

WATER PERMIT NO. 6205-3

Name of Applicant: **Wilmer E Frohreich**

Address: **44086 301st St, Yankton SD 57078**

Phone: **605 665-5171**

Amount of Water Claimed: **2.66 cfs**

Total Acres: **216.5**

Source of Water Supply: **groundwater**

Water to be used for: **irrigation**

County: **Yankton**

Type of Waste Disposal System:

Location: **8 miles north of Yankton**

PRIORITY

Date Received: **5-18-2000**

Fee: **\$275**

Corrected Application Received::

Period of Annual Use: **May 1 – August 31**

Remarks: **Water Right No. 2626-3 authorizes irrigation of the same lands from the James River**

Diversion Point: **SW ¼ SW ¼**

Sec 19-T95N-R55W

Land to be Irrigated: **S ½ Sec 19 & SW ¼**

Sec 20; all in T95N-R55W

Depth of Well: **300 feet deep**

Well Driller: : **Christenson Well & Irrigation**

Remarks:

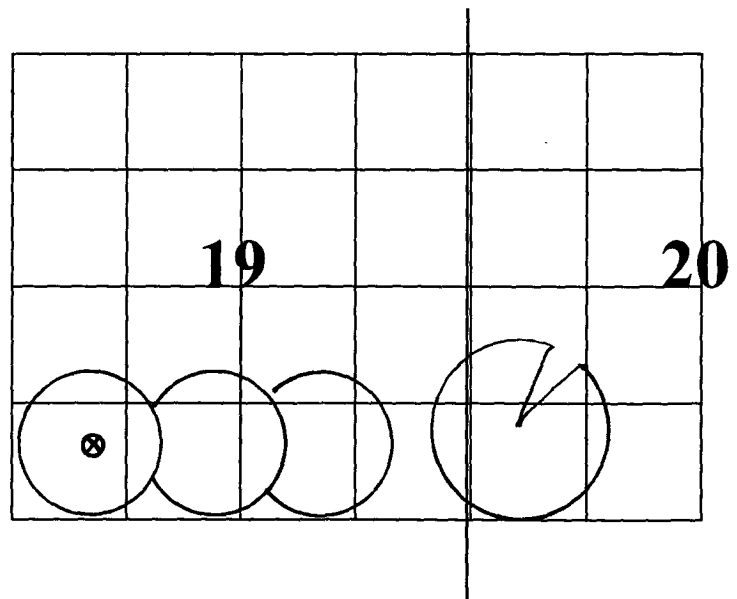
Type of Map: **aerial**

Prepared by: **Steve Meyer, NRCS**

Reviewed and the Number Assigned on: **5-18-2000**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



SOUTH DAKOTA
WATER PERMIT NO. 6205-3

Date of first receipt of application May 18, 2000.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6205-3 to Wilmer E. Frohreich, 44086 301st St, 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. 6205-3 appropriate 2.67 cubic feet per second of water from one well (Lower James:Missouri Aquifer) 300 feet deep located in the SW ¼ SW ¼ Section 19 to irrigate 216.5 acres located in the S ½ Section 19 and the SW ¼ Section 20; all in T95N-R55W. Water Right No. 2626-3 authorizes irrigation of these same lands from the James River.
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:May 1 – August 31.
3. The date from which applicant may claim right is May 18, 2000.
4. The date of approval of Permit No. 6205-3 is July 17, 2000.
5. One-fifth of the construction is to be completed on or before January 17, 2003.
6. All construction is to be completed on or before July 17, 2005.
7. Water is to be put to beneficial use on or before July 17, 2009.
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. The well authorized by Permit No. 6205-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
4. Water Right No. 2626-3 and Water Permit No. 6205-3, combined, authorize an annual volume not to exceed three acre feet per acre applied to the land. Individually, the annual volume of water authorized by Permit No. 6205-3 cannot exceed two acre feet per acre.

WATER MANAGEMENT BOARD

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

JUL 31 2000

date



Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6205-3</u>	(office use only) Hydrologic Unit <u>10/6001</u>
	Basin <u>Panor River</u>	
	Newspaper <u>Daily Press & Dakotan, Yankton, SD</u>	



Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____
(Use predates Mar 2, 1955)

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

1. Name of Applicant WILMER E FROHREICH Phone 605-665-5171
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 44086 301st ST YANKTON State S.D. 57078
(Street, RR, or Box and City) (Zip Code)

2. Amount of water claimed 2.66 *CFS or 1200 **GPM ***AF Total Acreage 216.5
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply WELL

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
1 - WELL in SW 1/4 of SW 1/4 Section 19-95-55 W
County YANKTON

5. County or counties where water will be used YANKTON COUNTY

6. Annual period during which water is to be used MAY 1 to AUGUST 31

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
Q11 in T95N-R55W
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
SEC. 19 NW 1/4 SW 1/4	6.4	SEC. 19 NW 1/4 SE 1/4	7.9
NE 1/4 SW 1/4	5.2	NE 1/4 SE 1/4	5.7
SW 1/4 SW 1/4	35.0	SW 1/4 SE 1/4	38.7
SE 1/4 SW 1/4	35.0	SE 1/4 SE 1/4	19.2

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

SEC. 20 NW 1/4 SW 1/4	20.8
NE 1/4 SW 1/4	1.2
SW 1/4 SW 1/4	37.4
SE 1/4 SW 1/4	4.9

STATE OF SOUTH DAKOTA) SS
County of YANKTON)

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)

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

Applicant's signature Wilmer Frohreich

Subscribed and sworn to before me this 16th day of May 2000

Debra L. Wedding

Notary Public signature

My commission exp. 5/13/2001

Supplemental Information

(type or print in ink)



1. Well Information - Proposed Construction

- a) Drill Hole Diameter 28" Depth 300'
- b) Casing Type PVC Diameter 16" Thickness 1/2"
- c) Screen Type double slot PVC Diameter 16" Thickness 1/2"
- d) Gravel Pack Class A Road gravel Length of Gravel Pack 75'
- e) Depth to Top of Water Bearing Material 227'
- f) Depth to Water (ground surface to water level) 180'
- g) Distance to nearest existing domestic well:
- On applicants property 1/2 MILE On property owned by others 1/3 MILE

2. Wastewater Disposal System Information

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

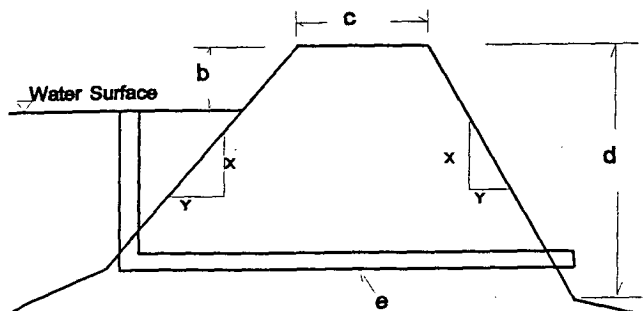
3. Dugout Information

- 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:
- _____
- _____



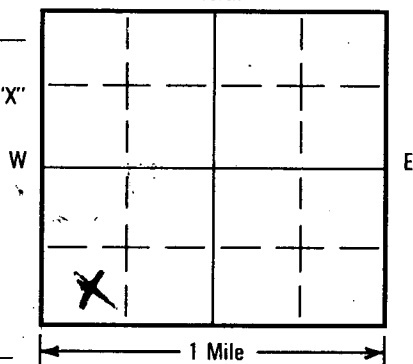
- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope _____
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location SW 1/4 SW 1/4 Sec 19 Twp 95N Rg 55W
County YA

Please mark well location with an "X"



Well Completion Date _____

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:

STEEL BIT ROTARYCASING DATA: ☐ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
_____	_____	_____ lb./gal	_____ ft	_____ ft
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure _____

SCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter _____ IN Length _____ FEET

Material _____

Slot Size _____ Set From _____ Feet to _____ Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☐ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

_____ YES, How: _____

Laboratory sent to for water _____ NO, Why Not? _____

quality analysis _____

Well Owner: WILMER FROHREICH

Business Name: _____

Address: 44086 301ST ST.YANKTON S. DAKOTA

WELL LOG:

DEPTH

FORMATION	FROM	TO
TOPSOIL + YELLOW CLAY	0	30
SOFT BLUE BLUE CLAY	30	115
STREAKS OF SAND IN CLAY	115	200
SANDY BLUE CLAY	200	227
COURSE BROKEN GRAVEL	227	241
SANDY BLUE CLAY	241	247
COURSE SAND LAYERS	247	260
COURSE SAND + GRAVEL	260	297
SHALE	297	300

STATIC WATER LEVEL 180 EST

If flowing: closed in pressure _____

GPM flow _____ through _____

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____

Can well be completely shut in? _____

WELL TEST DATA:

☐ PumpedDescribe: TEST HOLE ONLY☐ Bailed☐ Other _____

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

TEST HOLE FOR IRRIGATION WELL
WILL REAM AND COMPLETE AS IRR. WELL IF WR APPROVED

This well was drilled under license # 444

And this report is true and accurate.

Drilling firm CHRISTENSEN WELL & IRRIGATION INC

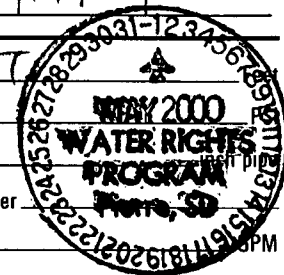
Signature of License Representative:

William J. Christensen

Signature of Well Owner or Equitable Property Holder:

Wilmer Frohreich

Date:

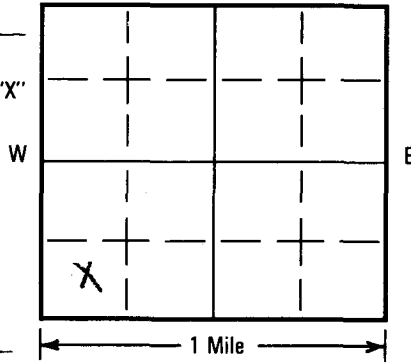
4/27-2000

SOUTH DAKOTA WATER WELL COMPLETION REPORT

6205-3
07-92

Location S 2 1/4 Sec 19 Twp 95 N Rg 55 W
County HANKTON

Please mark well location with an "X"



Well Completion Date

AUGUST 2000

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 1750 ft. from FARM PLACE W/ CATTLE (identify source).

PROPOSED USE:

- ☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

REVERSE ROTARY

CASING DATA:

- ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>SC 26 LB/FT</u>	<u>16 IN</u>	<u>+1 FT</u>	<u>220 FT</u>	<u>26 IN</u>
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>FOULAND</u>	<u>523</u>	<u>15 lb./gal</u>	<u>215 ft.</u>	<u>0 ft.</u>
_____	_____	_____ lb./gal	_____ ft.	_____ ft.

Describe grouting procedure TRMIS

SCREEN:

☐ Perforated pipe ☐ Manufactured
Diameter 16 IN Length 80 FEET
Material PVC
Slot Size 1081 Set From 220 Feet to 300 Feet
Other information PVC SLOTTED 16"

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: CHLORINE
☐ NO, Why Not? _____
Laboratory sent to for water quality analysis _____

Well Owner: WILMER FROMHEIM

Business Name: _____

Address: RR 2 BOX 276
HANKTON SOUTH DAKOTA 57078

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
TOP + YELLOW CLAY	0	30
BLUE CLAY SOME ROCKS + SAND	30	200
BLUE CLAY W/ SAND LAYERS	200	227
COURSE GRAVEL W/ BLUE CLAY	227	241
BLUE CLAY W/ GRAVEL LAYERS	241	260
COURSE SAND + GRAVEL	260	297
SHALE	297	300

STATIC WATER LEVEL

215 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: 8" TURBINE PUMP
☐ Bailed _____
☐ Other _____
Pumping Level Below Land Surface
270 ft. After 4 Hrs. pumped 500 GPM
_____ ft. After _____ Hrs. pumped _____ GPM
If pump installed, pump rate 500 GPM

REMARKS

This well was drilled under license # 444

And this report is true and accurate.

Drilling firm CHRISTENSEN WELL + IRRIGATION INC.

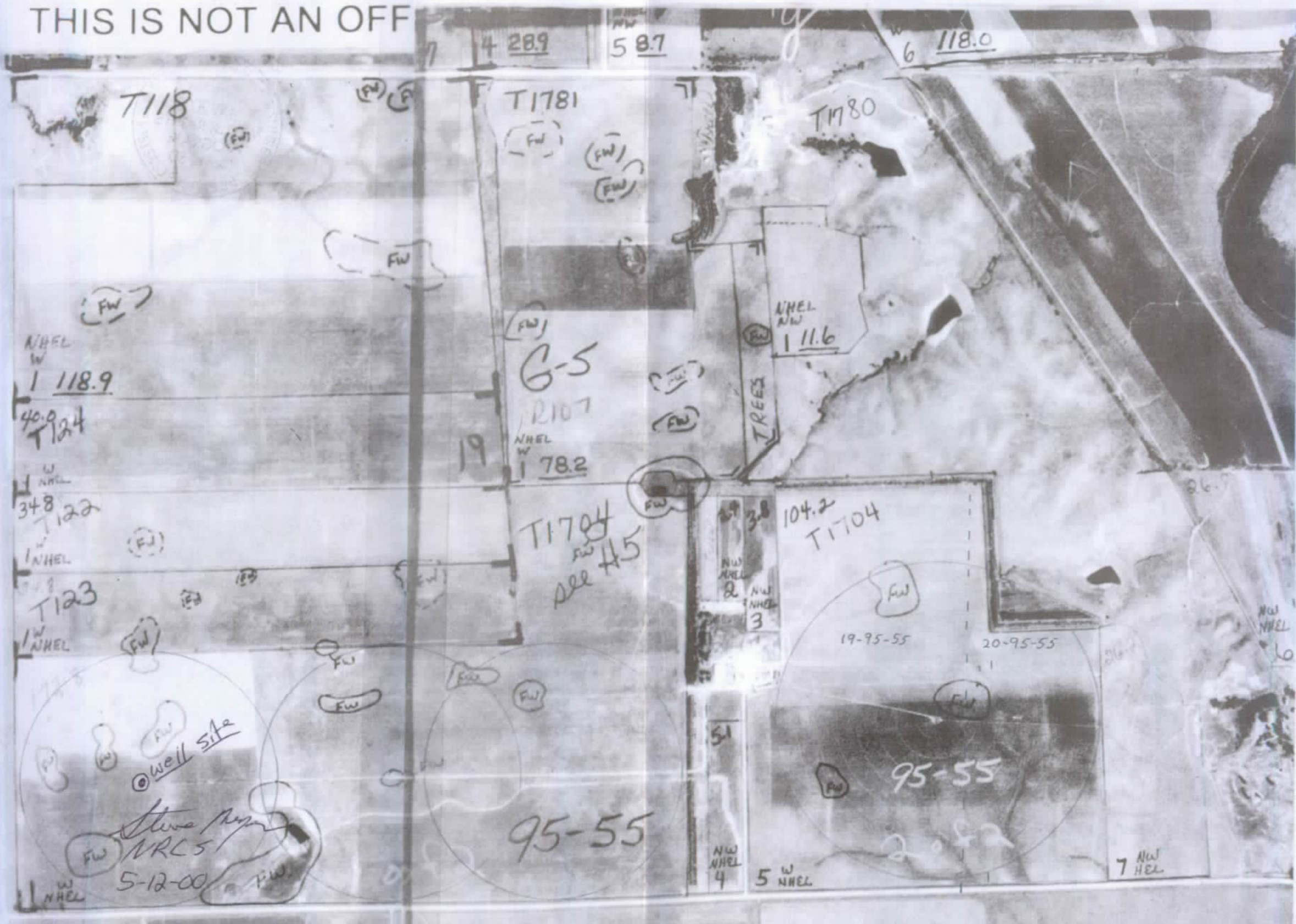
Signature of License Representative:

William J. Christensen

Signature of Well Owner or Equitable Property Holder:

Date: _____

MAP NOT THIS IS NOT AN OFFICIAL WETLAND MAP.
THIS IS NOT AN OFF



Wilmer Krohreich
44086 301 st St
Yankton S.D 57078
Yankton County



RECEIPT
Water Rights Program
South Dakota Department of Environment and Natural Resources

N2 416521

Pierre, May 18, 2000

RECEIVED OF Wilmer Frohreich, 44086 301 St., Yankton, SD 57078
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>6205-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	275	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>6205-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	325 00

By David Erbe 
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 5, 2000

Wilmer Frohreich
44086 301st Street
Yankton, SD 57078

Dear Mr. Frohreich:

As requested, pursuant to South Dakota Well Construction Standard 74:02:04:21, Christensen Well Company, Inc. is authorized to construct a test well prior to approval of a water permit. The well is to be located in the SW $\frac{1}{4}$ Section 19, T95N-R55W, will be approximately 260 feet deep, and completed into the Lower James Missouri Aquifer. The test well must be constructed in accordance with the SD Well Construction Standards. Any test holes that are abandoned must be plugged pursuant to the SD Well Construction Standards.

Approval of this request authorizes construction and testing of the well but does not permit the use of the well for irrigation.

Very truly yours,

JAMES A. GOODMAN, P.E.
Natural Resources Engineer
for GARLAND ERBLE, Chief Engineer
Water Rights Program
(605) 773-3352

cc: William Christensen
Christensen Well Company, Inc.
88005 Hwy 15
Hartington, NE 68739

REPORT ON WATER PERMIT APPLICATION NO. 6205-3
for Wilmer E. Frohreich
June 16, 2000

Application No. 6205-3 proposes to appropriate 2.67 cfs (1200 gpm) from one well approximately 300 feet deep located in the SW 1/4 SW 1/4 of section 19 to irrigate 216.5 acres located in the S 1/2 of section 19 and the SW 1/4 of section 20; all in T95N R55W in Yankton County. Water Right No. 2626-3 authorizes irrigation of these same lands from the James River.

AQUIFER - LOWER JAMES MISSOURI (LJM)

The Lower James Missouri is a buried outwash (sand and gravel) which is under confined or artesian conditions at this site. The test hole log filed with the application indicates clay from the surface to 227 feet, sand and gravel from 227 to 241 feet, sandy clay from 241 to 247 feet, coarse sand from 247 to 260 feet, and coarse sand and gravel from 260 to 297 feet all below land surface. The test hole reportedly had a static water level of about 180 feet below land surface. The Lower James Missouri 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 aquifer to the south, the Choteau Tyndall aquifer to the west, extends into Hutchinson county to the north and to the James and Missouri Rivers (Bugliosi, 1986). General ground water movement is from north to south and locally toward the river.

The Water Rights Program does monitor two observation wells YA-80W and YA-80M which are completed into the Lower James aquifer and about two miles from this application. Water levels for these wells 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, 2000). Hydrographs for these two wells are included with this report.

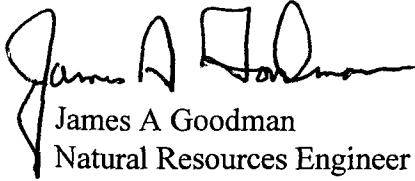
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other existing water permits/rights for ground water from the Lower James Missouri aquifer in this area. The next nearest ground water right is over three miles to the northeast of this application. Interference is not a concern. These lands are already irrigated under Water Right No. 2626-3 using the James River as a water source. Pumping ground water will not affect the use of water from the James River.

CONCLUSIONS

1. Water is available from the Lower James Missouri aquifer.
2. The aquifer is under confined conditions at this site. However, over much of the area the aquifer is under water table conditions. Drawdown created by pumping is not expected to be significant. This is shown by the observation well hydrographs. Interference is not a concern.

3. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.
4. The combination of diversions between this application, if approved, and the existing water right No. 2626-3 cannot exceed three acre feet per acre, however, the total ground water diversion authorized by this application cannot exceed two acre feet per acre (433 af/yr).



James A Goodman
Natural Resources Engineer

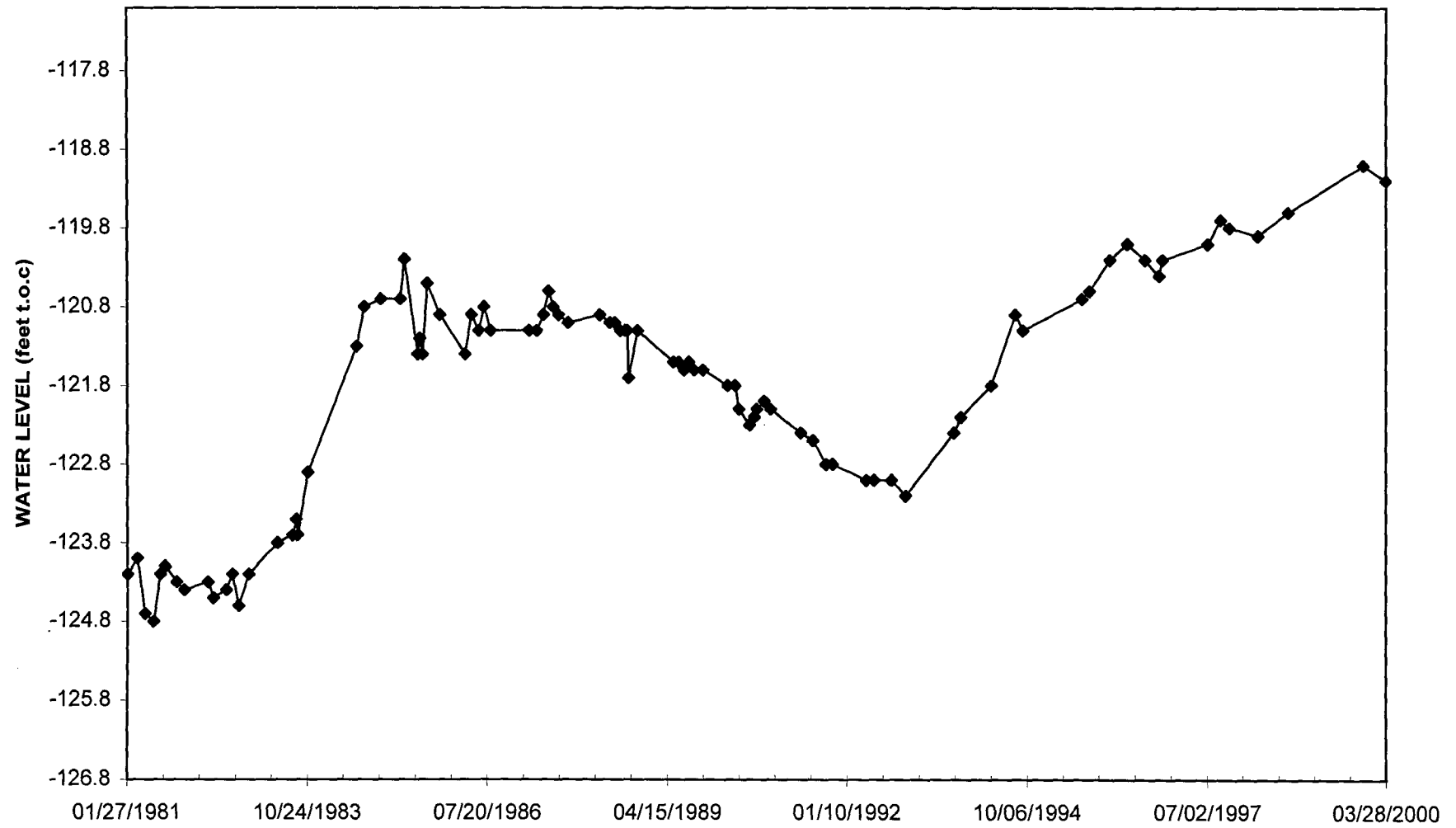
BIBLIOGRAPHY

Bugliosi, E.F., 1986, Water Resources of Yankton County, SD, WRI 84-4241, USGS, Huron, SD, 57350.

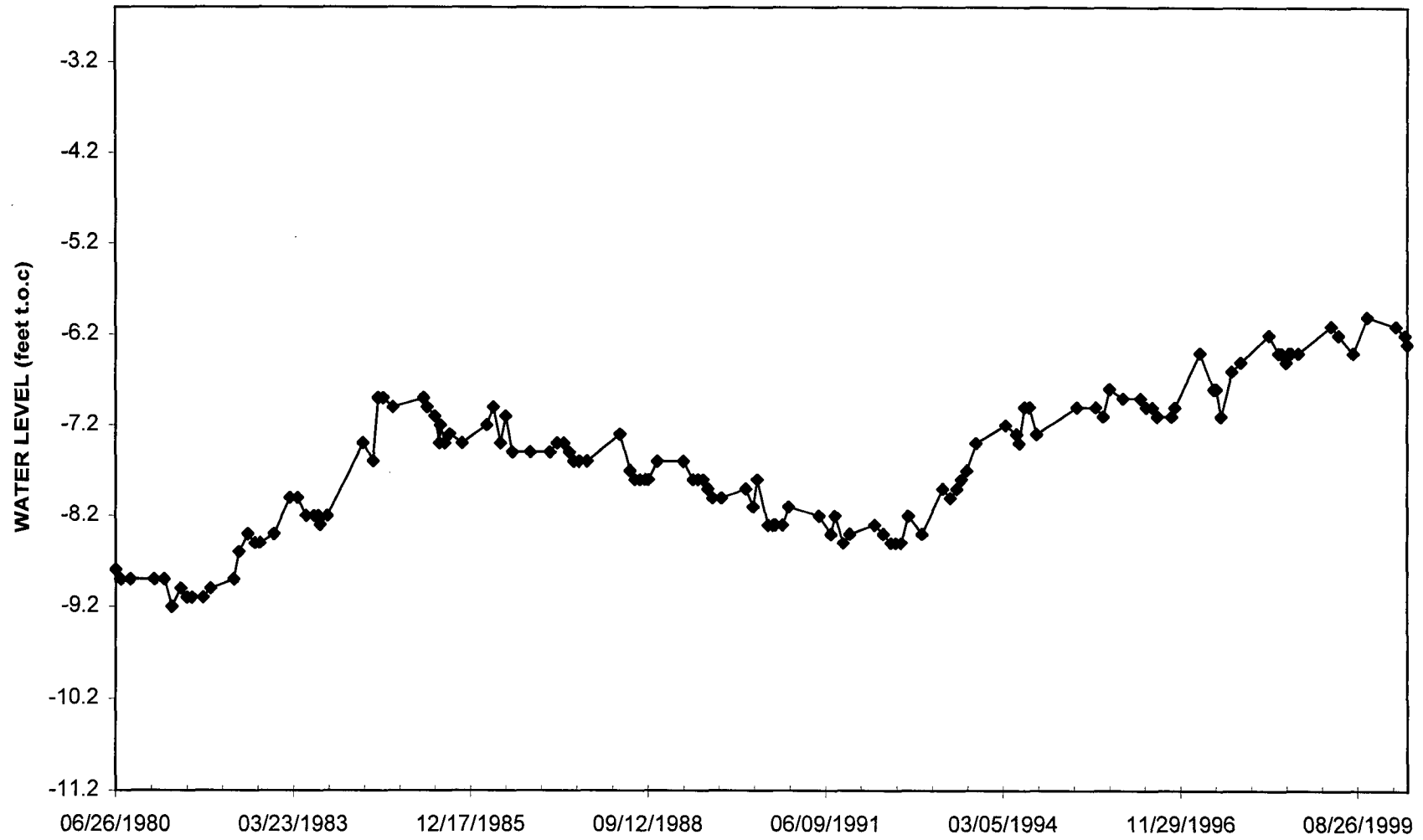
Hedges, L.S., et al, 1982, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Water Rights, 2000, Unpublished Observation Well Data for Yankton County, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

**WATER RIGHTS' OBSERVATION WELL
YA-80W**



**WATER RIGHTS' OBSERVATION WELL
YA-80M**





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6205-3, Wilmer E. Frohreich**

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. 6205-3, Wilmer E. Frohreich, 44086 301st Street, Yankton, SD 57078.

The Chief Engineer is recommending APPROVAL of Application No. 6205-3 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) it is 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. The well authorized by Permit No. 6205-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
4. Water Right No. 2626-3 and Water Permit No. 6205-3, combined, authorize an annual volume not to exceed three acre feet per acre applied to the land. Individually, the annual volume of water authorized by Permit No. 6205-3 cannot exceed two acre feet per acre.

See report on application for additional information.

Garland Erbele, Chief Engineer
June 19, 2000



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 21, 2000

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

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6205-3 to Appropriate Water to be published twice. Please publish the first notice on June 29, 2000, 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 Wilmer E. Frohreich, 44086 301st St., Yankton, SD 57078 (Ph # (605) 665-5171).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, please send us an affidavit or use the enclosed Proof of Publication form. The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 6205-3

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

Date _____
We are in receipt of your letter of June 21, 2000, enclosing Notice of Hearing to Appropriate Water by Application No. 6205-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

June 21, 2000

Wilmer E. Frohreich
44086 301st St.
Yankton, SD 57078

Dear Mr. Frohreich:

Water Permit Application No. 6205-3 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.

Instruction to Newspaper - Publish first Notice on June 29, 2000, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6205-3 to Appropriate Water

Notice is given that Wilmer E Frohreich, 44086 301st St, Yankton SD 57078 has filed an application for a water permit to appropriate 2.67 cubic feet per second of water from one well (Lower James:Missouri Aquifer) 300 feet deep located in the SW ¼ SW ¼ Section 19 to irrigate 216.5 acres located in the S ½ Section 19 and the SW ¼ Section 20; all in T95N-R55W. Water Right No. 2626-3 authorizes irrigation of these same lands from the James River.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6205-3 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 July 17, 2000.

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. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

DENR
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SD 57501-3182

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

RITA THOMAS BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT SHE IS THE PUBLISHER OF THE YANKTON
PRINTING COMPANY, A CORPORATION, THE PRINTER AND THE
PUBLISHER OF THE YANKTON DAILY PRESS AND DAKOTAN, A LEGAL
DAILY NEWSPAPER PRINTED AND PUBLISHED IN THE CITY OF YANKTON,
SAID COUNTY AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF
THE SAID COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE
ANNEXED NOTICE OF APPLICATION NO. 6205-3 TO APPROPRIATE WATER

TAKEN FROM THE PAPER IN WHICH IT WAS PUBLISHED IN THE
NEWSPAPER ON THE 6 DAY OF JULY, 2000.
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$56.10 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 6/29/00; 7/6/00

FILED ON: 7/28/00

6+29 & 7+6

NOTICE OF APPLICATION NO. 6205-3 to Appropriate Water

Notice is given that Wilmer E. Frohreich, 44086
101st St., Yankton, SD 57078 has filed an
application for a water permit to appropriate 2.67
cubic feet per second of water from one well
(Lower James; Missouri Aquifer) 300 feet deep
located in the SW 1/4 SW 1/4 Section 19 to irrigate
216.5 acres located in the S 1/2 Section 19 and
the SW 1/4 Section 20; all in T95N-R55W. Water
Right No. 2626-3 authorizes irrigation of these
same lands from the James River.

Pursuant to SDCL 46-2A-2, the Chief Engineer
recommends APPROVAL of Application No.
6205-3 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 July 17, 2000.

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. Steven M. Pirner, Secretary,
Department of Environment and Natural Resources.



SUBSCRIBED AND SWORN TO BEFORE ME THIS 28 DAY OF JULY, 2000



NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES

8/19/2003



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 31 2000

Wilmer E. Frohreich
44086 301st St.
Yankton, SD 57078

Dear Mr. Frohreich:

Enclosed is Water Permit No. 6205-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

enclosures

6205-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 19, 2001

NOTICE

TO: WILMER FROHREICH, 44086 301ST ST, YANKTON, SD 57078

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

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

SUBJECT: Reporting Requirement for 2000 Irrigation Questionnaires

Our records indicate that the 2000 Irrigation Questionnaires have not been submitted for Permit Nos. 6205-3 and 2626-3. The request for the Questionnaires was dated October 20, 2000. The Water Management Board has directed that owners of water permits who have not submitted the 2000 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. 2626-3 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. 6205-3 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 7, 2001 in 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. 6205-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No. 2626-3 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 2, 2001, 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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 9, 2001

2626-3
6205-3

Wilmer Frohreich
44086 301st St
Yankton, SD 57078

Dear Mr. Frohreich:

I am writing to acknowledge receipt of your 2000 irrigation questionnaires. You may disregard the January 19, 2001, "Notice" concerning reporting requirements for Water Permit Nos. 2626-3 and 6205-3.

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 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: WILMER E FROHREICH, 44086 301ST ST, YANKTON, SD 57078
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. 6205-3, 2626-3. 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) 2626-3 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) 6205-3 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) 6205-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2626-3 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.

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:

WILMER E FROHREICH
44086 301ST ST
YANKTON SD 57078

2. Arti

PS Fo

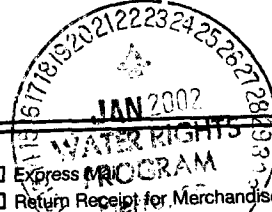
COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) Wilmer Frohreich B. Date of Delivery 1-17-02
C. Signature X Wilmer Frohreich ☒ 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



2595-00-M-0952



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 29, 2002

2626-3
6205-3

Wilmer E Frohreich
44086 301st St
Yankton SD 57078

Dear Mr. Frohreich:

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. 2626-3 and 6205-3.

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

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

Date Jan. 24-2002

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

FROM: WILMER FROHREICH
(name)
44086 301ST. ST.
(address)
YANKTON, S.D. 57078
(city, state, zip)

(phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

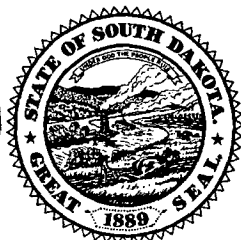
Water Permit No. 6205-3 states that the water use system is to be constructed by
July 17-2005 , and water is to be put to beneficial use by July 17-2009 .
(date) (date)

The water use system was completed on March 1-2001 .
(date)

Applying the water to beneficial use was completed on June 1-2001 .
(date)

You may schedule an investigation so that the water license may be issued.

Wilmer Frohreich
(signature)



Permit No. 6205-3
James River - Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

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

I have this day, August 23, 2004, made a thorough examination of the water use system constructed by Wilmer E Frohreich of 44086 301 Street, Yankton SD 57078 holder of Permit No. 6205-3, bearing the priority of May 18, 2000 authorizing the diversion of 2.67 cu. ft. per second of Lowere 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:

A 300 foot well constructed into the Lower James:Missouri Aquifer with a Mid America pump and 75 hp US Electric Motor

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

Water is pump through under ground pipeline to pivots 2,3 & 4 (see map). Well is located at pivot No. 1

C. Works used to apply water to beneficial use:

Four high pressure center pivots

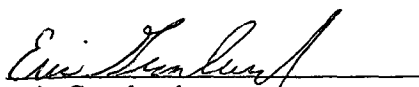
The system is in the following condition good. The point of diversion is located approximately 780 feet east and 830 feet north of the SW corner (SW 1/4 SW 1/4) of Section 19, T95N, R55W (Lat/Lon N43.027008 W-097.39514). The works are capable of diverting and conveying to the place of use 1.11 cu. ft. per second of of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows: **all in T95N, R55W**

NW ¼ SW ¼ Sec. 19	6	SW ¼ SE ¼ Sec. 19	29
NE ¼ SW ¼ Sec. 19	6	NE ¼ SE ¼ Sec. 19	14
SW ¼ SW ¼ Sec. 19	38	SE ¼ SE ¼ Sec. 19	24
SE ¼ SW ¼ Sec. 19	37	NW ¼ SW ¼ Sec. 20	9
NW ¼ SE ¼ Sec. 19	6	SW ¼ SW ¼ Sec. 20	27

comprising a total of 196 acres of land and the license should be issued for 1.11 cfs.

Applicable permit qualifications have been complied with: Yes X

Exceptions to compliance are: none Date Report Completed: October 20, 2004


Eric Gronlund
Natural Resources Engineer
DENR, Water Rights Program

CHEMIGATION EQUIPMENT: NO

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:

Mr. Frohreich stated the well only produces 500 g pm. If he pumps at a greater rate the well produces sand. He has no intention of an additional well in 2005 and the notice of completion of works has been filed. As currently configured, the works are capable of only operating one pivot at a time. Mr. Frohreich indicated that he may lease the property in the coming years.

I inquired about whether he still uses the James River diversion authorized by Water Right No. 2626-3. He stated that the diversion works are subject to considerable vandalism at the river. He said he would like to maintain it for standby purposes. I explained that works must be maintained for immediate use.

Pivot Nos. 2 & 3 overlap each other as seen on the map.

The calculated acres are based on the acreage calculator on ArcMap software. This acreage does not match the same acreage total authorized for irrigation from the James River under Water Right No. 2626-3. In my calculation the acreages were rounded up to give the greatest deference to the permit holder.

FIELD INVESTIGATION REPORT FOR PERMIT NO. 6205-3

DATE OF INVESTIGATION:	August 23, 2004
NAME & ADDRESS OF INVESTIGATION CONTACT	Wilmer E. Frohreich 44086 301st Street Yankton SD 57078
DIVERSION POINT LEGAL LOCATION	<u>approximately 780 feet east and 830 feet north of the SW corner (SW 1/4 SW 1/4) of Section 19, T95N, R55W (Lat/Lon N43.027008 W-097.39514)</u>

Other permit(s) associated with the project: **Water Right No. 2626-3 authorizes irrigation of the same property from the James River**

WELL INFORMATION:

- 1) Well Drilling Firm: Christensen Well & Irrigation
- 2) No. of Wells 1
- 3) Depth(s) 300 feet
- 4) Well log is available Yes
- 5) Comment:

Casing:

- 1) Diameter 16 inches
- 2) Length 220 feet
- 3) Type Plastic

Screen:

- 1) Type PVC
- 2) Length 80 feet
- 3) Static water level 215 feet

Motor:

- 1) Make US Electric
- 2) Model No. S321A (serial)
- 3) Horsepower rating 75 hp

Pump:

- 1) Make Mid America
- 2) Model A39288
- 3) Size
- 4) Capacity 500 GPM

DISTRIBUTION LINES OR CANALS:

- 1) Type _____
- 2) Size _____ inches
- 3) Length _____ feet

SYSTEM TYPE:**Center pivot: No. 1**

- 1) Make Grant-Hill
- 2) Overall length 950 feet
- 3) Number of towers 8
- 4) Distance between towers approx. 100 feet
- 5) End gun Yes
- 6) High or low pressure High
- 7) Capacity 500 GPM

Center pivot: No. 2

- 1) Make Lockwood (Model 2205)
- 2) Overall length _____ feet
- 3) Number of towers 4
- 4) Distance between towers _____ feet
- 5) End gun Yes
- 6) High or low pressure High
- 7) Capacity 500 GPM

Center pivot: No. 3 Make Unsure

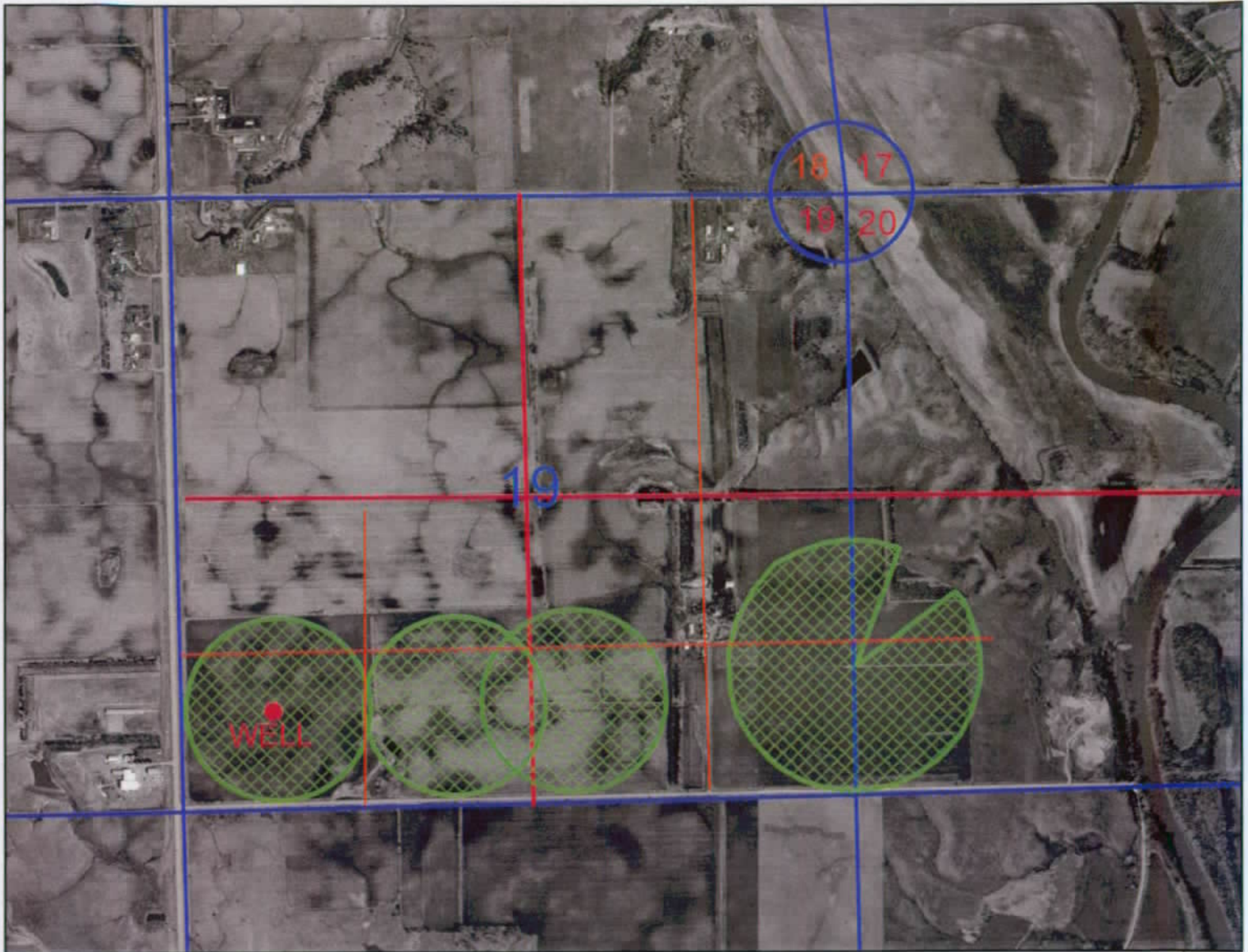
- 1) Overall length 750 feet
- 2) Number of towers 4
- 3) Distance between towers _____ feet
- 4) End gun Yes
- 5) High or low pressure High
- 6) Capacity 500 GPM

Did not go out to center of Pivot No. 3 (viewed from the road)

Center pivot: No. 4 Make T-L (Serial 8719)

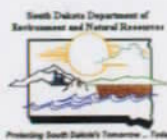
- 1) Overall length 750 feet
- 2) Number of towers 5
- 3) Distance between towers _____ feet
- 4) End gun Yes
- 5) High or low pressure High
- 6) Capacity 500 GPM

Water Permit No. 6205-3, Wilmer Frohreich



0 750 1,500 3,000 4,500 6,000 Feet

Well is located approximately 780 feet east and 830 feet north of the SW corner (SW 1/4 SW 1/4) of Section 19, T95N, R55W (Lat/Lon N43.027008 W-097.39514)



Eric Gronlund
Eric Gronlund
Water Rights Program, DENR
Licensing Investigation - August 23, 2004



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 19 2004

6205-3

Wilmer E Froheich
44086 301st St
Yankton SD 57078

Dear Mr. Froheich:

Enclosed is Water License No. 6205-3. This is the final water right document completing your process of obtaining a Water Right.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6205-3

(1) Wilmer E Frohreich, 44086 301st St, Yankton SD 57078 made Application No. 6205-3, May 18, 2000 for a water permit to divert 2.67 cubic feet of water per second from groundwater (one well), Yankton County, South Dakota for irrigation purposes. Permit No. 6205-3, with a priority date of May 18, 2000 was approved July 17, 2000 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 17, 2005 and for the application to beneficial use of water on or before July 17, 2009.

The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on January 29, 2002. The *Notice* stated the diversion system was completed on March 1, 2001 and the water placed to beneficial use on June 1, 2001.

(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, the holder and/or owner of Water Right No. 6205-3 is issued a license, bearing a priority date of May 18, 2000 to appropriate 1.11 cubic feet of water per second from groundwater (one well) to irrigate 196 acres.

The diversion point is located: approximately 780 feet east and 830 feet north of the southwest corner (SW ¼ SW ¼) Section 19-T95N-R55W. The acres authorized for irrigation are as follows:

All in T95N-R55W					
Sec 19 NW ¼ SW ¼	6 acres	Sec 19 NW ¼ SE ¼	6 acres	Sec 20 NW ¼ SW ¼	9 acres
NE ¼ SW ¼	6 acres	SW ¼ SE ¼	29 acres	SW ¼ SW ¼	27 acres
SW ¼ SW ¼	38 acres	NE ¼ SE ¼	14 acres		
SE ¼ SW ¼	37 acres	SE ¼ SE ¼	24 acres		
					Total 196 acres

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 6205-3 including the following now applicable 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.
- The well authorized by Permit No. 6205-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:28.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
- Water Right No. 2626-3 and 6205-3, combined, authorize an annual volume not to exceed three acre feet per acre applied to the land. Individually, the annual volume of water authorized by No. 6205-3 cannot exceed two acre feet per acre.

Garland Erbe

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

NOV 19 2004

date





6205-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2017

NOTICE

TO: WILMER E FROHREICH, 44086 301ST ST, YANKTON, SD 57078
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program
SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaire(s)

Our records indicate your 2016 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6205-3. The request for the Questionnaire was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 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) 6205-3 qualification:

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

The hearing will be held at **Wednesday, March 1, 2017 at 11:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6205-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 1, 2017** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 27, 2017

6205-3

Wilmer E Frohreich
639 Augusta Circle
Yankton SD 57078-5304

Dear Mr. Frohreich:

Enclosed is a "Notice" dated October 21, 2016 concerning the 2016 irrigation questionnaire and the scheduling of a hearing.

The notice was originally mailed to 44086 301st St, Yankton SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures



6205-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

February 27, 2017

6205-3

Wilmer E Frohreich
639 Augusta Circle
Yankton SD 57078

Dear Mr. Frohreich:

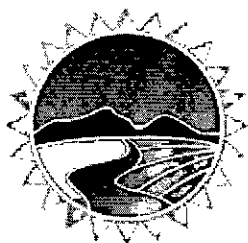
I am writing to acknowledge receipt of your 2016 irrigation questionnaire.

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Right No. 6205-3. 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
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 5, 2020

6205-3

Wilmer E Frohreich
639 Augusta Circle
Yankton SD 57078

Dear Mr. Frohreich:

Thank you for the prompt return of your 2020 irrigation questionnaire.

It is my understanding from the notation made on your questionnaire that the land has been enrolled in CRP for a ten-year period. I went back and looked in past questionnaires and found you reported in 2018 the land was placed in CRP. Under SDCL 46-5-37.2, no water right or permit may be forfeited for nonuse if land authorized for irrigation by a permit or right is placed under an acreage reserve or production quota program or otherwise withdrawn from use as required for participation in any federal program, if:

- the water source is not fully appropriated
- if the withdrawal from use does not prevent approval of new permits from the same source, and
- if the appropriated water has been applied to beneficial irrigation use prior to participation in a federal program.

The annual irrigation questionnaire for Water Right No. 6205-3 will not be mailed to you until the land comes out of CRP in 2028. If the land is sold or other changes occur prior to the land coming out of the program, please notify us so that appropriate changes can be made to the water right.

If you have any questions, please contact me.

Sincerely,

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