

WATER PERMIT NO. 6767-3

Name of Applicant: Gary or Amy Freeburg

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

Amount of Water Claimed: 2.0 Total Acres: 140

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation County: Yankton

Type of Waste Disposal System:

Location: 4 miles south of Gayville

PRIORITY Date Received: 11-9-06

Application/License Fee: \$325

Corrected Application Received: 11-16-06

Period of Annual Use: April 1 – October 31

Remarks:

Diversion Point: center SE ¼ Sec 36-T93N-R54W

Land to be Irrigated: SE ¼ Sec 36-T93N-R54W

Depth of Well: 72 – 130 feet deep

Well Driller:

Remarks:

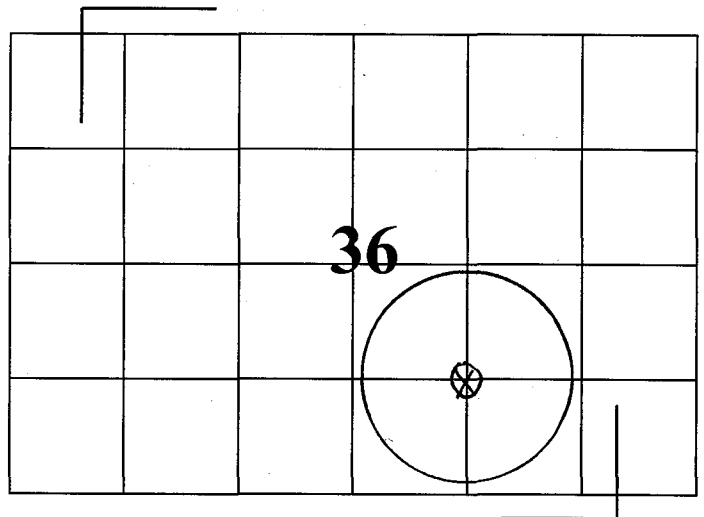
Type of Map: aerial

Prepared by: Keith Jantzen

Reviewed and the Number Assigned on: 11-20-06

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6767-3</u> (office use only) Hydrologic Unit <u>10170101</u>
	Basin <u>Miss R.</u>
	Newspaper <u>Yankton Press & Dakotan</u>

RECEIVED

NOV - 9 2006

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 or Amy Freeburg Phone 605 267-4426
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address Box 188 Bayville State SD 57031
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 2.0 *CFS or 900 **GPM ***AF Total Acreage 140
(*Cubic Feet per Second) (**Gallons per Minute) (***) Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply ground water
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Yankton
SE Quarter of Section 36 T93N R54W
(approximate center)
- County or counties where water will be used Yankton
- Annual period during which water is to be used April 1 through October 31
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
Sec 36-T93N-R54W (Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NW Qtr of SE Qtr	35		
NE Qtr of SE Qtr	35		
SW Qtr of SE Qtr	35		
SE Qtr of SE Qtr	35		

- Give a description of the project. (Attach sheet if more space is needed)
Drill a new well at the center point of the SE Quarter of Section 36. Irrigate cropland with a center pivot machine. Would like to drill the well in January.

STATE OF SOUTH DAKOTA) SS
County of Yankton

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

I, 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 Freeburg

Subscribed and sworn to before me this 8th day of November 2006

[Signature]
Notary Public (signature)
My Commission Expires November 21, 2006

**SOUTH DAKOTA
WATER PERMIT NO. 6767-3**

Date of first receipt of application November 9, 2006.

Date of return to applicant for corrections, amendments or changes November 9, 2006.

Date of receipt of corrected application November 20, 2006.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6767-3 to Gary or 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. 6767-3 appropriates 2.0 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (approximately 72-130 feet deep) located in the center of SE 1/4 Section 36 to irrigate 140 acres located in the SE 1/4 Section 36; 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 November 9, 2006.
4. The date of approval of Permit No. 6767-3 is January 15, 2007.
5. One-fifth of the construction is to be completed on or before July 15, 2009.
6. All construction is to be completed on or before January 15, 2012.
7. Water is to be put to beneficial use on or before January 15, 2016.
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. 6767-3 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.

WATER MANAGEMENT BOARD

By: Garland Erbele

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

FEB 15 2007
date



(type or print in ink)

SE 1/4 Sec 36-T93N-R54W

1. Well Information - Proposed Construction

No well drilled or test hole.

- a) Drill Hole Diameter _____ Depth 72' to 130'
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ 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

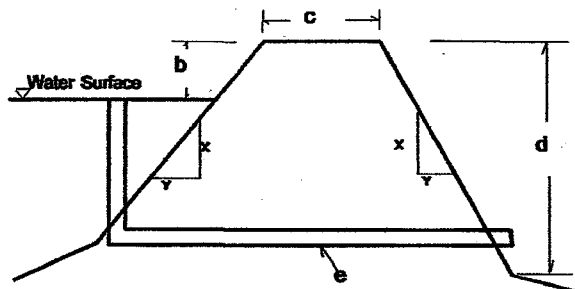
3. Dugout Information

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

4. Water Storage Dams

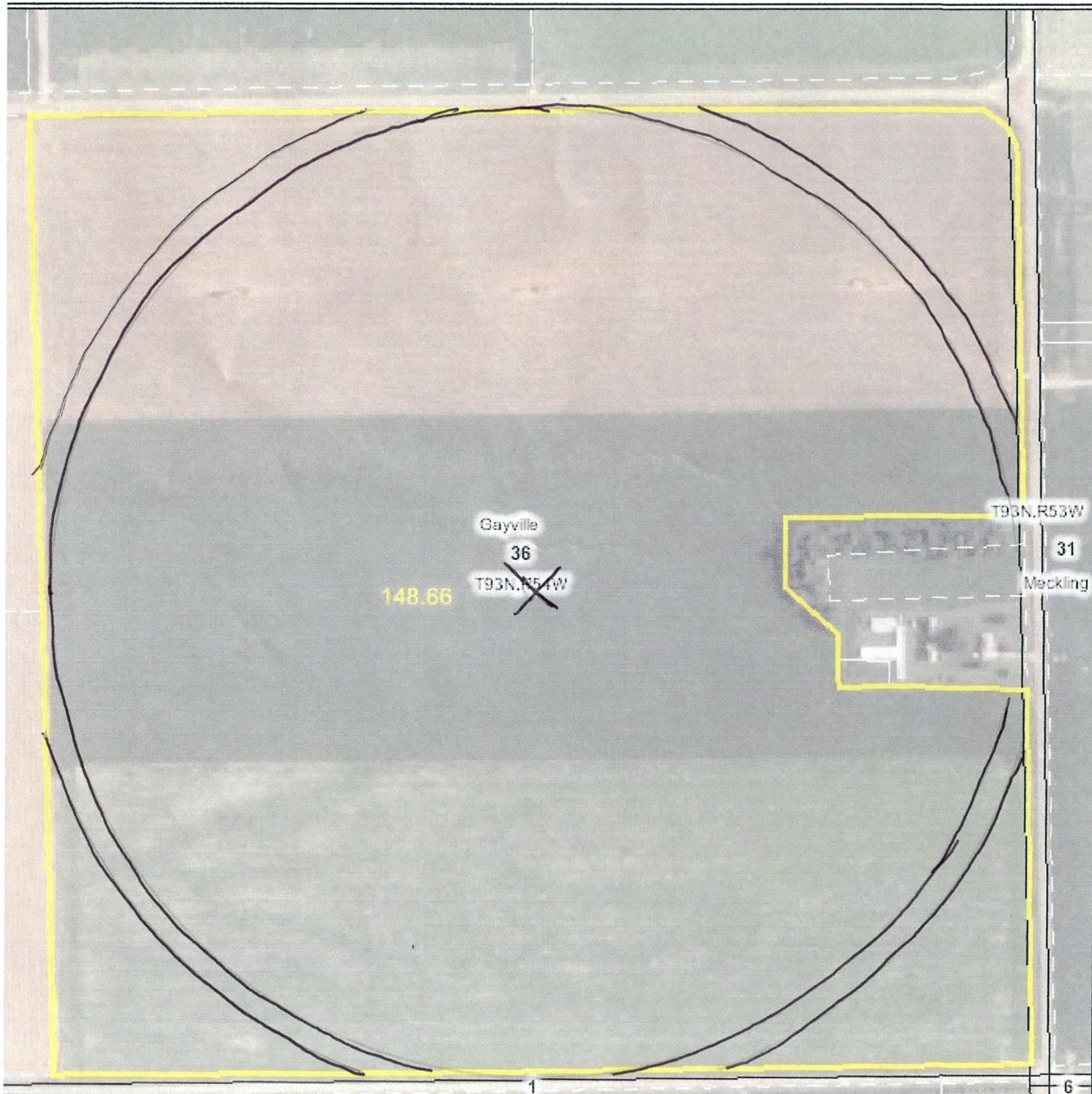
If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- 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

Aerial Map



map center: 42° 49' 35.77, -97° 9' 55
scale: 1:5079

Map provided by:
surety
CUSTOMIZED ONLINE MAPPING
© AgriData, Inc. 2006

36-93N-54W
Yankton County
South Dakota



10/16/2006

Fsa borders provided by the Farm Service Agency. Aerial photography provided by the Aerial Photography Field Office.

Farm 5318
Tract 264
FLD# 1
Ac. 39.6

Farm 4885
Tract 8395
FLD# 1
Ac. 39.2

Farm 5029
Tract 265
FLD# 1
Ac. 58.9

Farm 4685
Tract 8393
FLD# 1
Ac. 19.4

Farm 5318
Tract 8394
FLD# 1
Ac. 81.7

Farm 5318
Tract 264
FLD# 2
Ac. 18.7

Farm 5318
Tract 8392
FLD# 1
Ac. 20.8

Farm 3857
Tract 1981027
FLD# 1
Ac. 57.4

Farm 4685
Tract 8393
FLD# 2
Ac. 2.5

Farm 4685
Tract 8393
FLD# 3
Ac. 2.8

Farm 116
Tract 195
FLD# 1
Ac. 73.8

Farm 4429
Tract 6285
FLD# 1
Ac. 1.5

Farm 5027
Tract 145
FLD# 1
Ac. 148.7

Farm 4429
Tract 6286
FLD# 2
Ac. 0.2

Farm 116
Tract 194
FLD# 1
Ac. 75.0

United States Department of Agriculture
Farm Service Agency

36-93-54

Yankton County

March 11, 2004

1997 Digital Orthophotography - Not To Scale



RECEIPT
WATER RIGHTS PROGRAM
South Dakota Department of Environment and Natural Resources

Date November 9, 20 06

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>6767-3</u> to Appropriate Water, to construct and to put water to beneficial use	275	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>6767-3</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	325.00

No.

02619

By

Darland Ebel
Chief Engineer gm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 9, 2006

Gary or Amy Freeburg
Box 188
Gayville SD 57031

Dear Mr. & Mrs. Freeburg:

Thank you for submitting the two *Applications for a Permit to Appropriate Water* for irrigation. In order to complete the applications the following is required.

- Enclosed are the maps submitted with the applications. The maps must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local NRCS or FSA office).
- The Supplement Information forms are also being returned. You state "no well drilled or test hole". Without a test hole log, you are required to complete Item No. 1 Well Information, Proposed Construction for each well. At the very least, we need to know the proposed depth of the wells.
- Also, the well location marked on the map to irrigate the 197 acres indicates the proposed well will be located in the SW ¼ NE ¼ Section 5-T92N-R52W. The well location on the map to irrigate 140 acres appears to be in the approximate center of the SE ¼ Section 36-T93N-R54W. Do you concur with these locations?

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6767-3, 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. 6767-3, Gary and Amy Freeburg, Box 188, Gayville SD 57031.

The Chief Engineer is recommending APPROVAL of Application No. 6767-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 6767-3 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
December 20, 2006

REPORT ON WATER PERMIT 6767-3

For Gary & Amy Freeburg

December 11, 2006

Application No. 6767-3 proposes to appropriate 2.0 cfs (900 gpm) from one well approximately 130 feet deep located in the center of the SE $\frac{1}{4}$ of section 36 to irrigate 140 acres located in the SE $\frac{1}{4}$ of section 36; all in T93N R54W in Yankton County.

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 this area. At this site the aquifer appears to be under watertable conditions. The aquifer underlies 45,500 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 roughly 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, is hydraulically connected in the subsurface to the Niobrara aquifer to the north and is hydraulically connected to the James and Missouri Rivers to the west and south. Ground water movement is from northwest to southeast across Yankton County and towards the Missouri River.

No test wells were drilled for this application. However there is sufficient information available from the Clay and Yankton County studies, observation well drilling and other irrigation and domestic wells to evaluate this application. It appears that the top of the aquifer is at land surface and the bottom of the aquifer about 125 feet with a static water level around 20 feet all below land surface.

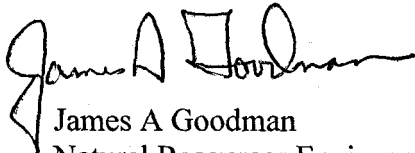
The Water Rights Program monitors an observation well YA-80KA completed into the Missouri Elk Point aquifer and within four miles of this application. Water levels for these wells show good response to climatic conditions that is rising water levels during wet years (recharge) and gradually declining water levels during dry years. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2006). A hydrograph for this two observation well is included with this report. Note the overall two to three feet decline in water levels since 1980. This decline appears to be consistent with the entrenching of the Missouri River.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are three nearby water permits/rights that obtain water from the Missouri Elk Point aquifer. The nearest irrigation well is about one-half mile to the northwest of this proposed well. At this distance between production wells interference is not a concern. Drawdown is not significant at this distance. This is confirmed by the observation well hydrograph.

CONCLUSIONS

1. Water is available from the Missouri Elk Point aquifer.
2. Interference is not expected to be a concern. There will be drawdown created by pumping at this rate but this is not expected to be significant nor cause any adverse effects.
3. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.



James A Goodman
Natural Resources Engineer

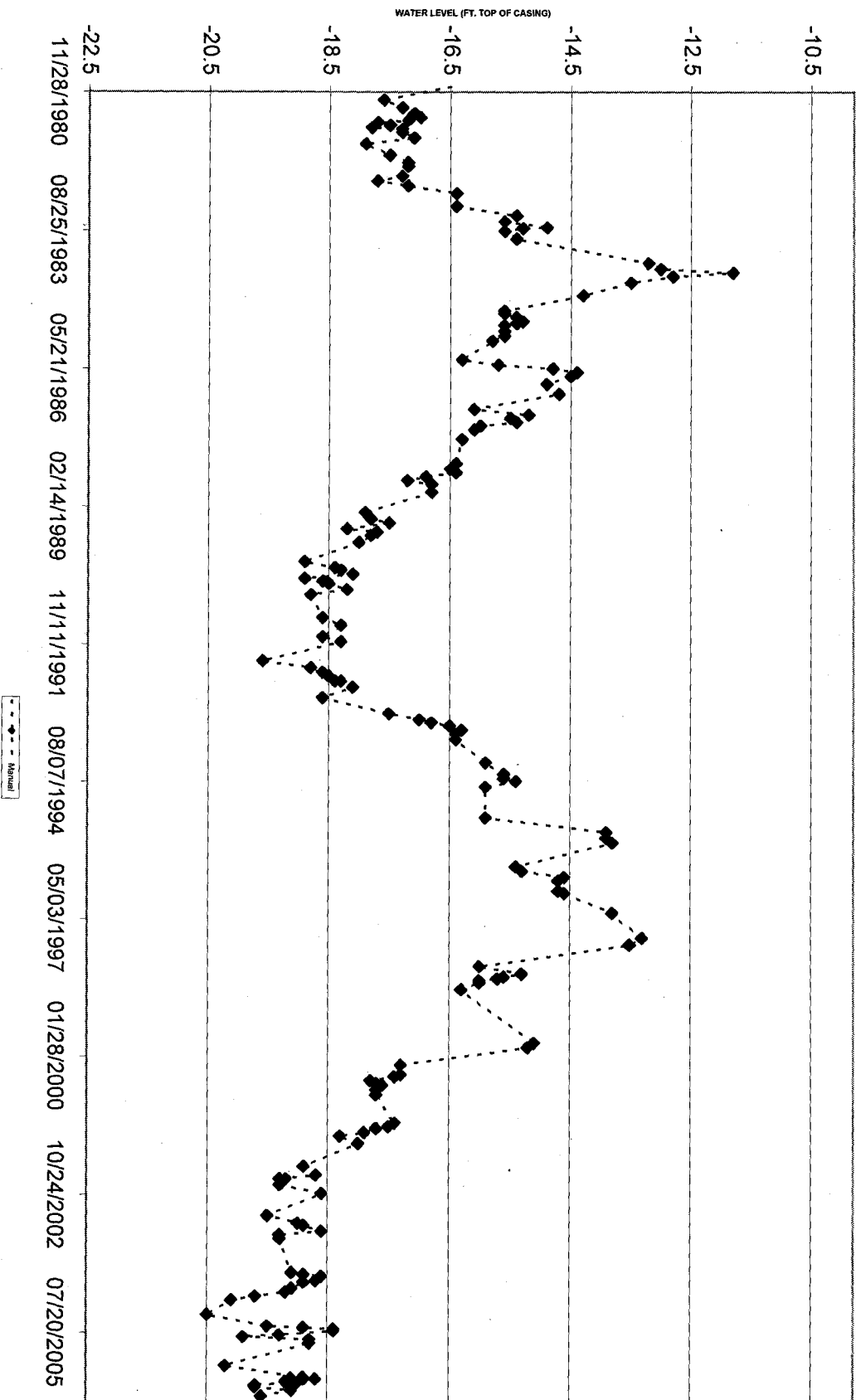
BIBLIOGRAPHY

Bugliosi, E.F., 1986, Water Resources of Yankton County, 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, 57069.

Water Rights, 2006, Unpublished Observation Well Data for Yankton County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL Y/A-80KA



RECEIVED

JAN - 8 2007

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

DENR
Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre, SD 57501-3181

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

KELLY HERTZ BEING FIRST DULY SWORN ON OATH DEP
AND SAYS THAT HE IS THE MANAGING EDITOR OF THE Y
PRINTING COMPANY, A CORPORATION, THE PRINTER AND THE
PUBLISHER OF THE YANKTON DAILY PRESS AND DAKOTAN, A LEGAL
DAILY NEWSPAPER PRINTED AND PUBLISHED IN THE CITY OF YANKTON,
SAID COUNTY AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF
THE SAID COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE
ANNEXED Notice of APP. NO 6767-3

TAKEN FROM THE PAPER IN WHICH IT WAS PUBLISHED IN THE
NEWSPAPER ON THE 4th DAY OF January, 2007
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$118.80 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: 12/28/06, 1/04/07

FILED ON: 1/4/2007

SUBSCRIBED AND SWORN TO BEFORE ME THIS 4th DAY OF January, 2007

NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES

8/19/2009

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

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

12+28&1+4

NOTICE OF APPLICATION
NO. 6767-3 to Appropriate
Water

Notice is given that Gary or Amy Freeburg, Box 188, Gayville SD 57301 have filed an application for a water permit to appropriate 2.0 cubic feet of water per second from one well to be completed into the Missouri Elk Point Aquifer (approximately 72-130 feet deep) located in the center of SE 1/4 Section 36 to irrigate 140 acres located in the SE 1/4 Section 36; all in T93N-R54W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6767-3 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 January 15, 2007.



December 20, 2006

Yankton Press & Dakotan
PO Box 56
Yankton SD 57078-0056

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6767-3 to Appropriate Water to be published twice. Please publish the first notice on December 29, 2006 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.

Please BILL the APPLICANT for the cost of publication. The APPLICANT is Gary or 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-----

No. 6767-3

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

Date _____

We are in receipt of your letter of December 20, 2006 enclosing Notice to Appropriate Water by Application No. 6767-3 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.

December 20, 2006

Gary or Amy Freeburg
Box 188
Gayville SD 57031

Dear Mr. or Ms. Freeburg:

Water Permit Application No. 6767-3 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 Yankton 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 recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice 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 application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

Instruction to Newspaper - Publish first Notice on December 29, 2006 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6767-3 to Appropriate Water

Notice is given that Gary or Amy Freeburg, Box 188, Gayville SD 57031 have filed an application for a water permit to appropriate 2.0 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (approximately 72-130 feet deep) located in the center of SE ¼ Section 36 to irrigate 140 acres located in the SE ¼ Section 36; all in T93N-R54W.

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



FEB 15 2007

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Gary or Amy Freeburg
Box 188
Gayville SD 57031

Dear Mr. & Mrs. Freeburg:

Enclosed is Water Permit No. 6767-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

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

Sincerely,

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

enclosures

SOUTH DAKOTA WATER WELL COMPLETION REPORT

6767-3
11-02Location nw 1/4 se 1/4 Sec 35 Twp 92n Rg 54w

County

Yankton

North

Please mark well
location with an "X"

W

E

Well Completion Date

4/5/2007

1 Mile

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

? 1,100.0 ft. from septic system (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

direct rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	IN	FT	FT	IN
	16.00	0.0	77.0	22.00

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
		Lb/gal	0.0 Ft	72.0 Ft
Bent grt	54	9.5		

Lb/gal Ft Ft

Describe grouting procedure

Tremie method

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 16.00 Inches Length 40.0 FeetMaterial PVC slottedSlot Size .080 Set From 77.0 Feet to 117.0 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 tablets
☐ No, Why Not?
Lab sample sent to for
water quality analysisWell Owner: Gary FreeburgBusiness Name: Freeburg InternationalAddress: Box 188City, State, Zip: Gayville SD 57031

WELL LOG:

DEPTH

FORMATION

FROM

TO

topsoil, Dk Bm, Silty	0	1
Clay, gray brown, silty	1	20
sand, brown, fine	20	30
Silt, sandy, gray	30	71
gravel, coarse, rocky	71	119

STATIC WATER LEVEL 22.0 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

RECEIVED

FEB - 1 2008

WATER RIGHTS
P666GRAM

This well was drilled under license # _____

And this report is true and accurate.

Drilling firm: Hammond-Wetmore Drilling

Signature of License Representative:

R. A. Hammond

Signature of Well Owner or Equitable Property Holder:

Date:

12/26/07

Permit No. 6767-3
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. **6767-3**, bearing the priority of **November 9, 2006** 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 **from the SE corner of Sec 36 T93N-R54W, 1320 ft N and 1320 ft W** with a longitude of **-97.165311** and a latitude of **42.82623** 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 36 T93N-R54W**

NW ¼ SE ¼ - 32 ac NE ¼ SE ¼ - 29 ac SE ¼ SE ¼ - 28 ac SW ¼ SE ¼ - 32 ac
comprising a total of **121** 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 **1** 3) Depth(s) **117** feet 4) Well log is available **yes**

Casing:

- 1) Diameter **16** inches 2) Length **77** feet 3) Type **pvc**

Screen:

- 1) Type **pvc** 2) Length **40** feet 3) Static water level **22** 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 15 feet

SYSTEM TYPE:

Center pivot:

- 1) Make Valley 2) Overall length 1280 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

5-23-12

Date

No. 6767-3



Handwritten signature
Mark D. Smith
Natural Resources Engineer III
BOCCER

5-25-12



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 21 2012

6767-3

Gary & Amy Freeburg
PO Box 188
Gayville SD 57031 0188

Dear Mr. & Mrs. Freeburg:

Enclosed is Water License No. 6767-3. This is the final water right document completing your process of obtaining a Water Right. Included with the 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. 6767-3, 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, 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. 6767-3**

(1) Gary and Amy Freeburg, PO Box 188, Gayville SD 57031 made Application No. 6767-3, November 9, 2006 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. 6767-3, with a priority date of November 9, 2006 was approved January 15, 2007 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before January 15, 2012 and for the application to beneficial use of said water on or before January 15, 2016.

(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 1,320 feet north and 1,320 feet west of the SE corner of Section 36, T93N, R54W (center of the SE ¼).

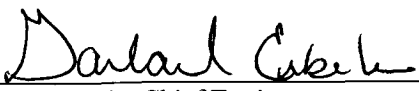
(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 36, T93N, R54W	NW ¼ SE ¼	32 acres
	NE ¼ SE ¼	29 acres
	SE ¼ SE ¼	28 acres
	SW ¼ SE ¼	32 acres
	Total	121 acres

(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. 6767-3 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 November 9, 2006 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. 6767-3 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. 6767-3 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 April, 2007 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 21 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

1

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

JAN 22 2015

**WATER RIGHTS
PROGRAM**

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

No. 6767-3

Date: 1-19-15

I/We request that Water Right No. 6767-3

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:

121 acres - SE 1/4 Section 36, T93N, R54W

I/We understand that the validity of Water Right No. 6767-3 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, 2015

RECEIVED OF Freeburg LP PO Box 188 Gayville SD 58031

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 _____ 6767-3		
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	50 00

No. **07161**

By *Jenna Handman*
Chief Engineer

6767-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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