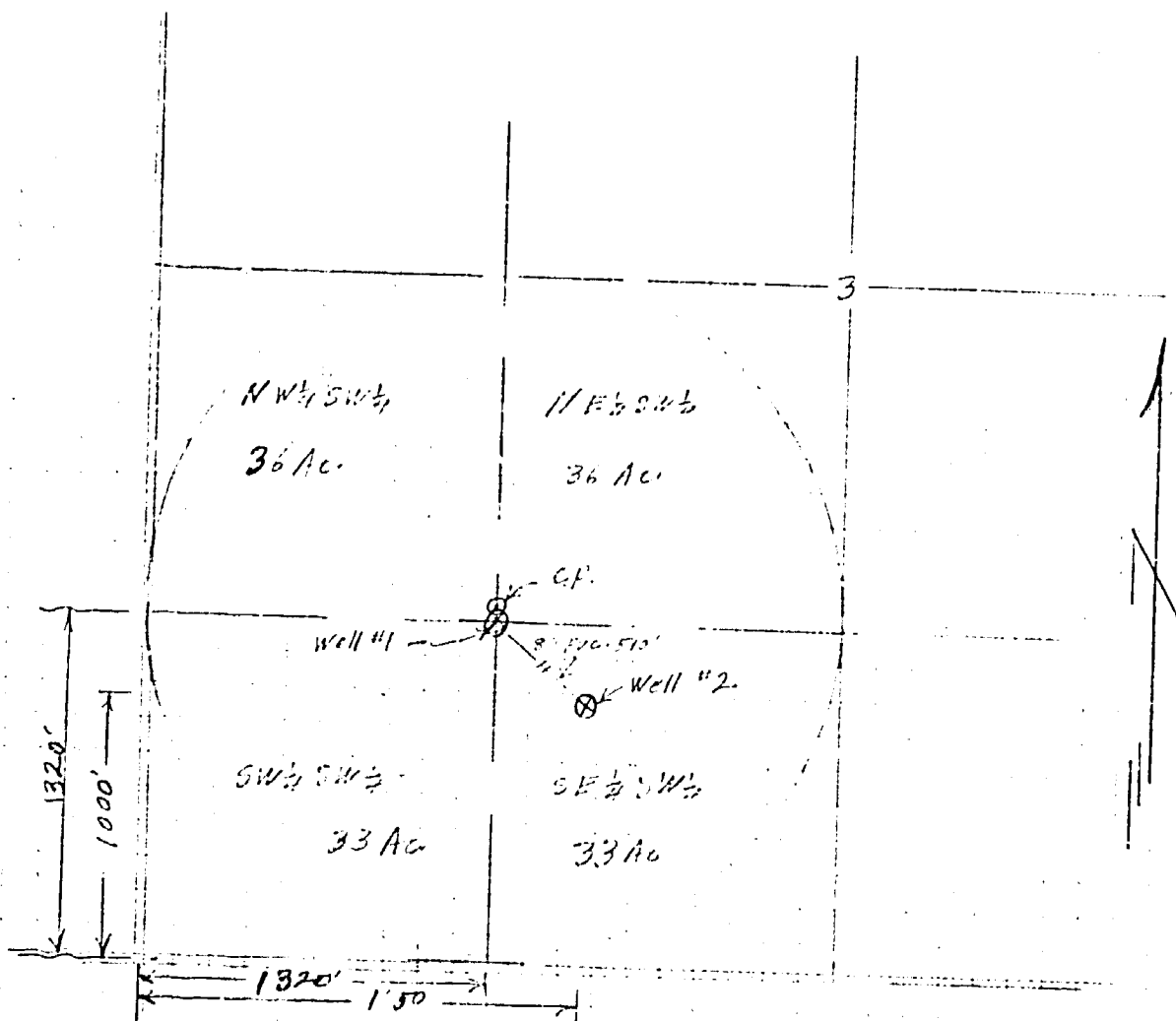
PIERRE, February 7, 1979, 19

RECEIVED OF Robert Freeburg, RRI, Frankfort SD 57440
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. 4376-3 (examination, processing, recording and filing)	150	00
Fee for inspecting Construction, and issuing Cert. of Construction No.		
Fee for inspecting Beneficial Use, and issuing Water License No.		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for (any other work as provided by law)		
TOTAL	150	00

WATER RIGHTS COMMISSION

By John Hater
Chief Engineer, Executive Officer
JOHN HATER RJW



SW 1/4 - 3. T 16N R 62W

Scale 1" = 660'
8" = 1 mile

by *P. H. H. H. H.*

Robert Freebury
Spring County

No. 4375-3

Publish first publication, on or before March 9, 1979

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

February 22, 1979

Notice is hereby given that Robert C. Freeburg whose post office

address is Frankfort, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8; 46-5-10 thru 46-5-22, 46-5-41; 46-6-3, 46-6-3.1, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use no additional cubic feet of water per second of time from groundwater

(one well) through the Robert C. Freeburg Unit #1, to XXXXXX point(s) of diversion of add an additional which is (XXX) to be located in the SE1 SW1/4 on an existing permit,

of Section 3, Twp. 116N, Range 62W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SW1/4, Section 3-T116N-62W.

This Application No. 4375-3 will be considered by the Water Rights Commission at the Community Room in the City Hall, 222 East Dakota, Pierre, SD upon the 22th day of March, 1979

at 10 A.M. The Commission is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Commission decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Commission in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Commission may be appealed to the Courts as provided by law.

WATER RIGHTS COMMISSION

Betty Westlund
Water Rights Specialist

BWplh
cc: Robert C. Freeburg, Frankfort, SD 57440

No. 4376-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Spink) ss.

I, Robert A. Frankfort hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Rockford Press

A newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the

City of Rockford

County of Spink and State of S
that the said notice was published in said newspaper on
two dates:

March 1, 1979

March 8, 1979

Robert A. Frankfort
(Signature)

Clark
(Title)

3/8/79
(Date Signed)

No. 73

NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER

Pierre, South Dakota 57501

February 22, 1979

Notice is hereby given that

Robert G. Freeburg whose post

office address is Frankfort, South

Dakota, has made an application

in accordance with the provisions

of SDCL 46-1-1 thru 46-1-9, 46-1-14,

46-2-9 thru 46-2-11, 46-2-13, 46-5-1

thru 46-5-8, 46-5-10 thru 46-5-22, 46-

5-11, 46-6-3, 46-6-3.1, 46-6-5, 46-6-

6.1, 46-6-10, 46-6-14, and Com-

mission Rules ARSD 52;01;01;01

thru 52;01;01;13, for a permit to

appropriate for beneficial use no

add'l cubic feet of water per

second of time from groundwater

(one well) through the Robert G.

Freeburg Unit No. 1, to add an

additional point of diversion on

an existing permit, of which is to be located in the SE 1/4, SW 1/4 of Section 3, Twp. 116 N, Range 62 W, Said water to be used for the purpose of providing irrigation on portions of the following described land:

SW 1/4, Section 3, T. 116 N, R. 62 W.

This Application No. 4376-3 will be considered by the Water Rights Commission at the Community Room in the City Hall, 222 East Dakota, Pierre, SD upon the 28th day of March, 1979 at 10 A.M. The Commission is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Commission decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Commission in writing prior to the hearing or orally at the hearing. This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Commission may be appealed to the Courts as provided by law.

WATER RIGHTS COMMISSION

Betty Westlund

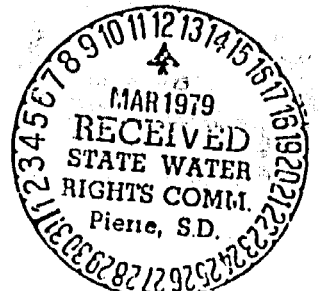
Water Rights Specialist

BW:ph

cc: Robert G. Freeburg,

Frankfort, SD 57440

(March 1, 8)



Form 10.

No. 4376-3

Spink

NOTICE OF COMPLETION OF WORKS AND/OR
APPLICATION OF WATER TO BENEFICIAL USE



Post Office Frankfort SD

Date April 16 1979

TO: Water Rights Commission
Joe Foss Building
Pierre, South Dakota 57501

Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to the maximum extent it is going to be used, not exceeding the amounts as specified in Water Right Permit No. 4376-3

Water Right Permit No. 4376-3 states that the diversion system is ~~to be constructed by~~ Completed, 19 77 and that the water is to be put to beneficial use by May 1, 19 79.

The diversion system was completed on Apr 15, 19 77.
Applying the water to beneficial use was completed on Apr 15, 19 77.

You may schedule an inspection so that the Certificate of Construction and/or the Water License may be issued, thus completing my acquisition of a water right.

Robert Spink
(Signature)

Water Rights Division
605 775-3352

4376-3

September 23, 1984

Robert G Freeburg
Frankfort SD 57440

Dear Mr. Freeburg:

I am writing in regard to your Water Permits No. 3113-3 and 4376-3. An inspection of your irrigation system for Permit No. 3113-3 was made October 19, 1978. During the inspection, we found that an additional well had been drilled. You obtained Permit No. 4376-3 for the extra well in 1979. Although a license combining the permits should have been issued by us after Permit No. 4376-3 was approved, due to an error on our part, the required \$50.00 license fee was not requested and the license was never issued.

Therefore, at this time, we are requesting submission of the license fee so Water License No. 4376-3 can be issued. Statutes require that we charge a \$50.00 fee for the inspection and issuance of the water license. Upon receipt of the \$50.00 fee from you, Water License No. 4376-3 will be issued and forwarded to you. South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the license fee has been paid.

If you have any questions concerning this matter, please contact us.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:MM:ks

Permit No. 4376-3James River Water District10160006**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

TO: Chief Engineer, Division of Water Rights, DWRN, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Robert G FreeburgFrankfort, S. Dak. 57440 holder ofPermit No. 4376-3, bearing the priority of October 1 19 76 authorizingthe diversion of 2.1 cu. ft. per second of the waters of Two Wellsfor Irrigation purposes, in Spink Co. County.

I have to report on the conditions of the same as follows:

- A. Works used to divert the water: Well #1 = depth 75 ft. 30' to water, 10 HP Submersible Pump. Pumps 450 gpm. Well #2 = depth 57 ft, 30 ft to water. 7 1/2 HP. Submersible pump. Pumps 250 gpm.
Booster Pump at C.P. = Aurora Centrifugal. No H 77-2270. Type 344A. 3500 RPM. size 4x5x9A Pumps 700 gpm
 B. Works used to transport water to place of use: Motor = Toshiba. Model - B0502V66343 - 50 HP - 3515 RPM.
8" PVC Pipe from Pumps to Center Pivot.

- C. Works used to apply water to beneficial use:
Valley Center Pivot Model 2171, Ser # 21228.
1304' Long + 90' Gan.

The system is in the following condition Good.The point of diversion is located Well #1 = 1320' N and 1380 ft E of SW cor Sec. 3Well #2 = 950' N and 1650' E of SW cor Sec. 3. all in T116N R 62WThe works are capable of diverting and conveying to the place of use 1.56 cfs.cu. ft. per second of water which is to be used for IrrigationWater has been put to beneficial use to the maximum extent as follows: All in T116N R 62WNW 1/4 SW 1/4 Sec. 3 = 36 Ac.NE 1/4 SW 1/4 " 3 = 36 Ac.SW 1/4 SW 1/2 " 3 = 33 AcSE 1/4 SW 1/4 " 3 = 33comprising a total of 138 acres of land and the license should be issued for 1.56 cfsApplicable permit qualifications have been complied with X Yes No

ORIGINAL INSPECTION:

Exceptions to compliance are: Date Oct. 19, 1978Permit # 3113-3 is incorporated into This Inspection Form #12.

INSPECTION REPORT COMPLETED:

Leroy J Mernaugh 9-24-84
signature

State of South Dakota
Water License No. 4376-3

(1) Robert G. Freeburg
of Frankfort, South Dakota 57440
made Application No. 4376-3, February 7, 1979 for a water permit to appropriate
no add'l cubic feet per second of water from groundwater (an additional diversion point on permit 3113-3)
Spink County, South Dakota for Irrigation purposes.
Permit No. 4376-3, with a priority date of October 1, 1976
was approved March 29, 1979 and issued to applicant(s) for diversion of water with construction of the described
water supply system ~~to be~~ completed ~~on or before~~ and for the application to beneficial use of said
water ~~on or before~~

The applicable portions of Water Permit No. 3113-3 have been incorporated into this
Water License No. 4376-3

and

(2) It is certified that the application 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 1.56 cubic feet per second of water
for beneficial use. The location of the diversion point(s) are Well #1-1320'N and 1380'E of the SW
Corner, Section 3 (CA), Well #2-950'N and 1650'E of the SW Corner, Section 3 (CD); all
In T116N, R62W

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, to irrigate the following land all in T116N, R62W

Section 3	NW $\frac{1}{4}$ SW $\frac{1}{4}$	36 Acres	(C9)
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	36 Acres	(CA)
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	33 Acres	(CC)
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	33 Acres	(CD)
TOTAL		138 ACRES	

(1) Pursuant to §46-5-30.1 Robert G. Freeburg
of RR #1, Frankfort, South Dakota 57440
the holder(s) and/or owner(s) of Water Permit No. 4376-3 is issued a license to appropriate water, the right to use
1.56 cubic feet per second of water from groundwater (two wells) with a priority date
of October 1, 1976 from the location specified in (2) of this license. The water to be
conducted to and upon lands specified in (3) of this license for the purpose of irrigation

This license is subject to any limitations or qualifications listed in Water Permit No. 4376-3 and subject
to South Dakota State Law.

John Hatch
Chief Engineer, Water Rights Division
Department of Water and Natural Resources

JOHN HATCH

October 11, 1984

RECEIPT

Division of Water Rights

No 4 9791

South Dakota Department of Water and Natural Resources

Pierre, October 11, 1914

RECEIVED OF Robert Freeburg, RR#1, Frankfort, SD 57440

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works 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. 4376-3	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____ (Any Other Work Provided by Law)		
Total	50	00

By

Chief Engineer JOHN HATCH (MS)

South Dakota
Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

October 15, 1984

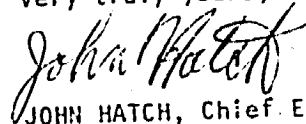
Robert Freeburg
RR#1,
Frankfort, South Dakota 57440

Dear Mr. Freeburg:

Enclosed herewith is, Water License No. 4376-3. This is the final water right document completing your process of obtaining a water right.

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.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

JH:ms

Enclosures

Applicable portions of Water Permit No. 3113-3 have been incorporated into this Water License No. 4376-3.

NOV 2000
WATER RIGHTS
PROGRAM
Plover, SD

No.

Date: 11-18-00

(Signed)

(Notary Public)

(Notary Public)
My Comm. expires 3-13-2003

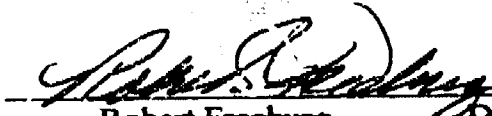
1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

Department of Environment and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, S. D. 57501-3181

To the attention of the Department of Environment and Natural Resources;

I hereby give permission to transfer ownership of Water Permit #4376-3 on section
3 in 116-62, Frankfort Township, Spink county, South Dakota to Gary D. Wipf,
17801 401st Avenue, Frankfort, S. D. 57440.

Robert Freeburg
515 Oak Street
Frankfort, S.D. 57440


Robert Freeburg Date 11-2-00



RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NO 416694

Pierre, November 22, 2009

RECEIVED OF Gary D Wipf, 17601 401st Ave, Frankfort SD 57440
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 No. 4376-3 _____	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By Walter E. Enke
Chief Engineer

105



4376-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

March 13, 2001

NOTICE

TO: Robert Freeburg
515 Oak Street
Frankfort SD 57440

FROM: Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Notice regarding status and potential plugging of two wells

Recently, you transferred Water Right No. 4376-3 to Gary Wipf. Water Right No. 4376-3 appropriated water from two wells located in the E $\frac{1}{2}$ SW $\frac{1}{4}$ Section 3 to irrigate the SE $\frac{1}{4}$ Section 3, T116N, R62W. Mr. Wipf subsequently applied for and was granted a water right permit to transfer the water right to different land and wells in Section 6, T115N, R61W. I am writing to notify you of your responsibilities for the two wells that supplies your irrigation system.

If an owner of a well has no plan to use the existing well, the well is considered abandoned and shall be plugged in accordance with well plugging standards. The Water Management Board has set forth rules for plugging, capping or sealing of wells to protect the health and safety of the public and to prevent contamination of groundwater. The wells should be plugged by a licensed well driller and a plugging report sent to the Water Rights Program.

Please advise us regarding your intentions for these two wells by April 15, 2001. If you have any questions, please contact Eric Gronlund at (605) 773-3352.

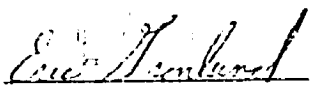
c: Gary D. Wipf, 17801 401st Avenue, Frankfort, SD 57440

CERTIFICATION

I hereby certify that on March 13, 2001, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 13, 2001 regarding Notice regarding status and potential plugging of two wells addressed as stated below:

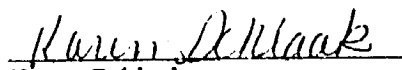
Robert Freeburg	Gary D. Wipf
515 Oak Street	17801 401 st Avenue
Frankfort, SD 57440	Frankfort, SD 57440

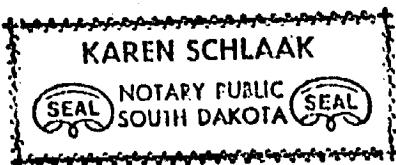
A copy of the above described Notice was sent Inter-office to:


Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 14th day of March, 2001.


Karen Schlaak
Notary Public



KAREN SCHLAACK, Notary Public
My Commission Expires
April 1, 2003

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Right No. 4376-3

ADDRESS: COUNTY:

DATE: TELEPHONE:

RE:

COMMENTS:

See file for Water Permit No. 6242-3. Water Permit No. 6242-2, held by Gary Wipf severs the water right from the current irrigated lands under Water Right No. 4376-3 and simultaneously transfer the irrigation to other land.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Eric Thompson

Gordon Ebele
State rights Program



Dear Sir -

Received your letter of 3-13
regarding status of plugging
2 wells.

We are south of Az. for the
winter but am trying to
get Saxon drilling to cap them
satisfactory to you.

We will be home May 11.
and can notify you when done

Sincerely

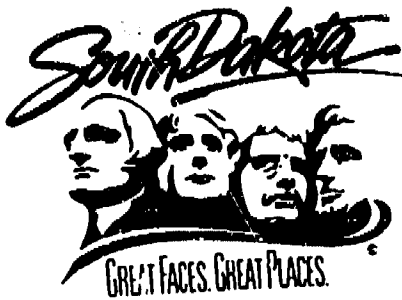
Robert F. Fubing

2637 S. FERNHUS

Mesa AZ

85208

Phone 480-986 6695



4376-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 26, 2001

Robert Freeburg
515 Oak Street
Frankfort SD 57440

Dear Mr. Freeburg:

On March 13, 2001, we notified you regarding your responsibilities concerning the status and potential plugging of two wells. These two wells are located in the E 1/2 SW 1/4 Section 3-T116N-R62W. Enclosed is a copy of the March 13th notice.

You indicated that you would notify our office when the wells had been plugged. As of today, a review of our files indicates the well plugging reports have not been received.

Please advise me regarding the status of the two wells.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosure



4376-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAY 09 2001

Gary D Wipf
17801 401st Ave
Frankfort SD 57440

Dear Mr. Wipf:

Enclosed is Water Permit No. 6242-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit. Receipts for payment of the fees and transfer of Water Permit No. 4376-3 are also enclosed.

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.

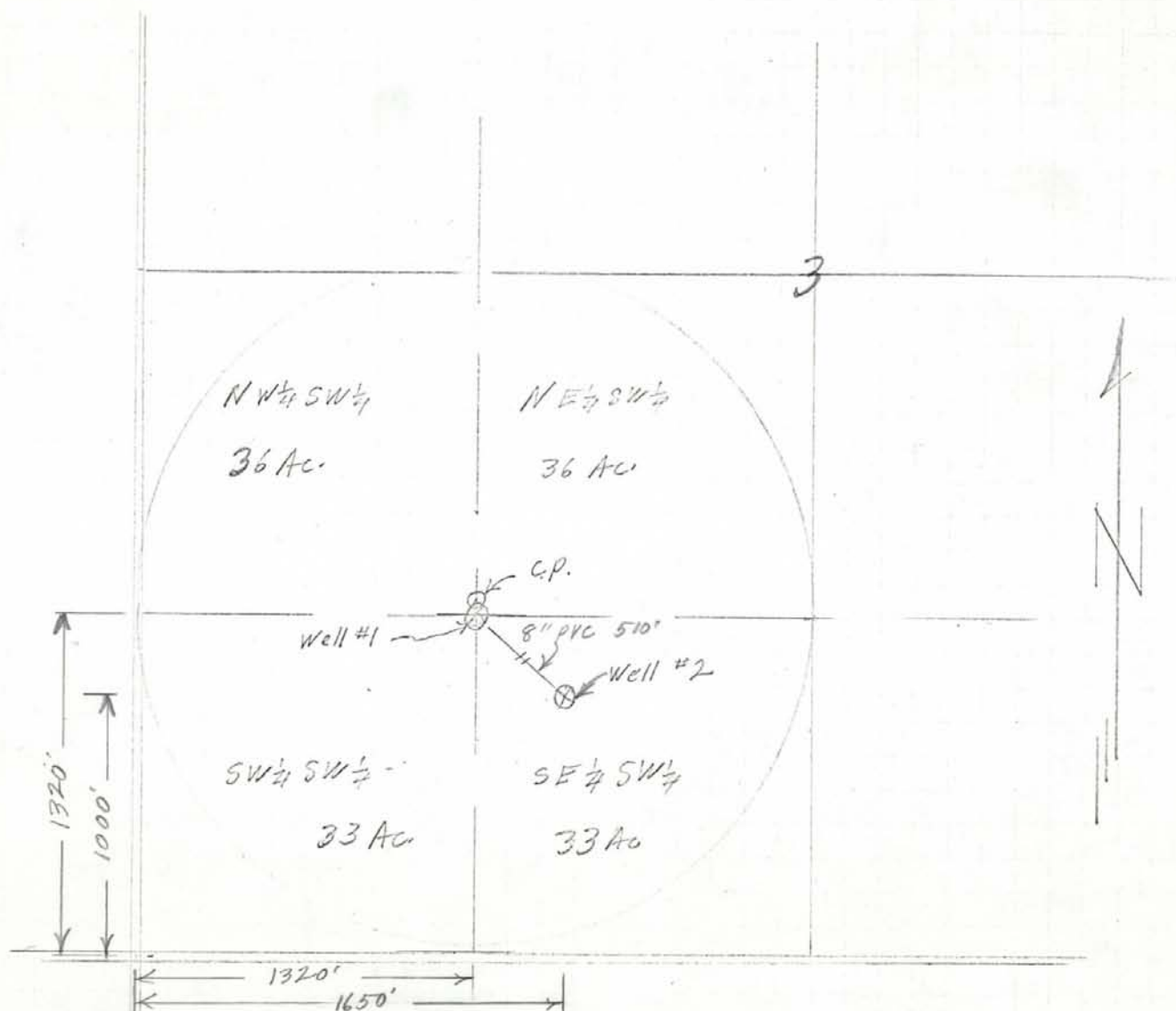
An informational sheet *?Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

Note: The applicable portions of Water Right No. 4376-3 are incorporated into Permit No. 6242-3. Deferred Application No. 3391-3 originally filed by Albert Wipf for the same acres is denied with approval of Permit No. 6242-3.

enclosures



SW 1/4-3 T116N R62W

Scale 1" = 660'

8" = 1 mile

by J. J. Merrough

Robert Freeburg
Spink County

~~MAP 203518-3~~

APPL. 43763

NOT TO SCALE

3113

101.6

379-114R

92.0

T

116

N

R 62 W.

87.8

70.0

6.0

3

157.9

142.5
NW $\frac{1}{4}$ SW $\frac{1}{4}$
36 Ac.

NE $\frac{1}{4}$ SW $\frac{1}{4}$
36 Ac.

1380'

Well #1

Well #2

SW $\frac{1}{4}$ SW $\frac{1}{4}$
33 Ac.

SE $\frac{1}{4}$ SW $\frac{1}{4}$
33 Ac.

Robert Freeburg
SPINK Co.

116-62

Map by L.J. Mernaugh

7.0

950'

25.0

1650'

15.0

39.0

379-114R

~~Map 38283~~

Appl. 4376-3