

Considered: _____

WATER PERMIT NO. 5194-3

MAP No. same 938-4208

Name of Applicant Kent Frerichs

Post Office Address RR 2, Box 47, Wilmot SD 572⁷⁹~~62~~

Amount of Water Claimed 2.00 Total Acres 234.4

Source of Water Supply ground water 1 well

Water to be used for irrigation County Roberts

About 1 1/2 miles W of Wilmot.

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

F.F. & C.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY _____ Date Received May 12, 1988 Fee \$275⁰⁰ Remarks _____

Corrected Application Received _____ Period of Annual Use Apr 1 - Nov 30

WATER QUALITY APPROVAL RECEIVED _____ APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES _____ NO _____ REMARKS _____

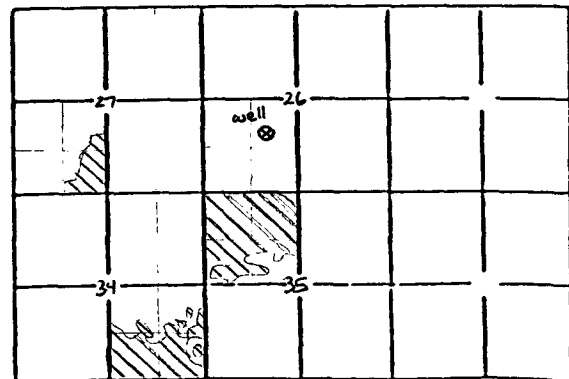
Diversion Point well: NE 1/4 SW 1/4 section 26 -

T123N-R50W

Land to be Irrigated NW 1/4 section 35;

SE 1/4 section 34; E 1/2 SW 1/4 section 27;

all in T123N-R50W



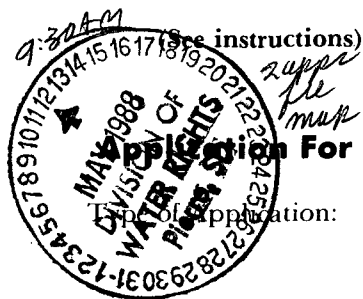
Well Log: Driller North Star Drilling Licensed YES _____ NO _____

Depth of Well 63 feet REMARKS _____

Type of Map aerial photo PREPARED BY June Helgeson Reviewed and the Number

assigned on June 1, 1988 By Ken Duwall

No. 5194-3 Hydrologic Unit 07020001
Basin Minnesota - Whetstone
Newspaper Wilmot Enterprise, Box 70 (Thurs)



Application For Soil/Water Compatibility Permit and Permit To Appropriate Water

1. Name of Applicant Kent Frerichs Phone No. 938-4208
- Post Office Address RR # 2 Box 47 Wilmot State S.D. Zip Code 57262
(Street, RR or Box) (City)
2. Amount of water claimed (c.f.s.) 2 Total acres irrigated 234.4
3. Source of Water supply Existing irrigation well
4. Location of point of diversion 1700 feet east and 1700 feet north of a point in the very SW 1/4 of Section 26-123-50. NE 1/4 SW 1/4
County Roberts
5. Counties where water will be used Roberts
6. Annual period during which water is to be used Spring, Summer and Fall. April 1 - November 30
7. 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.
NW 1/4 NW 1/4 Sec. 35-123-50	40
NE 1/4 NW 1/4 Sec. 35-123-50	35
SW 1/4 NW 1/4 Sec. 35-123-50	33
SE 1/4 NW 1/4 Sec. 35-123-50	27.3

Land Description	No. Acres Irr.
NW 1/4 SE 1/4 Sec. 34 -123-50	6
NE 1/4 SE 1/4 Sec. 34-123-50	6.1
SW 1/4 SE 1/4 Sec. 34-123-50	36
SE 1/4 SE 1/4 Sec. 34-123-50	29

Attach sheet if more space is needed

- SEE ATTACHED FORM 2 for acreage in Section 27
8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: X Gun: X (Specify) _____ Other: _____
9. Crops to be Irrigated: Corn, Alfalfa, Soybeans, Wheat and Barley
10. Give a description of proposed project. (Attach sheet if more space is needed)
Initially a traveling big gun would be used, with future plans to add a center pivot on these fields.
See attached photos for proposed project.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps, soils information and any other technical information.

STATE OF SOUTH DAKOTA)
County of Roberts) ss

I, Kent Frerichs, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is truly representative of the water to be used, and that the matters stated in this application are true and correct.

Signed Kent Frerichs

Subscribed and sworn to before me this 10 day of May 1988

Harold R. [Signature]
Notary Public 2-28-90

Don -
This should be
included with
my application

Thanks
KENT & FAYE FRIEDICH
ROUTE 2, BOX 47
WILMOT, SOUTH DAKOTA 57279
PHONE (605) 938-4206

Mail to: Water Rights Div.
DWNR, Foss Bldg.
Pierre, SD 57501
(605) 773-3352
P.L. 3/30/86

No. _____ Hydrologic Unit _____
Basin _____
Newspaper _____

(See instructions)



Application For Soil/Water Compatibility Permit and Permit To Appropriate Water

- Type of Application: ☐ New ☐ Vested Right ☐ Amend Permit No. _____
☐ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point(s)
☒ Add Acreage ☐ Increase diversion rate ☐ Other _____

1. Name of Applicant Kent Frerichs Phone No. 938 - 4208

Post Office Address RR # 2 Box 47 Sisseton, State S.D. 57262
(Street, RR or Box) (City) Zip Code

2. Amount of water claimed (c.f.s.) 2 Total acres irrigated 234.4

3. Source of Water supply Existing irrigation well

4. Location of point of diversion 1700 feet east and 1700 feet north of a point in the very SW $\frac{1}{4}$ of Section 26-123-50

County Roberts

5. Counties where water will be used Roberts

6. Annual period during which water is to be used Spring, Summer and Fall

7. 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.
NE $\frac{1}{2}$ SW $\frac{1}{2}$ Sec. 27-123-50	3
SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 27-123-50	19
(Land owner Eldon Christensen Est. Kent Frerichs one of the heirs)	

Land Description	No. Acres Irr.

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: _____ Gun: X Other: _____ (Specify) _____
9. Crops to be Irrigated: Corn, Alfalfa, Soybeans, Wheat and Barley.
10. Give a description of proposed project. (Attach sheet if more space is needed)
Initially a traveling big gun would be used.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps, soils information and any other technical information.

STATE OF SOUTH DAKOTA)
County of Roberts)^{ss}

I, Kent Frerichs, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is truly representative of the water to be used, and that the matters stated in this application are true and correct.

Signed Kent Frerichs

Subscribed and sworn to before me this 10 day of May 1988

Harold Horten
Notary Public
7-78-90

Eldon Christensen

Conservation Plan Map
Roberts Conservation District
Kent Frerichs
Route # 2 Box 47
Wilmot, S.D. 57279
Telephone # 938-4208
Roberts County, S.D.
Date prepared: 5-10-88
Prepared by: June Helgeson
Admin. Secy.
Roberts Cons. Dist.

June Helgeson

Marlyn Green

Calvin Van Cleave

29

26

T-2109

779

671

6" underground pipe

Kent Frerichs

6" underground

surface

10" underground pipe

Kent Frerichs

surface

Diversion Point

Mayhew

T-5260

T-2817

27 26

T-2816

123-50

E-9

2020

E-8

34 35

35 ac

423

L.K. Corporation

Proposed 10" underground

Proposed 10" underground

Kent Frerichs

T-2803

35

surface pipe

36 ac

29 ac

T-2818

247.3

Eldon Christensen

T-5259

Appl. No. 5194-3/23-50

34 35

**SOUTH DAKOTA
WATER PERMIT FOR IRRIGATION**

Date of first receipt of application May 12, 1988

Date Soil/Water Compatibility Permit received July 11, 1988

Date of return to applicant for correction, amendments or changes required May 13, 1988

Date of receipt of corrected application May 31, 1988

The Water Management Board approved Water Permit Application No. 5194-3

on July 27, 1988 for Kent Frerichs

(Applicant)

RR2, Box 47 Wilmot South Dakota 57279
(Street, RR or Box) (City) (State) (Zip Code)

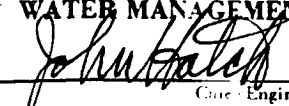
authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5194-3 appropriates 2.0 cubic feet of water per second from one existing well 63 feet deep in the Wilmot Aquifer to irrigate 234.4 acres. The well is located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 26 and the acreage to be irrigated is located in the NW $\frac{1}{4}$ Section 35; SE $\frac{1}{4}$ Section 34; E $\frac{1}{2}$ SW $\frac{1}{4}$ Section 27; all in T123N, R50W.
2. The amount of the appropriation may not exceed 2 acre feet per acre per year or one-seventieth (1/70) cubic feet of water per second 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: April 1 - November 30
3. The date from which applicant may claim the right is May 12, 1988
4. One-fifth of the construction is to be completed on or before January 27, 1991
5. All construction is to be completed on or before July 27, 1993
6. Water is to be put to beneficial use on or before July 27, 1997
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. If the well authorized by Permits No. 5191-3 and 4902-3 flows, the flow shall be controlled and the flow reduced to a minimum when water is not being used. If this well is abandoned or the Permits cancelled, the well must be plugged in accordance with the rules of the Water Management Board.
2. 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.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: 

Chief Engineer

DEC 1 1988

Division of Water Rights
Dept. of Water and Natural Resources

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter 18" Depth 63'
- b) Casing Type Steel Diameter 16" Thickness 3/8"
- c) Screen Type Johnson Stainless Steel Diameter 12" Thickness 1.70 slot size 20' long
- d) Gravel Pack Thickness 4" approx Length of Gravel Pack 63' Full length
- e) Depth to Top of Water Bearing Material 10'
- f) Depth to Water (ground surface to water level) 2' static water level
- g) Distance to nearest existing domestic well:
On applicants property 1800' On property owned by others 2700'

2. Dugout Information Estimates

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

3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should 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 _____

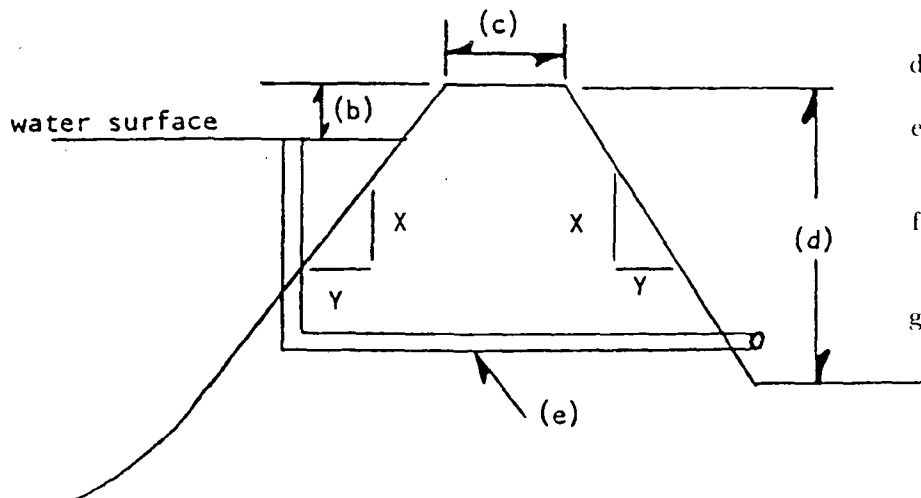
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



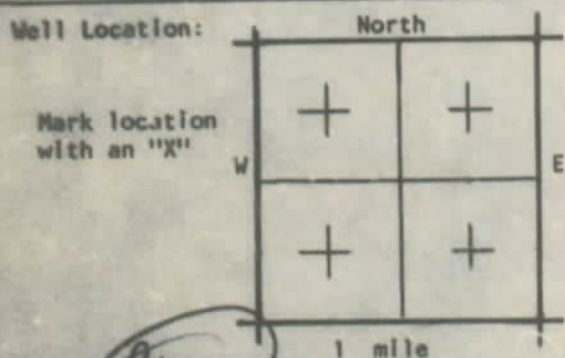
Kent E. Freese
Signature of Applicant

WELL DRILLERS REPORT
SOUTH DAKOTA WATER RIGHTS COMMISSION

4-78

Well Owner:
Name: KENT FRIEDRICH
Address: Rt. 2, WILMOT, S.D.

Water Level Information:
Static water level 2 FT. below land surface
If flowing: closed in pressure PSI
rate of flow GPM
Controlled by:
☐ Valve ☐ Reducers ☒ Other
If other; specify



County: Roberts
SW 1 1 Sec. 26 Twp. 123 Rg. 50-W

Proposed Use:
☐ Domestic ☐ Municipal ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Stock

Method of Drilling:
☒ Forward Rotary ☐ Bored ☐ Jetted
☐ Reverse Rotary ☐ Cable ☐ Other

Well Construction:
Diameter of Hole 18"
Depth 63
Casing ☒ Steel ☐ Concrete
☐ Plastic ☐ Other
If other, specify

Was casing end left open No
Was well screen installed Yes
Describe Well Screen
Diameter 12" Material S.S.
Slot size .70
Was well gravel packed Yes
Was well grouted No
Was water sample taken

Well Test Data:
☒ Pumped WITH LINE SHAFT
☐ Bailed Describe: T. CASE PUMP
☐ Other
Pumping Level Below Land Surface
45 ft. After 8 Hrs. pumped 1000 GPM
" " " " " "
" " " " " "

Well Log:

Formation	Depth	
	From	To
Fill	0	4
Block Dirt	4	9
Gray Clay	9	11
Gray Clay	11	14
Gray Clay	14	21
Gray Sand	21	35
Fine Gray Sand	35	46
Coarse Sand (Gravel)	46	63

(Use Back If Necessary)

Date Completed: 6-29-79

Driller: North Star Drilling, Inc.
Driller's or Firm's Name License NO.
R.R. 6 Box 139A - Little Falls
Address MIND.
Chuck Ellstrom 9-24-79
Signed By Date

Remarks:

MANAGEMENT FORM

4252

APPROVED with Requirements

NAME OF APPLICANT: Kent Frerichs

LEGAL DESCRIPTION: NW1/4 35-123-50 & SE1/4 34-123-50 = 212.4 and
E1/2 SW1/4 27-12-50 = 32 acres

REQUIREMENTS:

The areas mapped as Forman-Buse loams, eroded 9-15% (FuD), Renshaw-Sioux loam 9-20% (RhD), Hattie Clay Loam 9-15% (HdD) are on excessively steep slopes and subject to an erosion hazard. For this reason these areas shall not be irrigated.

The area mapped as Forman-Buse loams, 6-9% eroded, has been adversely effected by erosion - this area shall be maintained in permanent vegetation.

The areas mapped as Loam Fluvaguents (Lt) and LaDelle (La) are subject to flooding and wetness. For this reason these areas shall be maintained in permanent vegetation.

The drainageways in Section 34 & 35 shall be maintained in permanent vegetation to address the potential of erosion.

MANAGEMENT RECOMMENDATIONS:

We recommend the use of a form of conservation tillage to reduce erosion and to conserve soil moisture.

We feel that you should be aware that a big gun is a high volume applicator; putting a large amount of water on in a short period. The soil of the project area takes in water slowly and runoff may be a problem. We recommend that you undertake management practices to reduce this potential problem.



DATE

7/8/88

SIGNATURE

James L. L. L.

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4252

WR#

OWNERS NAME: Kent Ferichs

OWNERS ADDRESS: RR 2, Box 47

Willmott, SD 57262

COUNTY LAND LOCATED IN: Roberts

PHONE: 938-4208

LEGAL DESCRIPTION:

☒ Well

☐ Surface

1. LOCATION 1700 ft E and 1700 ft W of a point in vary SW 34-123-50

Depth _____

TOTAL ACREAGE = 420.10

Legal Description	Acres	Legal Description	Acres
<u>NW 1/4 NW 1/4 35-123-50</u>	<u>40</u>	<u>NW 1/4 SE 1/4 34-123-50</u>	<u>6</u>
<u>NE 1/4 NW 1/4 35-123-50</u>	<u>35</u>	<u>NE 1/4 SE 1/4 34-123-50</u>	<u>6.1</u>
<u>SW 1/4 NW 1/4 35-123-50</u>	<u>33</u>	<u>SW 1/4 SE 1/4 34-123-50</u>	<u>36</u>
<u>SE 1/4 NW 1/4 35-123-50</u>	<u>27.3</u>	<u>SE 1/4 SE 1/4 34-123-50</u>	<u>29</u>

2. TYPE OF IRRIGATION: GRAVITY NW 1/4 SW 1/4 27-123-50 TOWLINE: 3.0 CENTER PIVOT: XX OTHER: 19
(Specify) _____

3. CROPS TO BE IRRIGATED: Corn, Alfalfa, Soybeans, Wheat and Barley

WATER QUALITY:

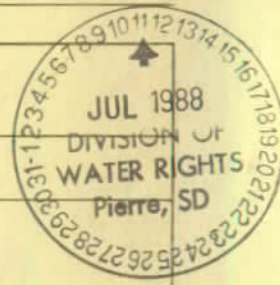
4. WATER SAMPLE NUMBER: 77-1223

7. ADJUSTED (SAR): _____

5. SALINITY (EC X 10⁶): 754

8. PERCENT SODIUM: 4.30

6. SODIUM (SAR): 4.30



Requirements:

The areas mapped as Forman-Buse loams, eroded 9-15% (FuD), Benshaw-Sioux loams 9-20% (FSD) Hattie Clay loam 9-15% (HdD) are on excessively steep slopes and subject to an erosion hazard. For this reason these areas shall not be irrigated.

The areas mapped as Forman-Buse loams 6-9% eroded, has been adversely effected by erosion - this area shall be maintained in permanent vegetation. The areas mapped as Loam Fluvaquents (Lt) and LaSalle (La) are subject to flooding and wetness. For this reason these areas shall be maintained in permanent vegetation.

The drainageways in Section 34 & Section 35 shall be maintained in permanent vegetation to address the potential of erosion.

☒ APPROVED
☐ DISAPPROVED
☐ WAIVER
☒ REQUIREMENTS

Ruth L Harner
Director, Division of Conservation

7/8/1988

Date

Soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

May 13, 1988

Kent Frerichs
RR 2, Box 47
Wilmot SD 57262

Dear Mr. Frerichs:

This letter is in response to the water permit application received on May 12, 1988. The following information is needed to complete the water permit application:

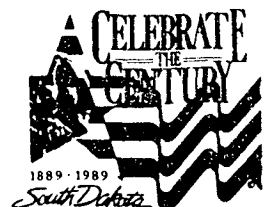
The well information on the enclosed Form 2A needs to be completed. I have also attached the completed Form 2A submitted with Water Permit No. 4108-3 and a copy of the well log. This information may be helpful to you in completing the blank Form 2A.

The water permit application can not be processed for consideration by the Water Management Board until the application is complete. Please complete the Form 2A and return to the Water Rights Division. Contact me if you have any questions.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enc.



REPORT ON APPLICATION NO. 5194-3
KENT FRERICHs
June 8, 1988

This application proposes to appropriate 2.00 cfs from an existing well 63 feet deep to irrigate 234.4 acres. The well is located in the NE 1/4 SW 1/4 of Section 26 and the acreage to be irrigated is in the NW 1/4 of Section 35; SE 1/4 Section 34; E 1/2 SW 1/4 Section 27; all in T123N, R50W in Roberts County.

Aquifer - Wilmot

The Wilmot Aquifer is a Pliestocene glacially (sand and gravel) derived aquifer under artesian conditions. In this area, the Wilmot overlies the Veblen Aquifer and is apparently not hydraulically connected. The information available does not conclusively show there is no interconnection but both the stratigraphic and hydrologic data suggest the aquifers are distinguishable. The Wilmot is probably hydraulically connected to the North Fork Whetstone River. The Wilmot underlies 86,300 acres and contains 194,180 acre feet of recoverable water in Roberts County (Hedges, 1982). There is no county study data available and these estimates are poor. However, quite a lot of data is available for this immediate area. The Division of Water Rights monitors 6 observation wells in this area. Records for 2 of these wells RB-77L and RB-77M are included with this report (Water Rights Division, 1988). Both of these wells are drilled into the Veblen Aquifer and may not represent what is happening to the Wilmot Aquifer.

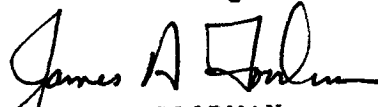
Review of Existing Water Rights

Permit Nos. 2267-3, 4788-3 and 4108-3 all obtain water from the Wilmot Aquifer. Permit Nos. 4108-3, 4788-3 and this application all obtain water from the same diversion point. The diversion point for 2267-3 is located about 1/2 mile northeast of the diversion point for this application. Interference is likely, however, both wells have been in use with no apparent problems. There are other permits in this area which obtain water from the Veblen Aquifer which is apparently a different source. Interference caused by pumping from the Veblen is unlikely.

Conclusions

1. Water is available from the Wilmot Aquifer.
2. Interference is likely because the Wilmot aquifer is under artesian conditions. The two diversion points have been in use with no apparent problems.
3. Information is not available to clearly determine if the Wilmot and Veblen Aquifers are interconnected. At this location, it appears the aquifers are hydrologically separated.

4. This well may flow at times and the permit should contain the standard flowing well clause.
5. Permit Nos. 4108-3, 4788-3 and 5194-3 all obtain water from the same diversion point. Total acreage amounts to 732.4 acres from this one diversion point. It is impossible to do an adequate job of irrigating this entire acreage with one well. During drought years one well will not be able to produce the volume of water necessary for the entire acreage.


JAMES GOODMAN
Hydrologist

Bibliography

- Hedges, L.S., Etal, 1982, Evaluation of Ground Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, for US Army Corps, DWNR, SDGS, Vermillion SD 57069.
- Water Rights Division, 1988, Observation Well Records for Veblen and Wilmot Aquifers in Roberts County, RB-77L, RB-77M, DWNR, Division of Water Rights, Joe Foss Building, Pierre SD 57501.

OBS	LOCATION	SRS OBS_WELL	DATE	NEG	READING
1	123N-50W-35AAAA	RB-77M	11/30/77	X	-47.8
2	123N-50W-35AAAA	RB-77M	05/23/78	X	-46.1
3	123N-50W-35AAAA	RB-77M	06/06/78	X	-46.1
4	123N-50W-35AAAA	RB-77M	06/21/78	X	-46.4
5	123N-50W-35AAAA	RB-77M	07/08/78	X	-45.7
6	123N-50W-35AAAA	RB-77M	07/19/78	X	-45.5
7	123N-50W-35AAAA	RB-77M	08/16/78	X	-50.2
8	123N-50W-35AAAA	RB-77M	09/07/78	X	-48.5
9	123N-50W-35AAAA	RB-77M	09/27/78	X	-47.4
10	123N-50W-35AAAA	RB-77M	10/17/78	X	-47.8
11	123N-50W-35AAAA	RB-77M	11/28/78	X	-46.8
12	123N-50W-35AAAA	RB-77M	03/21/79	X	-47.5
13	123N-50W-35AAAA	RB-77M	05/01/79	X	-46.2
14	123N-50W-35AAAA	RB-77M	05/31/79	X	-45.9
15	123N-50W-35AAAA	RB-77M	06/13/79	X	-46.2
16	123N-50W-35AAAA	RB-77M	07/04/79	X	-45.5
17	123N-50W-35AAAA	RB-77M	07/18/79	X	-46.2
18	123N-50W-35AAAA	RB-77M	07/31/79	X	-46.6
19	123N-50W-35AAAA	RB-77M	08/14/79	X	-46.3
20	123N-50W-35AAAA	RB-77M	09/05/79	X	-46.2
21	123N-50W-35AAAA	RB-77M	09/26/79	X	-47.1
22	123N-50W-35AAAA	RB-77M	10/24/79	X	-46.4
23	123N-50W-35AAAA	RB-77M	01/16/80	X	-46.2
24	123N-50W-35AAAA	RB-77M	03/04/80	X	-46.6
25	123N-50W-35AAAA	RB-77M	04/16/80	X	-46.2
26	123N-50W-35AAAA	RB-77M	05/27/80	X	-48.6
27	123N-50W-35AAAA	RB-77M	06/26/80	X	-46.8
28	123N-50W-35AAAA	RB-77M	07/08/80	X	-48.3
29	123N-50W-35AAAA	RB-77M	07/22/80	X	-48.6
30	123N-50W-35AAAA	RB-77M	08/04/80	X	-49.5
31	123N-50W-35AAAA	RB-77M	08/22/80	X	-49.9
32	123N-50W-35AAAA	RB-77M	09/08/80	X	-48.8
33	123N-50W-35AAAA	RB-77M	10/28/80	X	-47.9
34	123N-50W-35AAAA	RB-77M	12/10/80	X	-47.8
35	123N-50W-35AAAA	RB-77M	03/11/81	X	-47.7
36	123N-50W-35AAAA	RB-77M	04/15/81	X	-47.5
37	123N-50W-35AAAA	RB-77M	05/29/81	X	-49.4
38	123N-50W-35AAAA	RB-77M	06/09/81	X	-48.5
39	123N-50W-35AAAA	RB-77M	06/24/81	X	-48.0
40	123N-50W-35AAAA	RB-77M	07/09/81	X	-50.2
41	123N-50W-35AAAA	RB-77M	07/23/81	X	-49.0
42	123N-50W-35AAAA	RB-77M	08/06/81	X	-48.4
43	123N-50W-35AAAA	RB-77M	09/02/81	X	-48.2
44	123N-50W-35AAAA	RB-77M	10/21/81	X	-46.1
45	123N-50W-35AAAA	RB-77M	04/01/82	X	-47.8
46	123N-50W-35AAAA	RB-77M	05/05/82	X	-47.5
47	123N-50W-35AAAA	RB-77M	05/25/82	X	-47.3
48	123N-50W-35AAAA	RB-77M	06/08/82	X	-47.1
49	123N-50W-35AAAA	RB-77M	06/22/82	X	-48.9
50	123N-50W-35AAAA	RB-77M	07/08/82	X	-49.8
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52	123N-50W-35AAAA	RB-77M	08/03/82	X	-50.1
53	123N-50W-35AAAA	RB-77M	08/18/82	X	-53.0
54	123N-50W-35AAAA	RB-77M	09/01/82	X	-53.2
55	123N-50W-35AAAA	RB-77M	09/28/82	X	-49.9

OBS	LOCATION	SAS OBS_WELL	DATE	NEG	READING
56	123N-50W-35AAAA	RB-77M	10/27/82	X	-48.8
57	123N-50W-35AAAA	RB-77M	03/01/83	X	-48.8
58	123N-50W-35AAAA	RB-77M	04/07/83	X	-47.5
59	123N-50W-35AAAA	RB-77M	05/24/83	X	-47.6
60	123N-50W-35AAAA	RB-77M	06/07/83	X	-49.5
61	123N-50W-35AAAA	RB-77M	06/20/83	X	-48.5
62	123N-50W-35AAAA	RB-77M	07/06/83	X	-48.2
63	123N-50W-35AAAA	RB-77M	07/19/83	X	-49.3
64	123N-50W-35AAAA	RB-77M	08/01/83	X	-51.5
65	123N-50W-35AAAA	RB-77M	08/18/83	X	-55.8
66	123N-50W-35AAAA	RB-77M	09/07/83	X	-51.5
67	123N-50W-35AAAA	RB-77M	10/03/83	X	-49.9
68	123N-50W-35AAAA	RB-77M	11/09/83	X	-48.9
69	123N-50W-35AAAA	RB-77M	04/10/84	X	-47.6
70	123N-50W-35AAAA	RB-77M	05/01/84	X	-47.5
71	123N-50W-35AAAA	RB-77M	06/14/84	X	-48.2
72	123N-50W-35AAAA	RB-77M	06/26/84	X	-47.3
73	123N-50W-35AAAA	RB-77M	07/10/84	X	-47.2
74	123N-50W-35AAAA	RB-77M	07/24/84	X	-51.4
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93	123N-50W-35AAAA	RB-77M	05/05/86	X	-46.4
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105	123N-50W-35AAAA	RB-77M	05/26/87	X	-45.9
106	123N-50W-35AAAA	RB-77M	06/09/87	X	-46.1
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6	123N-50W-23AAAA	RB-77L	07/19/78	X	-2.8
7	123N-50W-23AAAA	RB-77L	08/16/78	X	-6.3
8	123N-50W-23AAAA	RB-77L	09/07/78	X	-5.7
9	123N-50W-23AAAA	RB-77L	09/27/78	X	-4.7
10	123N-50W-23AAAA	RB-77L	10/17/78	X	-4.5
11	123N-50W-23AAAA	RB-77L	11/28/78	X	-4.7
12	123N-50W-23AAAA	RB-77L	03/21/79	X	-5.2
13	123N-50W-23AAAA	RB-77L	05/01/79	X	-3.5
14	123N-50W-23AAAA	RB-77L	05/31/79	X	-3.4
15	123N-50W-23AAAA	RB-77L	06/13/79	X	-3.1
16	123N-50W-23AAAA	RB-77L	07/04/79	X	-2.7
17	123N-50W-23AAAA	RB-77L	07/18/79	X	-3.4
18	123N-50W-23AAAA	RB-77L	07/31/79	X	-3.7
19	123N-50W-23AAAA	RB-77L	08/14/79	X	-3.5
20	123N-50W-23AAAA	RB-77L	09/05/79	X	-3.8
21	123N-50W-23AAAA	RB-77L	09/26/79	X	-4.2
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32	123N-50W-23AAAA	RB-77L	09/08/80	X	-6.7
33	123N-50W-23AAAA	RB-77L	10/28/80	X	-5.0
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44	123N-50W-23AAAA	RB-77L	10/21/81	X	-6.3
45	123N-50W-23AAAA	RB-77L	12/30/81	X	-5.2
46	123N-50W-23AAAA	RB-77L	04/01/82	X	-5.7
47	123N-50W-23AAAA	RB-77L	05/05/82	X	-5.4
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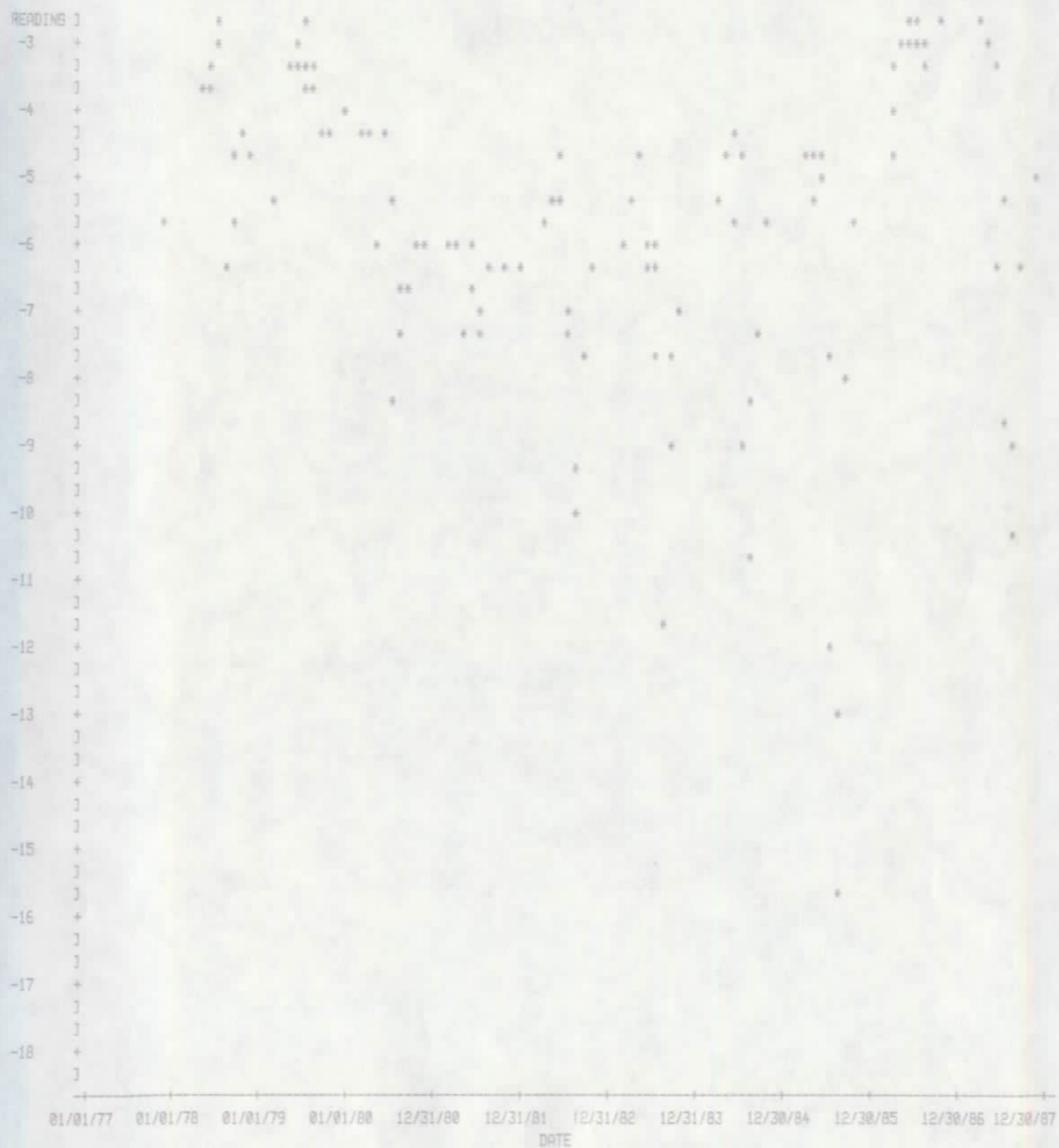
OBS	LOCATION	SRS OBS_WELL	DATE	NEG	READING
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59	123N-50W-23AAAA	RB-77L	04/07/83	X	-5.3
60	123N-50W-23AAAA	RB-77L	05/24/83	X	-4.8
61	123N-50W-23AAAA	RB-77L	06/07/83	X	-6.5
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63	123N-50W-23AAAA	RB-77L	07/06/83	X	-5.9
64	123N-50W-23AAAA	RB-77L	07/19/83	X	-6.5
65	123N-50W-23AAAA	RB-77L	08/01/83	X	-7.7
66	123N-50W-23AAAA	RB-77L	08/18/83	X	-11.6
67	123N-50W-23AAAA	RB-77L	09/07/83	X	-9.0
68	123N-50W-23AAAA	RB-77L	10/03/83	X	-7.7
69	123N-50W-23AAAA	RB-77L	11/09/83	X	-5.9
70	123N-50W-23AAAA	RB-77L	04/10/84	X	-5.3
71	123N-50W-23AAAA	RB-77L	05/01/84	X	-4.8
72	123N-50W-23AAAA	RB-77L	06/14/84	X	-5.8
73	123N-50W-23AAAA	RB-77L	06/26/84	X	-4.4
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75	123N-50W-23AAAA	RB-77L	07/24/84	X	-9.0
76	123N-50W-23AAAA	RB-77L	08/07/84	X	-8.3
77	123N-50W-23AAAA	RB-77L	08/21/84	X	-10.8
78	123N-50W-23AAAA	RB-77L	09/25/84	X	-7.5
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80	123N-50W-23AAAA	RB-77L	04/09/85	X	-4.8
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82	123N-50W-23AAAA	RB-77L	05/13/85	X	-4.6
83	123N-50W-23AAAA	RB-77L	05/27/85	X	-5.5
84	123N-50W-23AAAA	RB-77L	06/10/85	X	-4.9
85	123N-50W-23AAAA	RB-77L	06/24/85	X	-4.7
86	123N-50W-23AAAA	RB-77L	07/08/85	X	-7.8
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88	123N-50W-23AAAA	RB-77L	08/06/85	X	-15.7
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90	123N-50W-23AAAA	RB-77L	09/10/85	X	-8.0
91	123N-50W-23AAAA	RB-77L	10/23/85	X	-5.6
92	123N-50W-23AAAA	RB-77L	03/25/86	X	-4.6
93	123N-50W-23AAAA	RB-77L	04/08/86	X	-4.1
94	123N-50W-23AAAA	RB-77L	04/22/86	X	-3.4
95	123N-50W-23AAAA	RB-77L	05/05/86	X	-3.0
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99	123N-50W-23AAAA	RB-77L	07/01/86	X	-2.8
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101	123N-50W-23AAAA	RB-77L	07/30/86	X	-2.9
102	123N-50W-23AAAA	RB-77L	08/12/86	X	-3.2
103	123N-50W-23AAAA	RB-77L	09/04/86	X	-3.0
104	123N-50W-23AAAA	RB-77L	10/28/86	X	-2.5
105	123N-50W-23AAAA	RB-77L	04/04/87	X	-2.6
106	123N-50W-23AAAA	RB-77L	05/12/87	X	-2.9
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108	123N-50W-23AAAA	RB-77L	06/09/87	X	-3.3
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110	123N-50W-23AAAA	RB-77L	07/08/87	X	-8.7

		SAS			
OBS	LOCATION	OBS_WELL	DATE	NEG	READING
111	123N-50W-23AAAA	RB-77L	07/22/87	X	-5.3
112	123N-50W-23AAAA	RB-77L	08/05/87	X	-9.0
113	123N-50W-23AAAA	RB-77L	08/19/87	X	-10.3
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PLOT OF READING*DATE SYMBOL USED IS *



NOTE: 7 OBS HIDDEN

LQ50009 - END OF DATA SET

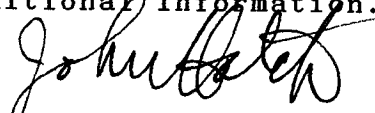
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5194-3, Kent Frerichs

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 5194-3, Kent Frerichs, RR 2, Box 47, Wilmot SD.

The Chief Engineer is recommending APPROVAL of Application No. 5194-3 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) in the public interest with the following qualifications:

1. If the well authorized by Permits No. 5191-3 and 4902-3 flows, the flow shall be controlled and the flow reduced to a minimum when water is not being used. If this well is abandoned or the Permits cancelled, the well must be plugged in accordance with the rules of the Water Management Board.
2. 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.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See the attached report for additional information.



JOHN HATCH, Chief Engineer
June 14, 1988

NOTE: This recommendation was prepared prior to receiving formal approval of a Soil-Water Compatibility Application (SWCA) to avoid delaying Water Permit Application No. 5194-3 until the October 5 and 6, 1988 Water Management Board Meeting. The Department of Agriculture has advised verbally that the Department will approve the required SWCA pursuant to SDCL 46-5-6.5. However, until the approval is reviewed by the Conservation Commission at its regular July 7, 1988 meeting based upon Commission policy to review all Department disapprovals or approvals of SWCA pursuant to SDCL 46-5-6, the Soil-Water Compatibility Permit will not be issued. If the Conservation Commission does not concur with the Department's approval, Application No. 5194-3 will be deleted from the July 27 agenda. Mr. Frerichs is aware that his application is subject to removal from the July 27 Water Management Board Meeting agenda.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411246

Pierre, May 12, 19 88

RECEIVED OF Kent Frerichs, RR 2, Box 47, Wilmot, SD 57279

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

Fee for Application for Permit No. <u>5194-3</u> to Appropriate Water, to construct works and to put water to beneficial use _____	275	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
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	275 00

By

Chief Engineer

John Hatch

JOHN HATCH

MS



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

Water Rights Division
(605) 773-3352

June 21, 1988

NOTE:

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

Kent Frerichs
RR 2, Box 47
Wilmot, South Dakota 57279

Dear Mr. Frerichs:

Your Application No. 5194-3 for a permit to appropriate water for
irrigation use, has been examined and found to
comply with the South Dakota Water Laws and applicable rules. A notice of
your intent to appropriate water has been sent to the Publisher of the

Wilmot Enterprise printed at Wilmot

South Dakota. For your information, a copy of this notice, the recommendation
of the Chief Engineer and a report on the application are enclosed. Please
review this notice prior to publication and notify this office, if you have
any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPER IMMEDIATELY TO AUTHORIZE PUBLICATION
OF YOUR NOTICE OF INTENT TO APPROPRIATE WATER AND TO ARRANGE FOR PAYMENT.
Early contact with the paper can eliminate delays. The publisher has been
instructed to publish your notice once each week for two consecutive weeks
with the last publication to occur at least twenty days before the board
meeting. We must receive Proof of Publication before the application can be
considered by the Water Management Board.

Sincerely,

RON DUVAL
Natural Resources Engineer

enclosures



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

June 21, 1988

Wilmot Enterprise
Box 70
Wilmot, South Dakota 57279

Dear Sir:

Enclosed is a Notice of Hearing on Application No. 5194-3 to be published twice. Please publish the first notice on or before June 30, 1988 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Kent Frerichs, RR 2, Box 47, Wilmot, South Dakota 57279.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

No. _____

TO: Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

Date _____

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

Name

Newspaper



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

May 25, 1988

Kent Frerichs
RR 2, Box 47
Wilmot SD 57262

Dear Mr. Frerichs:

This letter is to follow-up the letter sent to you dated May 13, 1988 (copy enclosed).

The mailing deadline date to get the public notice of hearing advertised for the July 1988 Board meeting is approaching very rapidly. The application needs to be complete by June 1, 1988 to allow time for completion of a written report and the Chief Engineer's recommendation. The Form 2A is still needed to complete the application as stated in the May 13, 1988 letter. Please complete the Form 2A and return by June 1, 1988.

Contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Ron Duvall".

Ron Duvall
Natural Resources Engineer
605 773-3352

enc.

Instruction to Newspaper - Publish first Notice on or before June 30, 1988
with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5194-3 to Appropriate Water
and/or to Amend Water Permit or Water Right No. _____

Notice is given that Kent Frerichs,
RR 2, Box 47, Wilmot, South Dakota has filed an application for a water permit
to appropriate 2.00 cubic feet of water per second from one existing well (Wilmot Aquifer)
63 feet deep to irrigate 234.4 acres. The well is located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 26 and
the acreage to be irrigated is in the NW $\frac{1}{4}$ Section 35; SE $\frac{1}{4}$ Section 34; E $\frac{1}{2}$ SW $\frac{1}{4}$ Section 27;
all in T123N-R50W.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends
APPROVAL of Application No. 5194-3 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. This application will be considered by the Water
Management Board in room 216, Joe Foss Building, 523 E. Capitol, Pierre, South Dakota on
July 27, 1988 at 10:00 am. The Chief Engineer's recommendation is not final
or binding upon the Board. The Board is authorized to 1) approve, 2) approve with
qualifications, 3) defer or 4) deny this application based on the facts presented at the
public hearing.

Any interested person that intends to participate in the hearing before the Board by
presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a
written petition with BOTH the applicant and Chief Engineer by July 15, 1988.
The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol,
Pierre SD (605 773-3352)". 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 legal counsel if legal counsel is obtained. The applicant need not file a
petition. Contact the Water Rights Division to request information on this application or
to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the
applicant have the right to be represented by a lawyer. These and other due process
rights will be forfeited if not exercised. Decisions of the Board may be appealed to the
Circuit Court and State Supreme Court as provided by law. The time of the hearing will
also be automatically delayed for at least twenty days upon written request to the Chief
Engineer from the applicant or a petitioner. The request for a delay must be received by
July 15, 1988.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15;
46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14,
46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2,
46-5-30.4, 46-5-31; ~~(ground)~~ 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14;
~~(future use) 46-5-38 thru 46-5-40; (transfer lands) 46-5-33 thru 46-5-35; (10,000 AF)~~
~~46-5-20.1, 46-5-8.1; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15, (future use)~~
~~74:02:01:24 thru 74:02:01:25; (10,000 AF) 74:02:01:15:02 thru 74:02:01:15:05.~~

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Roberts) ss.

I, Dana Hess hereby

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

Water was taken from the Wilmot Enterprise

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 _____ Milbank

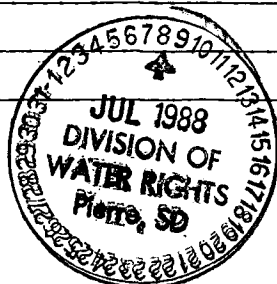
County of Grant and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

June 30, 1988

July 7, 1988

Dana Hess
(Signature)
Publisher
(Title)
July 7, 1988
(Date Signed)

Cost of Printing: \$41.20



NOTICE OF HEARING
On Application No. 5194-3
To Appropriate Water

Notice is given that Kent Frerichs, RR 2, Box 47, Wilmot, South Dakota has filed an application for a water permit to appropriate 2.00 cubic feet of water per second from one existing well (Wilmot Aquifer) 63 feet deep to irrigate 234.4 acres. The well is located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 26 and the acreage to be irrigated is in the NW $\frac{1}{4}$ Section 35; SE $\frac{1}{4}$ Section 34; E $\frac{1}{2}$ SW $\frac{1}{4}$ Section 27; all in T123N-R50W.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5194-3 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. This application will be considered by the Water Management Board in room 216, Joe Foss Building, 523 E. Capitol, Pierre, South Dakota on July 27, 1988 at 10:00 a.m. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by July 15, 1988. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre SD (605 773-3352)". 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 legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by July 15, 1988.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

(June 30 & July 7, 1988)



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

DEC 1 1988

Kent Frerichs
RR 2, Box 47
Wilmot, South Dakota 57279

Dear Mr. Frerichs:

Enclosed is Water Permit No. 5194-3__ as approved by the Water Management Board authorizing you to construct your water diversion system and put the water to beneficial use, not exceeding the limits as specified in Water Permit No. 5194-3__.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

JH:ms

enclosure

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period - i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

February 8, 1989

KENT E FRERICHS
RR 2 BOX 47
WILMOT, SD 57279

NOTICE

RE: Violation of Water Permit No(s). 5194-3, 4788-3 and 1988 Irrigation Questionnaire Requirements

Our records indicate that the 1988 Irrigation Questionnaire has not been submitted for Permit No(s). 5194-3, 4788-3. The request for the Questionnaire was dated October 26, 1988. The Water Management Board has directed that owners of water permits who have not submitted the 1988 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s). 5194-3, 4788-3 qualification:

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

The hearing will also be to determine if Permit No. 4108-3 should be amended with the qualification to require the Questionnaire to be submitted each year. The hearing will be held at 9:45 am, March 1, 1989 at the Howard Johnson's, Roosevelt Room, I-90 at LaCrosse, Rapid City SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Suspend Permit No(s). 5194-3, 4788-3 until the 1988 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Amend Permit No(s). 4108-3 also held by KENT E FRERICHS to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action;
4. Take no action.

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

If the questionnaire is received in this office before the March 1st hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352



SOUTH Dakota Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

March 6, 1989

4108-3

4788-3

5194-3

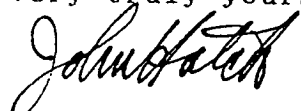
Kent E Frerichs
RR #2 Box 47
Wilmot, SD 57279

Dear Mr. Frerichs:

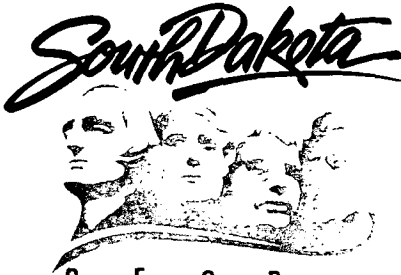
I am writing to acknowledge receipt of your 1988 irrigation questionnaires for Water Permit Nos. 4108-3, 4788-3 and 5194-3. You may disregard the February 8, 1989, Notice of failure to submit the 1988 irrigation questionnaire. Your questionnaires were received prior to the March Water Management Board meeting and your name was deleted from the agenda pertaining to the hearing.

If you have any questions, please contact Genny McMath, at (605) 773-3352.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division



GREAT FACES. GREAT PLACES.

February 1, 1991

KENT E FRERICHs
RR #2 BOX 47
WILMOT SD 57279

DEPARTMENT OF WATER & NATURAL RESOURCES

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

NOTICE

RE: Violation of Water Permit No(s) 4108-3, 4788-3, 5194-3, and 1990 Irrigation Questionnaire Requirements

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 4108-3, 4788-3, 5194-3,. The request for the Questionnaire was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s) 4788-3, 5194-3, qualification:

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

The hearing will also be to determine if Permit No(s) 4108-3 should be amended with the qualification to require the Questionnaire to be submitted each year. The hearing will be held at 9:15 am, February 27, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, Pierre SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Suspend Permit No(s) 4788-3, 5194-3, until the 1990 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Amend Permit No(s) 4108-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office before the February 27th hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

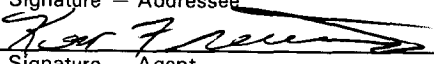
Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☒ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to: KENT E FRERICHs RR #2 BOX 47 WILMOT SD 57279	4. Article Number D 694 057 452 Type of Service: ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail ☐ Return Receipt for Merchandise Always obtain signature of addressee or agent and DATE DELIVERED.
5. Signature — Addressee X 	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature — Agent X	
7. Date of Delivery 2/6/91	



DEPARTMENT OF WATER & NATURAL RESOURCES

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

February 21, 1991

4108-3

4788-3

5194-3

Kent E Frerichs
RR #2 Box 47
Wilmot, SD 57279

Dear Mr. Frerichs:

I am writing to acknowledge receipt of your 1990 irrigation questionnaires for Water Permit Nos. 4108-3, 4788-3 and 5194-3. You may disregard the February 1, 1991, Notice of failure to submit the 1990 irrigation questionnaire. With receipt of the questionnaires, your name has been deleted from the February Water Management Board meeting agenda.

If you have any questions, please contact Genny McMath, at (605) 773-3352.

Sincerely,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

December 11, 1997

5194-3

Kent Frerichs
RR 2 Box 47
Wilmot, SD 57279

Dear Mr. Frerichs:

Thank you for returning your 1997 irrigation questionnaires. Enclosed, as you requested, are observation well readings for three monitoring wells in your area. The legal descriptions of each are listed on the top right hand corner of each page.

Also enclosed, are copies of Water Right No. 4788-3 and Water Permit No. 5194-3 listed in your name. If you have any questions concerning the enclosed information, please contact me.

Sincerely,

Genny McMath

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

encl

Genny McMath:

*Could you send me
a list of the specific
legal descriptions that
go with each permit?
I believe most of the
acres are under a water
license and the remainder
are under permit.*

*Also, could you send
me a printout of the readings
gathered on monitoring wells
in the area - 4-5 mile
radius? Thanks.
Kent Frerichs*

Permit No. 5194-3
Minnesota-Whetstone - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, August 8, 2005, made a thorough examination of the water use system constructed by **Kent Frerich** of 13497 465th Ave., Wilmot, SD 57279 holder of Permit No. 5194-3, bearing the priority of May 12, 1988 authorizing the diversion of 2.0 cu. ft. per second of the waters of **Wilmot aquifer** for **irrigation** purposes, in **Roberts** County.

Inspection contact & relationship **Kent Frerich (605) 938-4208**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **North Star Drilling, Inc.**
- 2) No. of Wells 1
- 3) Depth(s) 63 feet
- 4) Well log is available Y
- 5) Comment:

Casing:

- 1) Diameter 16 inches
- 2) Length **unknown**
- 3) Type **steel**

Screen:

- 1) Type **Stainless steel**
- 2) Length **unknown**
- 3) Static water level 2 feet

Pump:

- 1) Make **Wet Line**
- 2) Model **AXN1340**
- 3) Size **100 hp**
- 4) Capacity **1200** GPM

Motor:

- 1) Make Duetz diesel
- 2) Model No. BF61913
- 3) Horsepower rating 135 hp

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

- 1) Type Aluminum
- 2) Size 8 inches

C. Works used to apply water to beneficial use:

Traveling Big Gun

Chemigation Equipment:

- 1) Does chemigate N

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y
- 3) Exceptions to compliance are: None

The system is in **good** condition with the point(s) of diversion located as follows: NE1/4 SW1/4 approximately 1635 feet north and 1640 feet east of the SW corner of Section 26-T123N-R50W (N 45.432083, W -96.89655).

The works are capable of diverting and conveying to the place of use 2.0 cu. ft. per second of water which is to be used for **irrigation**. Water has been put to beneficial use to the maximum extent as follows:

Section 35-T123N-R50W
NW1/4 NW1/4-40 acres
NE1/4 NW1/4-35 acres
SW1/4 NW1/4-33 acres
SE1/4 NW1/4-27 acres

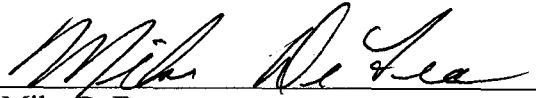
Section 34-T123N-R50W
NW1/4 SE1/4-6 acres
NE1/4 SE1/4-6 acres
SW1/4 SE1/4-36 acres
SE1/4 SE1/4-29 acres

Section 27-T123N-R50W
NE1/4 SW1/4-3 acres
SE1/4 SW1/4-19 acres

comprising a total of 234 acres of land and the license should be issued for 2.0 cfs.

All structures, wells and lands on map Y

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

A handwritten signature in cursive script, appearing to read "Mike DeFea", written over a horizontal line.

Mike DeFea

Natural Resources Project Engineer
DENR, Water Rights Program

Date report completed: **March 9, 2006**

Kent Frerichs
13497 465th Ave
Wilmot, SD 57279-Roberts County

Water Permit No. 5194-3



Mike DeFea

Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
March 9, 2006



0 0.125 0.25 0.5 0.75 Miles



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 13, 2006

5194-3

Kent Frerichs
13497 465th Ave
Wilmot SD 57279

Dear Mr. Frerichs

On August 8, 2005, the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 5194-3, was completed by Mike DeFea, a staff engineer with our program. Your final water right document, the water license, can now be issued.

State law requires that we charge a \$50.00 fee for the investigation and issuance of the water license. Upon receipt of the \$50.00 fee from you, we will complete processing your water license. The check or money order for the fee should be made payable to the "Water Rights Program".

Your licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by the permit requirements.

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 6, 2006

REMINDER NOTICE

5194-3

Kent Frerichs
13497 465th Ave
Wilmot SD 57279

Dear Mr. Frerichs:

On March 13, 2006, we advised you that a \$50.00 fee was due for the completed investigation of your Water Permit No. 5194-3. The fee also covers issuance of your water license which is the final document in obtaining and perfecting a water permit.

To date, we have not received the fee and therefore can not issue the water license. Your licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by any permit requirements.

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact Genny McMath with our program at (605) 773-3352. The check or money order for the fee should be made payable to the "Water Rights Program".

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

Please Apply
to Water Permit
under Kent French

Thanks

Aaron

RECEIVED
SEP 27 2006
WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date September 27, 2006

RECEIVED OF Aaron K Frerichs, 13497 465th Ave, Wilmot SD 57279

(for Kent Frerichs)

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. <u>5194-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50.00

No.

02599

By

Darlene Elbe
Chief Engineer
gm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 01 2006

5194-3

Kent Frerichs
13497 465th Ave
Wilmot SD 57279

Dear Mr. Frerichs:

Enclosed is Water License No. 5194-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 02599 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 5194-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5194-3

(1) Kent Frerichs, 13497 465th Ave., Wilmot SD 57279 made Application No. 5194-3, May 12, 1988 for a water permit to divert 2.00 cubic feet of water per second (cfs) from ground water (one existing well – Wilmot Aquifer), Roberts County, South Dakota for irrigation purposes. Permit No. 5194-3, with a priority date of May 12, 1988 was approved July 27, 1988 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 27, 1993 and for the application to beneficial use of said water on or before July 27, 1997.

Water Right No. 4788-3 and Water Permit No. 5194-3 authorize diversion of water from the same well. Water Right No. 4788-3 allows diversion of 2.67 cfs and Water Permit No. 5194-3 authorizes a total of 2.00 cfs. Licensing of No. 5194-3 does not authorize combining the diversion rates. The total diversion rate for Nos. 4788-3 and 5194-3 can not exceed 2.67 cfs.

(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 2.00 cubic feet of water per second for beneficial use. The location of the diversion point is approximately 1,635 feet north and 1,640 feet east of the SW corner of Section 26, T123N, R50W (NE ¼ SW ¼).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate a total of 234 acres located as follows:

Section 35, T123N, R50W		Section 34, T123N, R50W		Section 27, T123N, R50W	
NW ¼ NW ¼	40 acres	NW ¼ SE ¼	6 acres	NE ¼ SW ¼	3 acres
NE ¼ NW ¼	35 acres	NE ¼ SE ¼	6 acres	SE ¼ SW ¼	19 acres
SW ¼ NW ¼	33 acres	SW ¼ SE ¼	36 acres		
SE ¼ NW ¼	27 acres	SE ¼ SE ¼	29 acres		

(4) Pursuant to South Dakota Water Law 46-5-30.1 Kent Frerichs the holder and/or owner of Water Right No. 5194-3 is issued a license to appropriate water, the right to use 2.00 cubic feet of water per second from ground water (one well – Wilmot Aquifer) with a priority date of May 12, 1988 from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 5197-3 and subject to the following qualifications:

- If the well authorized by Water Right Nos. 4788-3 and 5194-3 flows, the flow shall be controlled and the flow reduced to a minimum when water is not being used. If this well is abandoned or the water rights cancelled, the well must be plugged in accordance with the rules of the Water Management Board.

continued

Water License No. 5194-3

Page 2

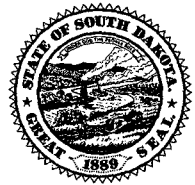
- The well approved under this water right will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this water right shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- This water right is approved subject to the irrigation water use questionnaire being submitted each year.

Garland Erbele

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

NOV 01 2008

date





5194-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 9, 2009

4788-3
5194-3

Kent Frerichs
13497 465th Ave
Wilmot SD 57279

Dear Mr. Frerichs:

Thank you for calling with the information for your 2008 irrigation questionnaires. I have completed forms for you and indicated on each that no irrigation was done due to adequate moisture.

Enclosed as we discussed, are copies of the following:

- Water Right No. 4788-3
- Water Right No. 5194-3
- Cancelled Water Right No. 3927-3
- Hydrograph and water level readings for observation well RB-77M (located in the NE corner of Section 35, T123N, R50W)
- A set of water permit application forms. These are for your son in the event he chooses to file an application on the land he purchased.

If necessary, additional forms are available for downloading on our website at:
<http://www.state.sd.us/denr/des/waterrights/waterprg.htm>

If I can answer any questions for you, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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