

WATER PERMIT NO. 6648-3

Name of Applicant: Gary and Amy Freeburg

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

Amount of Water Claimed: 2.0 Total Acres: 138

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation County: Yankton

Type of Waste Disposal System:

Location: east side of Gayville

PRIORITY Date Received: 8-10-05 Application/License Fee: \$300

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

Remarks:

Diversion Point: center of the NE ¼ Sec 12-T93N-
R54W

Land to be Irrigated: NE ¼, N ½ SE ¼ Sec 12-
T93N-R54W

Depth of Well: 90 – 120 feet

Well Driller:

Remarks:

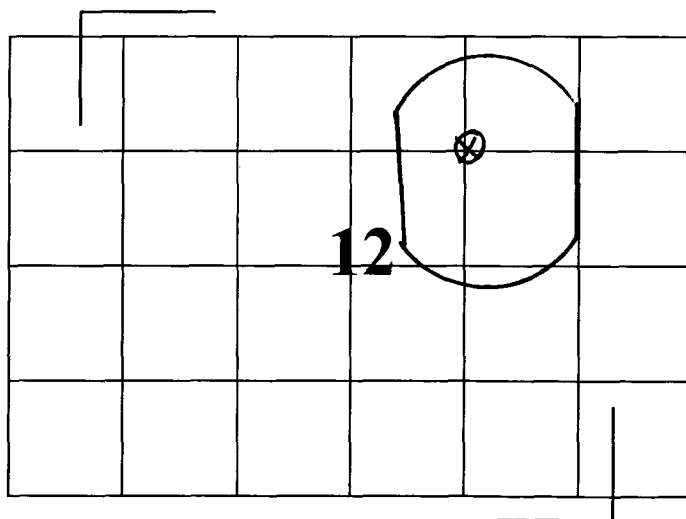
Type of Map: aerial

Prepared by: Eric Gronlund

Reviewed and the Number Assigned on: 8-17-05

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



RECEIVED

AUG 10 2005

WATER RIGHTS
PROGRAM

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>2648-3</u> (office use only)	Hydrologic Unit <u>10170102</u>
	Basin <u>Vermillion River</u>	
	Newspaper <u>Daily Press & Dakotan, Yankton</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.)

- 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 2.0 *CFS or 900 **GPM ***AF Total Acreage 138
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply one well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Yankton
one well in the SE 1/4 NE 1/4 Section 12, T93N, R54W
approx. center of NE 1/4
- County or counties where water will be used Yankton
- 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
NW 1/4 NE 1/4 Section 12, T93N, R54W	25	NE 1/4 SE 1/4 Section 12, T93N, R54W	6
NE 1/4 NE 1/4 Section 12, T93N, R54W	35	NW 1/4 SE 1/4 Section 12, T93N, R54W	2
SW 1/4 NE 1/4 Section 12, T93N, R54W	30		
SE 1/4 NE 1/4 Section 12, T93N, R54W	40		

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

Drill new well in center of NE 1/4 Section 12, T93N, R54W. Irrigate cropland with center pivot. Would like to drill well in November.

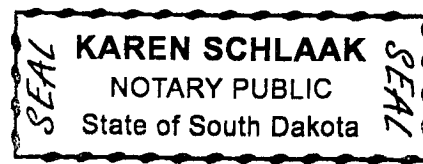
STATE OF SOUTH DAKOTA) SS
County of Hughes

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

Karen Schlaak
Notary Public signature



SOUTH DAKOTA
WATER PERMIT NO. 6648-3

Date of first receipt of application August 10, 2005.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6648-3 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. 6648-3 appropriates 2.0 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 approximate center NE ¼ Section 12 to irrigate 138 acres located in the NE ¼, N ½ SE ¼ Section 12; all in T93N-R54W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The date from which applicant may claim right is August 10, 2005.
4. The date of approval of Permit No. 6648-3 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. 6648-3 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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints or type of soils so requires, Permit No. 6648-3 authorizes a maximum diversion rate of 2.0 cfs for the irrigation of 138 acres with an annual volume not to exceed 2 acre-feet of water per acre per year.
4. 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



(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 plastic 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 _____ 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

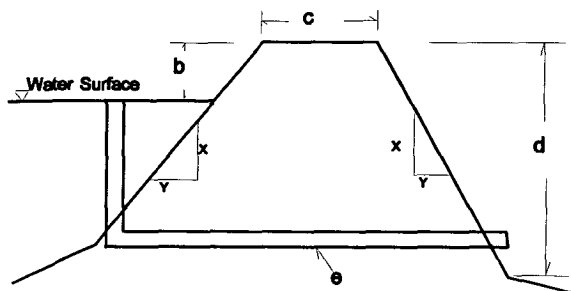
3. Dugout Information

- 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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date August 10, 2005

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>11148-2</u> to Appropriate Water, to construct and to put water to beneficial use	250	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>11148-3</u>	50	00
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	300.00

No.

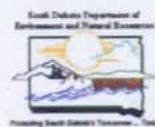
001975

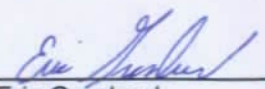
By

J. Darlene Arbach
Chief Engineer



New well and irrigated acres located in the E 1/2 Section 12, T93N, R54W in Yankton County.




Eric Grönlund
Water Rights Program, DENR

REPORT ON WATER PERMIT APPLICATION NO. 6648-3
For Gary and Amy Freeburg
September 12, 2005

Application No. 6648-3 proposes to appropriate 2.0 cfs (900 gpm) from one well approximately 120 feet deep located in the approximate center of the NE $\frac{1}{4}$ of section 12 to irrigate 138 acres located in the NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ of section 12; all in T93N R54W in Yankton County. The applicant is requesting a diversion rate greater than the statutory limit of one cfs per 70 acres.

AQUIFER – MISSOURI ELK POINT (M-EP)

The Missouri Elk Point is an alluvium mantled outwash (sand and gravel) that is under predominantly water table conditions in Yankton County however, in some areas can technically be under confined conditions. The aquifer underlies 45,000 acres and contains an estimated 675,000 acre-feet of recoverable water in storage in Yankton County (Hedges, 1982). The Missouri Elk Point aquifer as described by Hedges is basically equivalent to the “southern portion” of the Lower James Missouri aquifer as described in the Yankton County study (Bugliosi, 1986). The aquifer extends into Clay County to the east, blends into the Lower James Missouri aquifer to the north and is hydraulically connected to the James and Missouri Rivers. Ground water movement is probably from northwest to southeast across Yankton County and toward the Missouri River.

No test holes or wells were drilled for this application. Information available from the Yankton County Study, Clay County Study, domestic, municipal and irrigation wells in the area and observation wells in Yankton and Clay Counties indicate that the aquifer is probably present below this site and of sufficient thickness to provide the amount of water requested.

The Water Right Program monitors two observation wells completed into the Missouri Elk Point aquifer and within four miles of this application. Observation well YA-80KA is located about four miles to the south and observation well YA-78J is located about four miles to the west 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. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2005). Hydrographs for these two observation wells are included with this report. Note that the water level record appears to show a slight decline for both of these observation wells. In fact, this appears to be the case for all the observation wells located near to the Missouri River. Apparently, this phenomenon is due to entrenching of the Missouri River causing a gradually lowering of the piezometric surface by drainage into the river.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are two existing water right Nos. 5118-3 and 1965-3 for the City of Gayville with those wells located about one-half mile to the west of the well for this application. Both of these wells are used as a backup supply for Gayville who now obtains water from Clay Rural Water System. The next nearest permitted users are over two miles from this application. Pumping at this requested rate should not create significant drawdown. The distance between wells is sufficient to minimize any potential impacts.

CONCLUSIONS

1. Water is available from the Missouri Elk Point aquifer.
2. Without test well information is not possible to determine if this site is under water table or confined conditions. Either way it is anticipated that drawdown created by pumping will be significant. Interference is not a concern.
3. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.


for James A Goodman
Natural Resources Engineer

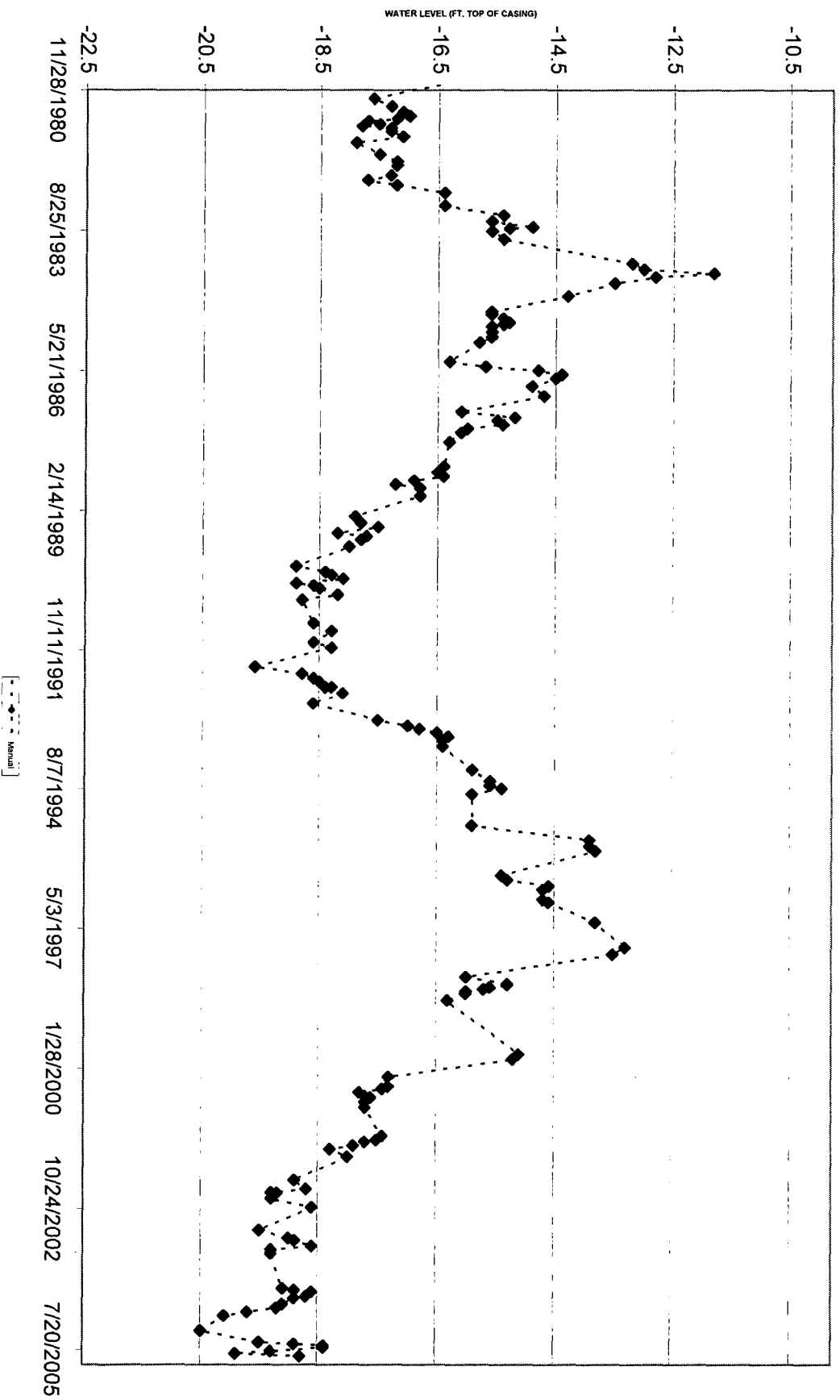
BIBLIOGRAPHY

Bugliosi E.F., 1986, Water Resources of Yankton County, South Dakota, Water Resources Investigations Report 84-4241, USGS, Huron, SD, 57350.

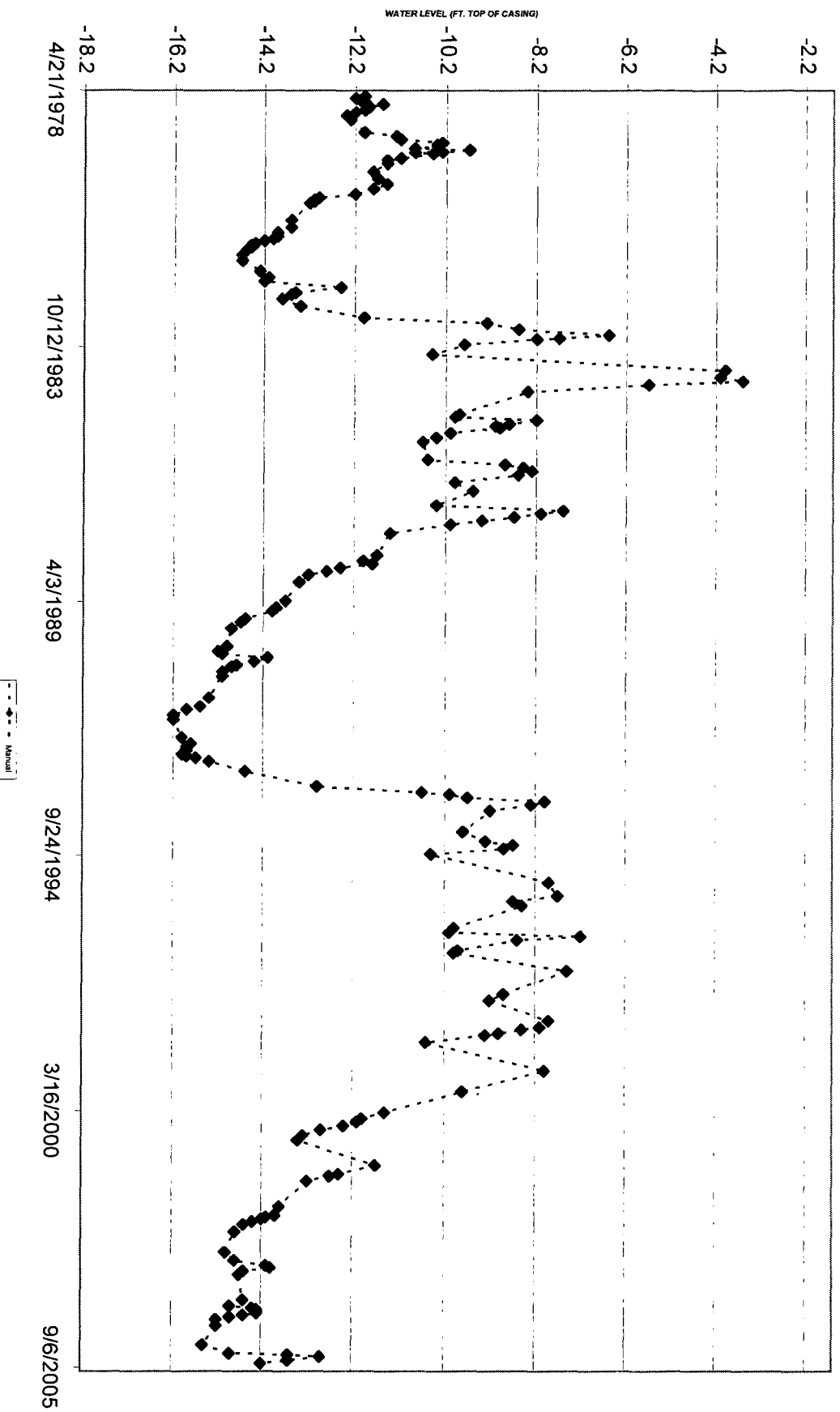
Hedges, L.S., and others, 1982, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57501.

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
YA-80KA



WATER RIGHTS' OBSERVATION WELL YA-78J





**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. 6648-3, 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. 6648-3, Gary and Amy Freeburg, Box 188, Gayville SD 57031.

The Chief Engineer is recommending APPROVAL of Application No. 6648-3 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. 6648-3 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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints or type of soils so requires, Permit No. 6648-3 authorizes a maximum diversion rate of 2.0 cfs for the irrigation of 138 acres with an annual volume not to exceed 2 acre-feet of water per acre per year.
4. 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

Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

9+24&10+1

NOTICE OF APPLICATIONS to Appropriate Water

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

Application No. 6648-3 proposes to appropriate 2.0 cubic feet of water per second (cfs) from one well to be completed into the Missouri:Elk Point Aquifer (approximately 90-120 feet deep) located in the approximate center NE 1/4 Section 12 to irrigate 138 acres located in the NE 1/4, N 1/2 SE 1/4 Section 12; all in T93N-R54W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Application No. 6649-3 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 N 1/2 SE 1/4 Section 24 to irrigate 178 acres located in the S 1/2 NE 1/4, SE 1/4 Section 24; all in T94N-R54W.

Application No. 6650-3 proposes to appropriate 2.0 cfs from one well to be completed into the Missouri:Elk Point Aquifer (approximately 90-120 feet deep) located 1,320 feet north of the center of Section 16 to irrigate 215 acres located in the E 1/2 NW 1/4, W 1/2 NE 1/4, N 1/2 SE 1/4 Section 16; all T94N-R54W.

Application No. 6651-3 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 SE 1/4 SW 1/4 Section 20 to irrigate 119 acres located in the SW 1/4, W 1/2 SE 1/4 Section 20; all in T94N-R54W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6648-3, 6649-3, 6650-3 and 6651-3 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 applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water

AFFIDAVIT OF PUBLI

YANKTON DAILY PRESS AND

Gary Freeburg
PO Box 188
Gayville, SD 57031

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

KELLY HERTZ BEING FIRST DULY SWORN ON OATH DI
AND SAYS THAT HE IS THE MANAGING EDITOR OF THE
PRINTING COMPANY, A CORPORATION, THE PRINTER AND TH
PUBLISHER OF THE YANKTON DAILY PRESS AND DAKOTAN, /
DAILY NEWSPAPER PRINTED AND PUBLISHED IN THE CITY OF
SAID COUNTY AND STATE, AND ONE OF THE OFFICIAL NEWS.
THE SAID COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE
ANNEXED Notice of Applications to Appropriate Water

TAKEN FROM THE PAPER IN WHICH IT WAS PUBLISHED IN THE
NEWSPAPER ON TH 1st DAY OF October, 2005.
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$55.93 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: 09/24/2005, 10/01/2005

FILED ON: 10/04/2005

SUBSCRIBED AND SWORN TO BEFORE ME THIS 4th DAY OF October, 2005.

NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES

8/19/2009

RECEIVED

OCT - 6 2005

WATER RIGHTS
PROGRAM



**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 & Amy Freeburg
Box 188
Gayville SD 57031

Dear Mr. & Mrs. Freeburg:

Water Permit Application Nos. 6648-3, 6649-3, 6650-3 & 6651-3 for irrigation use have 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 Daily Press & Dakotan printed at Yankton, SD (Ph # 605-665-7811). 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 28, 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 four applications for a water permit.

Application No. 6648-3 proposes to appropriate 2.0 cubic feet of water per second (cfs) from one well to be completed into the Missouri:Elk Point Aquifer (approximately 90-120 feet deep) located in the approximate center NE $\frac{1}{4}$ Section 12 to irrigate 138 acres located in the NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 12; all in T93N-R54W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Application No. 6649-3 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 N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 24 to irrigate 178 acres located in the S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ Section 24; all in T94N-R54W.

Application No. 6650-3 proposes to appropriate 2.0 cfs from one well to be completed into the Missouri:Elk Point Aquifer (approximately 90-120 feet deep) located 1,320 feet north of the center of Section 16 to irrigate 215 acres located in the E $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 16; all T94N-R54W.

Application No. 6651-3 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 SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 20 to irrigate 119 acres located in the SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 20; all in T94N-R54W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6648-3, 6649-3, 6650-3 and 6651-3 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 applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations 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 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

September 19, 2005

Daily Press & Dakotan
PO Box 56
Yankton SD 57078

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 6648-3, 6649-3, 6650-3 & 6651-3 to Appropriate Water to be published twice. Please publish the first notice on September 28, 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 & Amy Freeburg, PO 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-----

No. 6648-3, 6649-3, 6650-3 & 6651-3

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 No. 6648-3, 6649-3, 6650-3 & 6651-3 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

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.

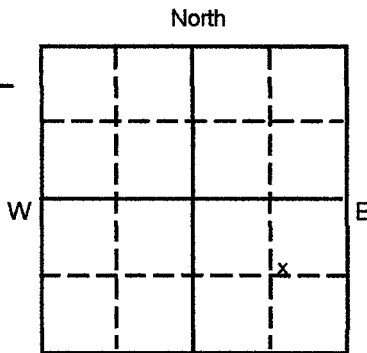
An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

enclosures

SOUTH DAKOTA WATER WELL COMPLETION REPORT

6648-3
11-02Location ne $\frac{1}{4}$ se $\frac{1}{4}$ Sec 12 Twp 93n Rg 54wCounty
YanktonPlease mark well
location with an "X"

Well Completion Date

2/14/2006

Distance to nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)

2,300.0 ft. from septic tank (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary

CASING DATA:

If other describe

PIPEWEIGHT LB/FT	DIAMETER IN	FROM FT	TO FT	HOLE DIAMETER IN
	16.00	0.0	80.0	22.00

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight Lb/gal	From Ft	To Ft
Bent grt	29	9.5	0.0	75.0

Describe grouting procedure
tremie

SCREEN:

☐ Perforated pipe ☒ Manufactured

Diameter 16.00 Inches Length 40.0 Feet

Material pvc

Slot Size .080 Set From 80.0 Feet to 120.0 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? hth tabletsLab sample sent to for
water quality analysis☐ No, Why Not?Well Owner: Gary Freeburg

Business Name:

Address: Box 188City, State, Zip: Gayville SD 57031

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Silt, brown, clayey	0	10
Sand, fine to coarse	10	30
silt, gray, clayey	30	77
Gravel, coarse, sandy	77	120

STATIC WATER LEVEL 24.0 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☐ Pumped Describe:
☐ Bailed
☐ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

This well was drilled under license # 666

And this report is true and accurate.

Drilling firm: Hammond Wetmore Drilling

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: 2/29/06

RECEIVED

FEB 01 2007

WATER RIGHTS
PROGRAM

2-2-06

Permit No. 6648-3
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. **6648-3** bearing the priority of **August 10, 2005** authorizing the diversion of **2.0** cu. ft. per second of the waters of **ground water- Missouri:Elk Point** for **irrigation** purposes, in **Yankton** County.

The system is in the following condition **good**. The point of diversion is located **NE corner of Sec 12 T93N-R54W; 1470 ft S and 1120 ft W** with a longitude of **-97.16489** and latitude of **42.89108** as determined using **GPS**. The works are capable of diverting and conveying to the place of use **1.56** 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 12 T93N-R54W**

NW ¼ NE ¼ - 17 ac NE ¼ NE ¼ - 29 ac SE ¼ NE ¼ - 37 ac SW ¼ NE ¼ - 26 ac
NW ¼ SE ¼ - 3 ac NE ¼ SE ¼ - 5 ac

comprising a total of **117** acres of land and the license should be issued for **1.56** 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: **Hammond Wetmore** 2) No. of Wells **13** 3) Depth(s) **120** feet 4) Well log is available **yes**

Casing:

- 1) Diameter **16** inches 2) Length **80** feet 3) Type **pvc**

Screen:

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

Pump:

- 1) Make **Flow Serve** 2) Model **submersible** 3) Capacity **700** GPM

Motor:

- 1) Make **Flow Serve** 2) Model No. **submersible** 3) Horsepower rating **30** hp

DISTRIBUTION LINES OR CANALS:

- 1) Type aluminum 2) Size 10 inches 3) Length 25 feet

SYSTEM TYPE:

Center pivot:

- 1) Make Valley 2) Overall length 1200 feet
3) Number of towers 7 4) End gun yes
5) High or low pressure low 6) Capacity 700 GPM

CHEMIGATION EQUIPMENT:

- 1) Does chemigate no

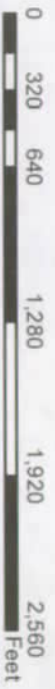
Comments : none



Mark D. Rath
Natural Resources Engineering Specialist
DENR, Water Rights Program

5-25-12

Date



Sec 12 T93N-R54W

Lat 42.89107975
Long -97.1648866

17 ac

1470 ft

29 ac

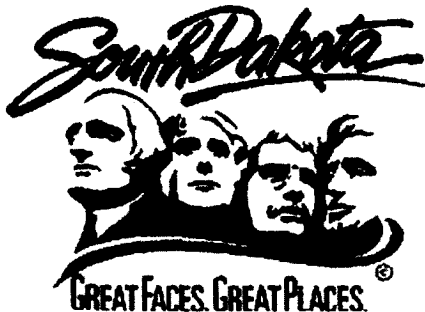
1120 ft

26 ac

3 ac

5 ac

37 ac



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 20 2012

6648-3
6649-3

Gary & Amy Freeburg
PO Box 188
Gayville SD 57031 0188

Dear Mr. & Mrs. Freeburg:

Enclosed are Water License Nos. 6648-3 and 6649-3. They are the final water right documents completing your process of obtaining Water Rights. Included with each 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 Nos. 6648-3 and 6649-3, 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 Licenses, 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. 6648-3

(1) Gary and Amy Freeburg, PO Box 188, Gayville SD 57031 made Application No. 6648-3, August 10, 2005 for a water permit to divert 2.00 cubic feet of water per second from ground water (one well – Missouri Elk Point Aquifer), Yankton County, South Dakota for irrigation purposes. Permit No. 6648-3, 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 1.56 cubic feet of water per second for beneficial use. The location of the diversion point is 1,470 feet south and 1,120 feet west of the NE corner of Section 12, T93N, R54W (SE ¼ NE ¼).

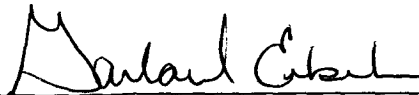
(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

T93N, R54W Section 12	NW ¼ NE ¼	17 acres	NW ¼ SE ¼	3 acres
	NE ¼ NE ¼	29 acres	NE ¼ SE ¼	5 acres
	SE ¼ NE ¼	37 acres		
	SW ¼ NE ¼	26 acres	Total	117 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Gary and Amy Freeburg the holders and/or owners of Water Right No. 6648-3 are issued a license to appropriate water, the right to use 1.56 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. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6648-3 and subject to the following 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. 6648-3 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. ***Well drilled in February, 2006 by Hammond Wetmore Drilling – copy of log on file with the Water Rights Program.***
- 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





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

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

JAN 22 2015

WATER RIGHTS
PROC. 111

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

No. 6648-3

Date: 1-19-15

I/We request that Water Right No. 6648-3

formerly owned by: Gary & Amy Freeburg

be transferred to: (name & address) Freeburg Limited Partnership
P.O. Box 188 Gayville SD 57031
Telephone No. _____

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

117 acres - NE 1/4 and N 1/4 SE 1/4 Section 12, T93N, R54W

I/We understand that the validity of Water Right No. 6648-3 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>6648-3</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. 07157

By Jeanne Goodman
Chief Engineer

6648-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2015

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

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

Dear Mr. & Mrs. Freeburg:

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

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

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

Sincerely,

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

enclosures