

Considered: \_\_\_\_\_

WATER PERMIT NO. 5239-3

36

HAP No. Same 925-7127

Name of Applicant City of Freeman

Post Office Address 185 E. 3rd Freeman, SD 57029

Amount of Water Claimed 0.44 cfs (200 gpm) Total Acres NA

Source of Water Supply groundwater - 1 well (existing)

Water to be used for municipal purposes County Hutchinson

About On the west miles side of Freeman

PROOF OF PUBLICATION: Received \_\_\_\_\_ Not Received \_\_\_\_\_

APPLICATION: Approved 3/2/89 Subject to \_\_\_\_\_

F.F. & C.L. Adopted \_\_\_\_\_ Not Approved \_\_\_\_\_ Deferred \_\_\_\_\_

PRIORITY Date Received Oct 17, 1988 Fee 250<sup>00</sup> Remarks \_\_\_\_\_

10/17/88 This is an existing well authorized by #4791-3-construction  
period expired, however

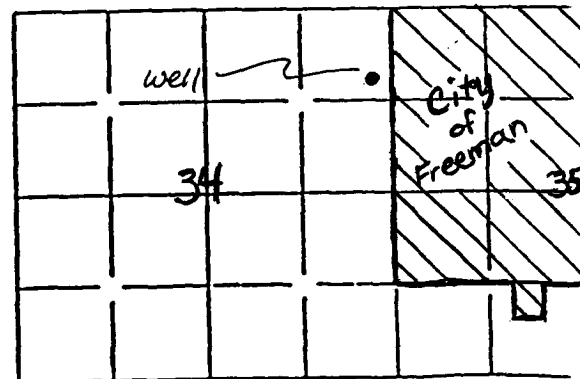
Corrected Application Received Oct 21, 1988 Period of Annual Use Jan 1-Dec 31

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

WI-1 Description same as Application YES NO REMARKS \_\_\_\_\_

Diversion Point NE 1/4 NE 1/4 Sect. 34-T99N-R56W

Land to be Irrigated NA



Well Log: Driller Lehr Well Drilling Licensed YES X NO \_\_\_\_\_

Depth of Well 300' REMARKS \_\_\_\_\_

Type of Map plat PREPARED BY Jay Heiboldt Reviewed and the Number

assigned on October 26, 1988 By Dusan A. Bowser

Mail to: Water Rights Div.  
DWNR, Foss Bldg.  
Pierre, SD 57501  
(605) 773-3352

No. <u>5239-3</u>	Hydrologic Unit <u>10160011</u>
Map No. <u>same</u>	Basin <u>James R.</u>
Newspaper <u>Freeman Courier</u>	<u>RR2 Box 210 57029</u>
<u>Menno Hutchinson Herald, Box 537 (Wed) 57045</u>	

### Application For Permit To Appropriate Water Within The State Of South Dakota

Check use of water: Industrial ☐ Commercial ☐ Municipal ☒ Other Common Distribution System ☐  
Rural Water System ☐ Suburban Housing ☐ Geothermal Heat ☐ Institutional ☐ Recreational ☐  
Domestic ☐ (above 18gpm) Other ☐

Type of Application: Check one or more of the following

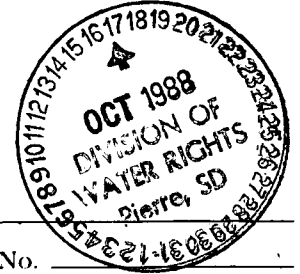
New ☒ Vested Right ☐ Future Use ☐ Change Use ☐

☐ Amend Permit No. \_\_\_\_\_ with old priority date retained

Change diversion point(s) ☐ Add diversion point(s) ☐ Other ☐

☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. \_\_\_\_\_

☐ Construction to use water reserved by Future Use Permit No. \_\_\_\_\_



1. Name of Applicant City of Freeman Phone No. (605) 925-7127

Post Office Address 185 E 3rd Freeman State SD 57029  
(Street, RR or Box) (City) Zip Code

2. Amount of water claimed (c.f.s) 200 GPM 0.44 cfs

3. Source of water supply Well

4. Location of point of diversion NE $\frac{1}{4}$  NE $\frac{1}{4}$  Section 34-T99N-R56W

County Hutchinson

5. Counties where water will be used Hutchinson

6. Annual period during which water is to be used Daily January 1 - December 31

7. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map (see instruction)

STATE OF SOUTH DAKOTA)  
County of Hutchinson)<sup>ss</sup>

I, Palmer Schrag, Municipal Finance Officer

the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Signed

Palmer Schrag

Subscribed and sworn to before me this 14<sup>th</sup> day of October 1988

Deanna Speis  
Notary Public  
9-15-89

**SOUTH DAKOTA**  
**WATER PERMIT No. 5239-3**

Date of first receipt of application October 17, 1988.

Date of return of applicant for correction, amendments or changes required October 19, 1988.

Date of receipt of corrected application October 21, 1988.

The Water Management Board approved Water Permit Application No. 5239-3 on March 2, 1989 for the City of Freeman, 185 E 3rd, Freeman SD 57029 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. 5239-3 appropriates 0.44 cfs from one existing well, 300 feet deep, located in the NE 1/4 NE 1/4 Section 34-T99N-R56W.
2. The water appropriated shall be used for the purpose of supplying the city of Freeman and may not exceed the amount of water needed for beneficial use for municipal purposes.
3. The water is to be used during the following described annual period: January 1 - December 31.
4. The date from which applicant may claim right is October 17, 1988.
5. One-fifth of the construction is completed.
6. All construction is completed.
7. Water is put to beneficial use.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

**QUALIFICATIONS**

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

**WATER MANAGEMENT BOARD**

By: \_\_\_\_\_

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

**JUN 13 1989**

\_\_\_\_\_  
(date)

## Supplemental Information

(type or print in ink)



## 1. Well Information - Proposed construction

- a) Drill Hole Diameter 13" - 145' Depth 7 7/8" - 300'
- b) Casing Type Steel Diameter 8" Thickness .322
- c) Screen Type none Diameter \_\_\_\_\_ Thickness \_\_\_\_\_
- d) Gravel Pack Thickness none Length of Gravel Pack \_\_\_\_\_
- e) Depth to Top of Water Bearing Material 145'
- f) Depth to Water (ground surface to water level) 105'
- g) Distance to nearest existing domestic well:
- On applicants property 1000' On property owned by others 1200'

## 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 \_\_\_\_\_

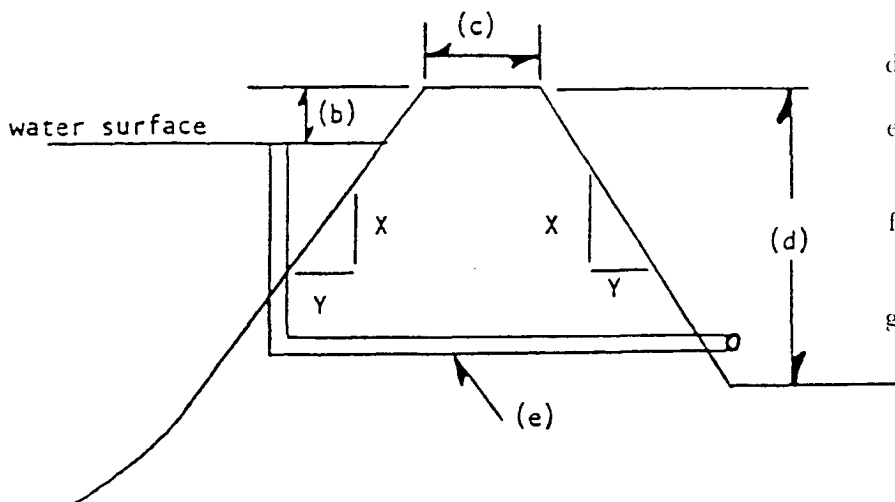
g) X & Y Slope  
Upstream \_\_\_\_\_

Downstream \_\_\_\_\_

Surface Area of Impoundment \_\_\_\_\_

Storage \_\_\_\_\_ acre feet

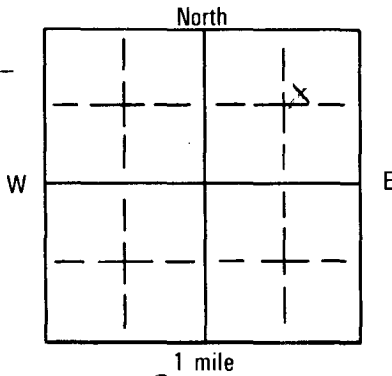
Drainage area above dam \_\_\_\_\_



Signature of Applicant \_\_\_\_\_

## SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location NE 1/4 NE 1/4 Sec 34 Grand View Twp 47 Rg 2956County  
HutchinsonPlease mark well  
location with  
an "X"Well Completion Date Aug. 8, 1988

## PROPOSED USE:

☐ Domestic ☒ Municipal ☐ Test Holes  
☐ Irrigation ☐ Industrial ☐ Stock

## Method of Drilling:

Straight Rotary

## CASING DATA:

☒ Steel ☐ Plastic ☐ Other

If other describe \_\_\_\_\_

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>(.322) LB/FT</u>	<u>8 IN</u>	<u>0 FT</u>	<u>145 FT</u>	<u>13 IN</u>
<u>28.55 LB/FT</u>	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

## GROUT:

Was the well grouted? ☒ YES ☐ NOTo what depth? 145 FEETWhat is grouting material? CementIf cement, number of sacks? 50Describe grouting procedure well was pressure grouted from the bottom of pitless unit to 145 ft.What was grout weight? 15 LB/GALSCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter \_\_\_\_\_ IN Length \_\_\_\_\_ FEET

Material \_\_\_\_\_

Slot Size \_\_\_\_\_ Set From \_\_\_\_\_ Feet To \_\_\_\_\_ Feet

Slot Size \_\_\_\_\_ Set From \_\_\_\_\_ Feet To \_\_\_\_\_ Feet

Slot Size \_\_\_\_\_ Set From \_\_\_\_\_ Feet To \_\_\_\_\_ Feet

Other information \_\_\_\_\_

Was a packer or seal used? ☐ YES ☒ NO

If so, what material? \_\_\_\_\_

Describe packer(s) and location? \_\_\_\_\_

Was well disinfected upon completion? ☒ YES ☐ NOExplain Chlorine was usedBacteriological analysis ☒ YES ☐ NOLaboratory sent to Pierre

Well Owner:

Name City of FreemanAddress P.O. Box 426-57029

Well Log:

Depth

Formation	From	To
<u>Yellow clay</u>	<u>0</u>	<u>35</u>
<u>Blue clay</u>	<u>35</u>	<u>42</u>
<u>Silty sand</u>	<u>42</u>	<u>45</u>
<u>Blue clay</u>	<u>45</u>	<u>120</u>
<u>A layer of rock</u>	<u>120</u>	<u>122</u>
<u>Blue clay</u>	<u>122</u>	<u>145</u>
<u>Black chalkrock</u>	<u>145</u>	<u>190</u>
<u>White chalkrock</u>	<u>190</u>	<u>245</u>
<u>Black &amp; white chalkrock</u>	<u>245</u>	<u>300</u>

STATIC WATER LEVEL 105 Feet

If flowing: closed in pressure \_\_\_\_\_ PSI

GPM flow \_\_\_\_\_ through \_\_\_\_\_ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other; specify \_\_\_\_\_

Can well be completely shut in? \_\_\_\_\_

## WELL TEST DATA:

☒ Pumped Well was developed  
☐ Bailed Describe: with air and then  
☐ Other test pumped.

Pumping Level Below Land Surface

197 ft. After 10 Hrs. pumped 300-210 GPM  
 \_\_\_\_\_ ft. After \_\_\_\_\_ Hrs. pumped \_\_\_\_\_ GPM  
 \_\_\_\_\_ ft. After \_\_\_\_\_ Hrs. pumped \_\_\_\_\_ GPM
REMARKS: Schedule 40 welded casing was used with a Monitor pitless unit with a weather tight cap with a drawdown tube installed.This well was drilled under license # 302

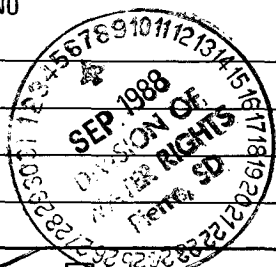
And this report is true and accurate.

Drilling firm Lehr Well Drilling

Signature of License Representative:

Victor Lehr

Signature of Well Owner:

Charles L. Saenzon MayorDate 8-31-88

PLEASE COMPLETE  
ENTIRE FORM

WELL DRILLERS REPORT  
Division of Water Rights  
Department of Water & Natural Resources



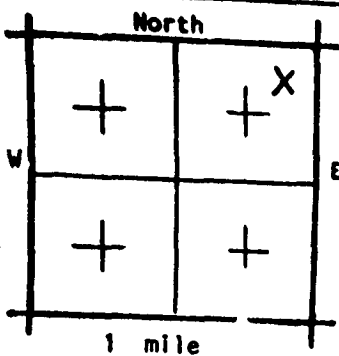
6/60

Well Owner:

Name City of Freeman

Address Freeman, So. Dak. 57029

Well Location:



Mark location  
with an "X"

County W. Johnson

1 1 1 Sec. 34 Twp. 99 Rg. 56

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 \_\_\_\_\_  
Depth \_\_\_\_\_  
Casing ☐ Steel ☐ Concrete  
☐ Plastic ☐ Other  
If other, specify \_\_\_\_\_

Was casing end left open \_\_\_\_\_

Was a well screen installed \_\_\_\_\_

Describe Well Screen \_\_\_\_\_

Diameter \_\_\_\_\_ Material \_\_\_\_\_

Slot size \_\_\_\_\_

Was well gravel packed \_\_\_\_\_

Was well grouted \_\_\_\_\_

Was water sample taken \_\_\_\_\_

Remarks:

Water Level Information:

Static water level \_\_\_\_\_ below land surface

If flowing: closed In pressure \_\_\_\_\_ PSI  
rate of flow \_\_\_\_\_ GPM

Controlled by:

☐ Valve ☐ Reducers ☐ Other

If other; specify \_\_\_\_\_

Well Test Data:

☐ Pumped

☐ Bailed

Describe: \_\_\_\_\_

☐ Other

Pumping Level Below Land Surface

\_\_\_\_\_ ft. After \_\_\_\_\_ Hrs. pumped \_\_\_\_\_ GPM  
\_\_\_\_\_ " " \_\_\_\_\_ " " \_\_\_\_\_ "  
\_\_\_\_\_ " " \_\_\_\_\_ " " \_\_\_\_\_ "

Well Log:

Formation	Depth	
	From	To
Top Soil	0	2
Yellow Clay	2	19
Blue Clay	19	80
" "2 sand streaks	80	100
" "1 sand streak	100	120
Blue Clay	120	123
Chalk Rock	123	180
Chalk	180	200 T.D.

(Use Back if Necessary)

Date Completed: July 15, 1981

Driller:

W. Pullman Well Drilling 440  
Driller's or Firm's Name License NO.

Wolsey, So. Dak. 57384  
Address

Edwin Engel

Signed By

Nov. 16, 81  
Date

# RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411471

Pierre, October 17, 19 88

RECEIVED OF City of Freeman, 185 E. 3rd, Freeman, SD 57029

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

Fee for Application for Permit No. <u>5239-3</u> to Appropriate Water, to construct works and to put water to beneficial use _____	250	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	250 00

By John Hatch  
Chief Engineer

JOHN HATCH

JMS



# Department of Water & Natural Resources

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

September 21, 1988

Mr. Chester Sorenson, Mayor  
City of Freeman  
185 East 3rd  
Freeman, South Dakota 57029

Dear Mr. Sorenson:

This is in response to the well completion report received from you on September 6, 1988.

According to South Dakota Water Law, SDCL 46-1-15, 46-5-9, and 46-5-10, it is necessary to make an application to the Water Management Board for a permit to appropriate water.

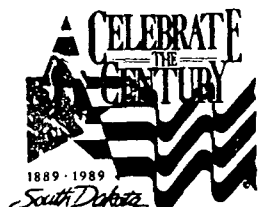
We do not have a water permit application on file from you for this well located in the NE1/4 NE1/4-Section 34-T99N-R56W. I am enclosing two application forms and an instruction sheet for preparing and submitting the application. Since you have already submitted Form 2A and a signed driller's log, the remaining items include the completed, signed and notarized application forms, a signed map as described on the instruction sheet, and the appropriate fee.

Please submit the water permit application for this well at your earliest convenience. Should you have any questions feel free to call me.

Sincerely,

Susan A. Bowar  
Natural Resources Engineer  
Water Rights Division  
(605) 773-3352

enclosures



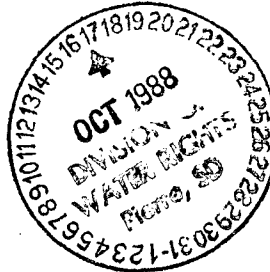


# City of Freeman

Hutchinson County

Freeman, South Dakota

October 14, 1988



Susan A. Bowar  
Water Rights Division  
DWNR, Foss Building  
Pierre, SD 57501

Dear Ms. Bowar:

Enclosed is an Application for permit to appropriate Water within the State of South Dakota (Form 2) together with a diagram indicating the location of said well.

Also enclosed is a warrant for \$250, which according to the telephone conversation this morning, should be the appropriate amount.

This well has been put in place, and I understand that you already have on file Form 2A and the signed driller's log.

Should there be any further questions or required steps, please feel free to contact me.

Sincerely,

*Palmer Schrag*

Palmer Schrag  
Municipal Finance Officer



# Department of Water & Natural Resources

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

October 19, 1988

Palmer Schrag  
City of Freeman  
185 E. 3rd  
Freeman, SD 57029

Dear Mr. Schrag:

This is in response to the water permit application received from you on October 17, 1988.

The existing water permits/rights held by the City of Freeman are as follows:

Water License No. 810-3: This license authorizes 1.26 cubic feet of water per second (cfs) from 2 wells located in the SW1/4 NW1/4 Section 35 and in the SE1/4 NE1/4 Section 34; both in T99N, R56W.

Water Permit No. 4776-3: This permit authorizes 0.66 cfs from 1 well located in the SE 1/4 NE1/4 Section 34, T99N, R56W.

Water Permit No. 4791-3: This permit authorizes 0.66 cfs from 1 well to be located in the SW1/4 NW1/4 Section 34, T99N, R56W. A request for an extension of the time allowed to construct the well and put the water to beneficial use was made in 1981. The extension was granted and the deadline for constructing the well and putting the water to beneficial use was October 6, 1986.

I am enclosing a copy of the water permit application submitted, the map submitted with your application, copies of the well logs we have on file for the City of Freeman, and a topographic map with the locations of the 4 authorized wells marked. I believe the correct location of the well indicated on the map you submitted is 1018' south and 110' west of the NW corner of Section 35 (not Section 34), T99N, R56W. Please return the enclosed maps with the locations of each of your existing wells verified and indicate whether or not the NW corner of Section 35, not Section 34, should be described on the map. Please return the enclosed maps with any necessary corrections, to begin processing of your water permit application.

Please feel free to call if you have any questions.

Sincerely,

Susan A. Bowar  
Natural Resources Engineer  
Water Rights Division  
(605) 773-3352

enclosures



# City of Freeman

Hutchinson County

Freeman, South Dakota

October 20, 1988



Susan A. Bowar  
Natural Resources Engineer, DWNR  
Water Rights Division  
Joe Foss Building,  
Pierre, SD 57501

Dear Ms. Bowar:

Your letter of October 19, 1988, received this morning, questions my pinpointing the well location on a map accompanying our permit application, and you are absolutely right! The location of the well indicated on the map is 1018' south and 110' west of the NW corner of Section 35 (not Section 34), T99N, R56W. I have typed that correction on the original map.

A permit for this new well was originally sought in 1981 and the permit was granted, having been assigned the number #4791-3.

However, when the permit was returned to us, the words "Northeast one-fourth of the North-east one-fourth (NE $\frac{1}{4}$ NE $\frac{1}{4}$ )" were crossed out in red and inserted was "SW $\frac{1}{4}$ NW $\frac{1}{4}$ ". We have never determined why this was changed inasmuch as the legal description that we originally gave on the Permit Application was in fact the correct one. The City of Freeman has NO well in the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of 34-99-56.

Water Permit No. 4791-3 (because construction had exceeded the granted deadline extension) has expired. The New Well for which application is herewith submitted, is on the site of the test hole indicated in #4791-3.

Please feel free to call if there are still questions on this matter.

Sincerely,

*Palmer Schrag*

Palmer Schrag  
Municipal Finance Officer

## Conversation or File Documentation

NAME OF PERSON OR FILE: City of FreemanADDRESS: \_\_\_\_\_ COUNTY HutchinsonDATE: 10/20/88 TELEPHONE 925-7127RE: Letter of 10/19/88-request for information

## COMMENTS:

Mr. Schrag called today w/ the following information:

The legal description on the application for Water  
Permit No. 4791-3 should have been NE $\frac{1}{4}$ NE $\frac{1}{4}$  Sect. 34,  
T99N, R56W. It had been submitted that way  
but was changed to the SW $\frac{1}{4}$ NW $\frac{1}{4}$  in Pierre.

The well installed in August of this year was  
the well authorized in 4791-3. I explained to him  
that the construction period had expired and a  
new permit would be necessary. He said he  
would follow this up in writing so we can  
cancel #4791-3.

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: Susan A. Bower

REPORT ON APPLICATION NO. 5239-3  
THE CITY OF FREEMAN  
November 28, 1988

Permit Application No. 5239-3 proposes to appropriate 0.44 cubic feet of water per second from one well, 300 feet deep, (Niobrara Aquifer). The well is located in the NE 1/4 NE 1/4 Section 34-T99N-R56W. The water is to be used to supply the City of Freeman.

Aquifer - Niobrara Aquifer

Geology and Aquifer Characteristics

The Niobrara Formation consists of light gray to black, soft marl, interbedded with calcareous shale. The importance of the formation as an aquifer is largely due to zones of secondary porosity and permeability in the form of fractures and solution caverns. The Niobrara Aquifer may outcrop along the James River and its tributaries, however, where present, the aquifer is overlain either by glacial drift deposits consisting of till and outwash, the Pierre Shale, or western derived sediments (Ogallala Formation?). The aquifer overlies either the Carlile Shale or the Sioux Quartzite. The Niobrara underlies an estimated 500 square miles of Hutchinson County (Hedges, 1982). It ranges in thickness from more than 200 feet in southeastern Hutchinson County to zero in areas in the middle and the north-eastern portion of the county where it has been completely removed by glaciation and erosion. The Niobrara is under artesian conditions and at this well site the static water level is approximately 105 feet below the ground surface. There is no aquifer test data available from the Niobrara and the aquifer characteristics have not been delineated for this area. The completion report provided with this application indicates the well proposed to supply this permit is capable of producing 205 gallons per minute with a specific capacity of 2.23 gpm/ft.

The full section of Niobrara is present in the Turkey Ridge area, and appears as a bedrock high. The general direction of ground water movement is radial, from the ridge outward. The source of recharge to the Niobrara has not been identified; however, possible sources include a hydrologic connection with outwash deposits with a higher potentiometric surface than the Niobrara, or infiltration of precipitation through the overlying glacial drift. Average annual recharge has not been quantified for the Niobrara Aquifer in this area.

The Niobrara Aquifer may be in hydrologic connection with the Lower James-Missouri Aquifer, the Upper Vermillion-Missouri Aquifer, or the Dolton Aquifer. Water levels indicate the potential for movement is from the Niobrara to the outwash

aquifers. Water levels of the Dolton Aquifer have not stabilized since pumping from the aquifer for rural water system use began in 1982. Natural discharge and groundwater outflow from the Niobrara Aquifer in Hutchinson County have not been quantified.

The Division of Water Rights monitors 13 observation wells completed in the Niobrara Aquifer, within approximately 10 miles of Freeman. Hydrographs of two of these wells (located one mile east and one mile west, respectively from Freeman), are included in this report. The hydrographs indicate the water level of the aquifer fluctuates seasonally in response to recharge events, natural discharge, and pumping. The water levels were at the lowest level for the period of record (1981-1988), in the summer of 1988, this probably reflects the below normal precipitation at the time, and increased pumping.

#### Review of Existing Water Rights:

The Division of Water Rights has record of several domestic wells completed into the Niobrara Aquifer within approximately one mile of this well. The nearest domestic well to this well is less than one quarter mile away. Existing water permits or license include:

Permit No.	Owner	Diversion Rate	Use
810-3	City of Freeman	1.26 cfs	municipal
4776-3	City of Freeman	0.66 cfs	municipal
4791-3	City of Freeman	0.66 cfs	municipal
4945-3	Clinton Bauer	0.66 cfs	irrigation 193.6 acres

Permit No's 4776-3 and 4791-3 have not been licensed. License No. 810-3 should be re-licensed, and Permit No's 4776-3 and 4791-3 should be licensed to reflect actual pumping by the City of Freeman.

#### Conclusions

1. Application No. 5239-3 proposes to appropriate 0.44 cfs from one well completed into the Niobrara Aquifer.
2. Based on observation well data, test hole data, and a test well completed at this well site, the Niobrara Aquifer is a viable aquifer in this area and there is a reasonable probability unappropriated water is available for this appropriation.
3. The Niobrara Aquifer is under artesian conditions. The aquifer fluctuates several feet annually in response to recharge to the aquifer and discharge from the aquifer. this appropriation can be made without impairment of existing water rights supplied by adequate wells completed in the Niobrara Aquifer.

4. The City of Freeman is currently being supplied by 4 wells completed in the Niobrara Aquifer, well depths range from 180 to 200 feet deep. The Division of Water Rights is not aware of any complaints or controversy resulting from the City's 38 years of pumping from the Niobrara Aquifer, other than the City's affect on its own wells.

5. The Niobrara Aquifer may be hydrologically connected to glacial outwash aquifers in the area, including the Lower James-Missouri Aquifer, the Upper Vermillion-Missouri Aquifer, and the Dolton Aquifer. Water levels head pressure declines in the Dolton may induce more recharge from the Niobrara Aquifer to the Dolton Aquifer. Currently, water levels of the Niobrara Aquifer do not appear to fluctuate in response to withdrawals from the Dolton Aquifer.

6. The completion report submitted with this application indicates the well is constructed in accordance with the south Dakota Well Construction Standards.



KEN BUHLER

Natural Resources Engineer

#### References

Division of Water Rights, 1988, Domestic Well Logs, Observation Well Logs and Hydrographs and Water Permit Files, DWNR - Division of Water Rights, Joe Foss Bldg, Pierre, SD 57501

Division of Geological Survey, 1988, Test Hole Logs DWNR - Division Geological Survey, Vermillion, SD 57069

Hedges, L.S., S. Burch, Diles, R. Barari, R. Schoon, 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, US Army Corp of Engineers Contract DACW 45-80-C-0185, DWNR, Division of Geological Survey, Vermillion, SD 57069.

## OBSERVATION WELL WATER LEVELS

15:02 WEDNESDAY, NOVEMBER 16, 1988

1

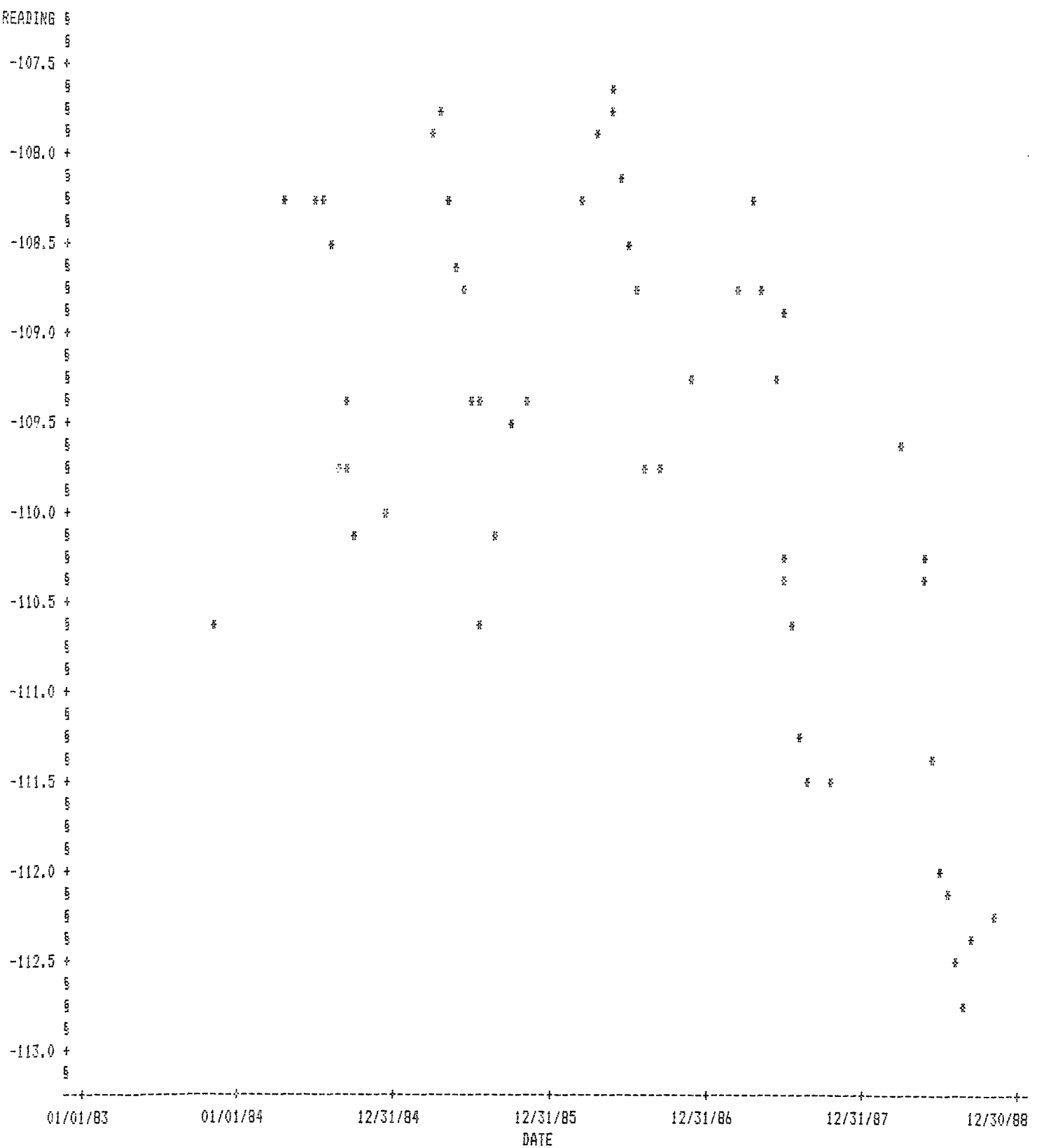
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OBSERVATION WELL WATER LEVELS  
OBS\_WELL=HT-83F

15:02 WEDNESDAY, NOVEMBER 16, 1988 2

PLOT OF READING#DATE SYMBOL USED IS \*



NOTE: 2 OBS HIDDEN

UBS0009 - END OF DATA SET

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## OBSERVATION WELL WATER LEVELS

13:40 WEDNESDAY, NOVEMBER 16, 1988

2

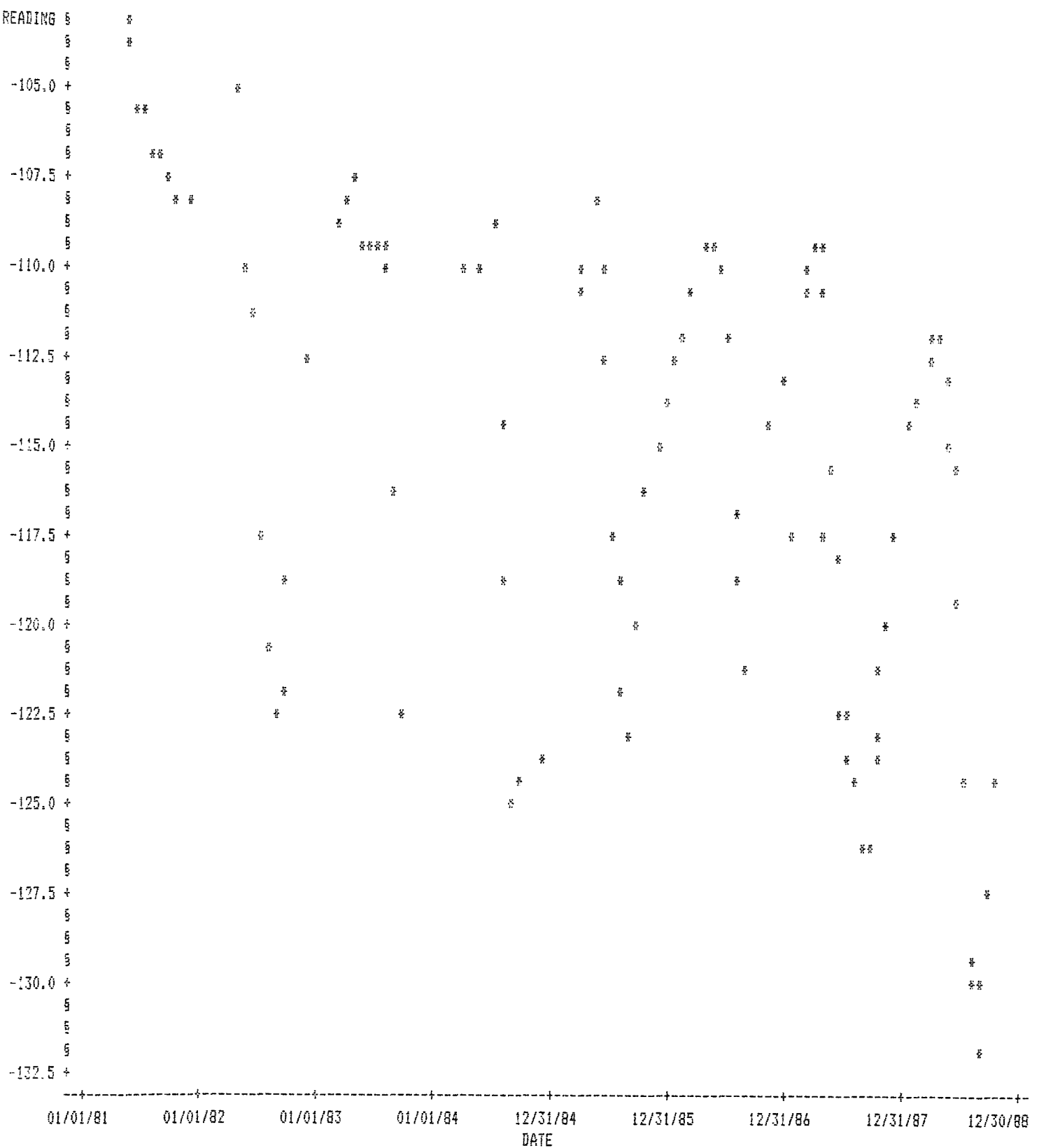
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PLOT OF READING\*DATE SYMBOL USED IS \*



NOTE: 5 OBS HIDDEN

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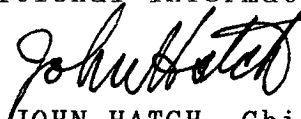
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT  
APPLICATION NO. 5239-3, City of Freeman

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. 5239-3, City of Freeman, 185 East 3rd, Freeman SD.

The Chief Engineer is recommending APPROVAL of Application No. 5239-3 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 qualification:

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.

See the attached report for additional information.

A handwritten signature in cursive script, appearing to read "John Hatch", is written over the typed name.

JOHN HATCH, Chief Engineer  
December 16, 1988



# Department of Water & Natural Resources

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

January 19, 1989

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

City of Freeman  
185 E. 3rd  
Freeman, SD 57029

Dear Sir:

Your Application No. 5239-3 for a permit to appropriate water for municipal 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 Publishers of the Freeman Herald and Menno Hutchinson Herald printed at Freeman and Menno SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspapers to authorize publication of your Notice of Intent to Appropriate Water and to arrange for payment. Early contact with the papers can eliminate delays. The publishers have been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. We must receive Proof of Publication before the application can be considered by the Water Management Board.

Sincerely,

Ron Duvall  
Natural Resources Engineer  
605 773-3352

enclosures





# Department of Water & Natural Resources

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

January 19, 1989

Menno Hutchinson Herald  
Box 537  
Menno, SD 57045

Dear Sir:

Enclosed is a Notice of Hearing on Application No. 5239-3 to be published twice. Please publish the first notice on or before January 25, 1989 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 City of Freeman, 185 E. 3rd, Freeman, SD 57029.

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

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

No. \_\_\_\_\_

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

January 19, 1989

Freeman Courier  
RR2, Box 210  
Freeman, SD 57029

Dear Sir:

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

No. \_\_\_\_\_

Date \_\_\_\_\_

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\_\_\_\_\_  
Name

\_\_\_\_\_  
Newspaper





Instruction to Newspaper - Publish first Notice on or before January 25, 1989 with 2nd publication 7 days later. The applicant is responsible for payment.

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NOTICE OF HEARING on Application No. 5239-3 to Appropriate Water

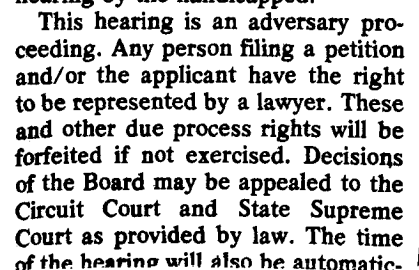
Notice is given that the City of Freeman, 185 E. 3rd, Freeman, SD 57029 has filed an application for a water permit to appropriate 0.44 cubic feet of water per second from one well, 300 feet deep (Niobrara Aquifer). The well is located in the NE 1/4 NE 1/4, Section 34, T99N, R56W. The water is to be used to supply the City of Freeman.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends approval of Application No. 5239-3 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 at the Howard Johnson's, Roosevelt Room, 1-90 at LaCrosse, Rapid City SD on March 1, 1989 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 February 17, 1989. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (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 February 17, 1989.

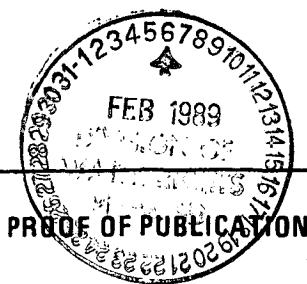
This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1,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



ally 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 February 17, 1989.

This application is made pursuant to SDCL 46-1-1 through 46-1-9, 46-1-12 through 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17, 46-2A-1 through 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 through 46-5-11, 46-5-13 through 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 through 74:02:01:15.

(Publish Jan. 25 & Feb. 1, 1989)



No. 5239

**Notice of Hearing  
on Application  
No. 5239-3  
to Appropriate Water**

Notice is given that the City of Freeman, 185 E. 3rd, Freeman, SD 57029 has filed an application for a water permit to appropriate 0.44 cubic feet of water per second from one well, 300 feet deep (Niobrara Aquifer). The well is located in the NE 1/4 NE 1/4, Section 34, T99N, R56W. The water is to be used to supply the City of Freeman.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends approval of Application No. 5239-3 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 at the Howard Johnson's, Roosevelt Room, 1-90 at LaCrosse, Rapid City SD on March 1, 1989 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 February 17, 1989. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (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 February 17, 1989.

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.

STATE OF SOUTH DAKOTA )  
 ) ss.  
County \_\_\_\_\_

I, Jim Wattner hereby

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

Water was taken from the Freeman Courier

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

Freeman Courier of Freeman SD

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

January 25  
February 1

Jim R. Wattner  
(Signature)

publisher  
(Title)

2/3/89  
(Date Signed)

Cost of Printing: \$34.41



# Department of Water & Natural Resources

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

JUN 13 1989

Palmer Schrag, Municipal Finance Officer  
City of Freeman  
185 E 3rd  
Freeman SD 57029

Dear Mr. Schrag:

Enclosed is Water Permit No. 5239-3 as approved by the Water Management Board authorizing construction of the water system and the application of water beneficial use, not exceeding the limits as specified in the Water Permit.

We will schedule an inspection so that the Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

A handwritten signature in cursive script that reads "John Hatch".

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

enclosures



## REPORT ON INSPECTION OF PERMIT NO. 5239-3

Other permit(s) associated with the project: None

DATE OF INSPECTION: June 13, 1995

NAME & ADDRESS OF INSPECTION CONTACT/

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: Dewey Walters, Water Superintendent

NAME & ADDRESS OF PERMIT HOLDER: City of Freeman, 185 East 3RD Street, Freeman, SD 57029

DIVERSION POINT LEGAL LOCATION: 265 feet W and 400 feet S from the NE corner of Section 34; T99N R56W (NE1/4 NE1/4).

### WELL INFORMATION:

- 1) Well Drilling Firm: Schoenwald Drilling
- 2) No. of Wells 1
- 3) Depth(s) 300 feet
- 4) Well log is available N

### Casing:

- 1) Diameter 8 inches
- 2) Length 180 feet
- 3) Type Cast Iron

### Pump:

- 1) Make Jacuzzi
- 2) Model Submersible
- 3) Capacity 150 GPM

### Screen:

- 1) Type Stainless Steel
- 2) Length 120 feet
- 3) Static water level 105 feet

### Motor:

- 1) Make Franklin
- 2) Model No. Submersible
- 3) Horsepower rating 20 hp

### PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by Y
- 2) All structures, wells and lands on map Y
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period NA

**Permit No. 5239-3**  
**James River - 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, **June 13, 1995**, made a thorough examination of the water use system constructed by the **City of Freeman of 185 East 3RD Street, Freeman, SD 57029** holder of Permit No. **5239-3**, bearing the priority of **October 17, 1988** authorizing the diversion of **0.44** cu. ft. of water per second from **groundwater (Niobrara Formation)** for **municipal** purposes, in **Hutchinson** County.

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

A. Works used to divert the water:

**A 20 HP submersible Franklin Electric motor with a 150 GPM Jacuzzi submersible pump.**

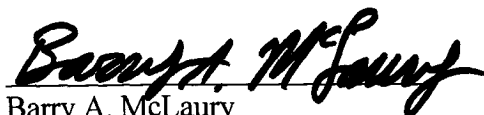
B. Works used to transport water to place of use:

**Water mains throughout the city of Freeman.**

The system is in the following condition **good**. The point of diversion is located **265 feet W and 400 feet S from the NE corner of Section 34; T99N R56W (NE1/4 NE1/4)**. The works are capable of diverting and conveying to the place of use **0.33** cu. ft. of water per second which is to be used for **municipal** use and the license should be issued for **0.33** cfs.

Applicable permit qualifications have been complied with: Yes **X** No

Exceptions to compliance are: **None** Date Report Completed: **November 20, 1995**



Barry A. McLaury  
Natural Resources Scientist  
DENR, Water Rights Program

6-6-95 JN

# NOT TO SCALE

Eminent Domain

99-56



Barry McLaury  
Environmental Scientist  
Division of Water Rights  
Date 11-20-95

*Barry A. McLaury*

5239-3





**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

November 29, 1995

5239-3

Evelyn Duerksen, Finance Officer  
City of Freeman  
185 East 3rd St.  
Freeman, SD 57029

Dear Ms. Duerksen:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 5239-3, has been completed. Your final water right document, the Water License, can now 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, we will begin processing your Water License.

Please remit fee to:  
Department of Environment & Natural Resources  
Water Rights Program  
523 E. Capitol  
Pierre, SD 57501-3181

Sincerely,

Cheryl F. Frost  
Secretary  
Water Rights Program  
(605) 773-3352

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.

# RECEIPT

4147J3

## Division of Water Rights

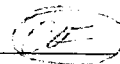
### South Dakota Department of Environment and Natural Resources

Pierre, \_\_\_\_\_ December 11, 19 95

RECEIVED OF City of Freeman, P.O. Box 178, Freeman, SD 57029-0178

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>5239-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		
_____		
_____		
(Any Other Work Provided by Law)	Total	50 00

By *John Hatch*   
Chief Engineer

# STATE OF SOUTH DAKOTA

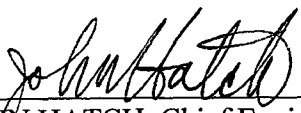
## WATER LICENSE NO. 5239-3

(1) The City of Freeman, 185 East 3rd St, Freeman SD 57029 made Application No. 5239-3, October 17, 1988 for a water permit to appropriate 0.44 cubic feet of water per second from groundwater (one well), Hutchinson County, South Dakota for municipal purposes. Permit No. 5239-3, with a priority date of October 17, 1988 was approved March 2, 1989 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

(2) It is certified that the applicant 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 0.33 cubic feet of water per second for beneficial use. The location of the diversion point is 265 feet west and 400 feet south from the northeast corner of Section 34-T99N-R56W (NE 1/4 NE 1/4).

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use.

(4) Pursuant to South Dakota Water Law 46-5-30.1 the City of Freeman, 185 East 3rd St, Freeman SD 57029 the holder and/or owner of Water Permit No. 5239-3 is issued a license to appropriate water, the right to use 0.33 cubic feet of water per second from groundwater (one well) with a priority date of October 17, 1988 from the location specified in (2) of this license. The water to be used for the purpose of municipal use. This license is subject to any limitations or qualifications listed in Water Permit No. 5239-3 and subject to South Dakota State Law.

  
\_\_\_\_\_  
JOHN HATCH, Chief Engineer  
Water Rights Program  
Department of Environment and Natural Resources

APR 4 1996  
\_\_\_\_\_  
date





**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

APR 4 1996

5239-3

Evelyn Duerksen, Finance Officer  
City of Freeman  
185 East 3rd St.  
Freeman, SD 57029

Dear Ms. Duerksen:

Enclosed is Water License No. 5239-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 414703 in the amount of \$50.00 which you paid for the inspection 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. 5239-3, 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.

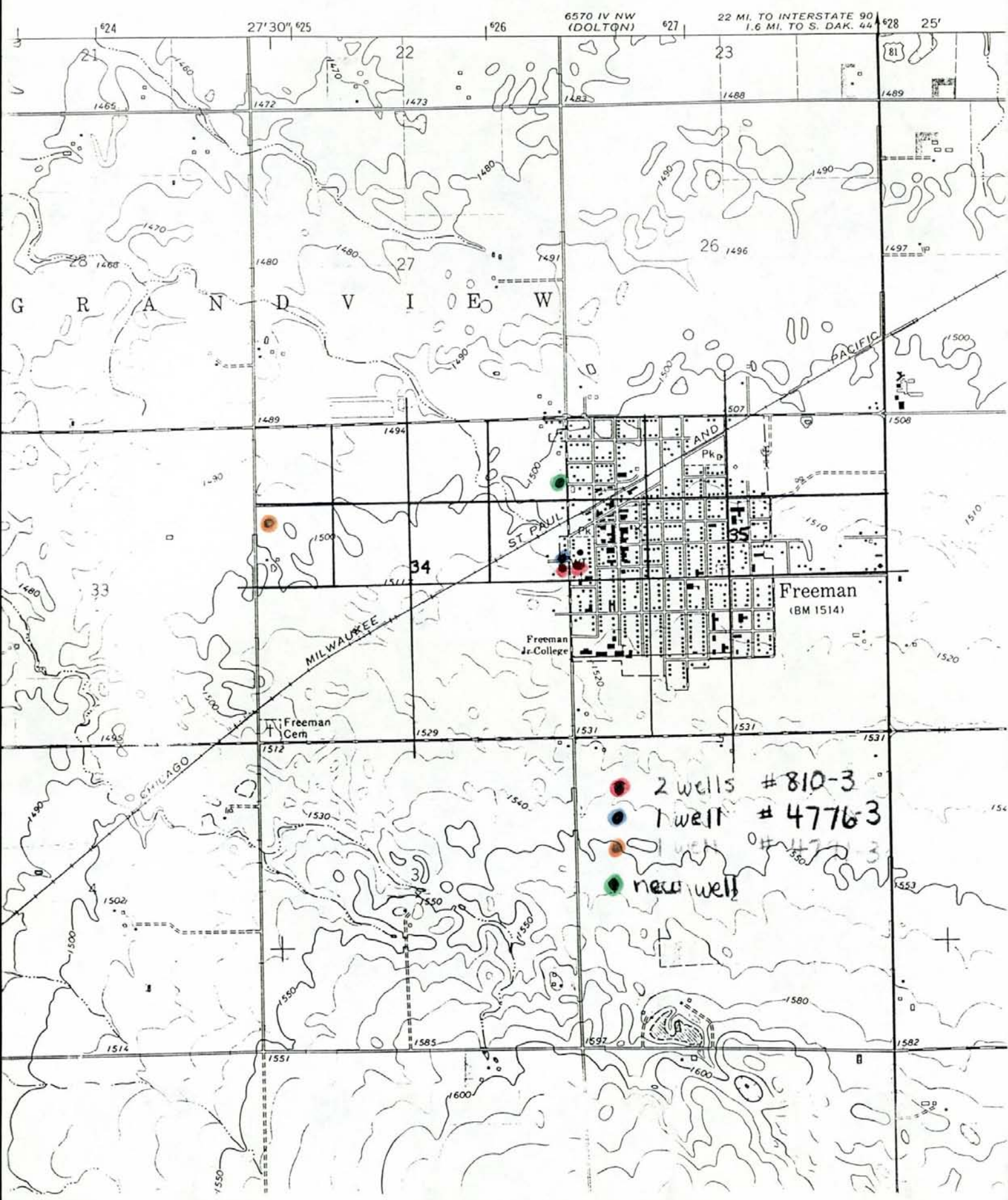
As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Very truly yours,

JOHN HATCH, Chief Engineer  
Water Rights Program  
(605) 773-3352

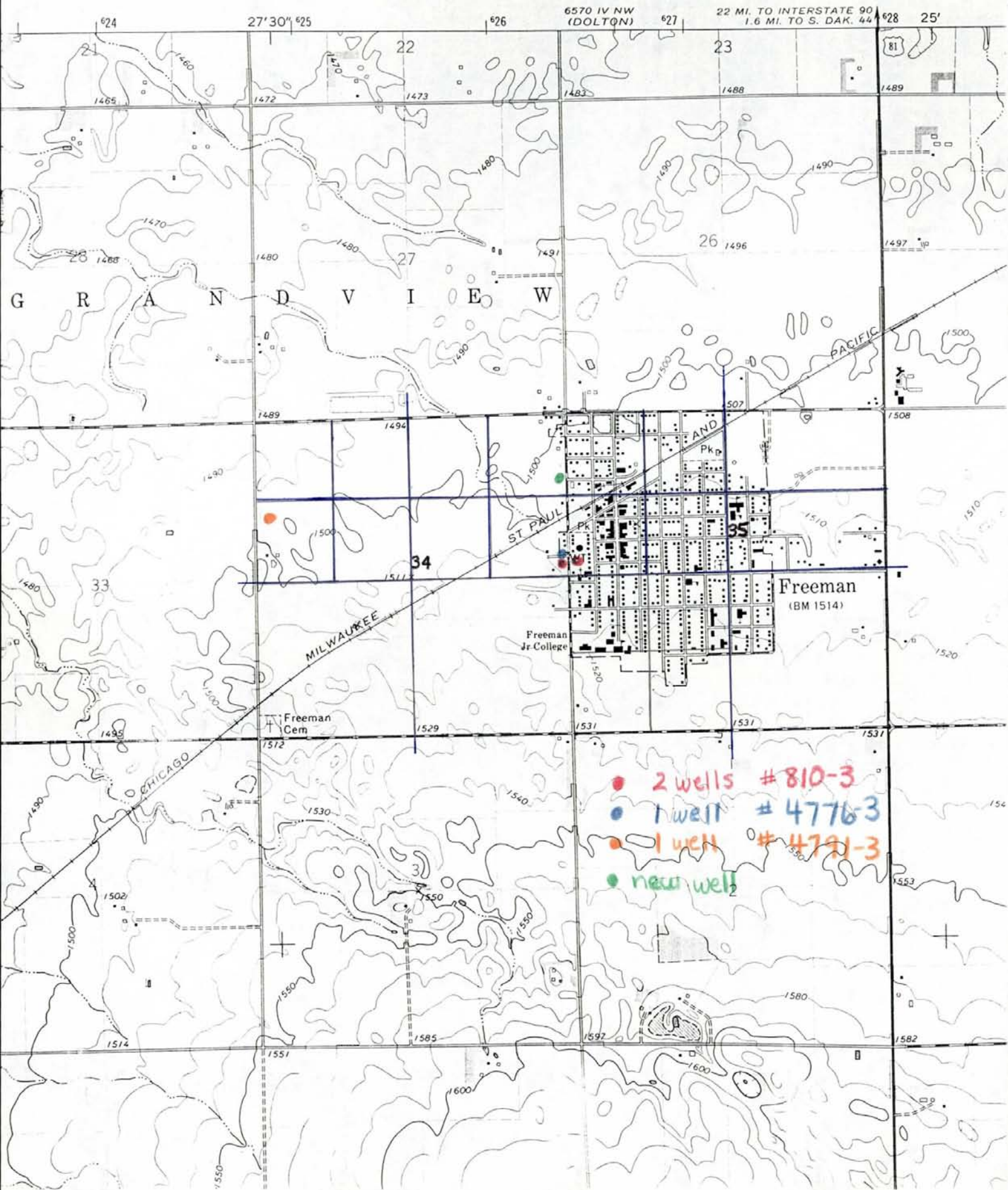
ks  
enclosures

5239-3





5239-3





NW corner Section 35, T99N, R56W

NW corner Section 35, T99N, R56W

\*Well #4  
License No. 4791-3  
Lot F of Lot 1,  
Less South 6'5½"

1018'S, 110'W, NW Corner  
34-99-56

Jay Herrboldt  
Jay Herrboldt  
Soil Conservation Technician

~~SEWER SYSTEM~~

### EXISTING DEVELOPMENT

▲ LIFT STATION

● **BLA/BL-CL (**

—6— SEARCH MADE, & SET.

## FUTURE DEVELOPMENT

3-10 TMS

10-20 RMS

Δ LWT STAT ON

4

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*FREEMAN, S. DAK.*

Appl. No. 5239-3







810-3  
5239-3

**From:** Dewell, Amanda  
**Sent:** Wednesday, July 16, 2025 4:08 PM  
**To:** lisa@cityoffreeman.org  
**Cc:** Mathiowetz, Adam (DENR) <Adam.Mathiowetz@state.sd.us>  
**Subject:** Water Rights\_annual reporting

Hello Lisa,

I believe you spoke yesterday with our senior groundwater engineer, Adam Mathiowetz. He may have mentioned that obtaining annual water use reporting for Freeman's Water Right Nos. 810-3 & 5239-3 would be beneficial for management of the water budget for the semi-problematic Niobrara Aquifer in your area.

Due to the history of complaints in this area of the Niobrara Aquifer and the city's recently resumed use of wells authorized under WR Nos. 810-3 & 5329-3, which had previously been maintained on "standby" due to the city's rural water connection, the Water Rights Program will be recommending to the Water Management Board that a qualification be added to both water rights, requiring annual water use reporting. A "Notice of Hearing" will be sent to your attention. Please let me know if there are any other parties you wish to include.

Thank you,

**Amanda Dewell**

DANR - Water Rights Program  
Permitting Administrator  
Main Phone: 605 773-3352  
Website: [danr.sd.gov](http://danr.sd.gov)





**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

July 23, 2025

TO: City of Freeman  
c/o Lisa Edelman, Finance Officer  
PO Box 178  
Freeman SD 57029

FROM: Mark Mayer, PE  
SD DANR, Director of Office of Water *MM*

SUBJECT: Notice Scheduling Hearing Regarding Addition of a Qualification Requiring  
Annual Reporting on Vested Water Right No. 810-3 and Water Right No. 5239-3,  
City of Freeman

Vested Water Right No. 810-3 and Water Right No. 5239-3 appropriate 0.63 and 0.33 cubic feet of water per second, respectively, from two separate wells completed into the Niobrara Aquifer for municipal use.

Due to the history of well interference complaints, the extended period of the city's wells being maintained on standby pursuant to SDAR 74:02:01:37.02, and the city's recent resumed use, Water Rights Program staff believes adding a qualification mandating annual water use reporting, would be beneficial to management of the hydrologic budget in the area.

As acting Chief Engineer, I am recommending the addition of a qualification that would require annual water use reporting for Vested Water Right No. 810-3 and Water Right No. 5239-3, based on a staff review (copy enclosed), dated July 16, 2025. The qualification would read as follows:

*The permit holder shall report to the Chief Engineer annually, the amount of water withdrawn from the Niobrara Aquifer.*

The Water Management Board will conduct a hearing to consider addition of the mandatory reporting qualification to Vested Water Right No. 810-3 & Water Right No. 5239-3 at **9:30 AM, on October 1, 2025 (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (*the agenda time is an estimate, and actual time of hearing may be later*).

The recommendation of the acting Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) remove the qualification as recommended, 2) delay action, or 3) take no action on Vested Water Right No. 810-3 and Water Right No. 5239-3 based upon facts presented at the public hearing.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-14; 46-2-5, 46-2-9, 46-2-11; and Board Rules ARSD 74:02:01:14. This is a contested case pursuant to procedures contained in SDCL 1-26.

This hearing is an adversarial proceeding. Any party 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 State Supreme Court as provided by law.

Prior to August 4, 2025, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed qualification addition; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the acting Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by August 4, 2025.

Questions regarding the hearing process may be directed to Amanda Dewell, Permitting Administrator, Water Rights Program, at (605) 773.3352 or [amanda.dewell@state.sd.us](mailto:amanda.dewell@state.sd.us)





**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

**City of Freeman Water Right Nos. 810-3 & 5239-3**

**WATER RIGHTS PROGRAM -- FILE DOCUMENTATION**

It is reasonable to add a reporting qualification to the City of Freeman's municipal use Water Right Nos. 810-3 and 5239-3. The city has been connected to and primarily used B-Y rural water since the late 1990's and has, per the Drinking Water Program's available surveys since at least 2005 with their initial connection occurring in 1996. This means as a matter of reviewing the hydrologic budget for the Niobrara aquifer, which includes Water Right Nos. 810-3 and 5239-3, the accounting for the City of Freeman has been an assumption of 0 ac-ft/yr.

Since August 2024, the city has been delivering water to the Dakota Protein Solutions, approximately 1 mile east of the City of Freeman, using a well authorized under Water Right No. 810-3. The estimated pump rate is 400 gallons per minute. The records provided by Lisa Edelman, Finance Officer for the City of Freeman, shows an increasing delivery of water over that period. The monthly delivery of water has been relatively stable starting in February 2025 at an average monthly volume of 428,000 gallons per month (1.31 ac-ft/yr). With a maximum monthly deliver of 492,900 gallons in the month of May 2025. Using that average, the annual volume would be approximately 15.8 ac-ft/yr. The portion of the Niobrara aquifer that the City of Freeman's wells withdraw water from has had groundwater shutoff orders to deal with unlawful impairment from the cumulative impact of pumping and drought conditions creating unlawful impairment of 2 domestic wells. The impacted wells have since been hooked up to rural water. The nearest water right/permit that was ordered to cease pumping until the domestic well issue was remediated is approximately 5 miles southwest of the City of Freeman.

Considering the history of the Niobrara aquifer in this location, the proximity to the city, and the recent change in use status for the City of Freeman, it is prudent to require reporting of pumping for both Water Right Nos. 810-3 and 5239-3.

7/16/2025

Adam Mathiowetz, PE  
Engineer IV  
DANR – Water Rights Program

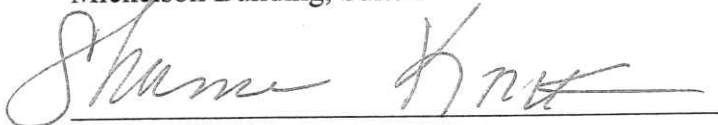
## CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that a true and correct copy of a Notice of Hearing dated July 23, 2025 & staff review dated July 16, 2025, regarding Vested Water Right No. 810-3 and Water Right No. 5239-3, City of Freeman, was served upon the following by enclosing the same in an envelope with first class postage prepaid, and depositing said envelope in the United States mail on July 23, 2025.

City of Freeman  
c/o Lisa Edelman, Finance Officer  
PO Box 178  
Freeman SD 57029

### Above Sent Inter-office to:

Assistant Attorney General's Office  
c/o Jennifer Verleger's successor  
Mickelson Building, Suite 1



Shannon Konst  
Water Rights Program, DANR

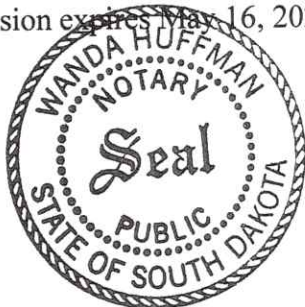
STATE OF SOUTH DAKOTA     )  
  ) SS  
COUNTY OF HUGHES         )

Sworn to, before me, this 23<sup>rd</sup> day of July, 2025.



Notary Public  
My Commission expires May 16, 2029

Wanda Huffman  
My Commission Expires  
July 28, 2028



## Dewell, Amanda

---

**From:** Mathiowetz, Adam (DENR)  
**Sent:** Wednesday, September 11, 2024 11:22 AM  
**To:** Gronlund, Eric; Kilts, Whitney (DENR)  
**Subject:** RE: Dakota Protein Solutions

Can we require an amendment to add reporting? Since this is in our problem chunk, but not near the problem area, it may be prudent.



**Adam Mathiowetz, PE**  
**Engineer, Water Rights Program**  
Department of Agriculture and Natural Resources  
523 E. Capitol Ave. Pierre SD, 57501  
605.773.3352  
[danr.sd.gov](http://danr.sd.gov)

**From:** Gronlund, Eric  
**Sent:** Wednesday, September 11, 2024 9:40 AM  
**To:** Kilts, Whitney (DENR)  
**Cc:** Mathiowetz, Adam (DENR)  
**Subject:** FW: Dakota Protein Solutions

Freeman gets supplied by B-Y Water. The city is now supplying some quantity of water to the Dakota Protein rendering facility south of Freeman. This is from the Niobrara aquifer and likely a resumption of water use that hasn't been being made since Freeman connected to rural water.

**From:** Gronlund, Eric  
**Sent:** Wednesday, September 11, 2024 9:34 AM  
**To:** Woodmansey, Kent <[Kent.Woodmansey@state.sd.us](mailto:Kent.Woodmansey@state.sd.us)>  
**Subject:** RE: Dakota Protein Solutions

I believe that is allowable under Freeman's current water right as long and the amount authorized is not exceeded – which I doubt they are exceeding. So we are good.

**From:** Woodmansey, Kent <[Kent.Woodmansey@state.sd.us](mailto:Kent.Woodmansey@state.sd.us)>  
**Sent:** Wednesday, September 11, 2024 9:30 AM  
**To:** Gronlund, Eric <[Eric.Gronlund@state.sd.us](mailto:Eric.Gronlund@state.sd.us)>  
**Subject:** RE: Dakota Protein Solutions

In working on an Inside Item I found a news article indicating Freeman is being paid for the water.

**From:** Woodmansey, Kent  
**Sent:** Wednesday, September 11, 2024 7:49 AM  
**To:** Gronlund, Eric <[Eric.Gronlund@state.sd.us](mailto:Eric.Gronlund@state.sd.us)>  
**Subject:** Dakota Protein Solutions



File No. 810-3  
5239-3

**WATER RIGHTS PROGRAM -- FILE DOCUMENTATION**

---

**NAME & ADDRESS:** Lisa Edelman, Finance Officer for the City of Freeman

**DATE:** 10/01/2025

**TELEPHONE:** 605.925.7127

**RE:** Dakota Protein

**COMMENTS:**

It is the understating of the Water Rights Program, based on an email from previous Chief Engineer, Eric Gronlund, that the City of Freeman is servicing water to Dakota Protein, which is located just over a mile outside of city limits (to the East).

In a telephone call with the city's Finance Officer, she stated that while the city was not currently looking to annex in the property on which the plant sits, they were moving forward with annexation of properties between the current city limits, and the plant.

The goal of the annexation would be to bring city limits to less than a mile from Dakota Protein, allowing the city to assert jurisdiction over the plant.



Amanda Dewell  
Water Rights Program



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

**OCT 03 2025**

810-3  
5239-3

City of Freeman  
c/o Finance Officer, Lisa Edelman  
PO Box 178  
Freeman SD 57029

Dear Ms. Edelman:

Enclosed are reissued licenses for Partially Validated Vested Water Right No. 810-3 and Water Right No. 5239-3. Reissuance of these licenses is based on a decision by the South Dakota Water Management Board that annual water use reporting be required under these water rights.

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

So long as you use the water beneficially, as stated in the licenses, State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact Amanda Dewell, Water Rights Permitting Administrator (605) 773-3352.

Sincerely,

Mark Mayer, PE  
Director of the Office of Water  
(605) 773-3352

enclosures



**STATE OF SOUTH DAKOTA**  
**REISSUED WATER LICENSE NO. 5239-3**

---

(1) Water Right No. 5239-3 is being reissued based on a decision by the South Dakota Water Management Board to require annual water use reporting.

(2) It is certified that the water right 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 0.33 cubic feet of water per second for beneficial use. The location of the diversion point is:


- 265 ft W & 400 ft S of the NE corner Section 34, T99N, R56W (NE  $\frac{1}{4}$  NE  $\frac{1}{4}$ )

(3) The water is to be used during the following described annual period: January 1 – December 31.

(4) Pursuant to South Dakota Water Law 46-5-30.1 the City of Freeman, PO Box 178, Freeman SD 57029, the holder and/or owner of Water Right No. 5239-3 is reissued a license to appropriate water, the right to use 0.33 cubic feet of water per second from groundwater, one well (Niobrara Aquifer), with a priority date of October 17, 1988, from the location specified in (2) of this license for municipal use.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 5239-3 and subject to the following qualifications:

1. The permit holder shall report to the Chief Engineer annually, the amount of water withdrawn from the Niobrara Aquifer. *(The qualification was added by the South Dakota Water Management Board on October 1, 2025.)*



Mark Mayer, PE  
Director of the Office of Water  
Department of Agriculture and Natural Resources

10/3/25  
date

