

WATER PERMIT NO. 5764-3

Phone: _____

Name of Applicant: Freeman Area Golf Course Association, Inc.

Post Office Address: PO Box 610, Freeman SD 57029

Amount of Water Claimed: 0.39 cfs Total Acres: 27.5 acres

Source of Water Supply: groundwater and runoff

Water to be used for: irrigation County: Hutchinson

About 1 miles south of Freeman

PRIORITY Date Received: 3-15-93 Fee: \$150 Remarks: _____

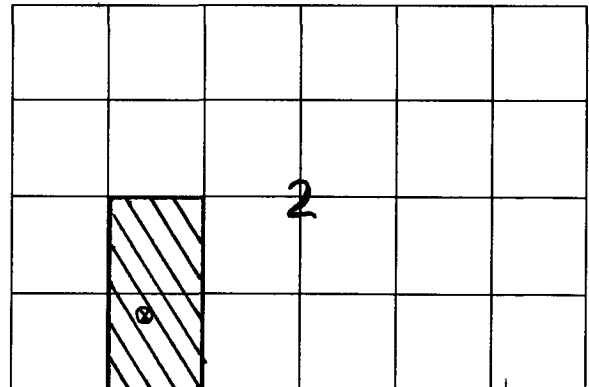
Corrected Application Received: 3-17-93 Period of Annual Use: April 1 - Oct 31

WATER QUALITY APPROVAL RECEIVED: 4-2-93 APPROVED/CONDITIONAL (Circle one)

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

Diversion Point: SW 1/4 SW 1/4 Sec 2-T98N-R56W

Land to be Irrigated: W 1/2 SW 1/4 Sec 2-T98N-R56W



Well Log: Driller: Pullman Well Drilling Licensed YES X NO _____

Depth of Well: 285 feet REMARKS: _____

Type of Map: aerial PREPARED BY: Robert A Run?? Reviewed and the Number

Assigned on: 4-5-93 By: Karen Schlaak

FORM 2: Application for irrigation in South Dakota

(type or print)



Mail to:
Water Rights Division
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181
605 773-3352

No. 5764-3 Hydrologic Unit 10170102
Basin Vermillion River
Newspaper Hutchinson Herald, Box 537, Menno
(office use only)

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

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____

(check one)

(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. acreage change, change diversion point(s), add diversion point(s), etc.) _____

- Name of Applicant Freeman Area Golf Course Association, Inc. Phone NA
(check one) ☐ Owner ☒ Tenant/lessee
Mailing Address P.O. Box 610 Freeman State South Dakota
(Street, RR, or Box) Irrigate at 400gpm (City) 57029 (Zip Code)
2. Amount of water claimed 0.39 *CFS or well=125gpm *GPM 31 ***AF Total Acreage 27.5
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout If applicable)
3. Source of water supply Groundwater well and run off
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
1- well in W 1/2 of SW 1/4 Section 2 - T98 - R56 W.
and dugout SW 1/4 County Hutchinson
5. County or counties where water will be used Hutchinson
6. Annual period during which water is to be used April thru October 31
7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>W 1/2 of SW 1/4 Section 2 - T98 - R56 W</u>	<u>27.5</u>		

- Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: _____ Gun: _____ Other (Specify): pop-ups
- Crops to be irrigated: Golf course grass on fairways and greens.
- Give a description of the project. (Attach sheet if more space is needed)
Landowner Darryll V. Graber Attached are: Golf course
19220 136 Pl. SE. lay out, and soil
Renton, Washington conservation information.
98058

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

STATE OF SOUTH DAKOTA)

County of Hutchinson)ss

I, Freeman Area Golf Course Assoc., Inc., 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 representative of the water to be used, and that the matters stated in this application are true and correct.

Signed

Dean D. Dreesen, Pres./Neil M. Johnson
Dean Dreesen, President - Neil M. Johnson, Secretary

Subscribed and sworn to before me this 12th day of March 19 93

LaVonne Veltman
Notary Public

My Commission Expires 11-18-00

Supplemental Information

(type or print in ink)



1. Well Information - Proposed Construction

- Drill Hole Diameter 11 7/8 " Depth 285 ft.
- Casing Type Plastic PVC Diameter 8 " Thickness _____
- Screen Type PVC Diameter 6 " Thickness _____
- Gravel Pack Thickness NA Length of Gravel Pack NA
- Depth to Top of Water Bearing Material 185 ft.
- Depth to Water (ground surface to water level) 170 ft.
- Distance to nearest existing domestic well:
On applicants property NA On property owned by others 1200 ft.

2. Dugout Information

- Surface Dimensions 450' x 350' Depth 13 ft. Dugout will hold
- Depth to water (ground surface to water level) 3 ft. 9 to 10 million gallons.

3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:

b) Freeboard _____
c) Crest Width _____
Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

g) X & Y Slope

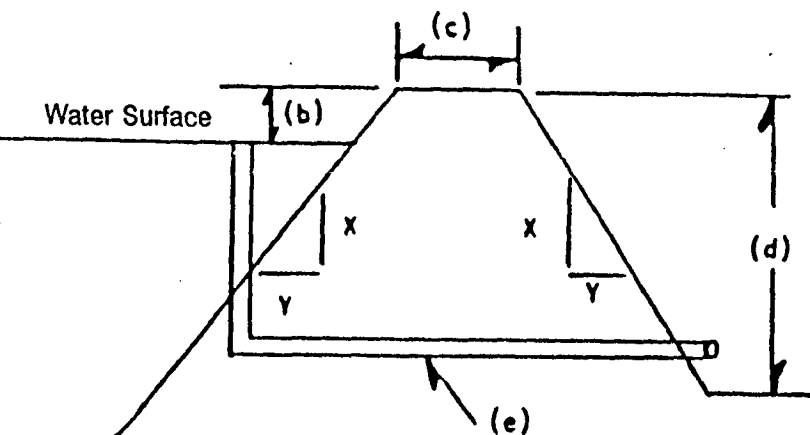
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area above Dam _____ Acres



**SOUTH DAKOTA
WATER PERMIT NO. 5764-3**

Date of first receipt of application March 15, 1993.

Date Soil/Water Compatibility Permit received April 2, 1993.

Date of return to applicant for corrections, amendments or changes March 16, 1993.

Date of receipt of corrected application March 17, 1993.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5764-3 to Freeman Area Golf Course Association Inc., PO Box 610, 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. 5764-3 appropriates 0.39 cubic feet of water per second from runoff into a dugout (31 acre-feet of water storage capacity) and one well (Niobrara Formation) 285 feet deep both located in the SW 1/4 SW 1/4 Section 2 to irrigate 27.5 acres located in the W 1/2 SW 1/4 Section 2; all in T98N-R56W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 - October 31.
3. The date from which applicant may claim right is March 15, 1993.
4. The date of approval of Permit No. 5764-3 is June 29, 1993.
5. One-fifth of the construction is to be completed on or before December 29, 1995.
6. All construction is to be completed on or before June 29, 1998.
7. Water is to be put to beneficial use on or before June 29, 2002.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

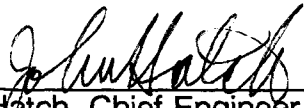
QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.
3. Approval of Permit No. 5764-3 authorizes storage of surface runoff water in a dugout (31 acre-feet capacity).

(continued)

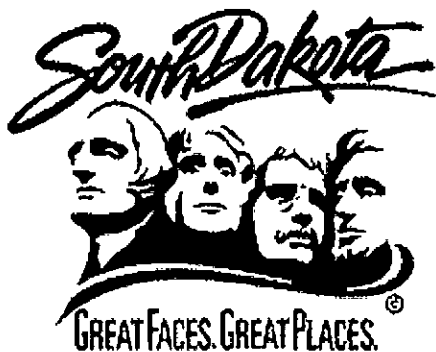
4. Approval of Permit No. 5764-3 does not authorize pumping of groundwater into the dugout.

WATER MANAGEMENT BOARD

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

AUG 10 1993
date

5764-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

October 29, 2019

5764-3

Adam Van Ningen, Finance Officer
City of Freeman
PO Box 178
Freeman SD 57029-0178

Dear Mr. Van Ningen:

I am writing in follow-up to the email communication concerning the ownership change needed for Water Right No. 5764-3.

Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change. Please review and complete as needed. Upon completion, please sign and return the form to our office with a required filing fee of \$50. The check or money order for the fee can be made payable to the Water Rights Program.

I have included a copy of the water right for your records. The entire administrative record for the water right can be found on our website at: <https://denr.sd.gov/des/wr/dbwrsearch.aspx>. Once you get to the website, enter in the water right number (5764-3) and it will bring up a page that allows you to click on the pdf of the file.

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

Sincerely,

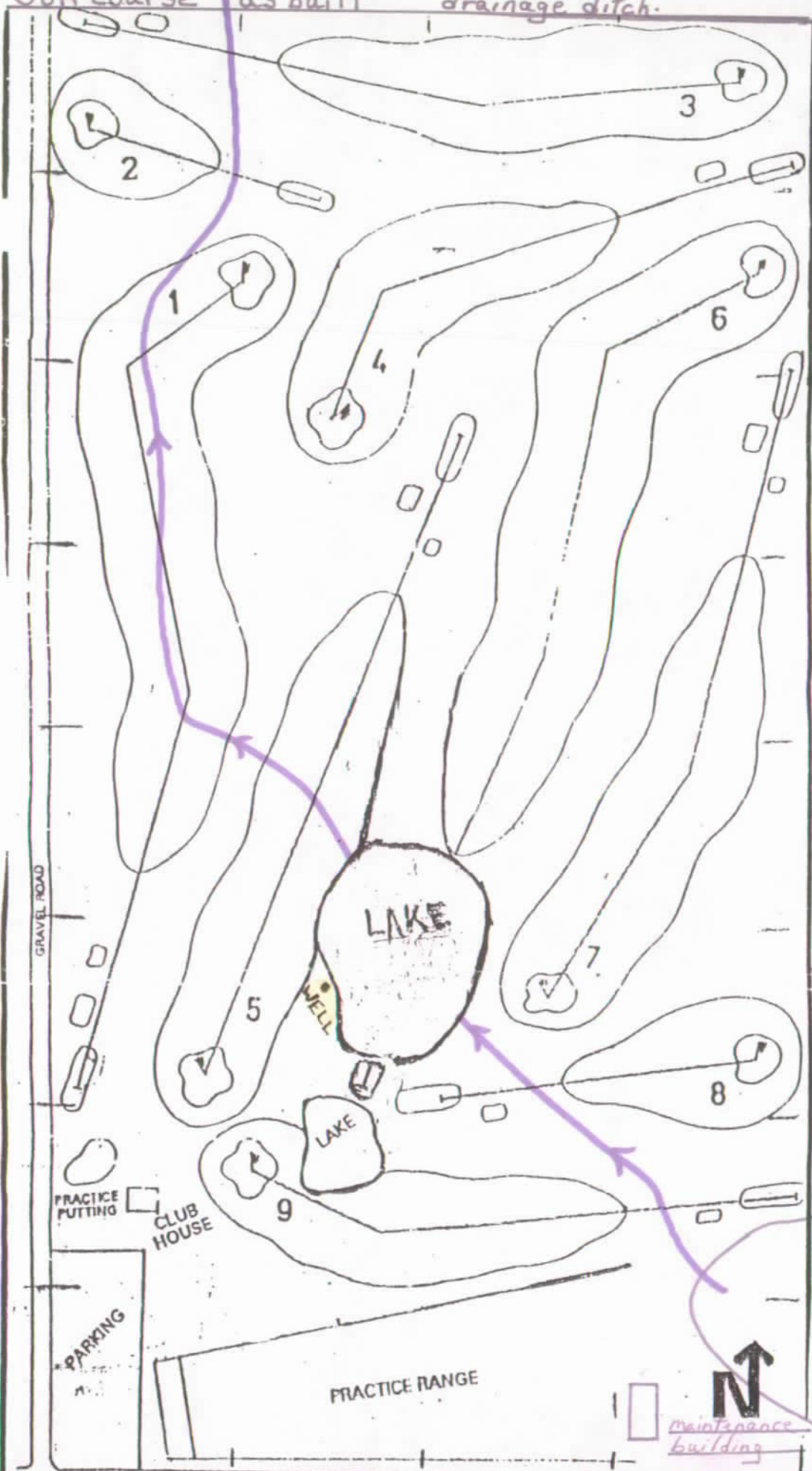
A handwritten signature in black ink, appearing to read "Genny McMath". The signature is fluid and cursive, with the first name "Genny" being more prominent.

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

enclosures

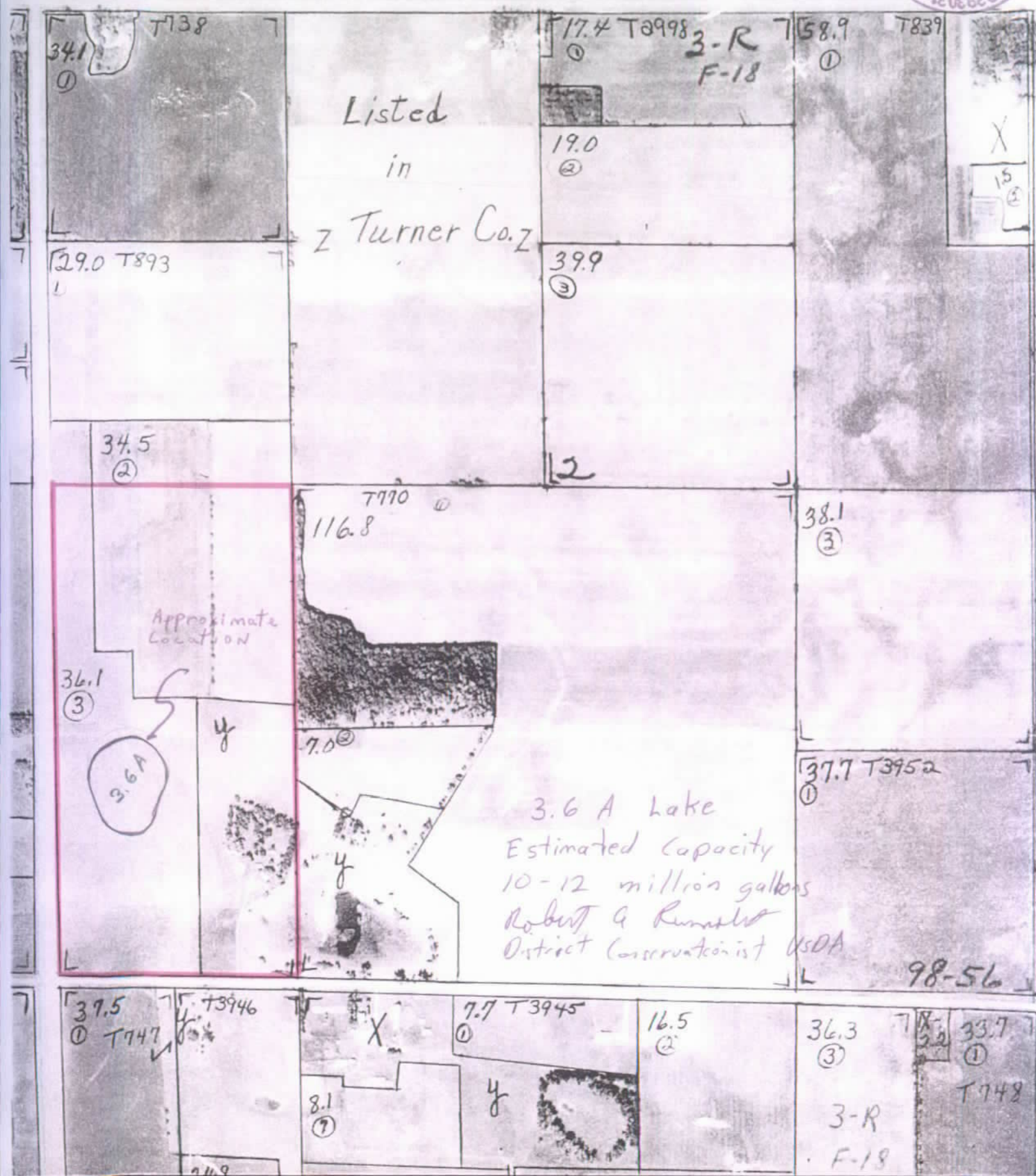
Golf course as built

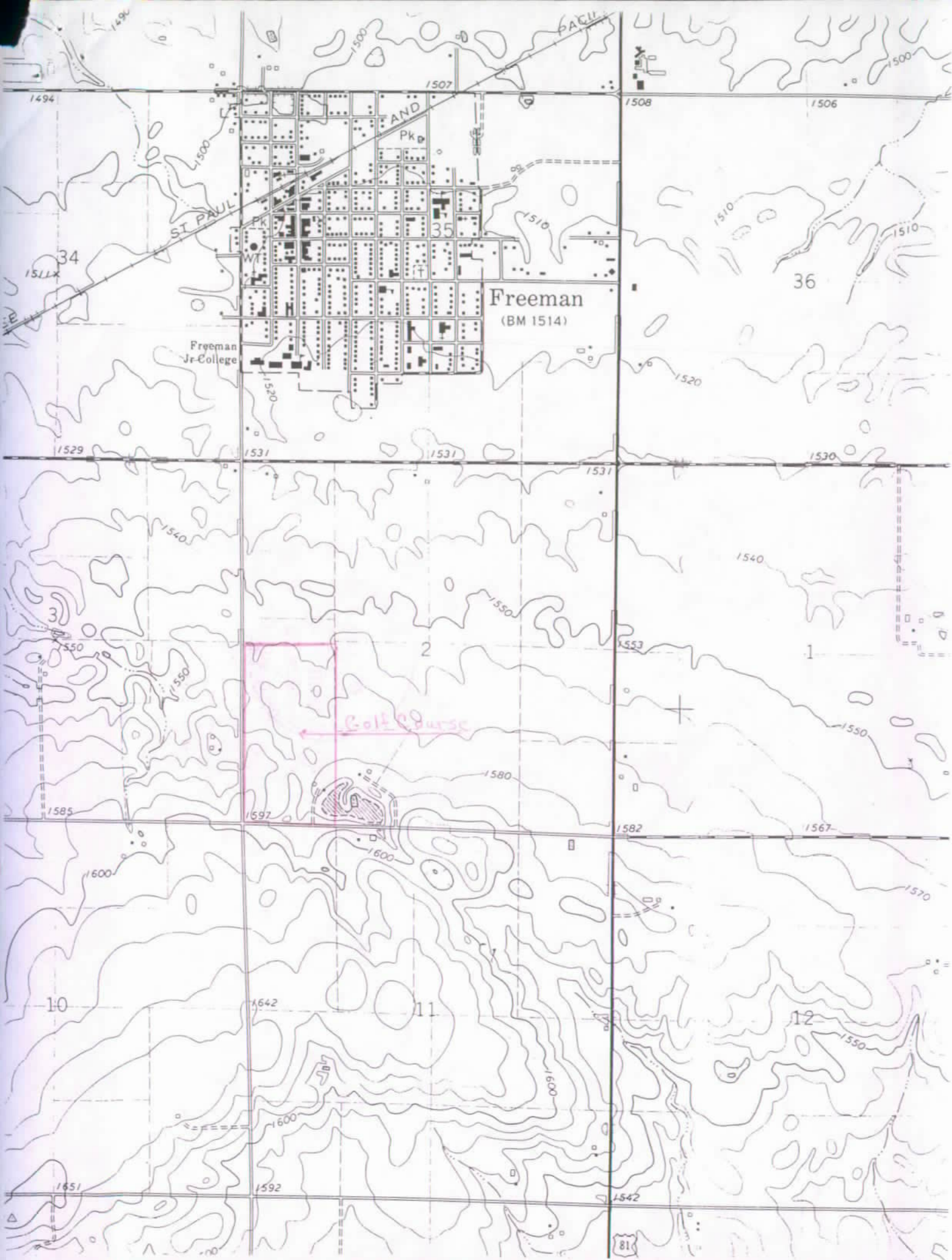
Blue line shows natural drainage ditch.



Existing Lake
as indicated
by soil conservation
information.

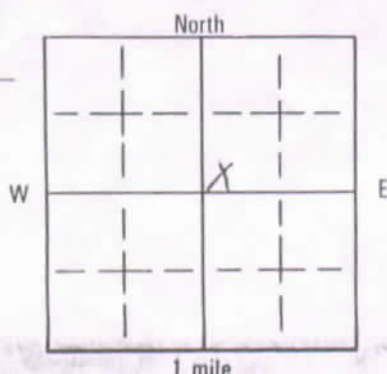
N
maintenance
building





SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location SW 1/4 NE 1/4 Sec 2 Twp 98 Rg 50County HutchinsonPlease mark well
location with
an "X"Well Completion Date 3-17-92

PROPOSED USE:

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

Method of Drilling:

Forward Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
_____ LB/FT	<u>8</u> IN	<u>0</u> FT	<u>185</u> FT	<u>11 7/8</u> IN
_____ LB/FT	_____ 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? 185 FEETWhat is grouting material? CementIf cement, number of sacks? 62

Describe grouting procedure _____

thru casing

What was grout weight? _____ LB/GAL

SCREEN: ☒ Perforated pipe ☒ ManufacturedDiameter 6 IN Length 100 FEETMaterial PVCSlot Size _____ Set From 185 Feet To 285 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 ☐ NO

Explain _____

Bacteriological analysis ☐ YES ☒ NO

Laboratory sent to _____

Well Owner:

Name Freeman Golf ClubAddress Freeman, SD 57029

Well Log:

Depth

Formation	From	To
Yellow Clay	0	35
Blue Clay	35	135
Yellow Clay	135	138
Yellow Sand	138	140
Shale	140	155
Chalk	155	160
White Chalk	160	170
Black Chalk	170	180
Chalk	180	270
Shale	270	285
TD 285'		

STATIC WATER LEVEL 170 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☐ BailedDescribe: Sub.☐ Other

Pumping Level Below Land Surface

230 ft. After 4 Hrs. pumped 150 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

This well was drilled under license # 440

And this report is true and accurate.

Drilling firm Pullman Well Drilling

Signature of License Representative:

R. F. Kuehl

Signature of Well Owner:

Date

12-31-92

RECEIPT

413677

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, March 16, 19 93RECEIVED OF Freeman Area Golf Course Ass'n Inc., Box 610, Freeman SD 57029

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

Fee for Application for Permit No. <u>5764-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	150 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. _____	(a)
Fee for Filing Transfer Form _____	
Fee for Filing Extension Request _____	
Fee for _____	

(Any Other Work Provided by Law)	
Total	150 00

By John H. Hatcher
Chief Engineer KS

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4767

WR#

OWNERS NAME: FREEMAN AREA GOLF COURSE ASSOCIATION, INC. OWNERS ADDRESS: PO BOX 610

FREEMAN, SD 57029

COUNTY LAND LOCATED IN: HUTCHINSON PHONE: _____

LEGAL DESCRIPTION: ☐ Well ☒ Surface RUNOFF

1. LOCATION Well - SW $\frac{1}{4}$ SW $\frac{1}{4}$ 2-T98N-R56W
Depth _____

Legal Description	Acres	Legal Description	Acres
<u>W$\frac{1}{2}$ OF SW$\frac{1}{4}$ 2-T98N-R56W</u>	<u>27.5</u>		

2. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: _____ GUN: _____ OTHER: POP-UPS (Specify)

3. CROPS TO BE IRRIGATED: GOLF COURSE GRASS ON FAIRWAYS AND GREENS.

WATER QUALITY:		(93-0036 & 93-0037)	
4. WATER SAMPLE NUMBER:	<u>WELL 93-0036 & DUGOUT 93-0037</u>	7. ADJUSTED (SAR):	<u>4.02 3.07</u>
5. SALINITY (EC X 10 ⁶):	<u>1450 & 1150</u>	8. PERCENT SODIUM	<u>21.63 24.56</u>
6. SODIUM (SAR):	<u>1.54 & 1.44</u>		

Requirements:

A buffer strip be maintained along the lakes and the drainage ditch.
This buffer strip shall not be irrigated.



Russell J. Horne
Director, Division of Conservation

XXX APPROVED
____ DISAPPROVED
____ WAIVER
XXX REQUIREMENTS

APR 1, 1993
Date

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 21, 1993

Freeman Golf Club
Freeman, SD 57029

Dear Sir :

A well driller's report filed by Pullman Well Drilling shows that they completed a new well for you which produced 150 Gallons Per Minute (GPM). Based on the information in the report, you may need a water permit.

1. A water permit must be obtained for any water use except for reasonable, private domestic use. Reasonable domestic use is defined as use of 18 Gallons Per Minute (GPM) or less, on an average daily basis (26,000 gallons per day), with a maximum rate not exceeding 25 GPM. A golf course may not exceed 18 GPM for irrigation of the course unless a water permit is obtained to use more than 18 GPM. Please let us know how many GPM your installed pump is capable of pumping and how many acres you are irrigating so we know whether or not you need a permit.
2. Also, as a new well owner, you need to be aware of some of your responsibilities. Enclosed is a copy of "Well Owner Responsibilities". Please review these responsibilities to ensure you are complying with all of the requirements.

Please use the enclosed postage free envelope to send us the information on your pump rate (in GPM) and the number of acres you are irrigating by February 12, 1993 or contact Barry McLaury at 605-773-3352.

Very truly yours,

RON DUVAL, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division
enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 21, 1993

Freeman Golf Club
Freeman, SD 57029

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Please use the enclosed postage free envelope to send us the information on your pump rate (in GPM) and the number of acres you are irrigating by February 12, 1993 or contact Barry McLaury at 605-773-3352.

Very truly yours,

RON DUVALL, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division
enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 19, 1993

Freeman Golf Club
Freeman, SD 57029

Dear Sir :

This is a follow up of my January 21, 1993 letter concerning the possibility that you may need a water permit for your water use. A well driller's report filed by Pullman Well Drilling shows that they completed a new well for you which produced 150 Gallons Per Minute (GPM). Based on the information in the report, you may need a water permit.

1. A water permit must be obtained for any water use except for reasonable, private domestic use. Reasonable domestic use is defined as use of 18 Gallons Per Minute (GPM) or less, on an average daily basis (26,000 gallons per day), with a maximum rate not exceeding 25 GPM. **Any irrigation in excess of 18 GPM or one acre requires obtaining a water permit.** Enclosed are application forms and an instruction sheet to apply for a water permit.
2. Also, as a new well owner, you need to be aware of some of your responsibilities. If your new well was drilled as a replacement well, and you do not plan to use the old well, the old well is considered abandoned. All abandoned wells must be plugged by a licensed well driller. If the old well is not going to be abandoned, but will not be used, the well must be sealed or capped at the surface until such time that it is used.

Please use the enclosed postage free envelope to return the completed application by March 5, 1993 or contact Barry McLaury at 605-773-3352 if you have any questions.

Very truly yours,

RON DUVALL, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division
enclosure



March 10, 1993

Freeman Golf Club
Freeman, SD 57029

Dear Sir :

This is a follow up of my January 22, 1993 and February 19, 1993 letters concerning the need for a water permit for your water use. **NO RESPONSE HAS BEEN RECEIVED.** A well driller's report filed by Pullman Well Drilling shows that they completed a new well for you which produced 150 Gallons Per Minute (GPM). Based on the information in the report, it appears you need a water permit.

1. A water permit must be obtained for any water use except for reasonable, private domestic use. Reasonable domestic use is defined as use of 18 Gallons Per Minute (GPM) or less, on an average daily basis (26,000 gallons per day), with a maximum rate not exceeding 25 GPM. **Any irrigation in excess of 18 GPM or one acre requires obtaining a water permit.** Enclosed are application forms and an instruction sheet to apply for a water permit.
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Please use the enclosed postage free envelope to return the completed application by March 26, 1993 or contact Barry McLaury at 605-773-3352 if you have any questions.

Very truly yours,

RON DUVALL, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division
enclosure

GOLF COURSE
925-4929

Roger Aman
925-9911
Bus. hrs.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

Recorder
925-9912
Telephone company



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 16, 1993

Dean Dreessen
Freeman Area Golf Course Ass'n Inc.
PO Box 610
Freeman SD 57029

Dear Mr. Dreessen:

In regard to the water permit application received on March 15, 1993, the following information needs to be submitted and clarified in order to process application.

1. A well log or driller's test log signed by a South Dakota licensed well driller must accompany the application.
2. Item No. 4 of the application, indicates the location of the point of diversion (well location) as the W 1/2 SW 1/4 Section 2-T98N-R56W. From the aerial photos submitted with the application, it would appear that the well will be located in the SW 1/4 SW 1/4 Section 2-T98N-R56W. Do you concur with this change on the application?

The water permit application can not be considered until the application is complete and a soil/water permit is obtained from the Department of Agriculture. Upon receipt of the well log, further processing of your application will continue.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

File No.

**Water Rights Division
File Documentation**

NAME OF PERSON OR FILE: Neil Zachariasen - Freeman Area Golf Course Ass'n

ADDRESS: PO box 610 COUNTY: Hutchinson

DATE: 3-17-93 TELEPHONE:

RE: Pending application for golf course

COMMENTS:

Mr. Zachariasen called concerning my 3-16-93 letter and stated that we should have a copy of the well log on file. I checked and we did.

Mr. Zachariasen also stated that he agreed that the location of the well would be the SW 1/4 SW 1/4 Section 2-T98N-R56W.

Karen Schlaak
Karen Schlaak
Natural Resources Analyst

REPORT ON APPLICATION NO. 5764-3
for Freeman Area Golf Course Association, Inc.
May 4, 1993

Application No. 5764-3 proposes to appropriate 0.39 cfs (150 gpm) from runoff into a dugout (31 acre feet of storage capacity) and one well approximately 285 feet deep both located in the SW 1/4 SW 1/4 of section 2 to irrigate 27.5 acres located in the W 1/2 SW 1/4 of section 2; all in T98N R56W in Hutchinson County.

AQUIFER - NIOBRARA FORMATION (NBRR)

The Niobrara Formation consists of shaley marl and chalk (Hansen, 1990). Where the formation is fractured and solution cavities are well developed the formation can yield large amounts of water to a well. According to the well log submitted with the application, chalk (Niobrara) was encountered from a depth of 155 feet to 270 feet below land surface. The report indicates the well was capable of producing 150 gpm with a drawdown of about 60 feet. The static water level of the well was reported at 170 feet below land surface. This level appears to be low when compared with the two observation wells located in the area. The Niobrara Formation is buried and may be either artesian or water table at this site. There is no estimate available for water in storage although the aquifer is described in the Hansen report as Area C.

The Division of Water Rights monitors two observation wells (TU-81A and HT-83F) completed into the Niobrara Formation and within 2 1/2 miles of this application. Water levels for these wells fluctuate in response to pumping by Freeman and with climatic conditions. Copies of the hydrographs for the two observation wells are included with this report. The record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1993).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

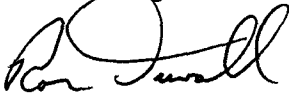
The City of Freeman holds three water permits/rights Nos. 5239-3, 810-3 and 4776-3 which all obtain water from the Niobrara Formation. This well for this application is about 1 1/4 miles south of the nearest well for Freeman. Interference is not expected to be a concern. Drawdown does occur as a result of pumping (as shown by the hydrographs). This is not expected to be adverse.

CONCLUSIONS

1. Water is available from the Niobrara Formation.
2. The aquifer is buried and is probably under artesian conditions, however, the well log submitted with the application would show the aquifer at the site is water table. The observation well data suggests that the water

level measured in the production may not be accurate. There may not have been adequate time for full recovery when this measurement was made.

3. This well has been constructed in accordance with SD Well Construction Standards.
4. Interference is not expected to be a concern. The City of Freeman has used Niobrara wells for many years. Hydrographs for the nearby observation wells reinforce that drawdown caused by pumping has not been significant. The hydrographs indicate that the aquifer is capable of sustaining additional withdrawals.
5. This application also authorizes construction of a dugout which stores 31 acre feet of water. Either or both stored water (runoff) and ground water can be used for irrigation.
6. A diversion rate of 0.39 cfs is the statutory limit for irrigation of 27.5 acres.



for James A Goodman
Natural Resources Engineer

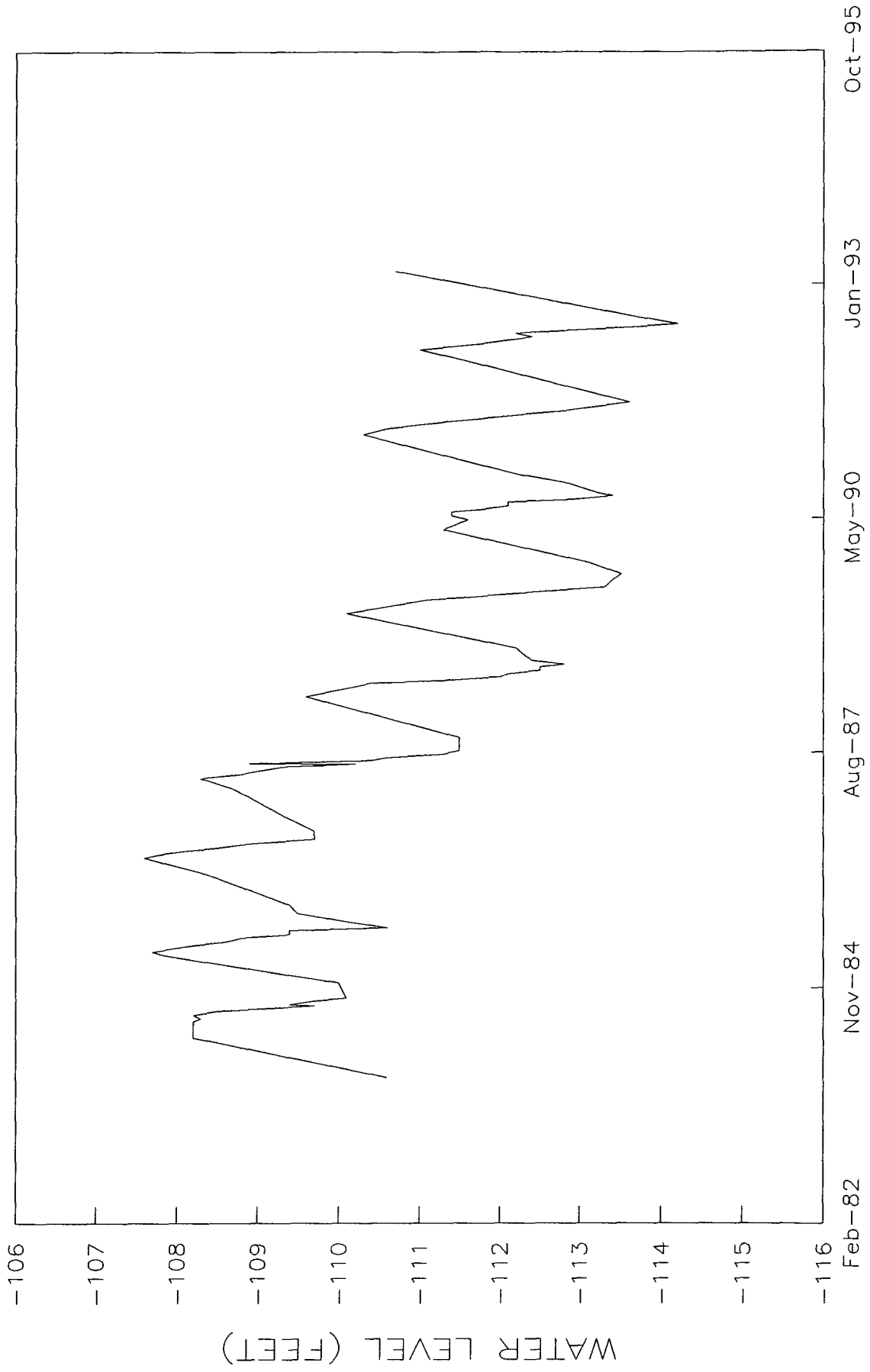
BIBLIOGRAPHY

Hansen, D.S., R.J. Lindgren, 1990, Water Resources of Hutchinson and Turner Counties, South Dakota, USGS WRI 90-4093, USGS, Huron, SD, 57350.

Water Rights, 1993, Unpublished Observation Well Records for Turner and Hutchinson Counties, SD DENR, Division of Water Rights, Pierre, SD, 57501.

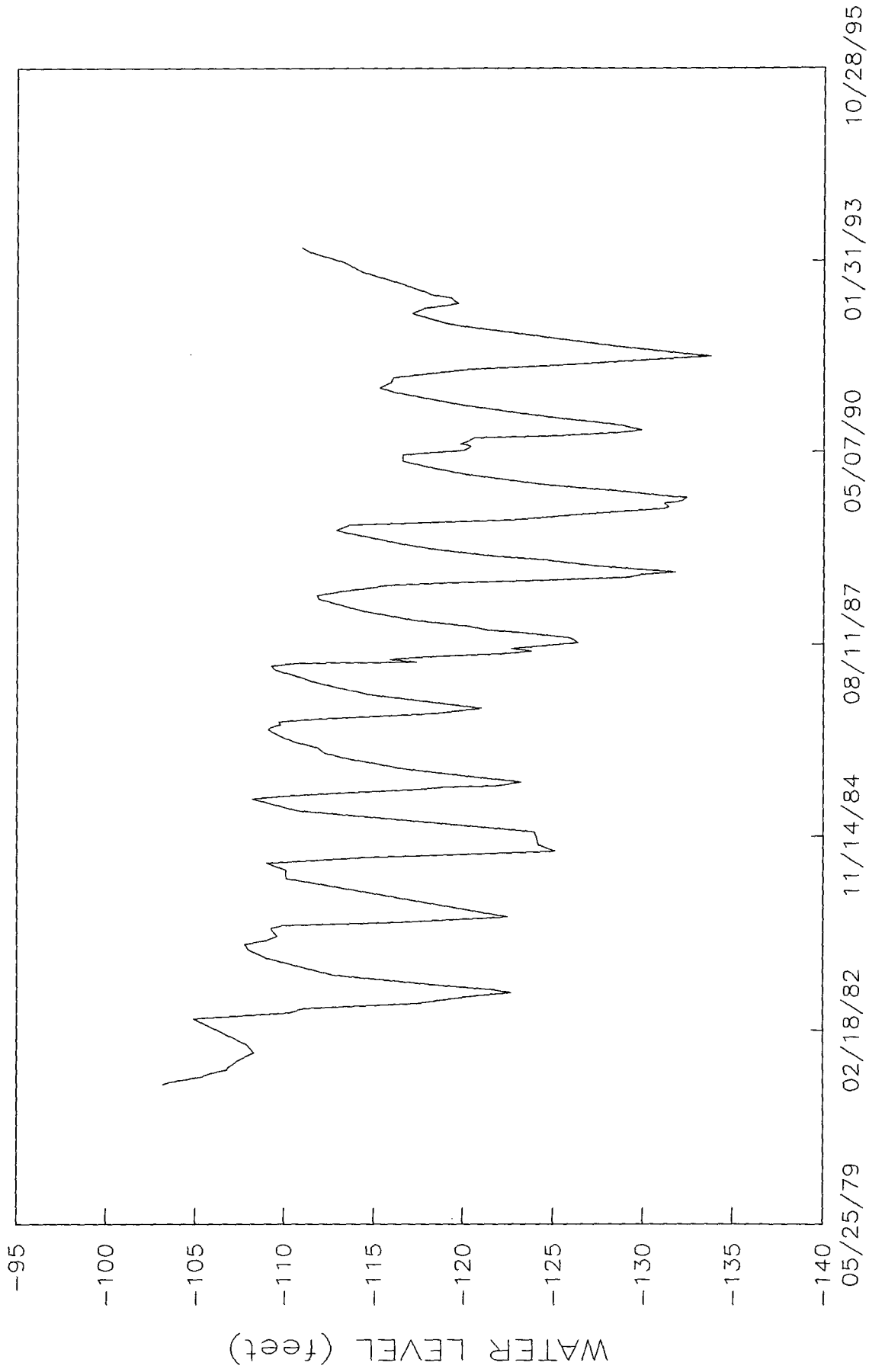
WATER RIGHTS OBSERVATION WELL

HT-83F



WATER RIGHTS OBSERVATION WELL

TU-81A



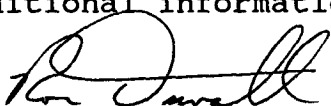
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5764-3, Freeman Area Golf Course Association

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 5746-3, Freeman Area Golf Course Association, c/o Dean Dreessen, PO Box 610, Freeman, SD 57029.

The Chief Engineer is recommending APPROVAL of Application No. 5764-3 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. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
3. Approval of Permit No. 5764-3 authorizes storage of surface runoff water in a dugout (31 acre-feet capacity).
4. Approval of Permit No. 5764-3 does not authorize pumping of groundwater into the dugout.

See report on application for additional information.


for JOHN HATCH, Chief Engineer
May 7, 1993



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

May 20, 1993

Dean Dreessen
Freeman Area Golf Course Assoc.
PO Box 610
Freeman, SD 57029

Dear Mr. Dreessen:

Water Permit Application No. 5764-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Hutchinson Herald printed at Menno, SD (Ph # 387-5158). 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 newspaper to authorize publication of your Notice of Hearing 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 twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 20, 1993

Hutchinson Herald
Box 537
Menno, SD 57045

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5764-3 to be published twice. Please publish the first notice on June 2, 1993, 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 Freeman Area Golf Course Association, Inc., PO Box 610, 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. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----
FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
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

Instruction to Newspaper - Publish first Notice on June 2, 1993, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5764-3 to Appropriate Water

Notice is given that the Freeman Area Golf Association, Inc., PO Box 610, Freeman, SD 57029 has filed an application for a water permit to appropriate 0.39 cubic feet of water per second from runoff into a dugout (31 acre-feet of water storage capacity) and one well (Niobrara Formation) 285 feet deep both located in the SW 1/4 SW 1/4 Section 2 to irrigate 27.5 acres located in the W 1/2 SW 1/4 Section 2; all in T98N-R56W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5764-3 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. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 21, 1993. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 5764-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for June 29, 1993, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the June 29, 1993, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The June 29, 1993, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by June 21, 1993.

If a hearing is held, 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 hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. 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. Contact Eric Gronlund by June 21, 1993, at the above Water Rights Division address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 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, 46-2A-20, 46-2A-21; 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, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Hutchinson) ssI, William J. Headley

certify that the attached printed Notice was

taken from the HutchinsonHeraldprinted and published in HutchinsonCounty of Hutchinson and State of

South Dakota. The notice was published in the newspaper on the following two dates:

June 2, 1993June 9, 1993Cost of Printing: \$61.31
William J. Headley
 (Signature)

Publisher
 (Title)

6/8/93
 (Date Signed)

NOTICE OF HEARING on Application No. 5764-3 to Appropriate Water

Notice is given that the Freeman Area Golf Association, Inc., P. O. Box 610, Freeman, S. Dak. 57029, has filed an application for a water permit to appropriate 0.39 cubic feet of water per second from runoff into a dugout (31 acre-feet of water storage capacity) and one well (Niobrara Formation) 285 feet deep both located in the SW 1/4 SW 1/4 Section 2 to irrigate 27.5 acres located in the W 1/2 SW 1/4 Section 2; all in T98N-R56W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5764-3 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. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre, S. Dak. 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 21, 1993. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1. the notice of hearing on Application No. 5764-3, and 2. the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for June 29, 1993, at 9:00 a.m. in Room 413, Joe Foss Building, 523 E. Capitol, Pierre, S. Dak. If this application is opposed or the recommendation is contested, the June

(over)

29, 1993, hearing date will be re-scheduled for a regularly scheduled Board meeting. Notice of the time and place of the re-scheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The June 29, 1993, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by June 21, 1993.

If a hearing is held, 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 hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. 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. Contact Eric Gronlund by June 21, 1993, at the above Water Rights Division address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 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, 46-2A-20, 46-2A-21; 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, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

(Publish June 2 & 9, 1993)



AUG 10 1993

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Dean Dreessen
Freeman Area Golf Course Assoc., Inc.
PO Box 610
Freeman, SD 57029

Dear Mr. Dreessen:

Enclosed is Water Permit No. 5764-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

enclosures

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.

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

Date June 13, 1995

TO: Water Rights Division, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM: Freeman Golf Course P.O. Box 610
(name) (address)
Freeman, SD 57029
(city) (state) (zip) (phone)

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 5764-3.

Water Permit No. 5764-3 states that the diversion system is to be constructed by June 29, 1998, and that the water is put to beneficial use by June 29, 2002.
(date) (date)

The diversion system was completed on 7-92.
(date)

Applying the water to beneficial use was completed on 7-92.
(date)

You may schedule an inspection so that the Water License may be issued.

Tim P. [Signature]
(signature)

REPORT ON INSPECTION OF PERMIT NO. 5764-3

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: Ted Piddle, President of the board.

NAME & ADDRESS OF PERMIT HOLDER: Freeman Area Golf Course Association, Incorporated, PO Box 610, Freeman, SD 57029.

DIVERSION POINT LEGAL LOCATIONS: Well: 1350 feet N and 525 feet E; Dugout: 1350 feet N and 660 feet E both from the SW corner of Section 2; T98N R56W (NW1/4 SW1/4).

WELL INFORMATION:

1) Well Drilling Firm: Pullman Well Drilling

3) Depth(s) 285 feet

2) No. of Wells 1

4) Well log is available Y

Casing:

1) Diameter 8 inches

2) Length 185 feet

3) Type PVC

Screen:

1) Type PVC

2) Length 100 feet

3) Static water level 170 feet

Pump: (well)

1) Make Jacuzzi

2) Model submersible

3) Capacity 110 GPM

Motor: (well)

1) Make Hitachi

2) Model No. G89677E

3) Horsepower rating 15 hp

IN THE PUMP HOUSE:

Pump:

1) Make Berkeley

2) Model B11/22PH2

3) Capacity 100 GPM

Motor:

1) Make Marathon

2) Frame No. 215 5M

3) Horsepower rating 15 hp

Pump:

- 1) Make Berkeley
- 2) Model B32PBH5
- 3) Serial No. G240792
- 4) Capacity 300 GPM

Motor:

- 1) Make US Electrical
- 2) Frame No. 324 JM
- 3) Horsepower rating 50 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type PVC
- 2) Size 2,3, 4 & 6 inches
- 3) Total length 30,000 feet

SYSTEM TYPE:**Sprinklers:**

- 1) Make Toros
- 2) Number of sprinlers 275

CHEMIGATION EQUIPMENT:

- 1) Does chemigate N

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Soil and water permit lands agree with lands being irrigated and lands listed on permit N/A
- 2) Special qualifications to permit being abided by Y
- 3) All structures, wells and lands on map Y
- 4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period
Y

NOTE: The 15 HP motor (jockey) in the pump house runs the majority of the time until the pressure gets to low. At this time the 50 HP motor kicks in and the jockey motor shuts off. Maximum amount withdrawn from the dugouts at any given time is 300 GPM. The maximum amount withdrawn from the ground to fill the dugout is 110 GPM. There is a 6" PVC pipe between the 2 dugouts which serves as a regulator. This allows the water in the 2 dams to be at the same elevation when filling and when withdrawing water. Water is only pumped from the northern most dugout.

Permit No. 5764-3
Vermillion 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 **Freeman Area Golf Course Association, Incorporated of PO Box 610, Freeman, SD 57029** holder of Permit No. **5764-3**, bearing the priority of **March 15, 1993** authorizing the diversion of **0.39** cu. ft. per second and/or the storage of **31** acre-feet of the waters of **ground water & surface water** for **irrigation** purposes, in **Hutchinson** County.

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

A. Works used to divert the water:

A 15 HP Hitachi submersible motor with a 110 GPM Jacuzzi pump (in the well).
A15 HP Marathon motor with a 100 GPM Berkeley pump (in the pump house).
A 50 HP US Electrical motor with a 300 GPM Berkeley pump (in the pump house).

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

A total of 30,000 feet of 2,3,4 & 6 inch PVC pipe throughout the golf course.

C. Works used to apply water to beneficial use:

Approximately 275 Toro sprinklers.

The system is in the following condition **excellent**. The points of diversion are located **Well: 1350 feet N and 525 feet E; Dugout: 1350 feet N and 660 feet E both from the SW corner of Section 2; T98N R56W (NW1/4 SW1/4).** The works are capable of diverting and conveying to the place of use **0.24** cu. ft. per second from the well and **0.66** cfs from the dugout and storing **31** acre-feet of water which is to be used for **irrigation**. Water has been put to beneficial use to the maximum extent as follows:

T98N R56W

Section 2

W1/2 SW1/4 27.5 acres

comprising a total of **27.5** acres of land and the license should be issued for **0.39** cfs (amount applied to the land) and **31** acre-feet of storage.

NOTE: The 15 HP motor (jockey) in the pump house runs the majority of the time until the pressure gets to low. At this time the 50 HP motor kicks in and the jockey motor shuts off. Maximum amount withdrawn from the dugouts at any given time is 300 GPM (0.66 CFS). The maximum amount withdrawn from the ground to fill the dugout is 110 GPM (0.24 CFS). There is a 6" PVC pipe between the 2 dugouts which serves as a regulator. This allows the water in the 2 dams to be at the same elevation when filling and when withdrawing water. Water is pumped from the northern most dugout to irrigate 27.5 acres within the W1/2 SW1/4 of Section 2. This permit will be licensed for 0.39 CFS based on 1CFS/70 acres.

Applicable permit qualifications have been complied with: Yes X No

Exceptions to compliance are: None Date Report Completed: August 29, 1995

A handwritten signature in black ink, reading "Barry A. McLaury". The signature is written in a cursive style with a horizontal line underneath the name.

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

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
WATER RIGHTS PROGRAM

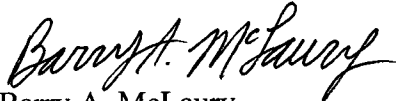
DATE: **August 29, 1995**

RE: **Change in location of diversion point for Water Permit No. 5764-3, Freeman Golf Course.**

An inspection of Permit No. **5764-3** found the diversion point in a location not authorized by the permit. SDCL 46-5-13.1 provides that a point of diversion may be changed or additional points of diversion may be approved without application or publication of a notice of hearing if the additional point of diversion is from the same source of water, no additional water is appropriated and the Chief Engineer makes a finding that the change does not increase the potential for interference with existing diversions.

Water Permit No. **5764-3**, approved in **June 29, 1993**, appropriates **0.39** cubic feet of water per second (cfs) from **groundwater (Niobrara Formation)** to irrigate **27.5** acres. The diversion point was to be located in the **SW1/4 SW1/4 of Section 02; T98N R56W**. The acres to be irrigated are located **W1/2 SW1/4 Section; 02 T98N R56W**. An inspection of Water Permit No. **5764-3** found the works capable of diverting **0.39** cfs from **groundwater (Niobrara Formation)** located in the **NW1/4 SW1/4 of Section 02** to irrigate **27.5** acres located in the **W1/2 SW1/4 of Section 02; all in T98N R56W**.

A review of existing diversions within a one mile radius of **Section 02** was conducted based on Water Rights Program records. This review indicates that this diversion point location change does not change the impact potential to existing diversions from the **Niobrara Formation**. The diversion point has been in operation at the described location for several years with no known complaint.



Barry A. McLaury
Environmental Scientist
Water Rights Program

The Chief Engineer makes a finding that this change in location does not increase the potential for interference with existing diversions. In making the finding "does not increase the potential for interference" is interpreted to mean potential for adverse interference. Water Permit No. **5764-3** may be licensed without requiring an application or publication of a notice of hearing pursuant to SDCL 46-2A-4 for a change of diversion point.

Approved by:



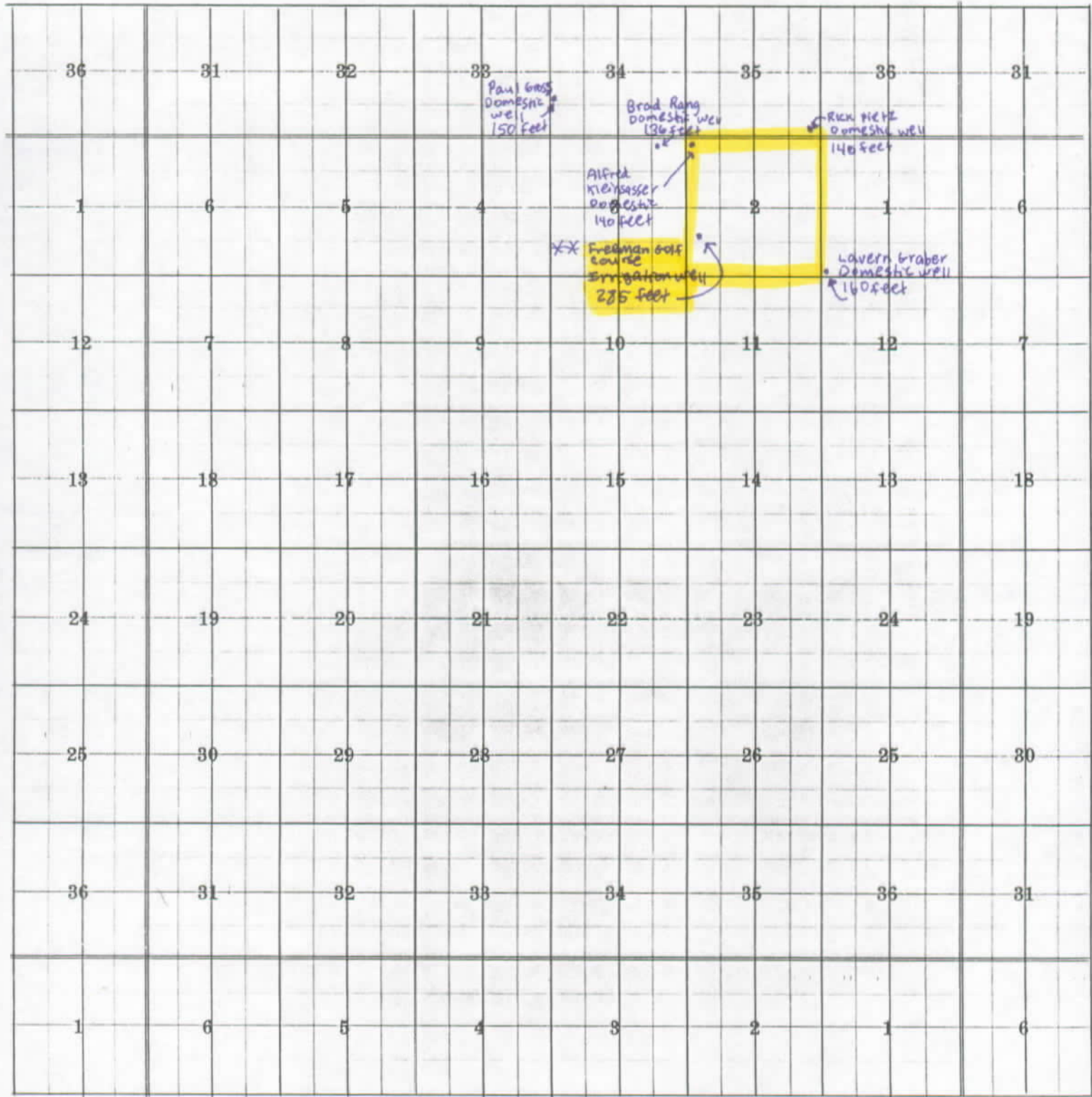
John Hatch, Chief Engineer
Water Rights Program

Hutchinson

COUNTY, SOUTH DAKOTA

TOWNSHIP No. 98N RANGE No. 56W

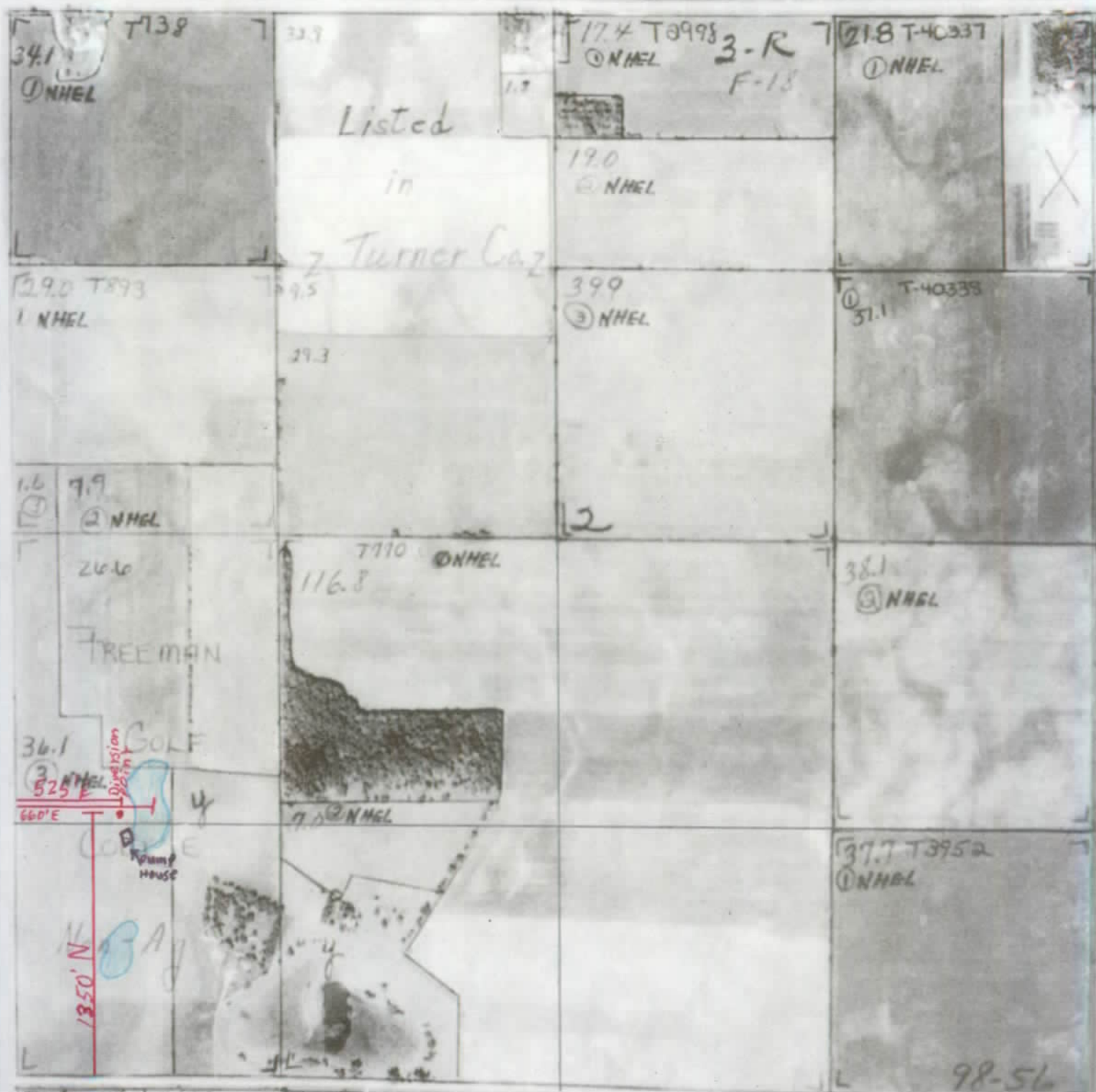
(With surrounding tier of sections of adjacent townships)



Note: Domestic wells in the targeted area range from 136 feet Deep to 160 feet Deep. Freeman Golf Course Irrigation well is 285 feet Deep.

copy
6/13/95
js

NOT TO SCALE



Barry McLaury *Barry McLaury*
Environmental Scientist
Division of Water Rights
Date *8-29-95*

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5764-3

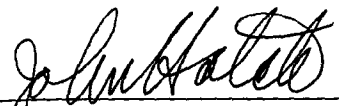
(1) The Freeman Area Golf Course Association, Incorporated, PO Box 610, Freeman SD 57029-0610 made Application No. 5764-3, March 15, 1993 for a water permit to appropriate 0.39 cubic feet of water per second (cfs) from runoff into a dugout (31 acre-feet of storage capacity) and groundwater (one well), Hutchinson County, South Dakota for irrigation purposes. Permit No. 5764-3, with a priority date of March 15, 1993 was approved June 29, 1993 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before June 29, 1998 and for the application to beneficial use of said water on or before June 29, 2002.

The permit holder submitted a "*Notice of Completion of Works and Application of Water to Beneficial Use*" on June 13, 1995. The "*Notice*" stated the diversion system was completed and the water placed to beneficial use in July, 1992.

(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 0.24 cfs from the well to the dugout (storage capacity of 31 acre-feet). A maximum diversion rate of 0.39 cfs from the dugout is authorized for irrigation of the acreage listed below. The location of the diversion points are: Well: 1350 feet north and 525 feet east; Dugout: 1350 feet north and 660 feet east; both from the southwest corner of Section 2-T98N-R56W (NW 1/4 SW 1/4).

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land: **27.5 acres in the W 1/2 SW 1/4 Section 2-T98N-R56W.**

(4) Pursuant to South Dakota Water Law 46-5-30.1 Freeman Area Golf Course Association, Incorporated, PO Box 610, Freeman SD 57029-0610 the holder and/or owner of Water Permit No. 5764-3 is issued a license to divert 0.24 cfs from the well to the dugout (storage capacity of 31 acre-feet). A maximum diversion rate of 0.39 cfs from the dugout is authorized for irrigation of the land with a priority date of March 15, 1993 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 5764-3 and subject to South Dakota State Law.



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

JUL 29 1996

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 29, 1995

5764-3

Dean Dreesen
Freeman Area Golf Course
Association, Incorporated
P.O. Box 610
Freeman, SD 57029

Dear Mr. Dreesen:

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. 5764-3, 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

414781

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ February 8 _____, 19 96

RECEIVED OF Freeman Area Golf Course Association, Inc., P.O. Box 610, Freeman, SD 57029
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>5764-3</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 (C)
Chief Engineer



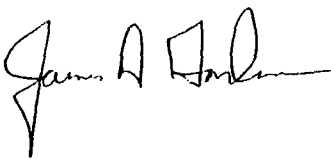
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 13, 1996

NOTICE

TO: Ted Piddle, President
Freeman Area Golf Course Association
PO Box 610
Freeman, SD 57029

FROM: John Hatch, Chief Engineer *for* 
Water Rights Program
(605) 773-3352

SUBJECT: Schedule Hearing on Amendment of Qualification to Water Permit No. 5764-3,
Freeman Area Golf Course Association

The Freeman Area Golf Course Association holds Water Permit No. 5764-3 which appropriates water from a well and a dugout for irrigation of the golf course. The water permit currently contains a qualification that does not authorize pumping of the well water directly into the dugout. An investigation of the water permit found that the system is set up to divert water from the well into the dugout (water hazard) prior to being used for irrigation.

The Water Management Board will consider amending qualification No. 4 of Water Permit No. 5764-3 on July 10, 1996, at 9:45 AM, in the Conference Room, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol Ave., Pierre, SD. This hearing will be considered pursuant to SDCL 46-1-14, 46-2-9, 46-2-11 and 46-2-17.

The Chief Engineer is recommending that the Board amend Qualification No. 4 to state, "Water Permit No. 5764-3 authorizes diversion of water from the well in the amount needed to maintain the water level in the dugouts."

c: Diane Best, Assistant Attorney General

CERTIFICATION

I hereby certify that on June 13, 1996, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated June 13, 1996, along with a letter of explanation of the enclosed Notice, regarding Schedule Hearing on Amendment of Qualification to Water Permit No. 5764-3, Freeman Area Golf Course Association, addressed as stated below:

Ted Piddle, President, Freeman Area Golf Course Association, P.O. Box 610, Freeman, SD 57029.

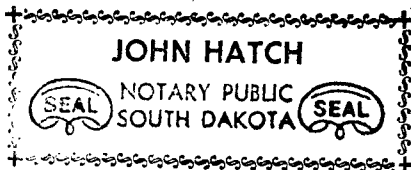
A copy of the above described Notice was sent inter-office to:

Diane Best, Assistant Attorney General, Capitol Building.


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 17th day of June, 1996




Notary Public

JOHN HATCH, Notary Public
My Commission Expires
April 1, 2001



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 13, 1996

Ted Piddle, President
Freeman Area Golf Course Association
PO Box 610
Freeman, SD 57029

Dear Mr. Piddle:

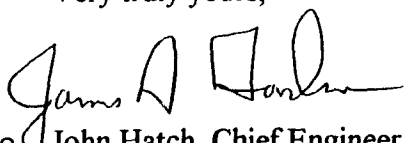
I am writing to provide an explanation of the enclosed notice scheduling a hearing to amend a qualification on Freeman Area Golf Course Association's Water Permit No. 5764-3. This proposed action is a result of an investigation of the water permit conducted last summer by Barry McLaury of the Water Rights Program.

Water Permit No. 5764-3 appropriates 0.39 cubic feet of water per second from runoff into a dugout and diversion from one well to irrigate 27.5 acres. The water permit issued in 1993 includes a qualification that does not allow pumping from the well directly into the dugout (water hazards). Mr. McLaury's investigation found that the Association diverts water from the well into the dugout. Water is diverted from the dugout for irrigation of the golf course. The Association's irrigation system operates similar to many golf courses throughout the state.

The purpose of this amendment is to change the qualification to reflect the operation of the irrigation system. The qualification, if amended, will allow diversion of water from the well in the amount needed to maintain the water level in the dugouts.

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

Very truly yours,


For John Hatch, Chief Engineer
Water Rights Program
(605) 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 11, 1996

NOTICE

TO: Ted Piddle, President
Freeman Area Golf Course Association
PO Box 610
Freeman, SD 57029

FROM: John Hatch, Chief Engineer
Water Rights Program
(605) 773-3352

SUBJECT: Amendment to Qualification No. 4 on Water Permit No. 5764-3, Freeman Area Golf Course Association

The Water Management Board amended a qualification to Water Permit No. 5764-3. The water permit appropriates water for irrigation at the golf course. The amendment of Qualification No. 4 allows the diversion of well water directly into the lake. Water is then diverted from the lake for irrigation of the course.

The previous qualification did not allow pumping of the well water directly into the dugout. This amendment reflects the actual operation of the irrigation system.

Qualification No. 4 now reads, "Water Permit No. 5764-3 authorizes diversion of water from the well in the amount needed to maintain the water level in the dugouts." Please keep a copy of the attached amendment in the Association's records.

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

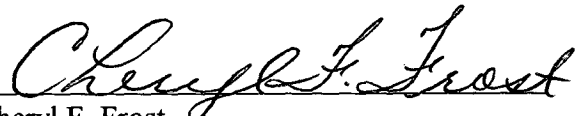
AMENDMENT

On July 10, 1996, the Water Management Board amended Qualification No. 4 on Water Permit No. 5764-3 to read as follows.

4. Water Permit No. 5764-3 authorizes diversion of water from the well in the amount needed to maintain the water level in the dugouts.

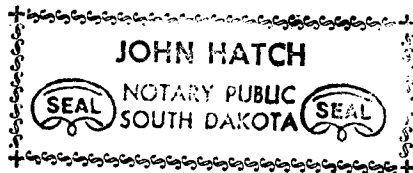
CERTIFICATION

I hereby certify that on July 12, 1996, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated July 11, 1996, along with a copy of the Amendment, regarding Amendment to Qualification No. 4 on Water Permit No. 5764-3, Freeman Area Golf Course Association, addressed as stated on the attached Notice:


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 16th day of July, 1996




Notary Public

JOHN HATCH, Notary Public
My Commission Expires
April 1, 2001



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 29 1996

5764-3

Ted Piddle, President
Freeman Area Golf Course Association, Inc.
P.O. Box 610
Freeman, SD 57029-0610

Dear Mr. Piddle:

Enclosed is Water License No. 5764-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 414781 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. 5764-3, 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

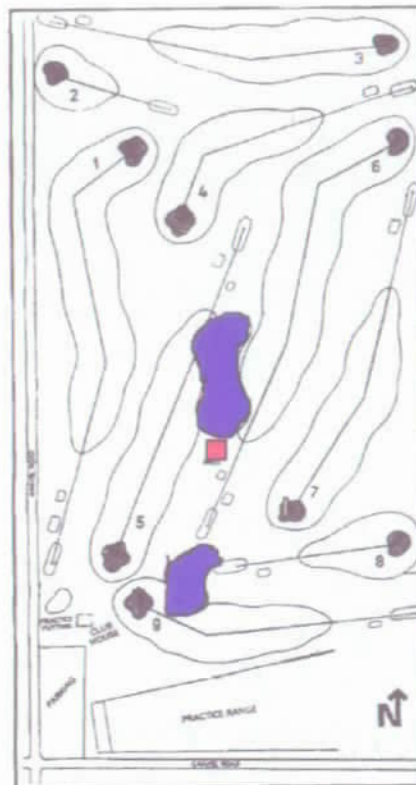
FREEMAN AREA GOLF COURSE ASSOCIATION

The Freeman Area Golf Course Association holds Water Permit No. 5764-3 appropriating 0.39 cubic feet of water per second from runoff into a dugout (31 acre feet of water storage capacity) and one well (Niobrara Formation) to irrigate 27.5 acres of the golf course. Water Permit No. 5764-3 was issued with a qualification that **"Approval of Permit No. 5764-3 does not authorize pumping of ground water into the dugout."**

Qualification No. 4 needs to be modified to accommodate the Association's operation of the irrigation system. The system currently diverts water at a rate of 0.24 cfs from the well to the dugout. Water is then diverted from the dugout to irrigate the golf course. This method of operation is similar to many other golf courses throughout the state. In the qualification's present form, the current diversion from the well to the dugout is not permissible.

Staff recommendation is to amend qualification to read **"Water Permit No. 5764-3 authorizes diversion of water from the well in the amount needed to maintain the water level in the dugouts."**

This proposed qualification corresponds with how the golf association operates their system. No increase in the total permitted diversion rate is authorized by this proposed qualification amendment.





5764-3
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 26, 2018

NOTICE

TO: FREEMAN AREA GOLF COURSE, DOUG McCUNE, PO BOX 610, FREEMAN, SD 57029
0610

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaire(s)

Our records indicate your 2017 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5764-3. The request for the Questionnaire was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5764-3 qualification:

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

The hearing will be held at **Wednesday, March 7, 2018 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5764-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. 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(s) is (are) received in this office before the **March 7, 2018** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

RETURN SERVICE REQUESTED



U.S. POSTAGE & PITNEY BOWES

[illegible]

ZIP 57501
02 4W

\$ 003.92⁰

02 4W

0000350462 JAN 26 2018

RECEIVED

FEB 20 2018

WATER RIGHTS
PROGRAM

FREEMAN AREA GOLF COURSE
DOUG McCUNE

INDEX

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RETURN TO SENDER

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5764-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 22, 2018

NOTICE

TO: Freeman Area Golf Course
Doug McCune
PO Box 610
Freeman SD 57029-0610

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Division

A handwritten signature in black ink, appearing to read "Ron Duvall".

SUBJECT: Unclaimed Certified Mail Concerning Violation of Water Permit No. 5764-3

The attached notice was sent certified mail, return-receipt requested. The post office has returned the certified mail return-receipt requested envelope to our office marked "unclaimed".

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

CERTIFICATION

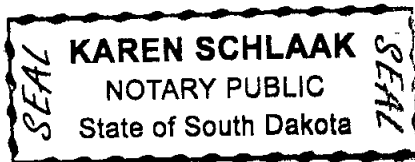
I hereby certify that on February 22, 2018, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated February 22, 2018 regarding Unclaimed Certified Mail addressed as stated on the attached list.

Eric Gronlund
Eric Gronlund
Water Rights Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 22nd day of February, 2018.

Karen Schlaak
Karen Schlaak
Notary Public
My Commission expires April 1, 2019



STUART RICE
2300 SKYLINE RANCH ROAD
RAPID CITY SD 57701

LANE TEKRONY
47840 180TH ST
CLEAR LAKE SD 57226-5405

PRAIRIE GARDENS INC.
TAMARA ROGERS, PRESIDENT
13979 COBB RD
HERMOSA SD 57744-5415

JOHN ANTHONY DERUNGS
11684 INDIAN CANYON RD
EDGEMONT SD 57735

TERRILL WHEELER
16645 416TH AVE
RAYMOND SD 57258

MARK MCCLOUD
33670 183RD ST
HIGHMORE SD 57345

VIOLA KESZLER, OPERATOR
30317 289TH ST
CLEARFIELD SD 57580

BARB & RON CLINE
CLINT & RANDI KRAMBECK
10340 UPPER REDWATER RD
SPEARFISH SD 57783

TROI D ANDERNACHT, OPERATOR
45835 284TH ST
HURLEY SD 57036-6100

PRAIRIE WINDS GOLF CLUB
BRANDON VOSTAD
555 S LAKE DR
WATERTOWN SD 57201

STEVE OLINGER
12241 VALLERY RD
NISLAND SD 57762-7600

FREEMAN AREA GOLF COURSE
DOUG MCCUNE
PO BOX 610
FREEMAN SD 57029-0610



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

March 2, 2018

5764-3

Doug McCune
Freeman Area Golf Course
PO Box 610
Freeman SD 57029 0610

Dear Mr. McCune:

I am writing to acknowledge receipt of your 2017 irrigation questionnaire.

You may disregard the January 26, 2018, "Notice" concerning reporting requirements for Water Right No. 5764-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

On the irrigation questionnaire, a total of 50 acres were reported as being irrigated. Water Right No. 5764-3 authorizes irrigation of only 27.5 acres. If the golf course has expanded to irrigate additional acreage, a new water permit will be required.

Enclosed is a set of application forms and an instruction sheet for making the application for the additional 22.5 acres. I have enclosed a copy of Water Right No. 5764-3 and a map which outlines what is currently covered. We want to help you work through the process so please give us a call if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

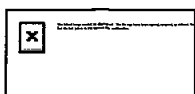
Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures

McMath, Genny

From: Doug McCune <mccuned@puetzcorp.com>
Sent: Sunday, May 13, 2018 6:57 PM
To: McMath, Genny
Subject: [EXT] Freeman Area Golf Course Irrigation

Dear Mrs. McMath, I received your letter referencing the increase in acres irrigation on the Freeman course, (Water Right No. 5764-3) and would like to apologize for any confusion caused. I have not and do not ever plan to expand my area of irrigation. I have a new greenskeeper this year who mistakenly filled in some of the information on the form. I am only irrigating 24 acres total. Once again, I apologize. Thank you.



Doug McCune
Operations Manager

Puetz Corporation
Architecture | Construction | Construction Management
800 North Kimball Street | Mitchell, South
Dakota 57301
Tel (605) 996-2276 | Fax (605) 996-9126

[website](#) | [portfolio](#) | [email](#)



Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

5764-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

October 29, 2019

5764-3

Adam Van Ningen, Finance Officer
City of Freeman
PO Box 178
Freeman SD 57029-0178

Dear Mr. Van Ningen:

I am writing in follow-up to the email communication concerning the ownership change needed for Water Right No. 5764-3.

Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change. Please review and complete as needed. Upon completion, please sign and return the form to our office with a required filing fee of \$50. The check or money order for the fee can be made payable to the Water Rights Program.

I have included a copy of the water right for your records. The entire administrative record for the water right can be found on our website at: <https://denr.sd.gov/des/wr/dbwrsearch.aspx>. Once you get to the website, enter in the water right number (5764-3) and it will bring up a page that allows you to click on the pdf of the file.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Genny McMath". The signature is fluid and cursive, with the first name "Genny" being more prominent.

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

enclosures

PAID

NOV 18 2019

NOTICE OF TRANSFER OF OWNERSHIP

Ck# 102055

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

RECEIVED

NOV 18 2019

WATER RIGHTS
PROGRAM

No. 5764-3

Date: 11/7/19

I/We request that Water Right No. 5764-3

formerly owned by: Freeman Area Golf Course Association

be transferred to: (name & address) City of Freeman

Telephone No. (605) 925-7127

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

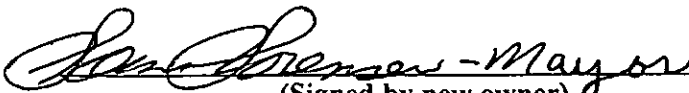
27.5 acres - W 1/2 SW 1/4 Section 2, T98N, R56W

I/We understand that the validity of Water Right No. 5764-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I City of Freeman, the new owner, certify that the above information is true and correct.


(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date November 18, 20 19

RECEIVED OF City of Freeman PO Box 178 Freeman SD 57029

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	50	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 <u>5764-3</u>		
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. **09252**

By Jeanne Goodman
Chief Engineer
JH



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

November 19, 2019

5764-3

Sam Sorensen, Mayor
City of Freeman
PO Box 178
Freeman SD 57029

Dear Mayor Sorensen:

I am writing to acknowledge receipt of the transfer form and filing fee submitted to change ownership on Water Right No. 5764-3.

The ownership change has been completed. Water Right No. 5764-3 formerly held by the Freeman Area Golf Course Association is now listed under the City of Freeman.

Enclosed for your records is Receipt No. 09252 in the amount of \$50. If I can answer any questions for you, please let me know.

Sincerely,

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

enclosure

5764-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

January 22, 2021

NOTICE

TO: CITY OF FREEMAN, SAM SORENSEN, MAYOR, PO BOX 178, FREEMAN, SD 57029
0178

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaire(s)

Our records indicate your 2020 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5764-3. The request for the Questionnaire was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5764-3 qualification:

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

The hearing will be held at **Wednesday, March 3, 2021 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5764-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. 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(s) is (are) received in this office before the **March 3, 2021** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: IKCWOQ**

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

5764-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

February 17, 2021

5764-3

Mike Walter, Mayor
City of Freeman
PO Box 178
Freeman SD 57029-0178

Dear Mayor Walter:

I am writing to acknowledge receipt of the 2020 irrigation questionnaire pertaining to the golf course for the city of Freeman. Cody Fransen completed the questionnaire online this week.

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for Water Right No. 5764-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in blue ink that reads "Genny McMath". The signature is fluid and cursive.

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 8, 2022

Duane Walters, Public Works Director
City of Freeman
PO Box 178
Freeman SD 57029-0178

Dear Mr. Walters:

Last September the Water Rights Program received a complaint that two domestic wells were being adversely impacted by irrigation pumping. These wells are located southwest of Freeman in Hutchinson County. The water source for the domestic wells and area irrigators is the Niobrara aquifer.

Our understanding is the city of Freeman is supplied water from B-Y Rural Water and the city's Niobrara wells are maintained for standby purposes. Nonetheless, I want to make the city aware of this issue involving the aquifer the city has water rights.

At that time, the Water Rights Program contacted several irrigators who willingly cooperated to shut off their irrigation system for a week in an effort to assess whether that provided relief for the domestic well owners. Timely rains and the end of the irrigation season meant many irrigation systems were not operated again.

As we approach another irrigation season, I want to make you aware of water rights law regarding impairment of adequate domestic wells and steps being taken to monitor the aquifer in your area.

Water Rights law states that the use of water for domestic purposes is the highest use of water and takes precedence over all appropriative rights. As such, water rights from groundwater, including yours, are issued with the following qualification.

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

The Water Management Board in prior rulings has stated that if pumping from a water source appropriated by a water right/permit results in adverse impairment of adequate domestic wells or adequate wells having prior rights, reduction of withdrawals or mitigation may be necessary. The Board has found that state law in giving preference to domestic use over appropriative rights does so without regard to 1) whether lowered

ground water levels are due to drought, 2) the location of the domestic wells in the aquifer, or 3) the thickness of the water bearing material; subject to compliance with the minimum requirements for an adequate well as defined by the South Dakota well construction standards.

Based on the well completion reports, the two domestic wells in question meet the adequate well definition. Therefore, if water levels decline in the Niobrara aquifer such that the domestic wells cannot attain their needed water supply, appropriative water right holders may need to limit or cease their withdrawals.

To monitor the Niobrara aquifer's water levels in this area, the Water Rights Program is working in conjunction with the South Dakota Geological Survey to drill additional observation wells into the Niobrara aquifer in your area. Once in place, these observation wells will provide water level readings on how the aquifer fluctuates in response to pumping and climatic conditions.

While I am unable to predict the precipitation this upcoming year, we are currently dry in South Dakota. Therefore, I am reaching out to make you aware of this potential situation if the drought continues and the steps being taken to monitor the aquifer.

Please feel free to contact me if you have questions.

Sincerely,



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



DEPARTMENT of AGRICULTURE and NATURAL RESOURCES

JOE FOSS BUILDING
523 E. CAPITOL AVE
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May 2, 2024

5764-3

City of Freeman
c/o Mike Walter
PO Box 178
Freeman SD 57029

Dear Mr. Freeman:

I am writing in regard to Water Right No. 5764-3. The water right authorizes diversion 0.24 cfs (approx. 107 gpm) of water from runoff into a dugout, as well as one well completed into the Niobrara Aquifer, for the irrigation of 27.5 acres in the W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 2, T98N-R56W, Hutchinson County.

In reviewing your 2023 irrigation questionnaire, we have found discrepancies in the amount of water used and have some concerns. Enclosed is a copy of your questionnaire for reference purposes.

Water Right No. 5764-3 allows you to use up to 2 acre-feet (ac-ft) (24 inches) of water, per acre, per year. On the questionnaire you reported substantially more water use. The following information is what was reported and what is authorized:

- 27.5 acres irrigated
- Reported water use – 71.4 ac-ft of water (approximately 31 inches)
- Authorized water use – 55 acre-feet (27.5 acres x 2 ac-ft per year)

We realize that water use depends greatly on climactic conditions and may vary year to year. However, it is very rare that irrigators come close to the 24 inches per acre that is authorized. Typical water use is between 8 and 12 inches per acre. The information we receive each year from irrigators across the state is very valuable. The water use data supplied by irrigators is one of the tools we use to help determine whether an aquifer or stream is nearing full appropriation.

If you do in fact apply as much water as claimed on your questionnaire, you are exceeding the limits of your water right and will have to reduce your discharge to stay within the authorized limit. If you simply estimated your water use, we ask that you please ensure the information reported is as accurate as possible. As stated before, the information you provide to us is very valuable. If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

NOTE: Water Right No. 5764-3 authorizes a diversion rate of 0.24 cfs (approx. 107 gallons per minute) from the well and 0.39 cfs (approx. 175 gpm) from the dugout. The 2023 irrigation questionnaire you submitted lists a pump rate of 400 gpm. A new permit would be required to increase the rates of diversion from 0.24 & 0.39 cfs to 1.12 cfs.

enclosure