

WATER PERMIT NO. 6644-3

Name of Applicant: Gary and Amy Freeburg

Address: Box 188, Gayville SD 57031 Phone: 605 267-4426

Amount of Water Claimed: 3.33 cfs Total Acres: 378

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation County: Clay

Type of Waste Disposal System:

Location: 1 mile east of Meckling

PRIORITY Date Received: 8-10-2005 Application/License Fee: \$400

Corrected Application Received: Period of Annual Use: April 1 – October 31

Remarks:

Diversion Point: S ½ NW ¼ Sec 30-T93N-R52W

Land to be Irrigated: W ½, W ½ E ½ Sec 30-
T93N-R52W

Depth of Well: 90 – 120 feet deep

Well Driller: :

Remarks:

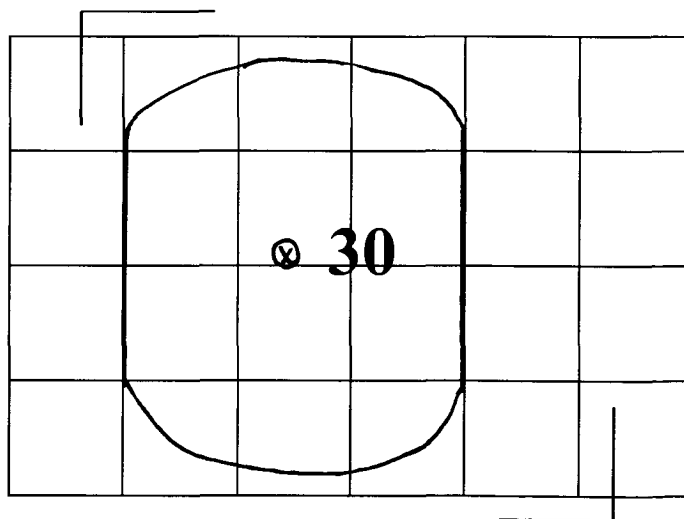
Type of Map: topo

Prepared by: Eric Gronlund

Reviewed and the Number Assigned on: 8-17-2005

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



FORM 2: Application for irrigation in South Dakota
(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6644-3</u> (office use only) Hydrologic Unit <u>10170102</u>
	Basin <u>Vermillion River</u>
	Newspaper <u>Plain Talk</u>

RECEIVED
AUG 10 2005
WATER RIGHTS
PROGRAM

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.)

- Name of Applicant Gary and Amy Freeburg Phone (605) 267-4426
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address Box 188 Gayville State SD 57031
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 3.33 *CFS or 1,500 **GPM ***AF Total Acreage 378
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply groundwater - on well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Clay
on the E-W 1/4 section line (S1/2 NW 1/4 Section 30, T93N, R52W)
- County or counties where water will be used Clay
- Annual period during which water is to be used April 1 - October 31
- 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
see attached sheet			

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

Drill a new well in Section 30. Irrigate cropland with full section center pivot. Would like to drill well in November

STATE OF SOUTH DAKOTA) SS
County of Hughes)

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, Gary Freeburg, 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.

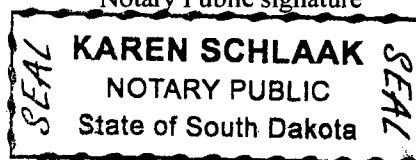
Applicant's signature Gary J. Freeburg

Subscribed and sworn to before me this 10th day of August 20 05

Karen Schlaak

Notary Public signature

My Commission Expires
April 1, 2007



NW ¼ NW ¼ Section 30, T93N, R52W	27 acres
NE ¼ NW ¼ Section 30, T93N, R52W	30 acres
SW ¼ NW ¼ Section 30, T93N, R52W	40 acres
SE ¼ NW ¼ Section 30, T93N, R52W	40 acres
NW ¼ SW ¼ Section 30, T93N, R52W	40 acres
NE ¼ SW ¼ Section 30, T93N, R52W	40 acres
SW ¼ SW ¼ Section 30, T93N, R52W	27 acres
SE ¼ SW ¼ Section 30, T93N, R52W	30 acres
NW ¼ NE ¼ Section 30, T93N, R52W	27 acres
SW ¼ NE ¼ Section 30, T93N, R52W	40 acres
NW ¼ SE ¼ Section 30, T93N, R52W	40 acres
SW ¼ SE ¼ Section 30, T93N, R52W	27 acres

**SOUTH DAKOTA
WATER PERMIT NO. 6644-3**

Date of first receipt of application August 10, 2005.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6644-3 to Gary and Amy Freeburg, Box 188, Gayville SD 57031 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 6644-3 appropriates 3.33 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (approximately 90-120 feet deep) located in the S ½ NW ¼ Section 30 to irrigate 378 acres located in the W ½, W ½ E ½ Section 30; all in T93N-R52W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The date from which applicant may claim right is August 10, 2005.
4. The date of approval of Permit No. 6644-3 is October 17, 2005.
5. One-fifth of the construction is to be completed on or before April 17, 2008.
6. All construction is to be completed on or before October 17, 2010.
7. Water is to be put to beneficial use on or before October 17, 2014.
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. 6644-3 shall be constructed by a licensed well driller and construction of the wells and installation of the pump 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.

WATER MANAGEMENT BOARD

By: Garland Erbele

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

NOV 07 2005

date



No. 6644-3

Water Rights Program - DENR Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit No. 6644-3, Gary Freeburg

ADDRESS: COUNTY: Clay

DATE: May 4, 2007 TELEPHONE:

RE: discrepancy in acreage authorized by Water Permit No. 6644-3

COMMENTS:

It was brought to my attention that Water Permit No. 6644-3 was issued for 378 acres; however, the acreage breakdown listed on the application totals 408 acres. Using ArcMap and the area outlined for irrigation on the submitted map, I digitized the area to be irrigated within each quarter quarter section. The table represents the acreage breakdown that I arrived at which does total 378 acres.

All in Section 30, T93N, R52W

Description	Acreage
NW ¼ NW ¼	21
NE ¼ NW ¼	30
SW ¼ NW ¼	40
SE ¼ NW ¼	40
NW ¼ SW ¼	40
NE ¼ SW ¼	40
SW ¼ SW ¼	18
SE ¼ SW ¼	23
NW ¼ NE ¼	26
SW ¼ NE ¼	40
NW ¼ SE ¼	40
SW ¼ SE ¼	20
Total	378

NAME: Eve Thompson

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter _____ Depth 90 - 120
- b) Casing Type plastic Diameter 16 Thickness _____
- c) Screen Type stainless Diameter 16 Thickness _____
- d) Gravel Pack _____ 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 approx. 1/4 mile NW On property owned by others _____

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

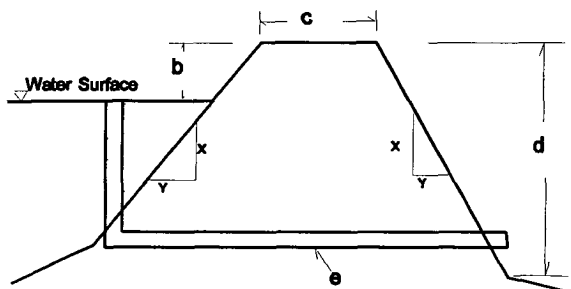
3. Dugout Information

- 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

4

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date August 10, 20 05

RECEIVED OF Gary Freeburg, Box 188, Gayville SD 57031

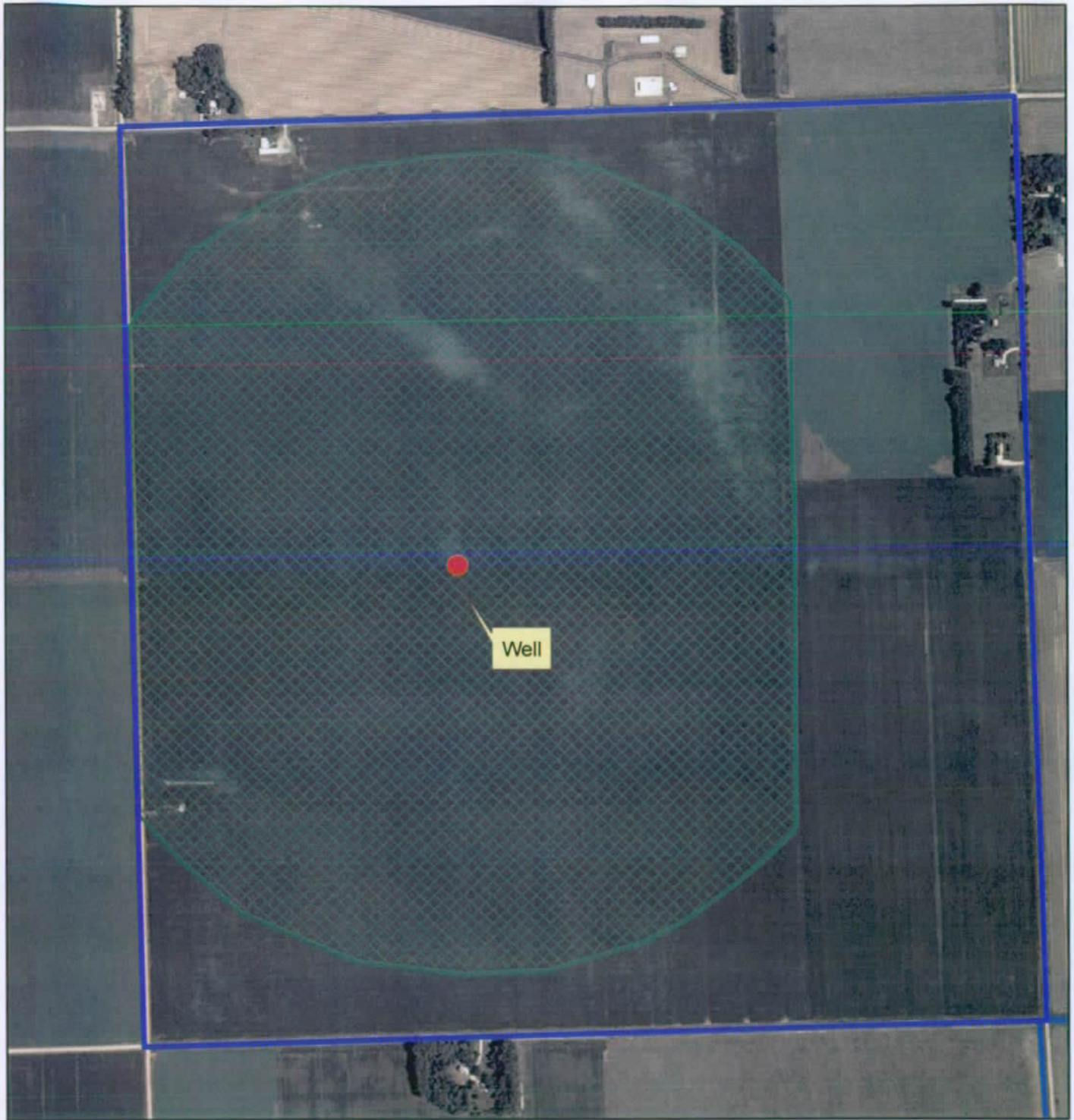
The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>6644-3</u> to Appropriate Water, to construct and to put water to beneficial use	350	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>6644-3</u>	50	000
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	400.00

No. 001920

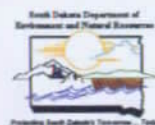
By

David E. Ebel
Chief Engineer
gm



1,500 750 0 1,500 Feet

Well and irrigated acres located in the Section 30, T93N, R52W



Eric Gronlund
Eric Gronlund
Water Rights Program, DENR

REPORT ON WATER PERMIT APPLICATION NO. 6644-3
For Gary and Amy Freeburg
September 9, 2005

Application No. 6644-3 proposes to appropriate 3.33 cfs (1,500 gpm) from one well approximately 120 feet deep located in the S $\frac{1}{2}$ NW $\frac{1}{4}$ of section 30 to irrigate 378 acres located in W $\frac{1}{2}$, W $\frac{1}{2}$ E $\frac{1}{2}$ of section 30; all in T93N R52W in Clay County.

AQUIFER – MISSOURI ELK POINT (M-EP)

The Missouri Elk Point is an alluvium mantled outwash (sand and gravel) that is under predominantly water able conditions in this area but locally can be under artesian conditions. The aquifer underlies 74,500 acres and contains an estimated 1.117 million acre-feet of recoverable water in storage in Clay County (Hedges, 1982). The aquifer extends into Union County to the east, Yankton County to the west, blends into the Upper Vermillion Missouri aquifer to the north and is hydraulically connected to both the Missouri and Vermillion rivers. Also, further east the Missouri Elk Point aquifer directly overlies the Dakota Formation and water from the Dakota is leaking upward into the Missouri Elk Point aquifer in this area. Ground water movement is from northwest to southeast in the area of the application (Christensen, 1967). The hydrogeologic map prepared by Christensen reports the aquifer should be 100 to 125 feet thick in this area. Christensen described the aquifer as follows “On the floodplains of the Missouri and Vermillion Rivers the outwash is overlain by alluvium—gravel, sand, silt, and clay that was transported by the rivers and deposited at places where the velocity of the water was insufficient to maintain the materials in motion. Much of the floodplain alluvium is permeable and forms a single aquifer with the underlying outwash” (Christensen, 1967).

No test wells were drilled for this application. The information available from the county study, area domestic and irrigation wells and the observation wells in the area all indicate that the aquifer is present at this site and should be capable of producing the amount of water needed for this application.

The Water Rights Program monitors two observation wells, CL-80A and CL-80G, located within a four mile radius of the site of 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. Pumping does not appear to affect the water levels to any significant extent. Hydrographs for these two observation wells are included with this report (Water Rights, 2005). In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals.

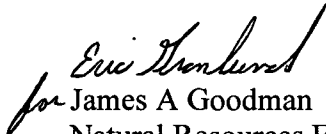
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are two nearby irrigation permits. The nearest existing irrigation wells are for water permit No. 5289-3 (located about $\frac{3}{4}$ mile west) and water right No. 5853-3 (located about one mile northwest) from the well for this application. Interference is not a

concern. Drawdown created by pumping should not be significant. The applicant will need to production test the well at this site to determine if it is capable of producing the entire amount of water requested. It may be necessary to drill a second well however, this aquifer is very prolific and one well should be sufficient.

CONCLUSIONS

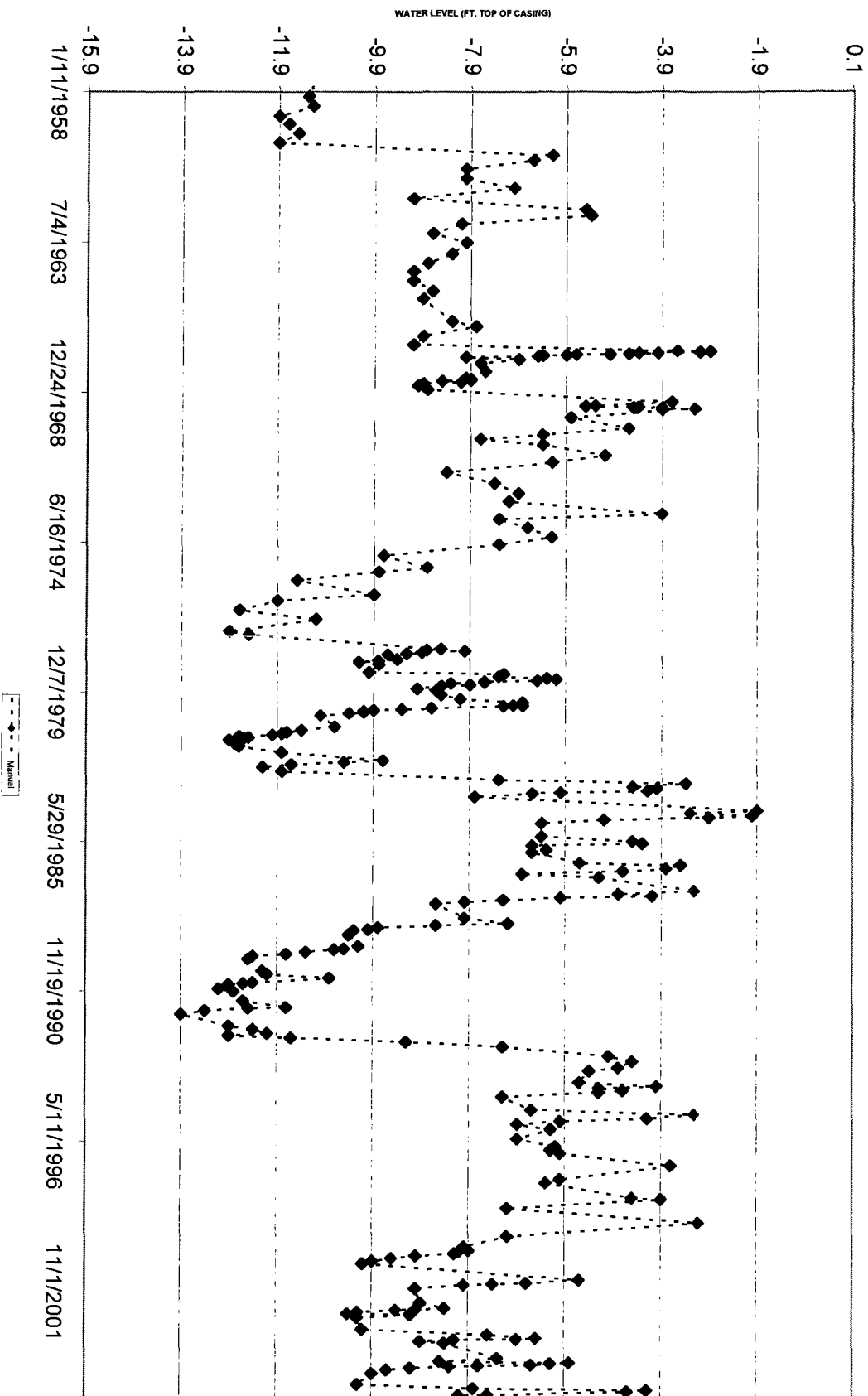
1. Water is available from the Missouri Elk Point aquifer.
2. The aquifer may be under artesian conditions at this site, however, the behavior of the aquifer will be more like a water table situation. Drawdown is not expected to be significant nor adverse. Interference is not a concern. Historically there have never been any disputes or complaints over water availability from this aquifer in this area.
3. The wells authorized by this application must be constructed in accordance with SD Well Construction Standards.
4. Even though test holes or wells were not constructed for this application there is sufficient information availability to assess this application.
5. There is a group of seven applications for water from the Missouri Elk Point aquifer in this area. The priority date for this collective group will be determined by the order of application or in other words in order by the permit number.


for James A Goodman
Natural Resources Engineer

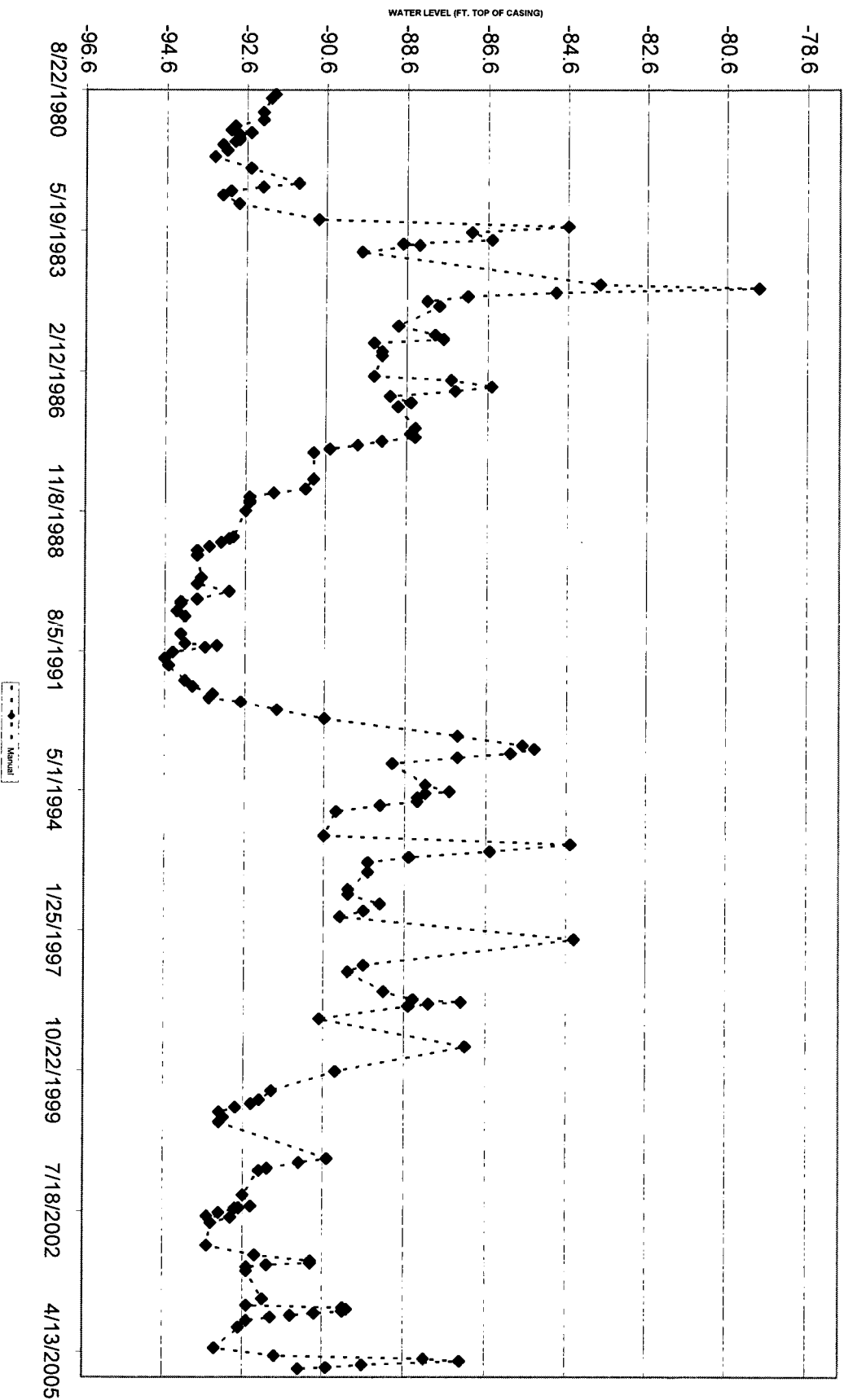
BIBLIOGRAPHY

- Christensen, C.M., J.C. Stephens, 1967, Geology and Hydrogeology of Clay County South Dakota, Part II Water Resources, Bulletin 19, SD DENR, SDGS, Vermillion, SD, 57069.
- Hedges, L.S, and others, 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, 2005, Unpublished Observation Well Data for the Missouri Elk Point Aquifer, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL CL-80A



WATER RIGHTS' OBSERVATION WELL CL-80G





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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. 6644-3, Gary and Amy Freeburg**

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. 6644-3, Gary and Amy Freeburg, Box 188, Gayville SD 57031.

The Chief Engineer is recommending APPROVAL of Application No. 6644-3 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 qualification:

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. 6644-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump 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.

See report on application for additional information.

Garland Erbele, Chief Engineer
September 16, 2005



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 19, 2005

Scott Heine
Heine Electric & Irrigation
311 S Robinson Avenue
Hartington NE 68739

Dear Mr. Heine:

The applications that Mr. Dreesen and Mr. Freeburg filed are ready to be public noticed. Please find enclosed a copy of the public notice and the letters that were sent to applicants.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352

enclosures

AFFIDAVIT OF PUBLICATION

State of South Dakota, County of Clay, ss.

Shani Bonner

Being first duly sworn, deposes and says: That he/she is a resident of the County of Clay and State of South Dakota; that

THE PLAIN TALK

is a legal newspaper of general circulation, printed and published in Vermillion, in said County and State, by Broadcaster Press, Inc., and is now and has been such newspaper continuously during all the times hereinafter mentioned; that affiant is and was during all the time hereinafter mentioned in charge of the advertising department thereof, and has personal knowledge of all the facts stated in this affidavit: and that the notice and advertisement headed:

NOTICE OF APPLICATIONS TO APPROPRIATE WATER

GARY AND AMY FREEBURG

a printed copy of which is hereunto attached and made a part hereof, was printed and published in the said newspaper at least once in each week

for 2 successive weeks; that said newspaper at the time of the first publication of said notice hereinafter stated, had, and still has, a bona fide circulation of over two-hundred paid copies weekly, and had been published in the said county of Clay for more than one year immediately prior to the date of the said publication of said notice, and that said newspaper during said times, was, and is, printed in part in an office maintained at said city of Vermillion, the said place of publication; that the first publication of said notice in said newspaper as aforesaid

was on Friday, the 23rd day of September 20 05, and that the succeeding publications were severally

on Friday, the 30th day of September, 20 05,

on Friday, the _____ day of _____, 20 _____,

on Friday, the _____ day of _____, 20 _____,

on Friday, the _____ day of _____, 20 _____,

that the fees charged for the printing and publication of the said notice and advertisement in said newspaper as aforesaid were

Sixty _____ dollars and 08 cents

and that said fees for the printing and publishing of said notice and advertisement have been fully paid; that the full amount of the fee charged for the publishing of the said attached annexed notice and advertisement inures to the benefit of the publisher of the said newspaper, that no agreement or 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 other person whomsoever.

Shani Bonner

Subscribed and sworn to before me

this 23rd day of September 20 05



NOTARY PUBLIC
SOUTH DAKOTA



RECEIVED

OCT - 6 2005

WATER RIGHTS
PROGRAM

Notary Public

My Commission Expires 04/17/2011

NOTICE OF APPLICATIONS TO APPROPRIATE WATER

Notice is given that Gary and Amy Freeburg, Box 188, Gayville, SD 57031 have filed the following five applications for a water permit.

Application No. 6643-3 proposes to appropriate 4.89 cubic feet of water per second (cfs) from two wells to be completed into the Missouri: Elk Point Aquifer (approximately 90-120 feet deep) located in the approximate center of Section 32 to irrigate 555 acres located in Section 32; all in T93N-R52W.

Application No. 6644-3 proposes to appropriate 3.33 cfs from one well to be completed into the Missouri: Elk Point Aquifer (approximately 90-120 feet deep) located in the S 1/2 NW 1/4 Section 30 to irrigate 378 acres located in the W 1/2, W 1/2 E 1/2 Section 30; all in T93N-R52W.

Application 6645-3 proposes to appropriate 2.0 cfs from one well to be completed into the Missouri: Elk Point Aquifer (approximately 90-120 feet deep) located on the east-west quarter section line in Section 19 to irrigate 148 acres located in the SW 1/4 and W 1/2 SE 1/4 Section 19; all T93N-R52W.

Application No. 6646-3 proposes to irrigate 140 acres located in the SE 1/4 Section 24; T93N-R53W from the existing well authorized by Water Right No. 5853-3. Water Right No. 5853-3 appropriates 1.9 cfs from one existing well completed into the Missouri: Elk Point Aquifer (101 feet deep) located in the SW 1/4 SE 1/4 Section 24 to irrigate 133.2 acres in the NE 1/4 Section 25, T93N, R53W. No increase in the diversion rate is authorized.

Application No. 6647-3 proposed to appropriate 2.0 cfs from one well to be completed into the Missouri: Elk Point Aquifer (approximately 90-120 feet deep) located in the center of the NE 1/4 Section 24 to irrigate 140 acres located in the NE 1/4 Section 24; all in T93N-R53W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6643-3, 6644-3, 6645-3, 6646-3 and 6647-3 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 October 17, 2005.

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

Publish: September 23 & 30, 2005



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 19, 2005

Plain Talk
PO Box 256
Vermillion SD 57069-0256

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6643-3, 6644-3, 6645-3, 6646-3 & 6647-3 to Appropriate Water to be published twice. Please publish the first notice on September 30, 2005 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Gary and Amy Freeburg, Box 188, Gayville SD (Ph # 605-267-4426).

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-----

Nos. 6643-3, 6644-3, 6645-3, 6646-3 & 6647-3

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

Date _____

We are in receipt of your letter of September 19, 2005 enclosing Notice to Appropriate Water by Application Nos. 6643-3, 6644-3, 6645-3, 6646-3 & 6647-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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.

September 19, 2005

Gary and Amy Freeburg
Box 188
Gayville SD 57031

Dear Mr. and Mrs. Freeburg:

Water Permit Application Nos. 6643-3, 6644-3, 6645-3, 6646-3 & 6647-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Plain Talk printed at Vermillion, SD (Ph # 605-624-2695). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and the reports on the applications 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 and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the applications.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendations, 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 applications.

Instruction to Newspaper - Publish first Notice on September 30, 2005 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATIONS to Appropriate Water

Notice is given that Gary and Amy Freeburg, Box 188, Gayville SD 57031 have filed the following five applications for a water permit.

Application No. 6643-3 proposes to appropriate 4.89 cubic feet of water per second (cfs) from two wells to be completed into the Missouri:Elk Point Aquifer (approximately 90-120 feet deep) located in the approximate center of Section 32 to irrigate 555 acres located in Section 32; all in T93N-R52W.

Application No. 6644-3 proposes to appropriate 3.33 cfs from one well to be completed into the Missouri:Elk Point Aquifer (approximately 90-120 feet deep) located in the S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 30 to irrigate 378 acres located in the W $\frac{1}{2}$, W $\frac{1}{2}$ E $\frac{1}{2}$ Section 30; all in T93N-R52W.

Application No. 6645-3 proposes to appropriate 2.0 cfs from one well to be completed into the Missouri:Elk Point Aquifer (approximately 90-120 feet deep) located on the east - west quarter section line in Section 19 to irrigate 148 acres located in the SW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 19; all T93N-R52W.

Application No. 6646-3 proposes to irrigate 140 acres located in the SE $\frac{1}{4}$ Section 24; T93N-R53W from the existing well authorized by Water Right No. 5853-3. Water Right No. 5853-3 appropriates 1.9 cfs from one existing well completed into the Missouri:Elk Point Aquifer (101 feet deep) located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 24 to irrigate 133.2 acres in the NE $\frac{1}{4}$ Section 25, T93N, R53W. No increase in the diversion rate is authorized.

Application No. 6647-3 proposes to appropriate 2.0 cfs from one well to be completed into the Missouri:Elk Point Aquifer (approximately 90-120 feet deep) located in the center of the NE $\frac{1}{4}$ Section 24 to irrigate 140 acres located in the NE $\frac{1}{4}$ Section 24; all in T93N-R53W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6643-3, 6644-3, 6645-3, 6646-3 and 6647-3 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 recommendations. 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 October 17, 2005.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



**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 07 2005

Gary and Amy Freeburg
Box 188
Gayville SD 57031

Dear Mr. & Mrs. Freeburg:

Enclosed are your nine Water Permit Nos. 6643-3 thru 6651-3 authorizing construction of the water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, are enclosed. Please return the completed forms after you have finished the systems and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued for each permit, 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

Permit No. 6644-3
Vermillion River - Water District

Contact Person & Address: **Tom Dreesen, 45916 W Hwy 50, Vermillion SD**

Report Of Examination Of Works

On, **February 8, 2012**, I made a thorough examination of the water use system constructed by **Gary and Amy Freeburg** holder of Permit No. **6644-3**, bearing the priority of **August 10, 2005** authorizing the diversion of **3.33** cu. ft. per second of the waters of **ground water: Missouri-Elk Point** for **irrigation** purposes, in **Clay** County.

The system is in the following condition **good**. The point of diversion is located **from the NW corner of Sec 30 T93N-R52W; 2640 ft S and 1980 ft E** with a longitude of **-97.035360** and a latitude of **42.84456** as determined using **GPS**. The works are capable of diverting and conveying to the place of use **3.22** 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 land is located in **Sec 30 T93N-R52W**:

<u>NW ¼ NW ¼ - 19# ac</u>	<u>NE ¼ NW ¼ - 36 ac</u>	<u>SE ¼ NW ¼ - 40 ac</u>	<u>SW ¼ NW ¼ - 38 ac</u>
<u>NW ¼ NE ¼ - 19 ac</u>	<u>SW ¼ NE ¼ - 37 ac</u>	<u>NW ¼ SE ¼ - 37 ac</u>	<u>SW ¼ SE ¼ - 19 ac</u>
<u>NW ¼ SW ¼ - 38 ac</u>	<u>NE ¼ SW ¼ - 40 ac</u>	<u>SE ¼ SW ¼ - 36 ac</u>	<u>SW ¼ SW ¼ - 19 ac</u>

comprising a total of **378** acres of land and the license should be issued for **3.22** cfs.

Review of Permit Qualifications And Regulations:

- 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**.
- 4) Exceptions to compliance are: **none**

Report On the Specifics of the System

Diversion Point Information:

Well Information:

- | | |
|--|--|
| 1) Well Drilling Firm: <u>Hammond Wetmore</u> | 2) No. of Wells <u>1</u> |
| 3) Depth(s) <u>NA</u> feet | 4) Well log is available <u>No, driller was contacted</u> |

Casing:

- | | |
|-------------------------------------|---------------------------------|
| 1) Diameter <u>16</u> inches | 2) Length <u>NA</u> feet |
| 3) Type <u>NA</u> | |

Screen:

- | | |
|--------------------------|---------------------------------|
| 1) Type <u>NA</u> | 2) Length <u>NA</u> feet |
|--------------------------|---------------------------------|

3) Static water level NA feet

Pump:

1) Make Flow Serve

2) Model NA

3) Capacity 1450 GPM

Motor:

1) Make US Electrical

2) Model BF 697222 3) Horsepower rating 100 hp

DISTRIBUTION LINES OR CANALS:

1) Type Aluminum 2) Size 8 inches 3) Length 10 feet

SYSTEM TYPE:

Center pivot:

1) Make Valley

2) Overall length 1730 feet

3) Number of towers 11

4) End gun yes

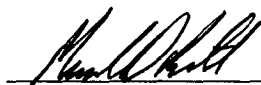
5) High or low pressure low

6) Capacity 1450 GPM

CHEMIGATION EQUIPMENT:

1) Does chemigate no

Comments : Driller was contacted about the well log, he was unable to locate



Mark D. Rath

Natural Resources Engineering Specialist
DENR, Water Rights Program

6-8-12

Date

24 19
25 30

313 ST

459 AVE

458 AVE

Sec 30 T93N-R52W

314 ST

Lat 42.844561
Long -97.03536

2640 ft

1980 ft

19 ac

36 ac

19 ac

40 ac

37 ac

38 ac

40 ac

37 ac

38 ac

19 ac

36 ac

19 ac

0 345 690 1,380 2,070 2,760 Feet

No. 6644-3

Handwritten Signature
Kris D. Rahn
Natural Resources Engineer III
SDGEMA

6-8-12



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

JUN 20 2012

6644-3

Gary & Amy Freeburg
PO Box 188
Gayville SD 57031 0188

Dear Mr. & Mrs. Freeburg:

Enclosed is Water License No. 6644-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by Water Right No. 6644-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

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

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6644-3**

(1) Gary and Amy Freeburg, PO Box 188, Gayville SD 57031 made Application No. 6644-3, August 10, 2005 for a water permit to divert 3.33 cubic feet of water per second from ground water (one well – Missouri Elk Point Aquifer), Clay County, South Dakota for irrigation purposes. Permit No. 6644-3, with a priority date of August 10, 2005 was approved October 17, 2005 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before October 17, 2010 and for the application to beneficial use of said water on or before October 17, 2014.

(2) It is certified that the permit holders have complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and are entitled to divert 3.22 cubic feet of water per second for beneficial use.

The location  the diversion point is 2,640 feet S and 1,980 feet E of the NW corner of Section 30, T93N, R52W(SW 1/4 NW 1/4).

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

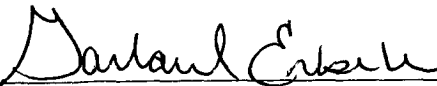
Section 30, T93N, R52W					
NW 1/4 NW 1/4	19 acres	NW 1/4 NE 1/4	19 acres	NW 1/4 SW 1/4	38 acres
NE 1/4 NW 1/4	36 acres	SW 1/4 NE 1/4	37 acres	NE 1/4 SW 1/4	40 acres
SE 1/4 NW 1/4	40 acres	NW 1/4 SE 1/4	37 acres	SE 1/4 SW 1/4	36 acres
SW 1/4 NW 1/4	38 acres	SW 1/4 SE 1/4	19 acres	SW 1/4 SW 1/4	19 acres

Total 378 acres irrigated

(4) Pursuant to South Dakota Water Law 46-5-30.1 Gary and Amy Freeburg, PO Box 188, Gayville SD 57031 the holders and/or owners of Water Right No. 6644-3 are issued a license to appropriate water, the right to use 3.22 cubic feet of water per second from ground water (one well – Missouri Elk Point Aquifer) with a priority date of August 10, 2005 from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6644-3 and subject to the following qualifications:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The well authorized by Permit No. 6644-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the 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.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.


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

JUN 20 2012

date



6644-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 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. 6644-3

Date: 1-19-15

I/We request that Water Right No. 6644-3

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:

378 acres -NW ¼, W ½ NE ¼, W ½ SE ¼ and SW ¼ Section 30, T93N, R52W

I/We understand that the validity of Water Right No. 6644-3 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>6644-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. 07155

By *Jean S. Salinas*
Chief Engineer

6644-3



**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,

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

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

enclosures

6644-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

AUG 27 2015

6644-3
7661-3

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

Dear Mr. & Mrs. Freeburg:

Enclosed is Water License No. 7661-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 7661-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

A handwritten signature in cursive script that reads 'Jeanne Goodman'. The signature is written in dark ink and is positioned above the printed name and title.

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

enclosures

Note: Upon licensing, the applicable portions of Water Right No. 6644-3 were incorporated into Water License No. 7661-3.