

WATER PERMIT NO. 5971-3

Name of Applicant: Robert Koletzky

Address: Box 589, Yankton SD 57078

Phone: 605 665-3877

Amount of Water Claimed: ~~0.65 cfs~~ No add'l Total Acres: 46 add'l acres

Source of Water Supply: groundwater

Water to be used for: irrigation County: Yankton

Type of Waste Disposal System: NA

Location: 8 miles northeast of Yankton

PRIORITY Date Received: 12-19-96

Fee: \$150.00

Corrected Application Received: 12-26-96

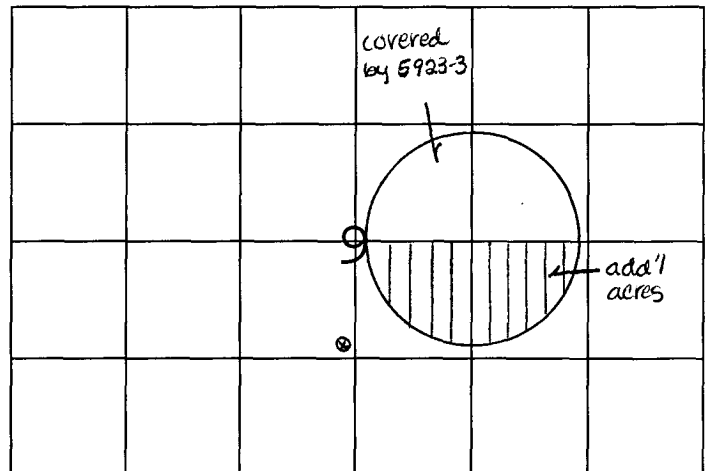
Period of Annual Use: June 1 - September 30

Remarks: Increases the number of acres authorized by Water Permit No. 5923-3

Diversion Point: NW 1/4 SE 1/4

Sec 9-T94N-R54W

Land to be Irrigated: N 1/2 SE 1/4 Sec 9-
T94N-R54W



Depth of Well: 122 feet deep

Well Driller: Wetmore Drilling

Remarks:

Type of Map: aerial

Prepared by: Valeria A. Scheusdtligt

Reviewed and the Number Assigned on: 12-30-96

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)
	No. <u>5971-3</u> Hydrologic Unit <u>10170102</u>
	Basin <u>Vermillion River</u>
	Newspaper <u>Daily Press & Dakotan, Yankton, SD</u>



Application For Permit To Appropriate Water For Irrigation

Type of Application: New Vested Right X Amendment/Correction to Permit No. 5923-3
(check one) (Use predates Mar 2, 1955)

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

Purchased joining 804 pivot can now make a 360° circle
Box 589

1. Name of Applicant Robert Kalitzky ☒ Owner ☐ Tenant/Lessee Phone 605 665 3872 Dayton
Mailing Address Box 589 Yankton State S.D. 57078
(Street, RR, or Box) (Zip Code)
2. Amount of water claimed 0.66 *CFS or 300 **GPM ***AF Total Acreage 46.00
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout if applicable
3. Source of water supply Existing well on adjacent 100 A
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 1 well in
Sec 9 - 9454 Union Township
(NW1/4 SE1/4) County Yankton
5. County or counties where water will be used Yankton
6. Annual period during which water is to be used June 1 thru Sept 30
April
7. List below each forty acre division, 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
~~NE 1/4 of SE 1/4~~	~~40~~	NW 1/4 SE 1/4 Sec. 9 - T94N-R54W	13
~~SE 1/4 of S 1/4~~	~~40~~	NE 1/4 SE 1/4	33
~~SW 1/4 of S 1/4~~	~~40~~		
~~NW 1/4 of SE 1/4~~	~~40~~		

8. Give a description of the project. (Attach sheet if more space is needed)

Can now make a 360° circle by buying the SE 1/2 of SE 1/4

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

STATE OF SOUTH DAKOTA)

ss

County of Yankton)

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

Signed

Robert Kalitzky

Subscribed and sworn to before me this 23rd day of December 19 96

Phyllis Schwardt
Notary Public



Supplemental Information

(type or print in ink)



1. Well Information - Proposed Construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well: _____

On applicants property _____ On property owned by others _____

Using Existing Well Located in NW 1/4 SE 1/4 Sec 9 94-54

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ c) Year Constructed _____
- d) Connected to the City of _____ Sanitary System.

3. Dugout Information

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

4. 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.

- 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

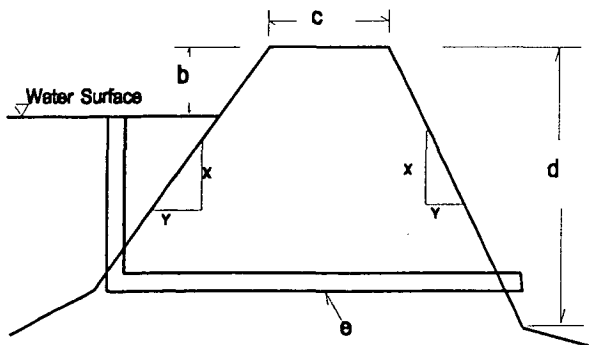
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



**SOUTH DAKOTA
WATER PERMIT NO. 5971-3**

Date of first receipt of application December 19, 1996.

Date of return to applicant for corrections, amendments or changes December 20, 1996.

Date of receipt of corrected application December 26, 1996.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5971-3 to Robert Koletzky, Box 589, Yankton SD 57078 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. 5971-3 authorizes irrigation of 46 additional acres. Water Right No. 5367-3 and Water Permit No. 5923-3, combined, appropriate 3.02 cubic feet of water per second (cfs) from one existing well (Lower James-Missouri Aquifer) 122 feet deep located in the NW 1/4 SE 1/4 Section 9 to irrigate 212 acres located in portions of the S 1/2 NE 1/4, E 1/2 SW 1/4 and W 1/2 SE 1/4 of Section 9; all in T94N-R54W. This permit authorizes irrigation of an additional 46 acres located in the N 1/2 SE 1/4 Section 9; all in T94N-R54W.
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 - September 30.
3. The date from which applicant may claim right is December 19, 1996.
4. The date of approval of Permit No. 5971-3 is March 17, 1997.
5. One-fifth of the construction is to be completed on or before September 17, 1999.
6. All construction is to be completed on or before March 17, 2002.
7. Water is to be put to beneficial use on or before March 17, 2006.
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. Water Right No. 5367-3 and Water Permit Nos. 5923-3 and 5971-3, combined, authorize a maximum diversion rate of 1.88 cfs.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

MAR 26 1997

date



SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location C $\frac{1}{4}$ 342 $\frac{1}{4}$ Sec 9 Twp 94 Rg 54
County YA North

Please mark well location with an "X"

Well Completion Date 5-14-90

Well Owner: Robert Koletzky
Business Name: _____
Address: Yankton, SD

WELL LOG:	DEPTH	
	FROM	TO
<u>Top Soil</u>	<u>0</u>	<u>3</u>
<u>Clay</u>	<u>3</u>	<u>59</u>
<u>Sand</u>	<u>59</u>	<u>76</u>
<u>Gravel</u>	<u>76</u>	<u>122</u>

LOCATION:
Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? _____ ft. from _____ (identify source).

PROPOSED USE:
☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING: Rotary

CASING DATA: ☐ Steel ☒ Plastic ☐ Other
If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>1/2 wall</u> LB/FT	<u>16</u> IN	<u>0</u> FT	<u>122</u> FT	<u>24</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Cmt</u>	<u>21</u>	<u>15.5</u> lb./gal	_____ ft.	_____ ft.
_____	_____	_____ lb./gal	_____ ft.	_____ ft.

Describe grouting procedure pumped w/ tremie

SCREEN: ☐ Perforated pipe ☒ Manufactured
Diameter 16 IN Length 40 FEET
Material RVC
Slot Size 100 Set From 82 Feet to 122 Feet
Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO
If so, what material? _____
Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?
☒ YES, How: Cl 20ppm
☒ NO, Why Not? _____
 Laboratory sent to for water quality analysis _____

STATIC WATER LEVEL 24 Feet
If flowing: closed in pressure _____ PSI
GPM flow _____ through _____ inch pipe
Controlled by ☐ Valve ☐ Reducers ☐ Other _____
Reduced Flowrate _____ GPM
Can well be completely shut in? _____

WELL TEST DATA:
☒ Pumped Describe: line shaft turbine
☐ Bailed
☐ Other
 Pumping Level Below Land Surface
41 ft. After 2 Hrs. pumped 1100 GPM
 _____ ft. After _____ Hrs. pumped _____ GPM
 If pump installed, pump rate _____ GPM

REMARKS

This well was drilled under license # 341
And this report is true and accurate.
Drilling firm Wetmore Drilling
Signature of License Representative: James Wetmore by [Signature]
Signature of Well Owner or Equitable Property Holder: [Signature]
Date: 4-10-97

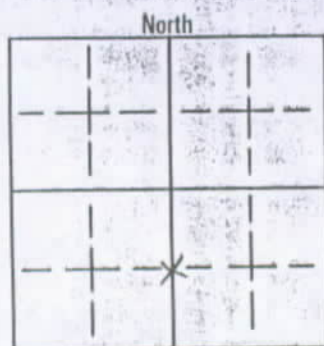


4-15-97

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

SW 1/4 W 1/2 SE 1/4 Twp 94N Rg 54W



on Date 5-14-90

SE:

☐ Municipal
☐ Industrial

☐ Test Holes
☐ Stock

illing:

Rotary

☒ Plastic

☐ Other

ibe

DIAMETER	FROM	TO	HOLE DIAMETER
16 IN	0 FT	122 FT	24 IN
16 IN	FT	FT	IN
16 IN	FT	FT	IN
16 IN	FT	FT	IN

grouted? ☒ YES ☐ NO

depth? 20' FEET

ting material? cement

umber of sacks? 21

uting procedure pumped tremie pipe

out weight? 15.6 LB/GAL

☐ Perforated pipe ☒ Manufactured

16 IN Length 40 FEET

PVC

00 Set From 82 Feet To 122 Feet

Set From Feet To Feet

Set From Feet To Feet

ation

er or seal used? ☐ YES ☒ NO

aterial?

cker(s) and location?

isinfected upon completion? ☒ YES ☐ NO

chlorine 220 PPM

cal analysis ☐ YES ☒ NO

ent to

Well Owner:

Name ROBERT KULETZKY

Address 2509 BURLINGHAM ST
YANKTON, SD 57078

Well Log:

Depth

Formation

From

To

Top soil	0	3
clay	3	59
fine sand	59	76
coarse sand + gravel	76	122



STATIC WATER LEVEL 24 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☐ Bailed

Describe:

☐ Other

Pumping Level Below Land Surface

41 ft. After 2 Hrs. pumped 1100 GPM

ft. After Hrs. pumped GPM

ft. After Hrs. pumped GPM

REMARKS:

This well was drilled under license # 341

And this report is true and accurate.

Drilling firm Watson Drilling

Signature of License Representative:

James Watson

Signature of Well Owner:

Date 4-4-91



21.0 T1467

50.0

40.0

32.7

L7

2

15.4
T245

TREES

K-1

9

34.6
T5524

40.0
T5523

2 NW
NHSL

1 NW
NHSL

76.0
T5523

3 W
NHSL

24.8

NW
NHSL

71.34

T1469

United
Valley
B-16-91

35.1
T5524

28.5
T5525

1 NW
NHSL

2

1 NW
NHSL

NW
NHSL

78.0

71.4

45-54

59713

An aerial photograph showing a dense, dark, irregularly shaped wooded area. A handwritten label 'TREES' is visible in the upper right portion of the image. A small white marker or object is located near the bottom center of the wooded area. The surrounding terrain appears lighter and less dense.

Seller(s): Arlyss M. Peterson and Phyllis J. Young

Current Mailing Address: 1805 S. Lincoln Ave. Sioux Falls SD 57105
(Street/Box No.) (City) (State) (Zip Code)

Buyer(s): Carole J. Koletszky

Current Mailing Address: 2300 E. Highway 50 Yankton SD 57078
(Street/Box No.) (City) (State) (Zip Code)

Legal Description (Please include the number of acres for unplatted properties):

See Exhibit "A"

Relationship between buyer and seller? Yes _____ No X

Was this property offered on the open market? Yes _____ No X

Was this property sold by owner? _____ agent? X

Actual Consideration Exchanged: \$86,976.00

In the blanks below, list any major items of personal property and their value which were included in the total purchase price (i.e. furniture, inventory, crops, leases, franchises): None

Adjusted price paid for real estate: _____

(Signature of Seller, Buyer or agent of Arlyss M. Peterson)

PT-56—(Rev 3-94) ~~SS~~ BROWN & SAENGER, SIOUX FALLS, SD

Form Required Pursuant to SDCL 7-9-7 (4) & Administrative Rule 64:04:01:06.1

(Date)

Date of Instrument: October 11, 1996

Type of Instrument:

Contract for Deed	<u>X</u>	Mineral Deed	_____
Warranty Deed	_____	Executor's Deed	_____
Quit Claim Deed	_____	Gift	_____
Trustee's Deed	_____	Other (specify)	_____
Administrator's Deed	_____		_____

Type of Buyer Financing

Conventional Bank Loan	_____	Like Kind Exchange	_____
FHA, FmHA, SDHA Loan	_____	Farm Credit Service	_____
Cash Sale	_____		_____

Is this an assumed mortgage? _____

If none of the above - terms of payment - Contract for Deed

Down Payment \$13,046.00

Monthly/Yearly Payment \$10,600.16

Interest Rate _____ Number of Payments Four

Balloon Payment \$54,228.86

EXHIBIT "A"

The East One Half (E 1/2) of the Southeast Quarter (SE 1/4) except Lot A, Section Nine (9), Township Ninety Four (94), Range Fifty Four (54) West of the Fifth P.M., Yankton County, South Dakota.



RECEIPT

Division of Water Rights

415210

South Dakota Department of Environment and Natural Resources

Pierre, _____

December 19, 19 96

RECEIVED OF Robert Koletzky, P.O. Box 589, Yankton, SD 57078

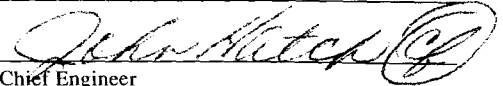
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>5971-3</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. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	150 00

By

Chief Engineer





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 20, 1996

Robert Koletzky
Box 589
Yankton SD 57078

Dear Mr. Koletzky:

Thank you for submitting your *Application for a Permit to Appropriate Water for Irrigation*. We are returning the application because the application needs to be signed by notary public.

Also, enclosed is a copy of the map submitted with the application. On the map, I have identified in red, the land which is covered by Water License No. 5367-3 (W 1/2 SW 1/4, W 1/2 SE 1/4 Sec 9). The land covered by Water Permit No. 5923-3 (S 1/2 NE 1/4 Sec 9) is identified in green. The acreage you recently purchased is outlined in blue.

The application states you want to allow the pivot authorized by Permit No. 5923-3 to operate full circle. If this is the case, the area outlined in yellow would identify the path of the pivot. The area yellow cross hatched will be the additional irrigated acres. We have calculated the additional acres to be 46 acres (13 acres in the NW 1/4 SE 1/4 and 33 acres in the NE 1/4 SE 1/4). Is this a correct assumption? The maximum amount of water that can be claimed for 46 acres is 300 gallons per minute. Are there any plans to irrigate the SE 1/4 SE 1/4 of the Section where there appears to be a farmstead?

If this application is for entire 80 acres in the E 1/2 SE 1/4 (outlined in blue), an additional \$75 filing fee is required.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
605 773-3352

enclosures

*yes to #2
no to last paragraph*



REPORT ON WATER PERMIT APPLICATION NO. 5971-3

for Robert Koletzky

February 3, 1997

Application No. 5971-3 proposes to irrigate 46 additional acres. Water Right No. 5367-3 and Water Permit No. 5923-3, combined, appropriate 3.02 cfs from an existing well approximately 122 feet deep located in the NW 1/4 SE 1/4 of Section 9 to irrigate 212 acres located in the S 1/2 NE 1/4, E 1/2 SW 1/4 and W 1/2 SE 1/4 of Section 9; all in T94N R54W in Yankton County. This application requests to irrigate 46 acres located in the N 1/2 SE 1/4 of Section 9 of T94N R54W. This would enable a center pivot to make a full circle rotation. A portion of the acreage is currently irrigated by a center pivot located in the E 1/2 SW 1/4 and W 1/2 SE 1/4 of Section 9, T94N R54W and authorized by Water Right No. 5367-3.

AQUIFER - LOWER JAMES MISSOURI (LJM)

The Lower James Missouri is a buried glacial outwash (sand and gravel) which is under confined or artesian conditions at this site. The aquifer underlies 92,500 acres and contains an estimated 2.08 million acre feet of recoverable water in storage in Yankton County (Hedges, 1982). The aquifer is hydraulically connected to the Missouri Elk Point to the south, the Lower Vermillion Missouri aquifer to the east, Lower James Missouri Scotland aquifer to the west and also extends into Hutchinson County to the north. Also the James River is hydraulically connected to the aquifer throughout Yankton County and the northern area the aquifer discharges to the James River (Bugliosi, 1986). The driller's log filed with the application indicates clay from 3-69 feet, fine sand from 69- 76 feet and coarse sand and gravel from 76-122, all in feet below land surface. The well reportedly was capable of producing 1100 gpm with a drawdown of 17 feet. This equates to a specific capacity of 64.7 gpm/ft of drawdown.

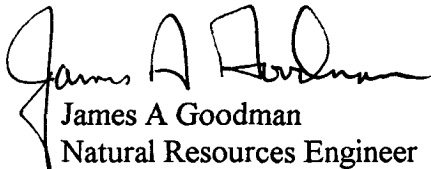
The Water Rights Program monitors an observation well YA-78F which is located within one half mile of this application which is completed into the Lower James Missouri aquifer. Water levels for this well show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1997). A hydrograph for this well is included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are three existing irrigation wells within a one mile radius of this application. Interference is not a concern. These wells have been in existence for many years with no apparent problems. Drawdown created by pumping is not significant and this is verified by the observation well record.

CONCLUSIONS

1. Water is available from the Lower James Missouri aquifer.
2. Interference is not expected to be a concern. The aquifer is highly productive and drawdown created by pumping is not significant.
3. This is an existing well and is constructed in accordance with SD Well Construction Standards.
4. The well for this application already irrigates land covered by Water Right No. 5367-3. This right was licensed for 1.88 cfs and 132 acres. This application does overlap some of the irrigated acres already licensed. That overlap will be about 26 acres if a center pivot is constructed. This application should be sufficient to allow the diversion of 1.88 cfs and 132 acres similar to the existing right.
5. Approval of this permit will only allow the statutory limit of two acre feet per acre to be applied to the overlapping area of this application and the existing water right.



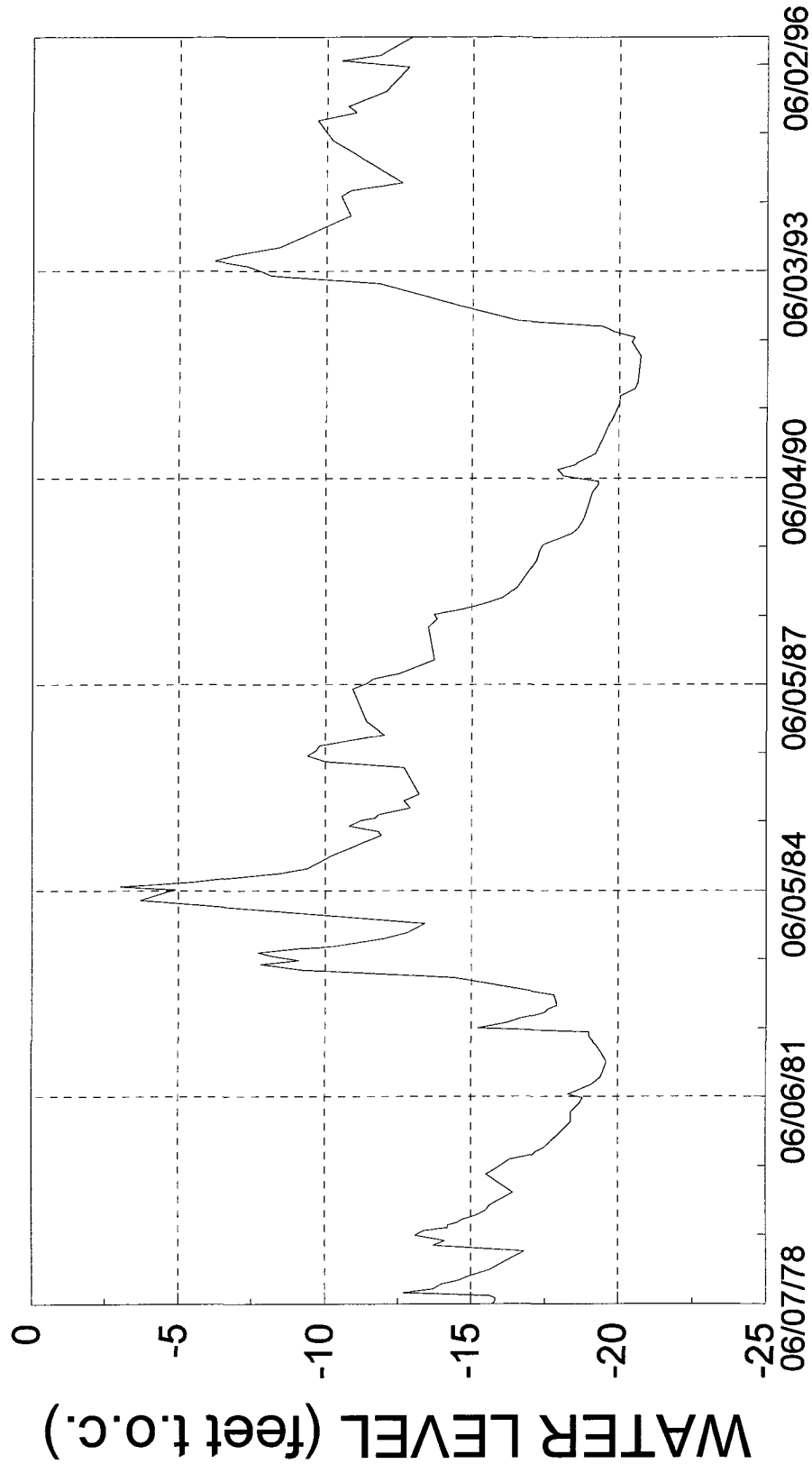
James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

- Bugliosi, E.F., 1986, Water Resources of Yankton County, South Dakota, USGS WRI 84-4241, USGS, Huron, SD, 57350.
- Hedges, L.S., etal, 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.
- Water Rights, 1997, Unpublished Observation Well Data for Yankton County, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS OBSERVATION WELL

YA-78F



Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit Application No. 5971-3, Robert Koletzky

ADDRESS: COUNTY: Yankton

DATE: February 13, 1997 TELEPHONE: 665-3877 (Koletzky Implement)

RE:

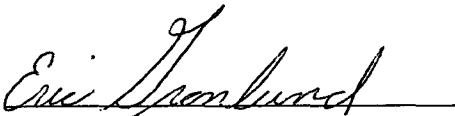
COMMENTS:

Mr. Loletzky returned my phone call. We discussed the staff recommendation and proposed qualification No. 2 (see NOTE on recommendation).

Mr. Koletzky state that the well will only be used by one pivot at a time. He has no intention of construction a second well.

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:



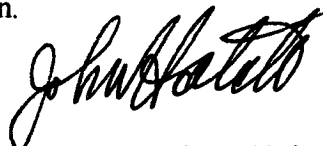
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5971-3, Robert Koletzky**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 5971-3, Robert Koletzky, Box 589, Yankton, SD 57078.

The Chief Engineer is recommending APPROVAL of Application No. 5971-3 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. Water Right No. 5367-3 and Water Permit Nos. 5923-3 and 5971-3, combined, authorize a maximum diversion rate of 1.88 cfs.
3. 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
February 14, 1997

NOTE: The existing well is used for irrigation of land authorized by Water Right No. 5367-3, Water Permit No. 5923-3 and this application. The well will be used for both center pivots but the two pivots will not operate simultaneously. The total number of acres that will be authorized for irrigation will be 258 acres. Since the two pivots will not be operated at the same time the statutory rate at which water may be applied to the irrigated acreage is 1.88 cfs. The two center pivots overlap causing water to be applied to acreage located in the NW1/4 SE1/4 of Section 9 by both pivots.

If a second well is constructed in the future, so that the two pivots operate independently, a new water permit will be required.

If this application is approved, a investigation of the water permit will be conducted for the purpose of licensing and Water Right No. 5367-3 and Water Permit Nos. 5923-3 and 5971-3 may be incorporated into one water right.



**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.

February 19, 1997

Robert Koletzky
Box 589
Yankton, SD 57078

Dear Mr. Koletzky:

Water Permit Application No. 5971-3 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 Daily Press & Dakotan printed at Yankton SD (Ph # (605) 665-7811). 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

February 19, 1997

Daily Press & Dakotan
P.O. Box 56
Yankton, SD 57078-0056

ATTENTION: Legal Department

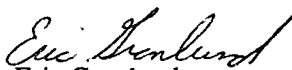
Enclosed is a Notice of Hearing on Application No. 5971-3 to be published twice. Please publish the first notice on February 28, 1997, with the second publication 7 days later.

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 Robert Koletzky, Box 589, Yankton, SD 57078 (Ph # (605) 665-3877).

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. 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 Program
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 February 28, 1997, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 5971-3 to Appropriate Water

Notice is given that Robert Koletzky, Box 589, Yankton SD 57078 has filed an application for a water permit to irrigate 46 additional acres. Water Right No. 5367-3 and Water Permit No. 5923-3, combined, appropriate 3.02 cubic feet of water per second (cfs) from one existing well (Lower James-Missouri Aquifer) 122 feet deep located in the NW 1/4 SE 1/4 Section 9 to irrigate 212 acres located in portions of the S 1/2 NE 1/4, E1/2 SW1/4 and W1/2 SE1/4 of Section 9; all in T94N-R54W. This application requests to irrigate an additional 46 acres located in the N 1/2 SE 1/4 Section 9; all in T94N-R54W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5971-3 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 Program, 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 March 17, 1997.

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 Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Yankton) SS

I, Carrie L. Goeden

certify that the attached printed Notice was taken

from the Yankton Daily Press &

Dakotan

printed and published in Yankton

County of Yankton and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

February, 28, 1997

March 7, 1997

Cost of Printing \$50.18

Carrie L. Goeden
(Signature)

Accounting Clerk
(Title)

March 7, 1997
(Date Signed)

- Should have been 5367-3,
however does not
invalidate public notice.

Eric
Gronlund



2+28&3+7 NOTICE OF APPLICATION NO. 5971-3 to Appropriate Water ****

Notice is given that Robert Koletzky, Box 589, Yankton SD 57078 has filed an application for a water permit to irrigate 46 additional acres. Water Right No. 5267-3 and Water Permit No. 5923-3, combined, appropriate 3.02 cubic feet of water per second (cfs) from one existing well (Lower James-Missouri Aquifer), 122 feet deep located in the NW 1/4 SE 1/4 Section 9 to irrigate 212 acres located in portions of the S 1/2 NE 1/4, E 1/2 SW 1/4 and W 1/2 SE 1/4 of Section 9; all in T94N-R54W. This application requests to irrigate an additional 46 acres located in the N 1/2 SE 1/4 Section 9; all in T94N-R54W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5971-3 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 Program, Foss Building, 523 E. Capitol, Pierre, SD 57501 (650-773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by March 17, 1997.

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 Program address to request copies of information pertaining to this application.

Nettie H. Myers, Secretary
Department of Environment and Natural Resources



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 26 1997

Robert Koletzky
Box 589
Yankton, SD 57078

Dear Mr. Koletzky:

Enclosed is Water Permit No. 5971-3 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 Program
605 773-3352

enclosures

PLEASE NOTE: Certain changes may be made to your water permit usually without affecting the priority date. The location of a point of diversion may be changed or additional points of diversion may be approved if the water source remains unchanged; no additional water is appropriated; and, if irrigating, no additional land is irrigated. The change may be allowed without application or publication, if the Water Rights Program is contacted and the chief engineer makes a finding that the change does not increase the potential for interference with existing diversions.

A new water permit application is required to change water sources, increase the permitted diversion rate, or increase the irrigated acreage. If the application is approved, the water permit will receive a new priority date.



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

Date 8 3 -28-97

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

FROM: Robert Koletzky Box 589
(name) (address)

Yankton SD 57078 6056653872 Day
(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. 5971-3.

Water Permit No. 5971-3 states that the diversion system is to be constructed by

Williams Irving, and that the water is put to beneficial use by
(date)

4-1-97
(date)

The diversion system was completed on 8-1-96
(date)

Applying the water to beneficial use was completed on 8-1-96
(date)

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

Robert Koletzky
(signature)

PS.
The Full Circle can now be utilized

FIELD INVESTIGATION REPORT FOR PERMIT NO. 5971-3

DATE OF INVESTIGATION	September 15, 1998
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Robert Koletzky
NAME & ADDRESS OF PERMIT HOLDER	Robert Koletzky Box 589 Yankton SD 57078
DIVERSION POINT LEGAL LOCATION	Well: 1,320 feet N from the S¹/₄ corner section 9-T94N-R54W (center of S¹/₂ section 9)

Other permit(s) associated with the project: 5367-3 and 5923-3

WELL INFORMATION:

- 1) Well Drilling Firm: Wetmore Drilling
- 2) No. of Wells 1
- 3) Depth(s) 122 feet
- 4) Well log is available Y

Screen:

- 1) Type PVC
- 2) Length 40 feet
- 3) Static water level 24 feet

Casing:

- 1) Diameter 16 inches
- 2) Length 82 feet
- 3) Type Plastic

Pump:

- 1) Make Sargent Turbine Pump

Motor:

- 1) Make 50 hp US Electrical

DISTRIBUTION LINES OR CANALS:

- 1) Type PVC
- 2) Size 8 inches
- 3) Length 1,870 feet

SYSTEM TYPE: Two Center pivots

- | | |
|-------------------------------------|-------------------------------------|
| 1) Make <u>Valley (South Pivot)</u> | 1) Make <u>Valley (North Pivot)</u> |
| 2) Number of towers <u>7</u> | 2) Number of towers <u>7</u> |
| 3) End gun <u>Y</u> | 3) End gun <u>Y</u> |
| 4) Med pressure <u>40 psi</u> | 4) Med pressure <u>40 psi</u> |
| 5) Capacity <u>1,000</u> GPM | 5) Capacity <u>900</u> GPM |

CHEMIGATION EQUIPMENT: Does chemigate N

PERMIT QUALIFICATIONS:

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

Permit No. 5971-3
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, **September 15, 1998**, made a thorough examination of the water use system constructed by **Robert Koletzky** of **Box 589, Yankton SD 57078** holder of Permit Nos. **5971-3, 5923-3 and 5367-3**, bearing the priority of **December 19, 1996; March 25, 1996; and October 16, 1989 (respectively)** authorizing the diversion of **no add'l, 1.14, 3.42 (respectively) cu. ft. per second** of the waters of **ground water (Lower James Missouri Aquifer)** for **irrigation** purposes, in **Yankton** County.

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

A. Works used to divert the water:

Pump:

- 1) Make **Sargent Turbine Pump**

Motor:

- 1) Make **50 hp US Electrical**

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

- 1) Type **PVC** 2) Size **8** inches 3) Length **1,870** feet

C. Works used to apply water to beneficial use: Two Center Pivots (only one operates at a time)

- 1) Make **Valley (South Pivot)**

- 2) Number of towers **7**

- 3) End gun **Y**

- 4) Med pressure **40 psi**

- 5) Capacity **1,000 GPM**

- 1) Make **Valley (North Pivot)**

- 2) Number of towers **7**

- 3) End gun **Y**

- 4) Med pressure **40 psi**

- 5) Capacity **900 GPM**

The system is in the following condition **good**. The point of diversion is located **Well: 1,320 feet N from the S½ corner section 9-T94N-R54W (center of S½ section 9)**. The works are capable of diverting and conveying to the place of use **2.22** cu. ft. per second of water which is to be used for **irrigation**. Water has been put to beneficial use to the maximum extent as follows: **All in section 9-T94N-R54W**

5367-3 NE¼SW¼ 33 ac

SE¼SW¼ 33 ac

SW¼SE¼ 33 ac

NW¼SE¼ 33 ac

5971-3 " 7 ac

5971-3 NE¼SE¼ 33 ac

5923-3 SW¼NE¼ 33 ac

SE¼NE¼ 33 ac

Total Acreage: 238 acres

comprising a total of **238** acres of land and the license should be issued for **1.88** cfs.

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

Exceptions to compliance are: **none** Date report completed: **December 23, 1998.**

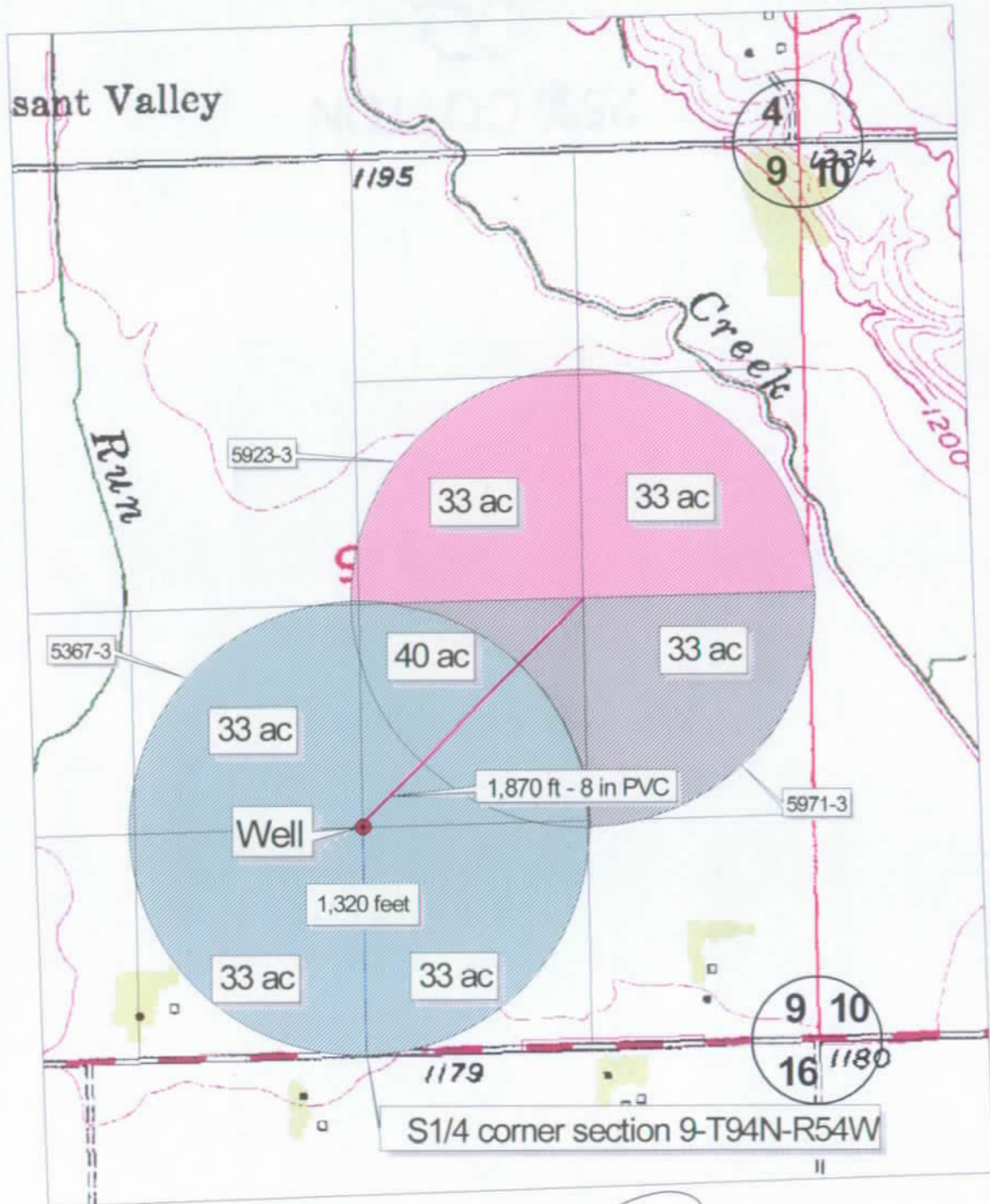


Ron Duvall

Natural Resources Engineer

DENR, Water Rights Program

1000 0 1000 Feet



Ron Duvall
Ron Duvall, Nat Res Engineer

12/23/98
Date

Water Right No. 5971-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 11, 1999

5971-3

Robert Koletzky
Box 589
Yankton, SD 57078

Dear Mr. Koletzky:

The investigation of your water use system was conducted on September 15, 1998, by Ron Duvall, staff engineer. The investigation included the extent of application of water to beneficial use, as developed under Water Permit No. 5971-3. Your final water right document, the Water License, can now be issued.

Statutes require 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 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.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5971-3

(1) Robert Koletzky, Box 589, Yankton SD 57078 made Application No. 5971-3, December 19, 1996 for a water permit to irrigation 46 additional acres from groundwater (one well), Yankton County, South Dakota for irrigation purposes. Permit No. 5971-3, with a priority date of December 19, 1996 was approved March 17, 1997 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 17, 2002 and for the application to beneficial use of said water on or before March 17, 2006.

The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on April 2, 1997. The *Notice* stated the diversion system was completed on August 1, 1996 and the water placed to beneficial use on August 1, 1996.

Permits associated with this water use system:

- Water Right No. 5367-3 – with a priority date of October 16, 1989 authorizes diversion of 1.88 cfs to irrigate 132 acres;
- Water Permit No. 5923-3 – with a priority date of March 25, 1996, authorizes diversion of 1.14 cfs to irrigate 80 acres;
- Water Permit No. 5971-3 – with a priority date of December 19, 1996, authorizes irrigation of 49 additional acres, with a maximum allowable diversion rate for 5367-3, 5923-3 and 5971-3 of 1.88 cfs.

The applicable portions of Water Right No. 5367-3 & Water Permit No. 5923-3 are incorporated into No. 5971-3.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.88 cubic feet of water per second for beneficial use. The location of the diversion point is 1,320 feet north from the S ¼ corner of Section 9-T94N-R54W (center of S ½ Sec 9).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 9-T94N-R54W		
NE ¼ SW ¼	33 acres	October 16, 1989 – priority date
SE ¼ SW ¼	33 acres	“
SW ¼ SE ¼	33 acres	“
NW ¼ SE ¼	33 acres	“
SW ¼ NE ¼	33 acres	March 25, 1996 – priority date
SE ¼ NE ¼	33 acres	“
NE ¼ SE ¼	33 acres	December 19, 1996 – priority date
NW ¼ SE ¼	7 acres	“
Total 238 acres		

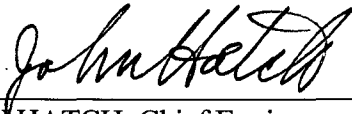
(continued)

Water License No. 5971-3

Robert Koletzky

Page 2

(4) Pursuant to South Dakota Water Law 46-5-30.1 Robert Koletzky, Box 589, Yankton SD 57078 the holder and/or owner of Incorporated Water Right No. 5971-3 is issued a license to appropriate water, the right to use 1.88 cubic feet of water per second from groundwater (one well) with priority dates of October 16, 1989, March 25, 1996 and December 19, 1996 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 Incorporated Water Right No. 5971-3 and subject to South Dakota State Law.



JOHN HATCH, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

FEB 22 1999

date



NOTICE OF TRANSFER OF OWNERSHIP

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

No. 5971-3

RECEIVED

JUN 21 2002

Date:

6.14.02

I/We request that Water Right No. 5971-3

WATER RIGHTS
PROGRAM

formerly owned by: Robert Koletzky

be transferred to: (name & address)

Gary & Amy Freeburg
102 Iverson Street * P.O. Box 188 Gayville SD 57031 Telephone No. 605-267-4426

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

238 acres - E 1/2 SW 1/4, SE 1/4, and the W 1/2 NE 1/4 all in Section 9, T94N, R54W

I/We understand that the validity of Water Right No. 5971-3 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 Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

STATE OF SOUTH DAKOTA)

County of Yankton)

I/We Amy Freeburg being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Amy Freeburg
(Signed by new owner)

Subscribed and sworn to before me this 14 day of June, 20 02

Risa Kupp 01/09/05
(Notary Public)

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

417196

Pierre, JUNE 21, 20 03

RECEIVED OF GARY & AMY FREEBURG, 102 IVERSON ST., PO BOX 188, GAYVILLE SD 57031
the following amount in fees for services rendered as provided for by law: (Robert Koletzky)

Fee for Application for Permit No. _____ to Appropriate Water, to construct
and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water, for Future
Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water
License No. _____

Fee for Filing Transfer Form 5971-3 _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

By

Darland Elch

Chief Engineer

gm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 24, 2002

5971-3

Gary & Amy Freeburg
PO Box 188
Gayville, SD 57031

Dear Mr. & Mrs. Freeburg:

I am writing to acknowledge receipt of the transfer of ownership form and fee you submitted for Water Right No. 5971-3. The transfer has been completed. The water right, formerly held by Robert Koletzky is now listed in your names.

Enclosed is your Receipt No. 417196 in the amount of \$2.50 that you paid for filing the ownership change. You may keep this for your records.

If I can answer any questions for you, please get in touch with me.

Sincerely,

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

enclosure

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N~~2~~ 416007

Pierre, January 15 19 99

RECEIVED OF Robert or Carole Koletzky, P.O. Box 589, Yankton, SD 57078
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. 5971-3

50 00

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

By _____
Chief Engineer

John Hatch



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

FEB 22 1999

5971-3

Robert Koletzky
Box 589
Yankton, SD 57078

Dear Mr. Koletzky:

Enclosed is Water License No. 5971-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 416007 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. 5971-3, 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

NOTE: The applicable portions of Water Right No. 5367-3 and Water Permit No. 5923-3 are incorporated into No. 5971-3.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 11, 2002

5971-3

Gary & Amy Freeburg
PO Box 188
Gayville, SD 57031

Dear Mr. & Mrs. Freeburg:

I am contacting you in regard to ownership of Water Right No. 5971-3. Robert Koletzky has notified our office that he sold the land described in the water right to you. I am enclosing a copy for your review.

Also enclosed is a partially completed Notice of Transfer of Ownership form for use in filing an ownership change. Please review the form and complete as needed. Upon completion, please sign the form in the presence of a notary public and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions concerning the water right or completion of the transfer form, please get in touch with me.

Sincerely,

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 3, 2002

5971-3

Gary & Amy Freeburg
PO Box 188
Gayville, SD 57031

Dear Mr. & Mrs. Freeburg:

On March 11, 2002, I am wrote to you regarding ownership of Water Right No. 5971-3. The water right is currently listed in the name of Robert Koletzky To date, I have not received a response from you..

In the event you no longer have the original Notice of Transfer of Ownership form I sent to you, I am enclosing an additional one. Please review the form and complete as needed. Upon completion, please sign the form in the presence of a notary public and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

If you do not own the land (see transfer form for legal descriptions), and we should be directing our correspondence to someone else, please let me know. Your prompt response is appreciated.

Thank you in advance,

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

enclosure



January 14, 2004

5971-3
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.



5971-3

Track & Confirm

Current Status

You entered 2301 3460 0000 8515 7841

Your item was delivered at 1:49 pm on January 15, 2004 in GAYVILLE, SD 57031. The item was signed for by A FREEBURG.

[Shipment Details >](#)

Notification Options

▶ Track & Confirm by email [What is this?](#) [Go >](#)

▶ Request Proof of Delivery [What is this?](#) [Go >](#)

Track & Confirm

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SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8515 7841

GARY J FREEBURG
PO BOX 188
GAYVILLE SD 57031 0188

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

mailing.

POSTAL CUSTOMER:

Keep this receipt. For Inquiries:
Access internet web site at
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5971-3

**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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 7, 2015

Gary & Amy Freeburg
PO Box 188
Gayville SD 57031

RE: Water Permit or Right Nos. 2584-3, 5971-3, 6643-3, 6644-3, 6645-3, 6646-3, 6647-3, 6648-3, 6649-3, 6650-3, 6651-3, 6767-3, 6768-3, 6858-3, 6895A-3, 7659-3, 7660-3, 7661-3 (Gary and Amy Freeburg) Water Right No. 3399-3, Ada Juttelstad

Dear Mr. & Mrs. Freeburg:

I am writing in follow-up to my phone conversation with Amy on January 6th concerning the above listed water permits and rights.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing ownership changes. Please review the forms, make any necessary corrections and complete as needed. Upon completion, please sign and return them to our office with a required filing fee of \$50.00 each. The check or money order for the fee can be made payable to the Water Rights Program.

We also discussed the ownership change needed for 3399-3 currently listed in the name of Ada Juttelstad. I believe you already have a transfer of ownership form for that one. I have included the 2014 irrigation questionnaire for that specific water right. It originally was sent to Steve Anderson as a renter of the property. Please complete the form and return it by January 23rd.

To recap, the following materials are needed:

- irrigation questionnaire for 3399-3;
- 19 transfer of ownership forms (18 of yours and the one you have for the former Juttelstad land);
- A total filing fee of \$950 (19 transfers x \$50 each)

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

Sincerely,

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

enclosures

RECEIVED

JAN 22 2015

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 5971-3

Date: 1-19-15

I/We request that Water Right No. 5971-3

formerly owned by: Gary & Amy Freeburg

be transferred to: (name & address) Freeburg Limited Partnership
PO Box 188 Gayville SD 57031

Telephone No. 605 267-4426

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

238 acres - E 1/2 SW 1/4, SE 1/4 and W 1/2 NE 1/4 Section 9, T94N, R54W

I/We understand that the validity of Water Right No. 5971-3 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/We Freeburg Limited Partnership the new owner, certify that the above information is true and correct.

Amy Freeburg
(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 1/22, 20 15

RECEIVED OF Freeburg LP PO Box 188 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. _____		
Fee for Filing Transfer Form <u>5971-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____	50	00
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. **07151**

By Joanne Hoelmer
Chief Engineer

5971-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2015

Gary & Amy Freeburg
Freeburg Limited Partnership
PO Box 188
Gayville SD 57031 0188

RE: Water Permit or Right Nos. 2584-3, 3399-3, 5971-3, 6643-3, 6644-3, 6645-3, 6646-3,
6647-3, 6648-3, 6649-3, 6650-3, 6651-3, 6767-3, 6768-3, 6858-3, 6895A-3, 7659-3, 7660-3,
7661-3

Dear Mr. & Mrs. Freeburg:

I am writing to acknowledge receipt of the completed transfer forms, filing fees and the
irrigation questionnaire for 3399-3.

The ownership changes have been completed. The above listed water permits or rights have all
been transferred and are now listed in the name of "Freeburg Limited Partnership".

Enclosed are the various receipts for the filing fees you submitted. If I can answer any
questions, please let me know.

Sincerely,

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

enclosures

5971-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

SEP 06 2018

7659-3
5971-3

Gary & Amy Freeburg
Freeburg Limited Partnership
PO Box 188
Gayville SD 57031

Dear Mr. & Mrs. Freeburg:

Enclosed is Water License No. 7659-3. 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 in the future, the owner of an existing well, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

Note: Upon licensing, the applicable portions of Water Right No. 5971-3 were incorporated into No. 7659-3.