

WATER PERMIT NO. 6875-3

Name of Applicant: **Gary, Amy & Jory Freeburg**

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

Amount of Water Claimed: **1.56 cfs** Total Acres: **76 acres**

Source of Water Supply: **groundwater (one well)**

Water to be used for: **irrigation** County: **Clay**

Type of Waste Disposal System:

Location: **12 miles northwest of Vermillion**

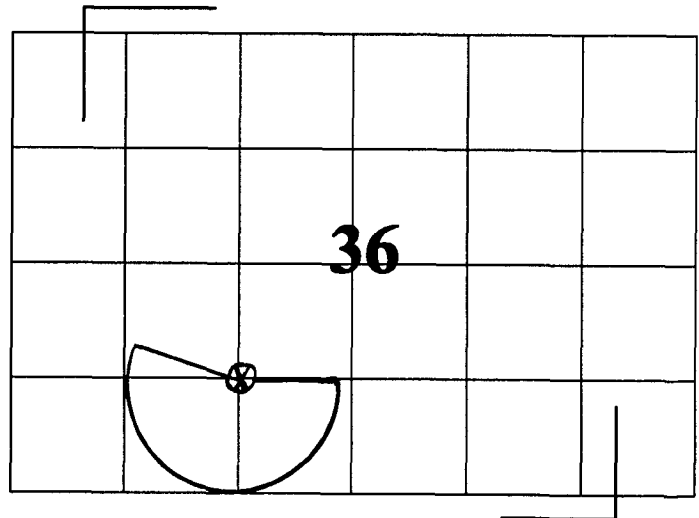
PRIORITY Date Received: **8-2-07** Application/License Fee: **\$275**

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

Remarks:

Diversion Point: **center of SW ¼ Sec 36-T94N-R53W**

Land to be Irrigated: **S ½ SW ¼, NW ¼ SW ¼ Sec 36-T94N-R53W**



Depth of Well: **157 feet deep**

Well Driller: : **Hammond-Wetmore**

Remarks:

Type of Map: **aerial**

Prepared by: **Debora Eilers, FSA**

Reviewed and the Number Assigned on: **8-2-07**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

Mail to:
Water Rights Program
Joe Foss Building
523 E. Capitol
Pierre, SD 57501-3181
(605) 773-3352

(office use only)
No. 6875-3 Hydrologic Unit 10170102
Basin Vermillion River
Newspaper Plain Talk PO Box 256
Vermillion 57069

RECEIVED
AUG - 2 2007
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.)

1. Name of Applicant Jory Freeburg Gary or Amy Freeburg Phone 605 267-4426
(check one) ☒ Owner ☐ Tenant/Leasee
Mailing Address Box 188 Gayville State SD 57031
(Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed 1.56 *CFS or 700 **GPM ***AF Total Acreage 76
(*Cubic Feet per Second) (**Gallons per Minute) (***) Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply Ground water
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Clay
1 well in SW Quarter of Section 36, T94N, R53W
5. County or counties where water will be used Clay
6. Annual period during which water is to be used April through October
7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>SW Qtr of SW Qtr</u>	<u>35</u>		
<u>SE Qtr of SW Qtr</u>	<u>35</u>		
<u>NW Qtr of SW Qtr</u>	<u>16</u>		
<u>all in Sec 36 T94N R 53W</u>			

8. Give a description of the project. (Attach sheet if more space is needed)
Drill a well at the midpoint on the north side of the south half of the SW Qtr of section 36 to irrigate cropland with a center pivot

STATE OF SOUTH DAKOTA) SS
County of Clay

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

Subscribed and sworn to before me this 27th day of July 2007

Karla K. Bird

Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 6875-3**

Date of first receipt of application August 2, 2007.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6875-3 to Gary, Amy or Jory Freeburg, PO Box 188, Yankton 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. 6875-3 appropriates 1.56 cubic feet of water per second (cfs) from one well to be completed into the Lower James:Missouri Aquifer (approximately 177 feet deep) located in center of the SW 1/4 Section 36 to irrigate 76 acres located in the S 1/2 SW 1/4, NW 1/4 SW 1/4 Section 36; all in T94N-R53W.
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 2, 2007.
4. The date of approval of Permit No. 6875-3 is September 24, 2007.
5. One-fifth of the construction is to be completed on or before March 24, 2010.
6. All construction is to be completed on or before September 24, 2012.
7. Water is to be put to beneficial use on or before September 24, 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 No. 6875-3 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. 6875-3 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.
4. 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. 6875-3 authorizes a maximum diversion rate of 1.56 cfs for the irrigation of 76 acres with an annual volume not to exceed 2 acre feet of water per acre per year.

WATER MANAGEMENT BOARD

By: Garland Erbele

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

OCT 09 2007
date



2007 Certification Maps

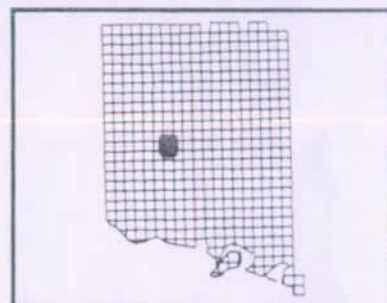


United States Department of Agriculture
Farm Service Agency



1:8,606

South Dakota
Clay County
36-94N-53W
Anderson



February 28, 2007

27855

Hammond-Wetmore Drilling

27 North Yale Street

Vermillion, SD 57069

605-624-6745

Richard Hammond, Geologist

Invoice

Invoice 2055

Freeburg International

Box 188

Gayville, SD 57031

10-Jul-07

Jorgs - Anderson gr.

Well #07-3, T94N R 54W 36 db

Item	Cost
177' Drilling 24" hole, @ \$75 ea. Complete with 16" casing, scree gravel pack and annular seal	\$ 13,275.00
Casing- 137' of Sch 40 PVC BE	
Screen- 40' (.080" slots 157'-177'; .060 @137'-157') SDR 26 PVC BE	
9 hours of airlift development,	\$ 1,260.00

Subtotal: \$ 14,535.00

2% SD Contractors Excise Tax: \$ 290.70

Total: \$ 14,825.70

Thank You!!

Terms: Due upon receipt.

1.5% monthly service charge on all accounts over 30 days past due.

*Copy of Hammonds Bill-
He should send you the
well completion report.
Thankyou.*

Jim Freeburg

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date August 2, 20 07

RECEIVED OF Gary J or Amy M Freburg 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. <u>6875-3</u> to Appropriate Water, to construct and to put water to beneficial use	225	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>6875-3</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	275 00

No.

03128

By *G. L. Leland* *Ernie*
Chief Engineer



**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. 6875-3, Gary, Amy and Jory 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. 6875-3, Gary, Amy and Jory Freeburg, Box 188, Gayville SD 57031.

The Chief Engineer is recommending APPROVAL of Application No. 6875-3 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 No. 6875-3 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. 6875-3 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.
4. 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. 6875-3 authorizes a maximum diversion rate of 1.56 cfs for the irrigation of 76 acres with an annual volume not to exceed 2 acre feet of water per acre per year.

See report on application for additional information.

Garland Erbele, Chief Engineer
August 28, 2007

Report on Application for Water Right
Permit No. 6875-3
Gary, Amy, & Jory Freeburg
17 August 2007

Permit No. 6875-3 seeks to appropriate 1.56 cfs of the waters of the Lower James – Missouri (LJ-M) aquifer in Clay County, SD. The diversion is being sought in order to irrigate 76 acres of land that is approximately 12 miles northwest of Vermillion, SD. The requested diversion rate exceeds the statutory rate of 1 cfs per 70 acres. The requested diversion will be located at the center of SW ¼ Sec 36-T94N-R53W. The proposed period of annual use is April 1st to October 31st.

Aquifer- Lower James-Missouri (LJ-M)

The Lower James-Missouri aquifer in this part of Clay County is closely related to the Missouri-Elk Point aquifer. The two aquifers are connected hydraulically and the boundary between them is difficult to distinguish (**figure 1**). It is believed that the aquifer characteristics for this portion of Clay County can be described as those of the Missouri-Elk Point aquifer.

The Lower James-Missouri aquifer is a buried outwash (sand and gravel) that is hydraulically connected to the James and Missouri Rivers through the Missouri-Elk Point aquifer. The Lower James-Missouri aquifer underlies 5,400 acres of Clay County and contains 81,000 acre-feet of recoverable water (Hedges, 1982).

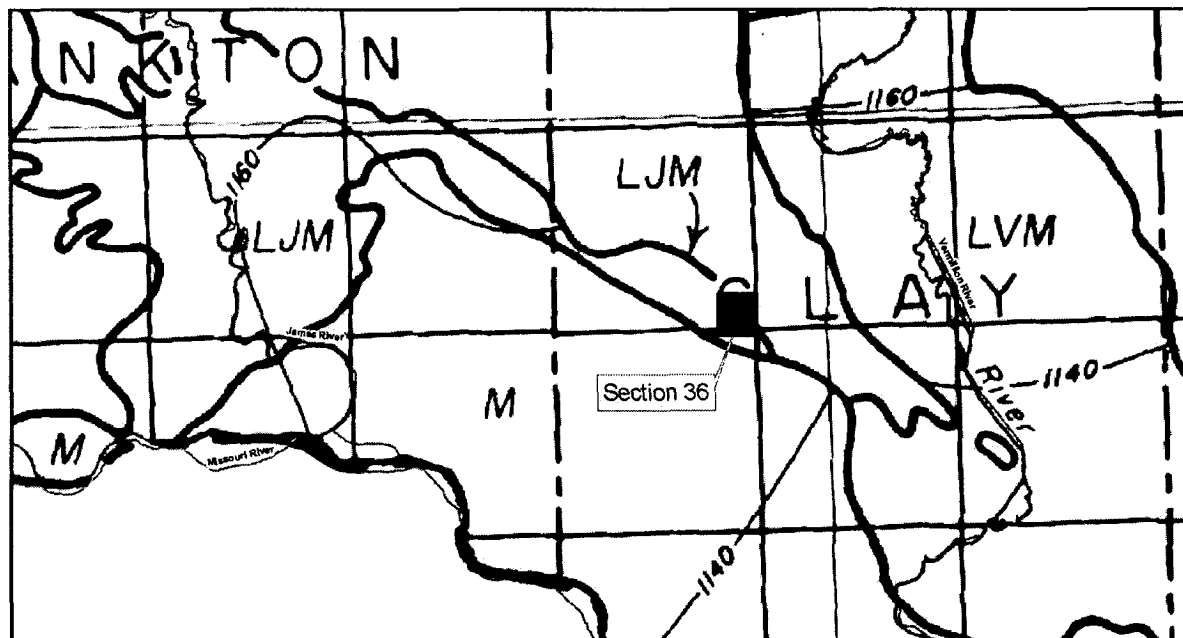


Figure 1: Aquifer map

The Missouri-Elk Point aquifer is a surficial outwash (unconsolidated gravel and sand) located in south-eastern South Dakota. It underlies nearly all of Union County and extends to Clay and Yankton Counties to the west. It averages 84 feet thick and the top of the aquifer ranges from 0 to 105 feet below the land surface. The Missouri-Elk Point is overlain by alluvium and underlain by the Dakota aquifer (Niehus, 1994). It blends into the Lower Vermillion-Missouri aquifer to the north and the Big Sioux aquifer to the north-east (**figure 1**). The Missouri-Elk Point is hydraulically connected to both the Lower Vermillion and the Big Sioux aquifers and is recharged, in part, by both adjoining aquifers as well as from the underlying Dakota aquifer (Niehus, 1994). The general direction of flow in the Missouri-Elk Point is to the south-east (Niehus, 1994). Drainage is mostly to the Vermillion and Missouri Rivers. The Missouri-Elk Point in Clay County underlies 74,500 acres and contains 1,117, 500 acre-feet of recoverable water (Hedges, 1982).

Water Availability

The water rights program operates several observation wells in Clay County. Observation well CL-80A is located approximately 2.4 miles southeast of the site and observation well CL-80IR is 4.8 miles northeast. The hydrographs of these two observation wells are displayed in **figures 2 and 3**.

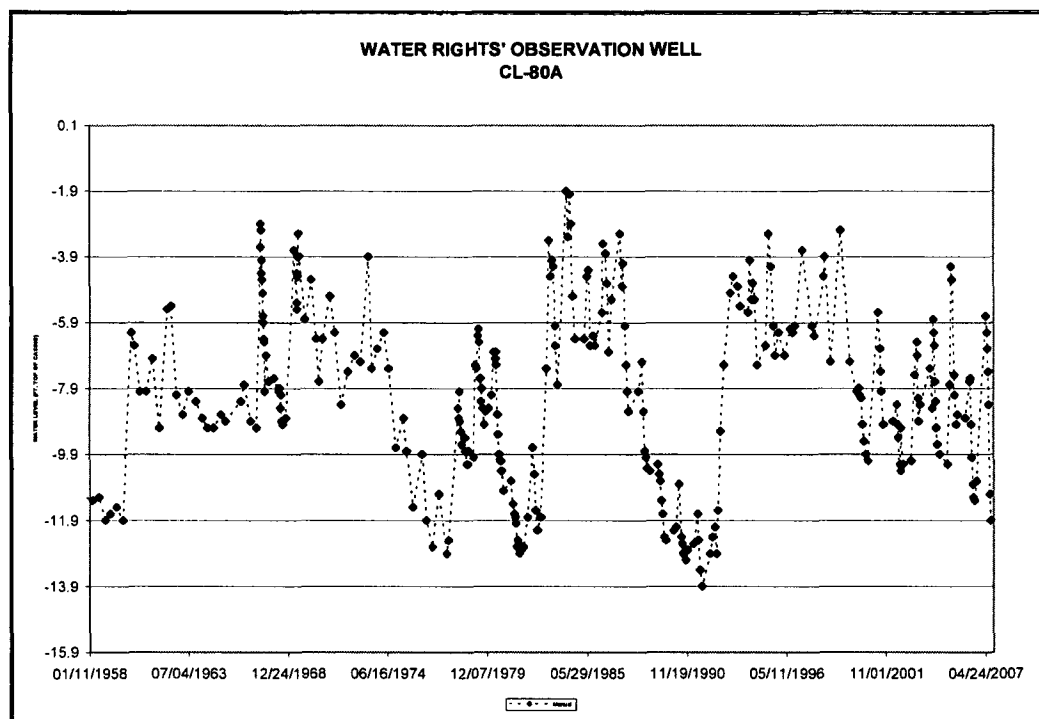


Figure 2: Observation well water levels

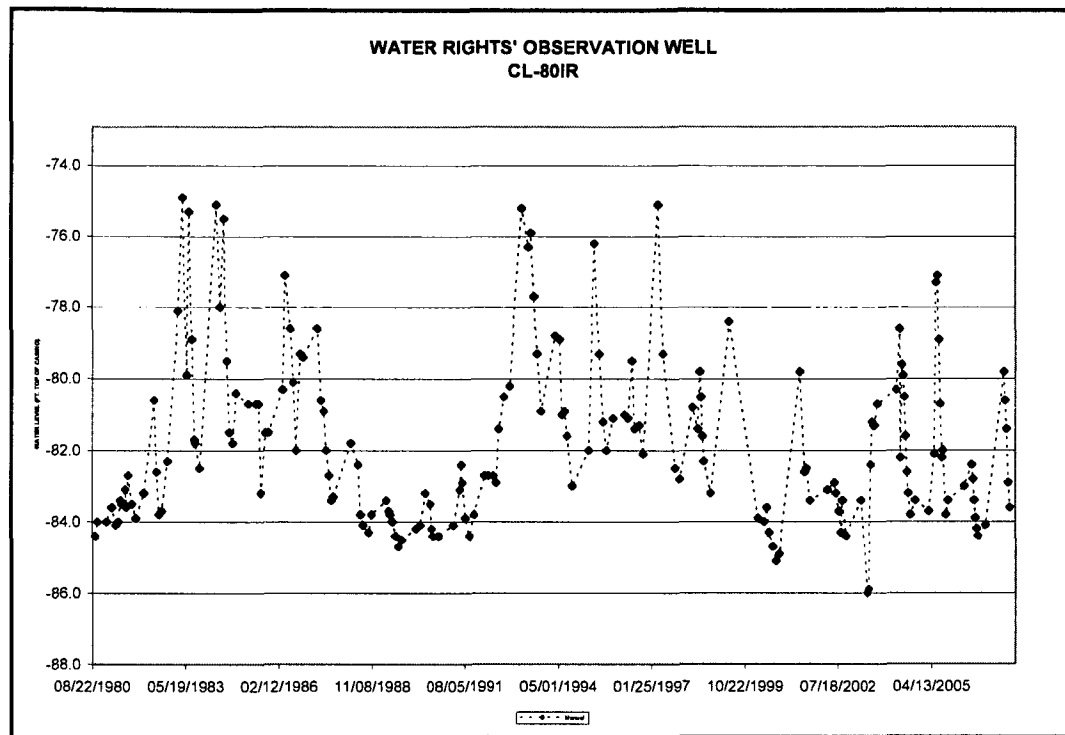


Figure 3: Observation well water levels

Both of these two observation wells display good responses to climatic conditions. Both wells have recorded water levels that rise in wet years and gradually decline in dry ones.

During the reporting period 1996 to 2006 there was an average of 51 water rights and permits to allow diversions from Lower James-Missouri aquifer. The total average annual diversion was 16,441 acre-feet. The average amount of water actually diverted during this same period was 2,935.6 acre-feet as reported on the annual irrigation questionnaires.

The eleven reporting years between 1996 and 2006 had a recorded average of 317 permits that appropriated 127,184.71 acre-ft of water from the Missouri-Elk Point aquifer annually. The reported amount used for that same time period averaged 20,115.02 acre-ft or 15.8% of the appropriated water annually.

Review of Existing Permits

Water right No. 4246-3 appropriates 3.0 cfs of water from a well constructed to the Missouri-Elk Point aquifer. It is located approximately 1.1 miles southwest of the proposed site. Permit No. 6611-3 appropriates 2.0 cfs of water from the Missouri-Elk Point aquifer and is located approximately 1.3 miles south of the proposed site. Permit No. 6807-3 appropriates 1.78 cfs of water from the Missouri-Elk Point aquifer. It is located approximately 1.9 miles southeast of the proposed site. There are no other water rights or permits within two miles of the proposed diversion.

Conclusions

1. The aquifer underlying Section 36-T94N-R53W of Clay County is considered to have the characteristics of the Missouri-Elk Point aquifer even though aquifer maps show that it is the Lower James-Missouri.
2. There is unappropriated water in the Lower James-Missouri and the Missouri-Elk Point aquifers.
3. The proposed diversion can be developed without unlawfully impairing existing water rights.
4. The well authorized by Permit No. 6875-3 shall be constructed by a licensed well driller and shall comply with all applicable well construction rules and standards.

Mark Costello

Mark Costello

Natural Resources Engineer

Reviewed by:

James A. Goodman

James Goodman, P.E

Natural Resources Engineer

Bibliography

Hedges, L. S. et al., 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Big Sioux River, South Dakota and Iowa, for Planning Division, U.S Army Corps of Engineers, SDDENR, SDGS, Vermillion, SD. 57069.

Niehus, C., Water Resources of Lincoln and Union Counties, South Dakota, US Geological Survey, Water-Resource Investigations Report 93-4195. Rapid City, SD. 1994.

Stephens, J., Geology and Ground Water Resources of Clay County, SD. South Dakota Geological Survey, Bulletin 19, Vermillion, SD. 1967.

Water Rights, Observation Well Information. South Dakota Department of Environment and Natural Resources Pierre, SD. 57501. Accessed 13 August 2007.

AFFIDAVIT OF PUBLICATION

State of South Dakota, County of Clay, ss.

Penny Tucker

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 APPLICATION NO. 6875-3

TO APPROPRIATE WATER

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 7th day of September, 20 07, and that the succeeding publications were severally

on Friday, the 14th day of September, 20 07,

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

Forty-one dollars and 11 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.

Penny Tucker

Subscribed and sworn to before me

this 17 day of Sept, 20 07

Diane Savio
Sept. 5, 2013

Notary Public

RECEIVED

SEP 19 2007

WATER RIGHTS
PROGRAM

NOTICE OF APPLICATION NO. 6875-3 to Appropriate Water

Notice is given that Gary, Amy or Jory Freeburg, Box 188, Gayville, SD 57031 have filed an application for a water permit to appropriate 1.56 cubic feet of water per second (cfs) from one well to be completed into the Lower James:Missouri Aquifer (approximately 177 feet deep) located in center of the SW 1/4 Section 36 to irrigate 76 acres located in the S 1/2 SW 1/4, NW 1/4 SW 1/4 Section 36; all in T94N-R53W. 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 No. 6875-3 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 this 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 this 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 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 September 24, 2007.

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.

Publish: September 7 & 14, 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

August 28, 2007

Plain Talk
PO Box 256
Vermillion SD 57069

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6875-3 to Appropriate Water to be published twice. Please publish the first notice on September 7, 2007 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 APPLICANTS are Gary, Amy or Jory Freeberg, PO Box 188, Gayville SD 57031 (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. 6875-3

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

Date _____

We are in receipt of your letter of August 28, 2007 enclosing Notice to Appropriate Water by Application No. 6875-3 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.

August 28, 2007

Gary, Amy or Jory Freeburg
PO Box 188
Gayville SD 57031

Dear Sirs and Madam:

Water Permit Application No. 6875-3 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 recommendation of the Chief Engineer and report on the application is 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 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 September 7, 2007 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6875-3 to Appropriate Water

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6875-3 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 this 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 this application. Notice of the hearing will be given to the applicant and any person filing a petition.

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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.



OCT 09 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 Amy or Jory Freeburg
PO Box 188
Yankton SD 57078

Dear Mr. & Mrs. Freeburg and Jory:

Enclosed is Water Permit No. 6875-3 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

11-02

Location SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 36 Twp 94n Rg 53w

County

clay

North

Please mark well
location with an "X"

W

E

Well Completion Date

7/10/2007

1 Mile

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

2,600.0 ft. from septic system (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

direct rotary

CASING DATA:

☐ Steel
 ☒ Plastic
 ☐ Other

If other describe

PIPEWEIGHT LB/FT	DIAMETER IN	FROM FT	TO FT	HOLE DIAMETER IN
	16.00	0.0	137.0	22.00

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight Lb/gal	From Ft	To Ft
Bent grt	54	9.5	0.0	137.0

Describe grouting procedure
Tremie method

SCREEN:

☐ Perforated pipe
 ☒ Manufactured
Diameter 16.00 Inches Length 40.0 FeetMaterial PVC slottedSlot Size .080 Set From 137.0 Feet to 137.0 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 Brn, Silty	0	1
clay, brown, silty gravelly	1	30
clay gray, sandy, pebbly	30	120
sand, v coarse, pebbly	120	188
Shale, dk gray	188	202

STATIC WATER LEVEL 122.0 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
PROGRAMThis well was drilled under license # 666

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

6875-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 18, 2012

6875-3

Jory Freeburg
30874 457th Ave
Volin SD 57072

Dear Mr. Freeburg:

I am writing in follow-up to our phone conversation concerning ownership of land described in Water Permit No. 6875-3. I have included a copy of the water permit for your records.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please contact me.

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

RECEIVED

OCT 25 2012

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 6875-3Date: 10-23-12I/We request that Water Permit No. 6875-3formerly owned by: Gary, Amy & Jory Freeburgbe transferred to: (name & address) Jory & ~~Elizabeth~~ Elizabeth Freeburg
30874 457th Ave Volm, SD 57072Telephone No. 605-661-0363

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

76 acres - S 1/2 SW 1/4 and NW 1/4 SW 1/4 Section 36, T94N, R53W

I/We understand that the validity of Water Permit No. 6875-3 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 Jory Freeburg, the new owner, certify that the above information is true and correct.

Jory 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 10/25, 20 12

RECEIVED OF Jory N Freeburg 30874 457th Ave Volin SD 57072

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>6875-3</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. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **05644**

By *L. L. Erbe*
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 25, 2012

6875-3

Jory & Elizabeth Freeburg
30874 457th Ave
Volin SD 57072

Dear Mr. & Mrs. Freeburg:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Right No. 6875-3.

The ownership change has been completed. Water Permit No. 6875-3 formerly listed under "Gary, Amy & Jory Freeburg" is now listed in your names.

Enclosed for your records is Receipt No. 05644 in the amount of \$50.00. If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is fluid and cursive, with the first name "Genny" being more prominent.

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

enclosures

6875-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

AUG 17 2015

6875-3
7330-3

Jory or Elizabeth Freeburg
30874 457th Ave
Volin SD 57072

Dear Mr. & Mrs. Freeburg:

Enclosed is Water License No. 7330-3. 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. 7330-3, 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,

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

enclosures

Note: The applicable portions of Water Permit No. 6875-3 have been incorporated into Water License No. 7330-3.