

WATER PERMIT NO. 5853-3

Phone: 605 267-4426

Name of Applicant: Gary J. Freeburg

Post Office Address: Box 188, Gayville SD 57031

Amount of Water Claimed: 2.50 cfs Total Acres: 266.6

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation County: Clay

Location: 6 miles northwest of Vermillion

PRIORITY Date Received: 2-6-95 Fee: \$300.00

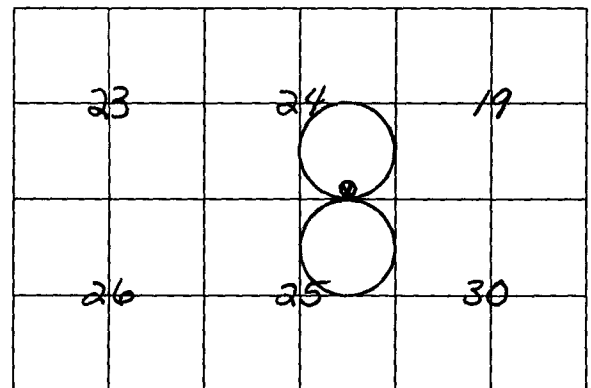
Corrected Application Received: 2-23-95 Period of Annual Use: Apr 1 - Oct 1

Remarks: Upon approval of this application Water Right No. 475-3 and Water Permit
No. 4689-3 can be cancelled.

Diversion Point: S 1/2 SE 1/4 Sec 24-T93N-R53W

Land to be Irrigated: SE 1/4 Sec 24 and

NE 1/4 Sec 25; all in T93N-R53W



Well Log: Driller: Verley Drilling Licensed: YES ☐ NO ☐

Depth of Well: 90 feet REMARKS: _____

Type of Map: aerial Prepared By: Lanney Nelson, CFSA Reviewed and the Number

Assigned on: 2-23-95 By: Karen Schlaak

**SOUTH DAKOTA
WATER PERMIT NO. 5853-3**

Date of first receipt of application February 6, 1995.

Date of return to applicant for corrections, amendments or changes February 15, 1995.

Date of receipt of corrected application February 23, 1995.

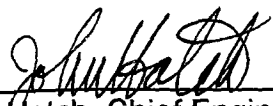
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5853-3 to Gary J Freeburg, Box 188, Gayville SD 57031 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5853-3 appropriates 2.50 cubic feet of water per second from one existing well (Missouri:Elk Point Aquifer) 90 feet deep located in the S 1/2 SE 1/4 Section 24 to irrigate 266.6 acres located in the SE 1/4 Section 24 and the NE 1/4 Section 25; all in T93N-R53W.
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 1.
3. The date from which applicant may claim right is February 6, 1995.
4. The date of approval of Permit No. 5853-3 is April 24, 1995.
5. One-fifth of the construction is to be completed on or before October 24, 1997.
6. All construction is to be completed on or before April 24, 2000.
7. Water is to be put to beneficial use on or before April 24, 2004.
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.

WATER MANAGEMENT BOARD

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

SEP 5 1995

date

(See instructions)

No. 5853-3 Hydrologic Unit 10170102
Basin Vermillion River
Newspaper Plain Talk, Box 256, Vermillion

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

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

1. Name of Applicant GARY J. FREEBURG Phone No. 605-267-4426
Post Office Address Box 188 Gayville S.D. State SO. DAK. Zip Code 57031
(Street, RR or Box) (City)

2. Amount of water claimed (c.f.s) 2.50 Total acres irrigated 266.6
3. Source of Water supply WELL Missouri River Sand + Gravel aquifer
4. Location of point of diversion 24-93-53 (S 1/2 SE 1/4)

County CLAY
5. Counties where water will be used CLAY
6. Annual period during which water is to be used APRIL 1 to Oct 1

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

Sec. 24-T93N-R53W

Sec. 25-T93N-R53W

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
SE 1/4 NE 1/4	33.325	NE 1/4 T93 R53	33.325
NE 1/4 SE 1/4	33.325	120 to Acre	33.325
SE 1/4 SE 1/4	33.325		33.325
SW 1/4 SE 1/4	33.325		33.325

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: X Gun: _____ Other: _____
9. Crops to be Irrigated: ALFALFA, CORN, SOYBEANS

10. Give a description of proposed project. (Attach sheet if more space is needed)

Sec. 24 TOWNSHIP 93 RANGE 53
SE 1/4 EXC S 250' of E 200'
Sec 25 TOWNSHIP 93. RANGE 53
NE 1/4

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

STATE OF SOUTH DAKOTA)
County of YANKTON ss

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

Signed Gary J. Freeburg
Subscribed and sworn to before me this 24 day of January 1995
Shirley Kaufman
Notary Public

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 20" Depth 90'
- b) Casing Type TRANSITE Diameter 16" Thickness 1 1/2"
- c) Screen Type TRANSITE Diameter 16" Thickness 1 1/2"
- d) Gravel Pack Thickness 2" Length of Gravel Pack 90'
- e) Depth to Top of Water Bearing Material 20'
- f) Depth to Water (ground surface to water level) 15'
- g) Distance to nearest existing domestic well:
On applicants property 1/2 mile On property owned by others _____

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 _____

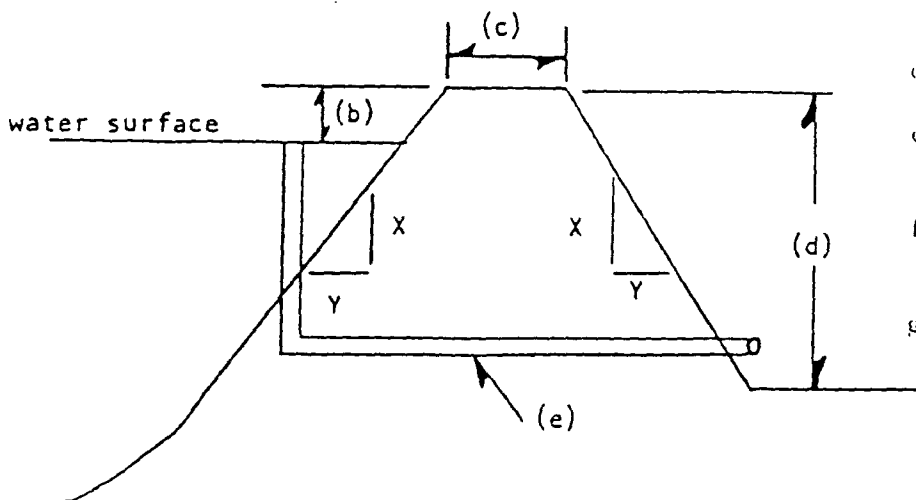
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant _____

RECEIPT

414417

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ February 23, 19 95

RECEIVED OF Gary Freeburg, Box 188, Gayville, SD 57031

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

Fee for Application for Permit No. <u>5853-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	300	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 _____		

(Any Other Work Provided by Law)	Total	300 00

By John Hatch
Chief Engineer

TOWNSHIP 93 North

RANGE 53 West

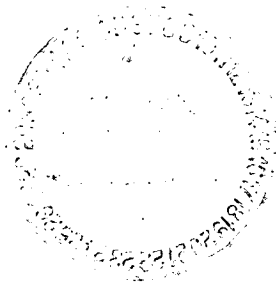
24
1

Well

Larry Nelson - County Executive Director
Clay County CFSA
Vermillion, S. D. 57069

Feb 3, 1995

N.



5853-3

1234567891011
FEB 1995
DIVISION OF
WATER RIGHTS
Poudre, SD

1234567891011
FEB 1995
DIVISION OF
WATER RIGHTS
Poudre, SD

NOT TO SCALE

93-53

T-1699
(1953)
141.6

82R

T-1382
(2285)
78.0

T-1807
(2469)
75.0

T-1723
(1444)
140

T-699
(1953)
51

T-744
(513)
33.3

T-744
(513)
112.2

24

T-1808
(2469)
77.8

T-1808
(2469)
74.5

T-1808
(2469)
74.5

Sec 24 + Sec 25



WELL

1383
(1518)
SEE
83R

800

T-1807
(2367)

130.0

NW

6.0

T-730
(1443)
29.1

T-854
(1683)
34.6

T-711
(1492)
76.9

T-725
(1415)
149.5

93-53

83R

T-745
(1521)

This log was in file
w/ 4689-3

NOTICE OF WELL CONSTRUCTION

(1) WELL CONSTRUCTION

Location of well: 1/4 1/4 Section 24 Township 93N Range 53W
Well owner Willow Creek Meekling SD
Date well drilling completed _____ Purpose of well Domestic
(Domestic, irrigation, municipal, industrial, other)

WELL LOG

Layers, top to top in feet	Description of layer	Depth to top of water producing aquifer _____ ft
<u>0-8</u>	<u>Black Sil</u>	Depth to static water level _____ ft
<u>8-36</u>	<u>Blue Clay</u>	Non-flowing aquifer (if known) _____
<u>36-101'</u>	<u>Sand & Gravel</u>	Total depth of drill hole _____ ft
		Depth to bottom of casing _____ ft
		Casing information in the space below show kind, size, weight, length per diameter, etc., for production casing and surface casing, if used.
		Screen information in the space below show length of screen below bottom of casing, diameter and kind of screen or casing perforations.
		If a flowing well, flow of completed well _____ g.p.m.

Attach sheet if more space is needed.

D.A. Verley Drilling
Name of Drilling Contractor

(2) PUMP INSTALLATION

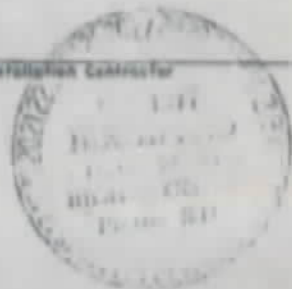
Company name and size of pump _____ HP
Type of pump _____ Capacity of installed pump _____ G.P.M.
Depth of pump placement _____ ft. Date of pump installation _____

(3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required. See Section 46.40B of Chapter 47 6, MINIMUM WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed _____ ft. tube diameter _____
material _____

Name of Pump Installation Contractor



Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Gary Freeburg

ADDRESS: COUNTY:

DATE: February 14, 1995 TELEPHONE:

RE: Mr. Freeburg called regarding his water permit application

COMMENTS:

Mr. Freeburg called regarding the status of his water permit application. I stated that we were just sending him a letter to him regarding his application. I proceeded to go over the letter with him. See copy of letter from Karen Schlaak dated February 15, 1995 (actually got sent February 14, 1994).

Mr. Freeburg^{stated} that he has leased the land since 1991 with a contract for deed on the land. He said since 1991 there has been no irrigation under 475-3 or 4689-3. I explained SDCL 46-5-37.1 to Mr. Freeburg and stated that based on our conversation that Nos. 475-3 and 4689-3 are subject to cancellation based on abandonment and forfeiture. He agreed and said that is why he applied for the new water permit. He stated he just wanted to make sure things were done right I stated that we would schedule Nos. 475-3 and 4689-3 for cancellation. I told him we would sent notice of cancellation to the Tiahrt's and to himself. He said that would be fine.

I went on to explain what additional information was necessary for him to complete his new water permit application.

1. He agreed that the annual period of water use is March 1 through November 1.
2. He will breakdown the 266.6 acre to the 40 acres parcel.
3. He will outline the acres to be irrigated and the location of the well on the ASCS aerial photo copy.
4. This is an existing well that he did not have a well log on. I told him that we can check our microfiche for and/or the files for Nos. 475-3 and 4689-3 to see if we can find a well completion report. I asked him if Form 2A was accurate and he said that the Form 2A was complete and the information was based on information he received from a well driller how can out to look at the well last summer/fall.
5. He was going to send in the \$300 application filing fee.

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

NAME: Eric S. Thompson



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 15, 1995

Gary J Freeburg
Box 188
Gayville SD 57031

Dear Mr. Freeburg:

I am writing in regard to your water permit application received on February 6, 1995. A portion of the land you are proposing to irrigate is covered under Water Right No. 475-3 and Water Permit No. 4689-3 held by Marcine and Wilbur Tiahrt (No. 475-3 describes the SE 1/4 and E 1/2 NE 1/4 Section 24, T93N, R53W, W 1/2 SW 1/4 Section 19, T93N, R52W; and No. 4689-3 describes the NE 1/4 Section 25, T93N, R53W). It is our understanding from reviewing the files that you were leasing the land from Tiahrts' with an option to buy.

Over the past years there had been some discussion of the status of Water Right No. 475-3 and Water Permit No. 4689-3. Our records show that the 1992 irrigation questionnaires you returned (as leasor of the property) stated there was no longer an irrigation system on the land. Further review of the questionnaires found that Mr. Tiahrt reported irrigation in 1990. Under SD Water Law, unless legal excuse exists, water must be put to beneficial use at least once every three years for a water permit or right to remain valid.

In order to determine the status of No. 475-3 and No. 4689-3 and to assist you in processing your application, we need to know the following:

1. Do you now own the above described land? *CONTRACT for Deed.*
2. May we assume that since you have filed a new application for irrigation of the land, that all former water permits or rights have been abandoned and may be scheduled for cancellation. *Yes*

After the above has been clarified we can proceed with the new water permit application. The following information needs to be submitted.

1. On Item No. 6 of the application, please indicate the annual period of use, such as March 1 thru November 1.
2. On Item No. 7, please break down the number of acres you will be irrigating in each quarter-quarter. This information needs to correspond with the area outlined on the aerial photo and the total acres irrigated (application indicates 266.6 acres).
3. Enclosed is the aerial photo submitted with the application. On the aerial photo, please outline all the lands to be irrigated and indicate the location of the well.

February 13, 1995
Gary J Freeburg
Page 2

4. A well log or driller's test log signed by a South Dakota licensed well driller must accompany the application. *Not available.*
5. The filing fee is based on the number of acres irrigated. The filing fee to irrigate 266.6 acres is \$300.00

Upon receipt of the above, further processing of your application will continue.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
605 773-3352

enclosure

REPORT ON WATER PERMIT APPLICATION NO. 5853-3
for Gary J. Freeburg
March 24, 1995

Application No. 5853-3 propose to appropriate 2.50 cfs (1125 gpm) from one existing well approximately 90 feet deep located in the S 1/2 SE 1/4 of section 24 to irrigate 266.6 acres located in the SE 1/4 of section 24 and the NE 1/4 of section 25; all in T93N R53W in Clay County.

AQUIFER - MISSOURI ELK POINT (M-EP)

The Missouri Elk Point is an alluvium mantled glacial outwash (sand and gravel) (Stephens, 1967). The aquifer is mostly under unconfined conditions but in this area is under confined or artesian conditions. The aquifer is areally extensive into Union County to the east and into Yankton County to the west. Also the aquifer is hydraulically connected to the Lower Vermillion Missouri aquifer to the north, the Lower James Missouri to the northwest and the Missouri and Vermillion rivers. The Missouri Elk Point aquifer underlies 74,500 acres and contains an estimated 1.117 million acre feet of recoverable water in storage in Clay County alone (Hedges, 1982).

The Division of Water Rights monitors five observation wells completed into the Missouri Elk Point aquifer in Clay County. One of these wells CL-80A is located about 2 miles north of this application. Water levels for this well show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. In general, the water level record indicates the aquifer is capable of sustaining additional withdrawals (Water Rights, 1995). A hydrograph for CL-80A is included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is one existing water Right No. 3475-3 and one Water Permit No. 5289-3 which have diversion points located about 3/4 mile from this application, southwest and south, respectively. Also, this application amounts to a reinstatement of two original Water Permit/Right Nos. 4689-3 and 475-3. Approval of this application will result in cancellation of the two existing Water Permit/Rights because of nonuse. Interference is not expected to be a concern.

CONCLUSIONS

1. Water is available from the Missouri Elk Point aquifer.
2. Interference is not expected to be a concern. The aquifer although confined at this location behaves more like an unconfined system. This is shown by the observation well data. Significant drawdown is not expected to occur and the

aquifer thickness is more than adequate to yield the amount of water requested.

3. Information is not available to evaluate the construction of the well. This is an existing well and had been in use for many years.
4. Water Permit No. 4689-3 and Water Right No. 475-3 can be cancelled upon approval of this application.


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

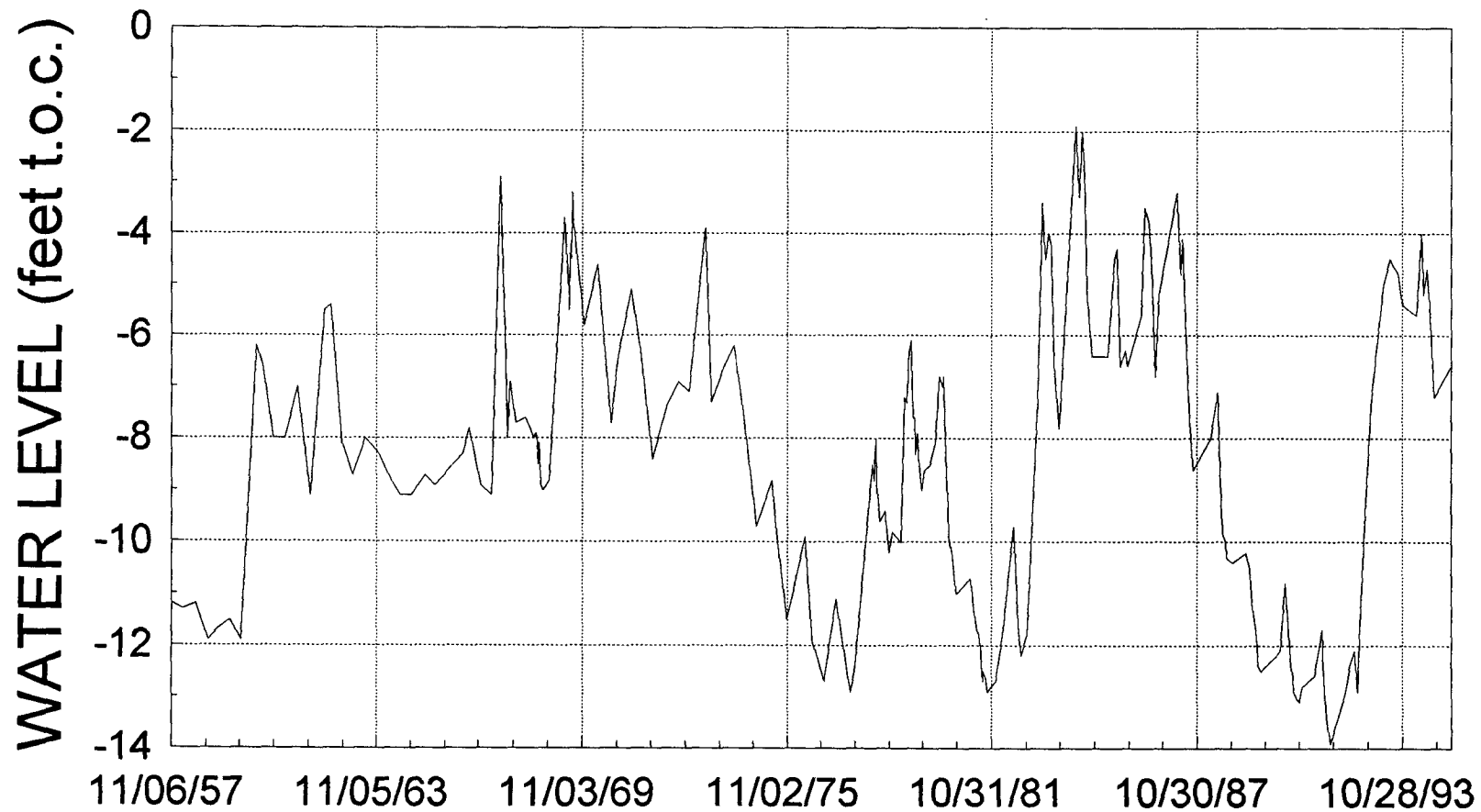
Hedges, L.S., etal, 1982, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Stephens, J.C., 1967, Geology and Hydrology of Clay County South Dakota, Part II - Water Resources, Bulletin 19, SD DENR, SDGS, Vermillion, SD, 57069.

Water Rights, 1995, Unpublished Observation Well Data for Clay County, SD DENR, Division of Water Rights, Pierre, SD, 57501.

WATER RIGHTS OBSERVATION WELL

CL-80A



**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5853-3, Gary Freeburg**

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. 5853-3, Gary Freeburg, Box 188, Gayville, SD 57031.

The Chief Engineer is recommending APPROVAL of Application No. 5853-3 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.

See report on application for additional information.



JOHN HATCH, Chief Engineer
March 29, 1995



**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.

March 30, 1995

Gary J. Freeburg
Box 188
Gayville, SD 57031

Dear Mr. Freeburg:

Water Permit Application No. 5853-3 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 Plain Talk printed at Vermillion, SD (Ph # 605-624-2695). 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
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

March 30, 1995

Plain Talk
Box 256
Vermillion, SD 57069-0256

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5853-3 to be published twice. Please publish the first notice on April 7, 1995, 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 Gary J. Freeburg, Box 188, Gayville, SD 57031 (Ph # 605-267-4426).

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
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 April 7, 1995, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 5853-3 to Appropriate Water

Notice is given that Gary J. Freeburg, Box 188, Gayville, SD 57031 has filed an application for a water permit to appropriate 2.50 cubic feet of water per second from one existing well (Missouri:Elk Point Aquifer) 90 feet deep located in the S 1/2 SE 1/4 Section 24 to irrigate 266.6 acres located in the SE 1/4 Section 24 and the NE 1/4 Section 25; all in T93N-R53W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5853-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights 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 April 24, 1995.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Division address to request copies of information pertaining to this application. Steven M. Pirner, Acting Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County of Clay) ss

I, Michelle Wilson

certify that the attached printed Notice was

taken from the Plain Talk

printed and published in Vermillion

County of Clay and State of

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

April 7, 1995

April 14, 1995

Cost of Printing: 32.60

Michelle Wilson
 (Signature)

Secretary
 (Title)

April 14, 1995
 (Date Signed)



NOTICE OF APPLICATION

NO. 5853-3 to Appropriate Water

Notice is given that Gary J. Freeburg, Box 188, Gayville, SD 57031 has filed an application for a water permit to appropriate 2.50 cubic feet of water per second from one existing well (Missouri: Elk Point Aquifer) 190 feet deep located in the S1/2 SE1/4 Section 24 to irrigate 266.6 acres located in the SE1/4 Section 24 and the NE1/4 Section 25; all in T93N-R53W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5853-3 because (1) unappropriated water is available, (2) existing rights will not be unlawfully impaired, (3) it is a beneficial use of water, and (4) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights 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 April 24, 1995.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Division address to request copies of information pertaining to this application.

Steven M. Pirner,
Acting Secretary, Department of
Environmental and Natural
Resources

Publish: April 7 & 14, 1995



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 5 1995

Gary J. Freeburg
Box 188
Gayville, SD 57031

Dear Mr. Freeburg:

Enclosed is Water Permit No. 5853-3 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.



5853-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 14, 2000

NOTICE

TO: GARY FREEBURG, BOX 188, GAYVILLE, SD 57031

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaire(s)

Our records indicate that the 1999 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5853-3. The request for the Questionnaire was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 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) 5853-3 qualification:

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

The hearing will be held at 1:30 pm, March 1, 2000 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, 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) 5853-3 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 on/or before February 28, 2000, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

GARY FREEBURG
BOX 188
GAYVILLE SD 57031

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

Erica Freeburg

1-75-00

C. Signature

x Erica Freeburg

☐ Agent
☐ Addressee

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number (Copy from service label)

2 227 670 453

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

February 22, 2000

5853-3

Gary Freeburg
Box 188
Gayville, SD 57031

Dear Mr. Freeburg:

I am writing to acknowledge receipt of the information for your 1999 irrigation questionnaire. I completed a form for you based on my telephone conversation with Amy Freeburg. The questionnaire reflects "no" irrigation took place in 1999.

You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Permit No. 5853-3. 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,

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

5853-3



January 16, 2002

NOTICE

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

TO: GARY FREEBURG, BOX 188, GAYVILLE, SD 57031

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaires

Our records indicate that the 2001 Irrigation Questionnaires have not been submitted for Permit Nos. 5853-3, 2584-3. The request for the Questionnaires was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 2584-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 5853-3 qualification:

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

The hearing will be held at 10:00 am, March 13, 2002 in the Visitor Center (west side of Capitol Lake), 650 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) 5853-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2584-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before March 8, 2002, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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.

5853-3

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

GARY FREEBURG
BOX 188
GAYVILLE SD 57031

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

Amy Freeburg

1-17-02

C. Signature

X

Amy Freeburg

☒ Agent☐ AddresseeD. Is delivery address different from item 1? ☒ Yes

If YES, enter delivery address below:

☒ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article

7001 2510 0004 4797 5750

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 1, 2002

2584-3

5853-3

Gary Freeburg
Box 188
Gayville, SD 57031

Dear Mr. Freeburg:

I am writing to acknowledge receipt of your 2001 irrigation questionnaires. You may disregard the January 16, 2002, "Notice" concerning reporting requirements for Water Permit or Right Nos. 2584-3 and 5853-3.

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,

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



January 14, 2004

5853-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE

TO: GARY J FREEBURG, PO BOX 188, GAYVILLE, SD 57031 0188

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaires

Our records indicate that the 2003 Irrigation Questionnaires have not been submitted for Permit Nos. 5853-3 & 5971-3, 2584-3. The request for the Questionnaires was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 2584-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 5853-3 & 5971-3 qualification:

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

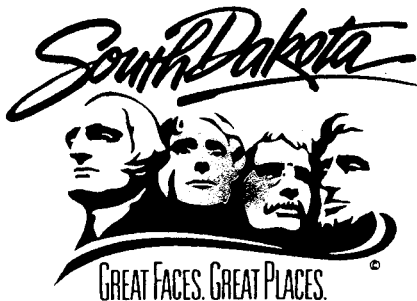
The hearing will be held at 8:30 am, March 3, 2004 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to 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) 5853-3 & 5971-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2584-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before February 27, 2004, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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.



5853-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 17, 2004

2584-3
5853-3
5971-3

Gary & Amy Freeburg
PO Box 188
Gayville SD 57031-0188

Dear Mr. & Mrs. Freeburg:

I am writing to acknowledge receipt of your 2003 irrigation questionnaires. You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Right or Permit Nos. 2584-3, 5853-3 and 5971-3.

The information was received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

Permit No. 5853-3
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, August 24, 2004, made a thorough examination of the water use system constructed by Gary J. Freeburg of PO Box 188, Gayville SD 57031 holder of Permit No. 5853-3, bearing the priority of February 6, 1995 authorizing the diversion of 2.50 cu. ft. per second of the waters of the Missouri:Elk Point Aquifer for irrigation purposes, in Clay County.

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

A. Works used to divert the water:

A 101 feet deep well completed into the Missouri:Elk Point Aquifer. The well is equipped with a 50 HP US Electric High Thrust motor and Western Land Roller pump.

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

An 8" pipeline is in place to convey water from the well to either center pivot pad.

C. Works used to apply water to beneficial use:

A 7 tower Zimmatic low pressure center pivot with end gun.

The system is in the following condition good. The point of diversion is Well is located **approximately 1425 feet west and 75 feet north of the SE corner (SW 1/4 SE 1/4) Section 24, T93N, R53W (Lat/Lon N42.88208 W-097.04718)**. The works are capable of diverting and conveying to the place of use **2.67** cu. ft. per second of water which is to be used for irrigation use. Water has been put to beneficial use to the maximum extent and the license should be issued for 1.90 cfs for irrigation of 133.2 acres on the following land. **All in Section 25, T93N, R53W**

NE 1/4 NE 1/4	33.3 acres	SW 1/4 NE 1/4	33.3 acres
NW 1/4 NE 1/4	33.3 acres	SE 1/4 NE 1/4	33.3 acres

Applicable permit qualifications have been complied with: Yes X

Exceptions to compliance are: diversion exceeds statutory limit Date Report Completed: June 22, 2005



Eric Gronlund
 Natural Resources Engineer
 DENR, Water Rights Program

FIELD INVESTIGATION REPORT FOR PERMIT NO. 5853-3

DATE OF INVESTIGATION:	August 24, 2005
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	
NAME & ADDRESS OF PERMIT HOLDER	Gary J. Freeburg Box 188 Gayville SD 57031
DIVERSION POINT LEGAL LOCATION	approximately 1425 feet west and 75 feet north of the SE corner (SW 1/4 SE 1/4) Section 24, T93N, R53W (Lat/Lon N42.88208 W- 097.04718)

Other permit(s) associated with the project:

WELL INFORMATION:

- 1) Well Drilling Firm: DA Verley Drilling
- 2) No. of Wells 1
- 3) Depth(s) 101 feet
- 4) Well log is available Yes
- 5) Comment: I believe this well was originally drilled for Wilbur Tiahart

Pump:

- 1) Make Wester Land Roller
- 2) Model
- 3) Size
- 4) Capacity 1200 GPM

Casing:

- 1) Diameter 12 (estimate) inches
- 2) Length 72 feet
- 3) Type steel

Screen:

- 1) Type unknown
- 2) Length presume 32 feet
- 3) Static water level unknown feet

Motor:

- 1) Make US Electric High Thrust
- 2) Model No. Frame 326 TP Type RU
- 3) Horsepower rating 50 hp

SYSTEM TYPE:**Center pivot:**

- 1) Make Zimmatic
- 2) Overall length approx 1320 feet (including end gun)
- 3) Number of towers 7
- 4) Distance between towers approx. 150 feet
- 5) End gun Yes
- 6) High or low pressure Low
- 7) Capacity 1200 GPM (according to Mr. Freeburg)

CHEMIGATION EQUIPMENT:

None

PERMIT QUALIFICATIONS:

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

COMMENTS

The well is capable of producing much greater than the statutory limit for irrigation of 133.3 acres. The water license should be approved for the statutory limit for irrigation of 133.3 acres which is 1.90 cfs. Mr. Freeburg said that he has no intention of irrigating in the SE ¼ of Section 24, therefore, it is not included on the water license.

Water Permit No. 5853-3, Gary J. Freeburg



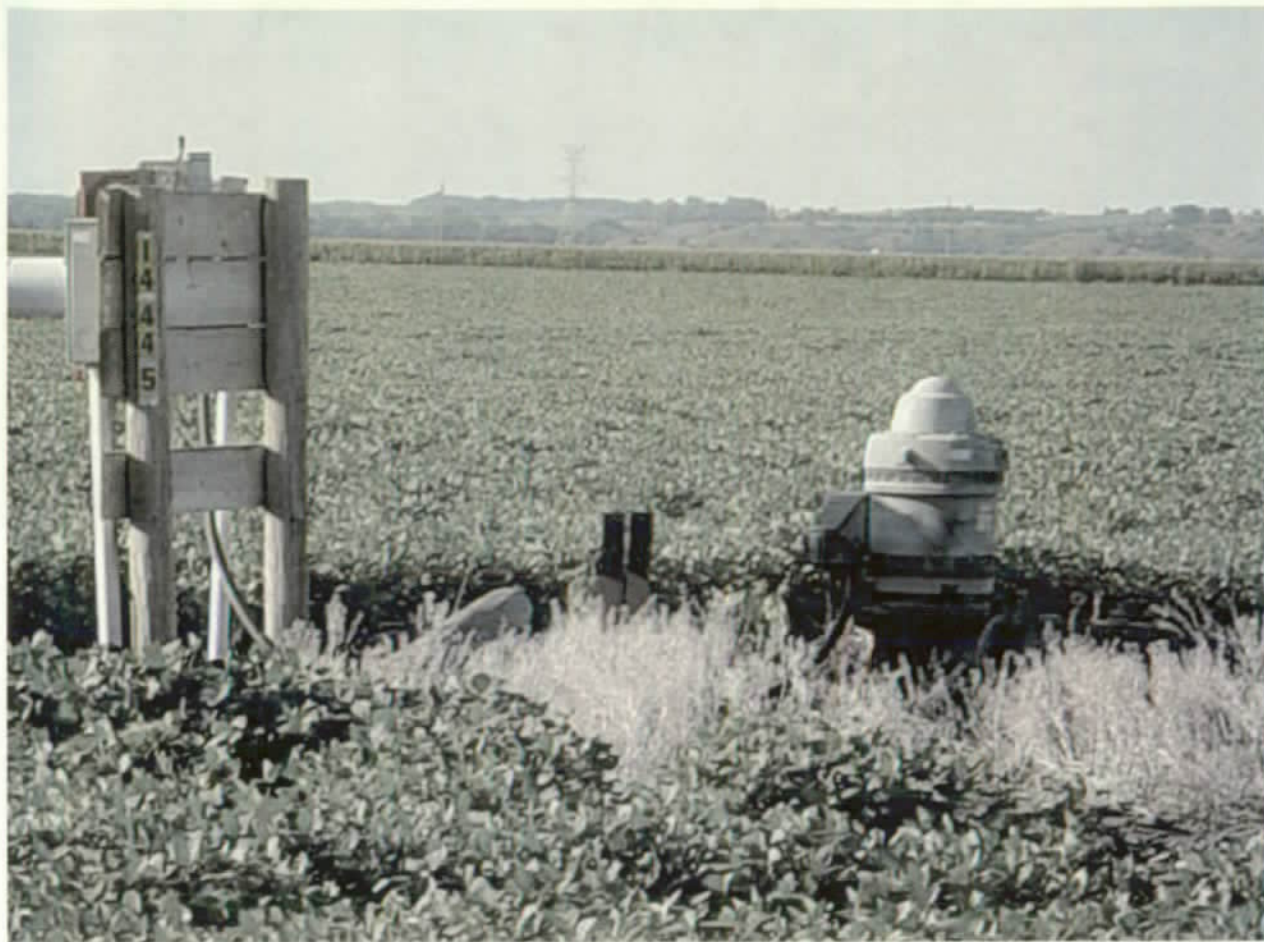
2,000 1,000 0 2,000 Feet



Well location is approximately 1,425 feet west and 75 feet north of the SE corner of
Section 24, T93N, R53W
Lat/Lon - N42.88208 W 097.04718



Eric Gronlund
Eric Gronlund
Water Rights Program, DENR
License Investigation - August 24, 2004



Picture of the well authorized by Water Permit No. 5853-3, Gary Freeburg

No. 5853-3

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit No. 5853-3. Gary J. Freeburg

ADDRESS: Box 188, Gayville COUNTY: Clay

DATE: June 24, 2005 TELEPHONE: 267-4426

RE: Questions on the level of development of Permit No. 5853-3

COMMENTS:

I contacted Mr. Freeburg to discuss Permit No. 5853-3. I conducted a licensing investigation of the permit on August 24, 2004. The permit appropriates 2.5 cfs from one well to irrigate 266.6 acres. Essentially two quarters of land were authorized from the well. When I tried contacting him to line up a licensing investigation his son told me they have a towable pivot that is permanently installed on the NE ¼ Section 25, T93N, R53W.

I contacted Mr. Freeburg to verify what was actually developed. Mr. Freeburg stated the pivot was permanently stationed in the NE ¼ of Section 25. He has no intention of irrigating in the SE ¼ of Section 24.

I then asked about the diversion rate the well is capable of producing. He stated the well produces 1,200 gpm (2.67 cfs). He is very pleased with the well and said it easily produces at 1,200 gpm.

This quantity greatly exceeds the statutory limit allowed for irrigating a quarter section. I will recommend on my licensing investigation write-up that the license be issued based on the statutory limit for irrigating 133.33 acres.

NAME: 



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 28, 2005

5853-3

Gary J Freeburg
PO Box 188
Gayville SD 57031

Dear Mr. Freeburg:

On August 24, 2004 the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 5853-3, was completed by Eric Gronlund, a staff engineer with our program. Your final water right document, the water license, can now be issued.

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

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

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

Sincerely,

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date August 1, 20 05

RECEIVED OF Gary R. Ludwig, Box 100, Gayville SD 57031

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. <u>8458-2</u>		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50.00	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50.00

No.

00-210

By

Darlene Erickson
Chief Engineer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5853-3

(1) Gary J Freeburg, PO Box 188, Gayville SD 57031 made Application No. 5853-3, February 6, 1995 for a water permit to divert 2.50 cubic feet of water per second from ground water (one well – Missouri Elk Point Aquifer), Clay County, South Dakota for irrigation purposes. Permit No. 5853-3, with a priority date of February 6, 1995 was approved April 24, 1995 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before April 24, 2000 and for the application to beneficial use of water on or before April 24, 2004.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, Gary J Freeburg, PO Box 188, Gayville SD 57031 the holder and/or owner of Water Right No. 5853-3 is issued a license, bearing a priority date of February 6, 1995 to appropriate 1.90 cubic feet of water per second from ground water (one well – Missouri Elk Point Aquifer) to irrigate 133.2 acres.

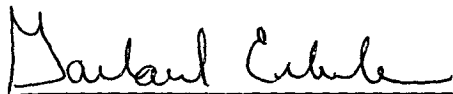
The diversion point is located: 1,425 feet west and 75 feet north of the SE corner of Section 24, T93N, R53W (SW ¼ SE ¼).

The acres authorized for irrigation are as follows:

Section 25, T93N, R53W	
NE ¼ NE ¼	33.3 acres
NW ¼ NE ¼	33.3 acres
SW ¼ NE ¼	33.3 acres
SE ¼ NE ¼	<u>33.3 acres</u>
	133.2 acres

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 5853-3 including the following qualifications:

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



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

AUG 08 2005

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 08 2005

5853-3

Gary J Freeburg
PO Box 188
Gayville SD 57031

Dear Mr. Freeburg:

Enclosed is Water License No. 5853-3. This is the final water right document completing your process of obtaining a Water Right. Also enclosed is Receipt No. 001910 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License and a map prepared by the staff engineer who conducted the field investigation.

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. 5853-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

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

enclosures

5853-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

JUN 20 2012

5853-3
6646-3

Gary & Amy Freeburg
PO Box 188
Gayville SD 57031

Dear Mr. & Mrs. Freeburg:

Enclosed is your Water License No. 6646-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 6646-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

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

enclosures

The applicable portions of Water Right No. 5853-3 have been incorporated into Water License No. 6646-3.