

WATER PERMIT NO. 7330-3

Name of Applicant: Jory or Elizabeth Freeburg

Address: 30874 457th Ave, Volin SD 57072 Phone: 605 661-0363

Amount of Water Claimed: 1.44 cfs Total Acres: 46 acres

Source of Water Supply: groundwater – one existing well

Water to be used for: irrigation County: Clay

Type of Waste Disposal System:

Location: 10 miles northwest of Vermillion

PRIORITY Date Received: 2-29-12

Application/License Fee: \$ 700

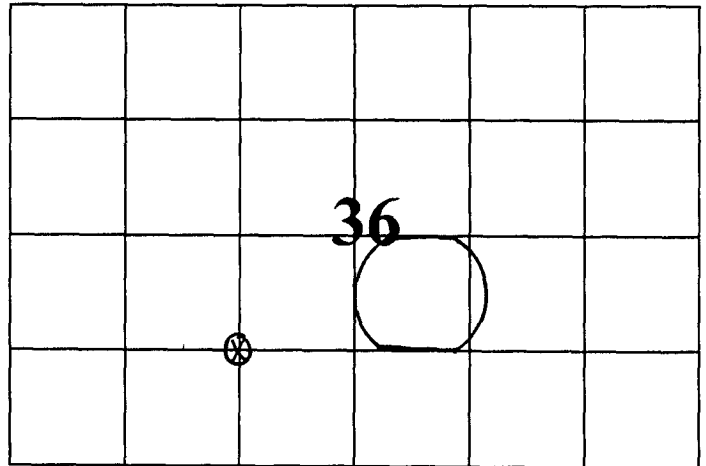
Corrected Application Received: 3-7-12

Period of Annual Use: April 1 – October 31

Remarks:

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

Land to be Irrigated: N ½ SE ¼ Sec 36-T94N-
R53W



Depth of Well: 202 feet deep

Well Driller: Hammond-Wetmore Drilling

Remarks:

Type of Map: aerial

Prepared by: Sheree Christensen, Clay Co FSA

Reviewed and the Number Assigned on: 3-7-12

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>7330-3</u>	(office use only) Hydrologic Unit <u>10170102</u>
	Basin <u>Vermillion River</u>	
	Newspaper <u>Plain Talk 201W Cherry St.</u>	
	<u>605-624-2695</u>	<u>Vermillion 57069</u>

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FEB 29 2012

WATER RIGHTS
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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 Jory or Elizabeth Freeburg Phone 605-661-0363
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 30874 457th Ave Volin State SD 57072
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 1.44 *CFS or 650 **GPM ***AF Total Acreage 46
(*Cubic Feet per Second) (**Gallons per Minute) (***) Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply Existing Well - center SW 1/4 Sec 36 T94N R53W
- Location of point of diversion (example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W) County Clay
1 well at the midpoint on the north side of the south half
of the SW 1/4 of section 36 (Existing Well)
- County or counties where water will be used Clay
- Annual period during which water is to be used April through 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 SE 1/4 - 36-94-53	36		
NE 1/4 SE 1/4 - 36-94-53	10		

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

Pipe water from existing well to the near midpoint of West 1/2 of N 1/2 SE 1/4 36-94-53 to irrigate crop land with center pivot. Requesting greater diversion rate than Statutory Limit.

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, Jory 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 Jory Freeburg

Subscribed and sworn to before me this 22nd day of February 20 12

Cari R. Crum
Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 7330-3**

Date of first receipt of application February 29, 2012.

Date of return to applicant for corrections, amendments or changes February 29, 2012.

Date of receipt of corrected application March 7, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7330-3 to Jory or Elizabeth Freeburg, 30874 457th Ave, Volin SD 57072 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. 7330-3 appropriates 1.44 cubic feet of water per second (cfs) from one existing well completed into the Lower James:Missouri Aquifer (177 feet deep) located in center of the SW 1/4 Section 36 for irrigation of 46 acres located in the N 1/2 SE 1/4 Section 36; all in T94N-R53W. The well is currently authorized by Water Permit No. 6875-3 for irrigation in the SW 1/4 of this section.
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 February 29, 2012.
4. The date of approval of Permit No. 7330-3 is May 7, 2012.
5. One-fifth of the construction is to be completed on or before November 4, 2014.
6. All construction is to be completed on or before May 7, 2017.
7. Water is to be put to beneficial use on or before May 7, 2021.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

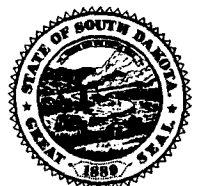
1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. 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. 7330-3 authorizes a maximum diversion rate of 1.44 cfs for the irrigation of 46 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Garland Erbele

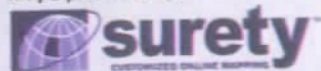
Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

SEP 07 2012
date





Maps provided by:



©AgriData, Inc. 2012
www.AgriDataInc.com

Field borders provided by Farm Service Agency as of 5/21/2008. Aerial photography provided by Aerial Photography Field Office.

36-94N-53W
Clay County
South Dakota

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map center: 42° 55' 1.62, 97° 3' 8.82
scale: 10073



Sheree Christensen - FSA - PrognTech
1/2/2012
3-2-12

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SW 1/4 SW 1/4 Sec 36 Twp 94n Rg 53w

Well Owner: Gary Freeburg

Business Name: Freeburg International

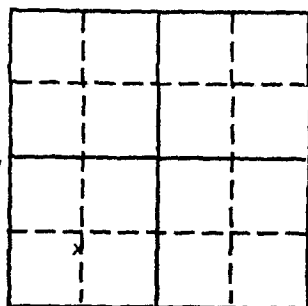
Address: Box 188

City, State, Zip: Gayville SD 57031

County

clay

North



Please mark well location with an "X"

Well Completion Date

7/10/2007

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 Feet

Material PVC slotted

Slot 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 analysis

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

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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: 12/26/07

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South Dakota Department of Environment and Natural Resources

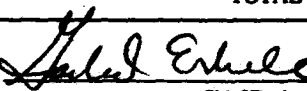
Date 2/29, 20 12

RECEIVED OF Joey 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. <u>7330-3</u> to Appropriate Water, to construct and to put water to beneficial use	200	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 _____		
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	200 00

No. **05364**

By 
Chief Engineer 

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/7, 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. <u>7330-3</u> to Appropriate Water, to construct and to put water to beneficial use	300	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>7330-3</u>	200	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	500 00

No. **05370**

By *David E. White*
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 29, 2012

Jory or Elizabeth Freeburg
30874 457th Ave
Volin SD 57072

Dear Mr. Freeburg:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation. In order to complete the application, the following is required.

- Enclosed is the aerial photo map submitted with the application. The map 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 office).
- Regarding the amount of water claimed, State Statutes limit diversions to 1 cubic feet of water per second (cfs) for each 70 acres irrigated. This would mean that you are allowed approximately 0.66 cfs or 300 gpm to irrigate 46 acres. We understand that in order to accommodate certain irrigation methods, a greater diversion rate is required. Please justify in writing your request for a diversion rate greater than the statutory limit (please explain diversion rate requirement for the project).
- We have received your check for \$200.00. The application/license filing fee to irrigate 46 acres is \$700.00. Please submit an additional \$500.00.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

enclosure

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MAR - 7 2012

WATER RIGHTS
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I am requesting a 650 gpm diversion rate because I am using an existing ~~well~~ well that produces 650 gpm. We are designing the new pivot and sprinkler package to operate at this pressure.

for W. E. Reelby
3-5-2012

605 - 661 - 0363



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7330-3, Jory and Elizabeth 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. 7330-3, Jory and Elizabeth Freeburg, 30874 457th Avenue, Volin SD 57072.

The Chief Engineer is recommending APPROVAL of Application No. 7330-3 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. 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. 7330-3 authorizes a maximum diversion rate of 1.44 cfs for the irrigation of 46 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
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
April 11, 2012

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO.7330-3
JORY OR ELIZABETH FREEBURG
MARCH 26, 2012

Water Permit Application No. 7330-3 proposes to appropriate 1.44 cubic feet of water per second (cfs) from one well completed into the Lower James:Missouri aquifer. The existing well which currently supplies Water Permit No. 6875-3, and is proposed to be used by this application, is 177 feet deep and located in the center of the SW¼ Section 36, T94N-R53W. This permit application proposes to irrigate 46 acres located in the N½ SE¼ Section 36, T94N-R53W. The diversion rate proposed by this application is greater than the statutory limit of one cfs per 70 acres.

AQUIFER: Lower James Missouri (LJM)

GEOLOGY AND AQUIFER CHARACTERISTICS:

Stephens, (1967) named the glacial outwash deposits described by Jorgensen, (1960) that mainly underlies the Missouri River floodplain in Clay County, the Lower Vermillion Missouri aquifer. Although the outwash is continuous and hydrologically connected, in 1982, it was differentiated into three aquifers: the Missouri aquifer (M), the Lower Vermillion Missouri aquifer (LVM) and the Lower James Missouri aquifer (LJM) see figure 1. The Lower James Missouri aquifer corresponds with the portion of the outwash where the aquifer is generally greater than 100 feet below land surface greater (Jensen, 2003). The Lower James Missouri aquifer underlies 5,400 acres of Clay County and contains an estimated 81,000 acre-feet of recoverable water in storage in the county (Hedges and others, 1982). The saturated thickness of the aquifer was estimated to be 50-75 feet thick in the vicinity of the well this application proposes to use (Stephens, 1967). The aquifer is under unconfined and the water-table gradient slopes southeastward at the rate of slightly more than one foot per mile (Jorgensen, 1960). "This slope is slightly more than the slope of the land, and is nearly identical to the slope of the surface water in the Missouri river" (Jorgensen, 1960).

The completion report for the well this application proposes to use identifies the aquifer from 120-188 feet below grade and reports a static water level of 122 feet below land surface.

SDCL 46-2A-9

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is reasonable probability that there is unappropriated water available for the applicant's proposed use, that the proposed diversion can be developed without unlawful impairment of existing rights and that the proposed use is a beneficial use and in the public interest. This report will address the availability of unappropriated water and existing rights from the aquifer.

WATER AVAILABILITY:

This application proposes to appropriate 92 acre-feet annually from the Lower James Missouri aquifer. Although the actual water use if this application is approved will be less than 92 acre-

feet/year. The probability of unappropriated water available from an aquifer can be evaluated by considering SDCL 46-6-3.1 which requires "No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source."

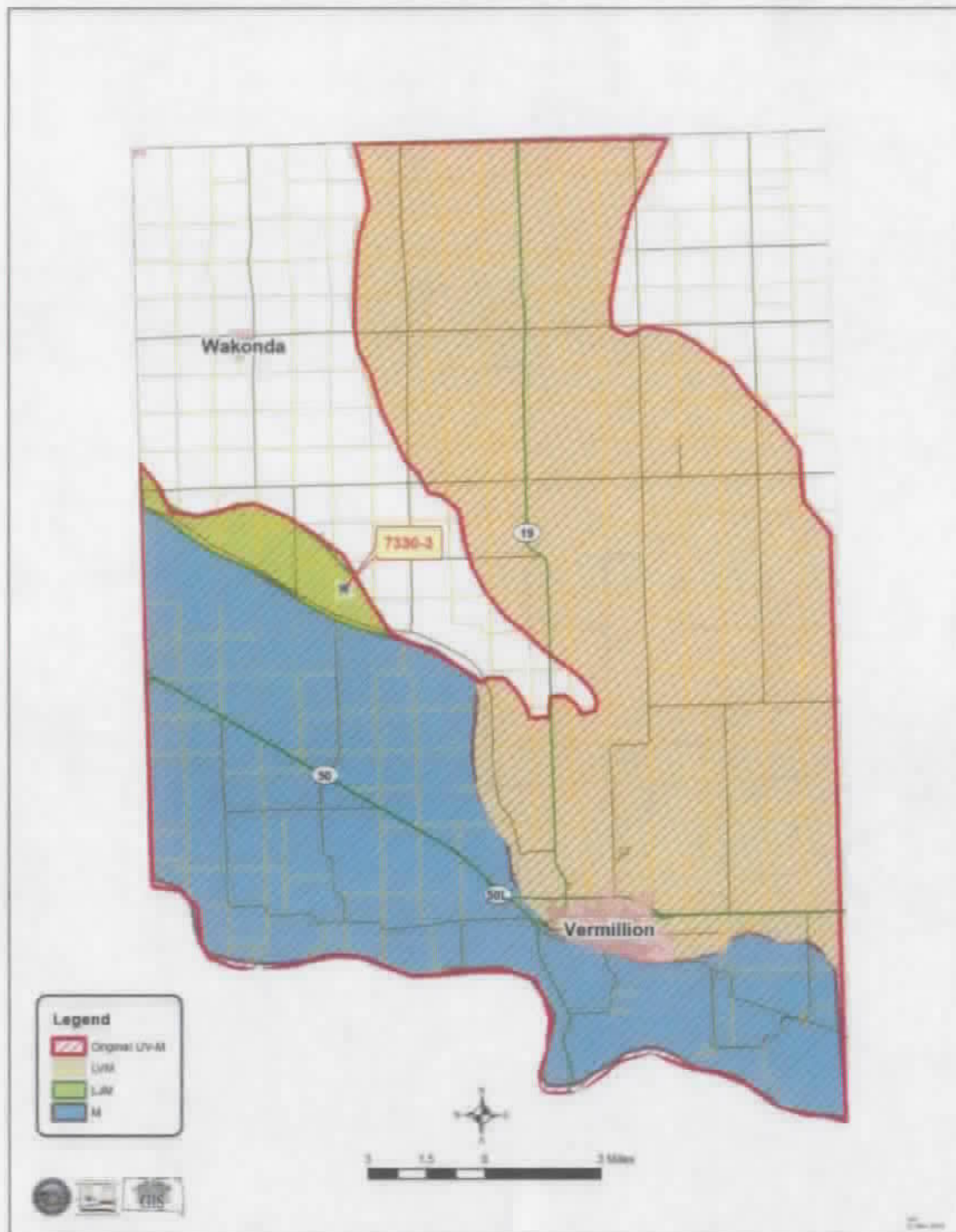


Figure 1. Outwash aquifers in Clay County and the location of the well that Application No. 7330-3 proposes to use.

Recharge versus Withdrawals:**Recharge:**

Recharge to the Lower James Missouri aquifer is through seepage from streams and by infiltration of precipitation (Bugliosi, 1986). In Clay County, recharge to the Lower James Missouri is mainly through groundwater inflow from the Lower James Missouri aquifer in Yankton County and from the Missouri aquifer in Clay County. The average annual recharge rate calculated for the Lower James Missouri aquifer using a regional flow-net analysis is 1.5 inches per year (Hedges and others, 1985)

Withdrawals:

There are eight water rights/permits appropriating water from the Lower James Missouri aquifer from Clay County. They are shown in table 1.

PERMIT NO	NAME	STATUS	USE	CFS	ACRES
5524-3	WADE & TODD DRUIN	LC	IRR	0	254
6875-3	GARY, AMY OR JORY FREEBURG	PE	IRR	1.56	76
6886-3	JEROME POESCHL	PE	IRR	1.78	134
6964-3	JUSTIN F ORR	PE	IRR/DOM	1.78	260
6948-3	BRIAN MOUNT	PE	IRR	1.67	104
7030-3	HOWARD A KATHOL	LC	IRR	1.61	115
7089-3	FRANKLIN & GWEN ORR	PE	IRR	1.82	110
7091-3	LOGUE PARTNERSHIP	PE	IRR	1.78	138
LC= Water Right, PE= Water Permit, IRR= Irrigation, DOM= Domestic					

Table 1. Water Rights/Permits appropriating water from the Lower James Missouri aquifer from Clay County.

Water use from the Lower James Missouri aquifer from Clay County as reported to the DENR-Water Rights Program through annual irrigation questioners is shown in table 2.

YEAR	NO. OF PERMITS	APPROPRIATION (AC-FT/YR)	PUMPAGE REPORTED (AC-FT/YR)
2010	8	2382	111.36
2009	8	2382	142.78
2008	6	4764	254.14
2007	1	508	52.48
2006	1	508	110.2
2005	1	508	44.78
2004	1	508	37.78
2003	1	508	18.89
2002	1	508	97.96
2001	1	508	27.99
2000	1	508	58.78
1999	1	508	10.5
1998	1	508	0
1997	1	508	0
1996	1	508	10.87
1995	1	508	15.03
1994	1	508	0
1993	1	508	0
1992	1	508	0
1991	1	116	16
1990	0	0	0

Table 2. Irrigation Water Use from the Lower James Missouri aquifer from Clay County. (Water Rights 1991-2011)

Withdrawals for irrigation constitute almost all of the water use from the aquifer and there is a reasonable probability that the withdrawals shown in table 2 are less than the average annual recharge for the Lower James Missouri aquifer. Unappropriated water is available for this proposed appropriation.

Observation Well Data:

Administrative Rule of South Dakota Section 74:02:05:07 requires that “the Water Management Board shall rely upon the record of observation well measurements to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge to the aquifer”.

The DENR-Water Rights Program monitors 33 observation wells completed into the Lower James Missouri aquifer (Water Rights, 2012a). The nearest of these wells is located approximately 11 miles west of the well this application proposes to use. The DENR-Water Rights program monitors an observation well (CL-80A), located approximately two and one-half miles south-southeast of the well that Application Number 7330-3 proposes to use, that is considered to be completed into the Missouri aquifer. The Missouri aquifer is that portion of the glacial outwash that is surficial, and the outwash is considered the Lower James Missouri where it is buried (see figure 1). The outwash is buried at the site of CL-80A, but since it is located on the flood plain the aquifer is considered the Missouri aquifer. The Data from CL-80A is probably more representative of the Lower James Missouri aquifer than of the Missouri aquifer. A hydrograph for the CL-80A is shown in Figure 2.

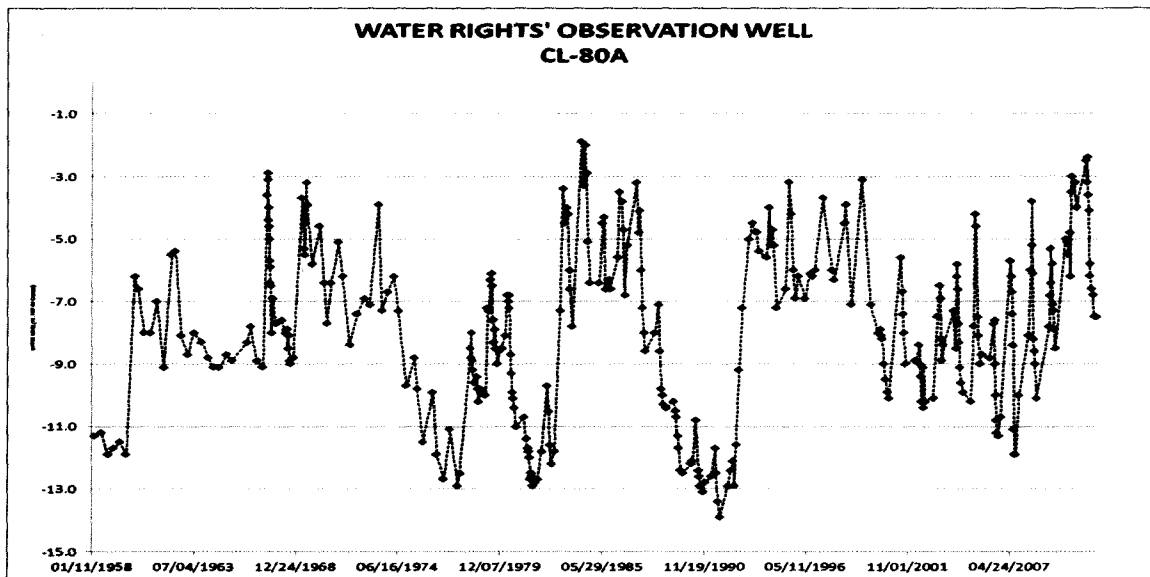


Figure 2. Hydrograph of DENR-Water Rights' observation well located approximately two and one-half miles south-southeast of the well that Application No. 7330-3 proposes to use.

The hydrograph for CL-80A is similar to hydrographs for well completed into the Lower James Missouri aquifer in Yankton County. The observation well data shows the aquifer is responsive to climatic conditions with rising water levels during wet years and gradually declining water levels during dry years. Recharge to the aquifer is apparent and in general, the observation well data shows that there is more water in storage in the aquifer now than in 1958 and unappropriated water is available for this appropriation.

EXISTING WATER RIGHTS:

The nearest water right/permit to the well this application proposes to use that appropriates from the Lower James Missouri aquifer is Water Right No. 5524-3. Water Right No. 5524-3 uses a well located approximately one mile to the west-southwest. The Transmissivity of the aquifer in the vicinity of 5524-3, based on the well's specific capacity is 360,000 gal/day/ft ("Transmissivity From Specific Capacity"). Specific capacities of wells completed into the aquifer range from 29.1 - 240 (gal/min)/ft. Transmissivity values corresponding to these specific capacities are 43,650 - 360,000 gal/day/ft ("Transmissivity From Specific Capacity"). Aquifer characteristics are expected to be the same in the vicinity of the well this application proposes to use and since the aquifer is under unconfined conditions drawdown will not be significant very far from a pumped well. Interference is not expected to be adverse.

SDCL 46-5-6

Pursuant to SDCL 46-5-6, the diversion rate for an irrigation appropriation cannot be in excess of one cubic foot of water per second for every seventy acres, or "the equivalent thereof". The statute does provide that the Water Management Board may allow a greater diversion if the method of irrigation so requires. Water Permit Application No. 7330-3 proposes to divert at a rate of 1.44 cfs to irrigate 46 acres, or the equivalent to 2.19 cfs per 70 acres. The applicant states that he intends to use an existing well that produces 650 gallons per minute and he is designing the new pivot and sprinkler package to operate with the exiting rate.

CONCLUSIONS:

1. This application proposes to appropriate up to 92 acre-feet annually for irrigation but the amount of water that actually will be used is expected to be considerably less.
2. There is a reasonable probability that unappropriated water is available from the Lower James Missouri aquifer to supply this proposed diversion.
3. There is a reasonable probability that the diversion requested by this application can be made without adversely effecting existing water rights.
4. This application is requesting a diversion rate that exceeds the statutory limit of one cfs per 70 acres.



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- Bugliosi, E.F., 1986, Water Resources of Yankton County, South Dakota: U.S. Geological Survey Water-Resources Investigations Report 84-4241, 41 p
- Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., Schoon, R.A., 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 1: Bedrock Topography and Distribution, Task 2: Extent of Aquifers, Task 3: Ground-Water Storage, Task 4: Computerized Data Base, Final Report; U.S. Army Corps of Engineers Contract DACW 45-80-C-0185
- Hedges, L.S., Allen, J., and Holly, D.E, 1985, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 7: Ground Water Recharge, South Dakota DENR-Geological Survey, Vermillion, SD
- Jensen, A.R., 2003, First Occurrence of Aquifer Materials in clay County, South Dakota: South Dakota Geological Survey Aquifer Materials Map 1, scale 1:100,000
- Jorgensen, D.G., 1960, Geology and Shallow Ground Water Resources of the Missouri Valley Between North Sioux City and Yankton, South Dakota: South Dakota Geological Survey Report of Investigations No. 86, 54 p., 2 pls., 6 figs., 6 tables, 5 app
- Stephens, J.C., 1967, Geology and Hydrology of Clay County South Dakota, Part II, Water Resources : South Dakota Geological Survey Bulletin 19, 62 p., 4 pls., 11 figs., 5 tables
- "Transmissivity from Specific Capacity." Aquifer Test Forum sponsored by HydroSOLVE, Inc. 28 Mar.2011 < <http://www.aqtesolv.com/forum/transcap.asp>

Water Rights, 1991-2011, "1991-2011 Irrigation Summaries by Aquifer": SD DENR-Water Rights Program, Joe Foss Building, Pierre, SD

Water Rights, 2012a, Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Water Rights, 2012b, Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Water Rights, 2012c, Well Completion Report Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

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MAY 02 2012

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AFFIDAVIT OF PUBLICATION

PLAIN TALK

DENR

Division of Environmental Services
Office of Air Quality Program
523 East Capitol Ave, Joe Foss Building
Pierre, SD 57501

STATE OF SOUTH DAKOTA
COUNTY OF CLAY

HEATHER HEIMES BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT HE IS THE CLASSIFIED MANAGER OF YANKTON
MEDIA INC., A CORPORATION, THE PRINTER AND THE
PUBLISHER OF THE PLAIN TALK, A LEGAL
WEEKLY NEWSPAPER PRINTED AND PUBLISHED IN THE CITY OF VERMILLION,
SAID COUNTY AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF
THE SAID COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE
ANNEXED NOTICE OF APPLICATION NO. 7330-3 TO

APPROPRIATE WATER - JORY OR ELIZABETH FREEBURG

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 27 DAY OF APRIL 2012
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$51.59 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: 4/20/12, 4/27/12

FILED ON: 4/20/12, 4/27/12

NOTICE OF APPLICATION

NO. 7330-3 to Appropriate

Water

Notice is given that Jory or Elizabeth Freeburg, 30874 457th Ave, Volin SD 57072 has filed an application for a water permit to appropriate 1.44 cubic feet of water per second (cfs) from one existing well completed into the Lower James:Missouri Aquifer (177 feet deep) located in center of the SW 1/4 Section 36 for irrigation of 46 acres located in the N 1/2 SE 1/4 Section 36; all in T94N-R53W. The well is currently authorized by Water Permit No. 6875-3 for irrigation in the SW 1/4 of this section. 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. 7330-3 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 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 May 7, 2012

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.

Published twice at the total approximate cost of \$51.59

Estimated publishing cost per published copy \$0554

Published: April 20 & 27, 2012

SUBSCRIBED AND SWORN TO BEFORE ME THIS

1st

DAY OF

May

NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES

8-19-2015



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 11, 2012

Plain Talk
201 W Cherry St
Vermillion SD 57069

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7330-3 to Appropriate Water to be published twice. Please publish the first notice on April 20, 2012 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 Jory or Elizabeth Freeburg, 30874 457th Ave., Volin SD 57072 (Ph # 605-661-0363).

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. 7330-3

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

Date _____

We are in receipt of your letter of April 11, 2012 enclosing Notice to Appropriate Water by Application No. 7330-3 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
denr.sd.gov

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

April 11, 2012

Jory or Elizabeth Freeburg
30874 457th Ave
Volin SD 57072

Dear Sir:

Water Permit Application No. 7330-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Plain Talk printed at Vermillion SD (Ph # 605-624-2695). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and 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 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 April 20, 2012 with the second publication 7 days later. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NO. 7330-3 to Appropriate Water

Notice is given that Jory or Elizabeth Freeburg, 30874 457th Ave, Volin SD 57072 has filed an application for a water permit to appropriate 1.44 cubic feet of water per second (cfs) from one existing well completed into the Lower James:Missouri Aquifer (177 feet deep) located in center of the SW ¼ Section 36 for irrigation of 46 acres located in the N ½ SE ¼ Section 36; all in T94N-R53W. The well is currently authorized by Water Permit No. 6875-3 for irrigation in the SW ¼ of this section. 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. 7330-3 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 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 May 7, 2012

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.

Published twice at the total approximate cost of _____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 07 2012

Jory or Elizabeth Freeburg
30874 457th Ave
Volin SD 57072

Dear Mr. Freeburg:

Enclosed is Water Permit No. 7330-3 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



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

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SW 1/4 SW 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

Water Permit Nos. 6875-3 and 7330-3
Clay County

Report of Examination of Works and/or Application of Water to Beneficial Use

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

I have this day, June 23, 2015 made a thorough examination of the water system used by Jory Freeburg, 30874 457TH Ave, Volin, SD 57072, holder of Water Permit Nos. 6875-3 and 7330-3, bearing the priority dates of August 2, 2007 and February 29, 2012, respectively.

Water Permit No. 6875-3 authorizes the diversion of 1.56 cubic feet per second (cfs) or 700 gallons per minute (gpm) from one well completed into the Lower James Missouri aquifer at approximately 202 feet below ground surface for the purposes of irrigating 76 acres in Clay County as follows: 35 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 36, 35 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 36, and 6 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 36, all in T95N-R53W.

Water Permit No. 7330-3 authorizes the diversion of an additional 1.44 cubic feet per second (cfs) or 650 gallons per minute (gpm) from the same well as Water Permit No. 6875-3 for the purposes of irrigating 46 acres in Clay County as follows: 36 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, and 10 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, all in T95N-R53W.

I have the following conditions to report for the system in question:

- 1) Works used to divert water:
One submersible irrigation pump, manufactured by Grundfos.
- 2) Works used to transport water to a place of use:
Underground pipes, 8 inch diameter.
- 3) Works used to apply water to beneficial use:
Two Valley Pivots.

The system is in the following condition: well maintained. The well associated with Water Permit Nos. 6875-3 and 7330-3 is located in the approximate center of the SW $\frac{1}{4}$ of Section 36, T94N-R53W. The exact location the well is as follows:

- 1) **1,300 feet north and 1,300 feet east of the southwest corner of Section 36, T94N-R53W. Lat 42.91349N Lon 97.05735W.**

The lands irrigated by the fore mentioned well are as follows:

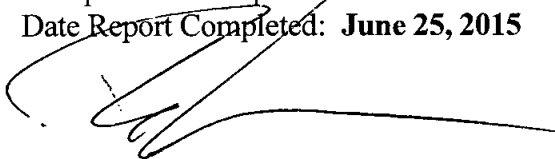
- 1) 35 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 36, T94N-R53W
- 2) 35 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 36, T94N-R53W
- 3) 6 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 36, T94N-R53W
For a total of 76 acres under Water Permit No. 6875-3.
- 4) 36 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, T94N-R53W
- 5) 10 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, T95N-R53W
For a total of 46 acres under Water Permit No. 7330-3.

License should be issued for a diversion rate of: **1.56 cfs or 700 gpm for the irrigation of 122 acres.**

Applicable permit qualifications have been complied with: **Yes**

Exceptions to compliance are: **None**

Date Report Completed: **June 25, 2015**

A handwritten signature in black ink, appearing to read 'Bracken Capen', with a long horizontal flourish extending to the right.

Bracken Capen
Natural Resources Engineer
DENR, Water Rights Program

FIELD INVESTIGATION REPORT FOR WATER PERMIT NOS. 6875-3 and 7330-3

DATE OF INVESTIGATION:	June 23, 2015
NAME & ADDRESS OF PERMIT HOLDER	Jory Freeburg, PO Box 188, Gayville, SD 57031
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Jory Freeburg
DIVERSION POINT LEGAL LOCATIONS	1,300 feet north and 1,300 feet east of the southwest corner of Section 36, T94N-R53W. Lat 42.91349N Lon 97.05735W.

WELL INFORMATION:

- 1) Well Drilling Firm:
Hammond Wetmore Drilling
- 2) Number of Wells: **1**
- 3) Depth: **177 feet**
- 4) Well Logs Available: **Yes**
- 5) Comment:

Pumps

- 1) Make: **Grundfos**
- 2) Model:
- 3) Size:
- 4) Capacity: **700 gpm (1.56 cfs)**

Casing

- 1) Diameter: **16 inches**
- 2) Length: **137 feet**
- 3) Type: **Plastic**

Screen

- 1) Type: **Manufactured**
- 2) Length: **40 feet**
- 3) Static Water Level: **16 feet**

Motor

- 1) Make: **Grundfos**
- 2) Model No:
- 3) Power: **50 hp**

System Type

- 1) Make: **Valley (x2)**
- 2) Overall length: **1,300 and 750 feet**
- 3) Number of Towers: **7 and 4 Towers**
- 4) Distance Between Towers:
- 5) End Gun: **Yes**
- 6) Pressure:
- 7) Capacity: **700 gpm and 650 gpm.**

CHEMIGATION EQUIPMENT:

No

- 1) Mainline Check Valve:
- 2) Low Pressure Drain:
- 3) Inspection Port/Air Relief:
- 4) Discharge 20 Feet Away:
- 5) Injection Line Check Valve or Positive
Displacement Pump:
- 6) Injection Check Valve:
- 7) Properly Installed:

PERMIT QUALIFICATIONS:

- 1) Special qualifications to permit being abided by: **N/A**
- 2) All structures, wells, and lands on map: **Yes**
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period: **Yes, irrigation in 2008 to present for Water Permit No. 6875-3 and from 2012 to present for Water Permit No. 7330-3.**

COMMENTS: None

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

RECEIVED

JUL 06 2015

WATER RIGHTS
PROGRAM

Date 6-30-15

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

FROM: Jory Freeburg
(name)
30874 45th Ave
(address)
Volin, SD 57072
(city, state, zip)

605-661-0363
(phone)

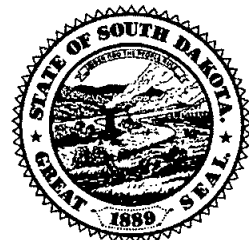
I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 7330-3 states that the water use system is to be constructed by May 7, 2017, and water is to be put to beneficial use by May 7, 2021.
(date) (date)

The water use system was completed on June 2012.
(date)

Applying the water to beneficial use was completed on June 2012.
(date)

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



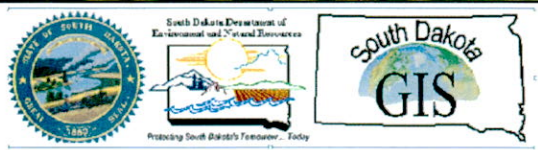


Legend

- Irrigated_Acres
- Section Boundaries - PLSS
- Well Location



Prepared by Bracken Capen
Natural Resources Engineer
DENR, Water Rights Program



**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7330-3**

(1) Jory or Elizabeth Freeburg, 30874 457th Ave., Volin SD 57072 made Application No. 7330-3, February 29, 2012 for a water permit to divert 1.44 cubic feet of water per second (cfs) from ground water – one existing well (Lower James Missouri Aquifer), Clay County, South Dakota for irrigation purposes. Permit No. 7330-3, with a priority date of February 29, 2012 was approved May 7, 2012 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before May 7, 2017 and for the application to beneficial use of said water on or before May 17, 2021.

The Permit holders submitted a "*Notice of Completion of Works and Application of Water to Beneficial Use*" indicating the water use system was completed and the water placed to beneficial use in June 2012.

Water Permit No. 6875-3, with a priority date of August 2, 2007, authorizes diversion of 1.56 cfs from one well (Lower James Missouri Aquifer) for irrigation of 76 acres. Water Permit No. 7330-3 was obtained to add an additional 1.44 cfs diversion rate from the same well and an additional 46 acres to the irrigation system.

An investigation of the water use system found the capacity of the existing well to be 1.56 cfs or 700 gpm. The applicable portions of Water Permit No. 6875-3 have been incorporated into Water License No. 7330-3. The entire diversion rate retains a priority date of August 2, 2007. Priority dates for the acres irrigated are described in (3) of this license.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.56 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 1,300 feet north and 1,300 feet east of the SW corner of Section 36, T94N, R53W (approximate center of the SW $\frac{1}{4}$).

(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, T94N, R53W

SW $\frac{1}{4}$ SW $\frac{1}{4}$	35 acres	NW $\frac{1}{4}$ SE $\frac{1}{4}$	36 acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$	35 acres	NE $\frac{1}{4}$ SE $\frac{1}{4}$	10 acres
NW $\frac{1}{4}$ SW $\frac{1}{4}$	6 acres		

Total 122 acres

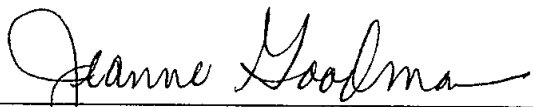
Priority dates: **August 2, 2007 (established under No. 6875-3) for land in SW $\frac{1}{4}$**
February 29, 2012 (established under No. 7330-3) for land in SE $\frac{1}{4}$

(4) Pursuant to South Dakota Water Law 46-5-30.1 Jory or Elizabeth Freeburg, 30874 457th Ave., Volin SD 57072 the holders and/or owners of Incorporated Water Right No. 7330-3 are issued a license to appropriate water, the right to use 1.56 cubic feet of water per second from ground water – one well (Lower James Missouri Aquifer) with priority date of August 2, 2007 and February 29, 2012 from the location specified in (2) of this license for irrigation purposes.

continued

This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Right No. 7330-3 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. 6875-3 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. *The well was completed in July, 2007 by Hammond Wetmore Drilling. A copy of the well log is on file with the Water Rights Program.*
- Pursuant to SDCL 46-5-6 which allows for a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 6875-3 authorized a maximum of diversion rate of 1.56 cfs for the irrigation of 76 acres and Permit No. 7330-3 authorized a maximum diversion rate of 1.44 cfs for the irrigation of 46 acres with the annual volume not to exceed 2 acre feet of water per acre per year. *Based on the licensing investigation, the well is capable of a total of 1.56 cfs for irrigation of 122 acres. Water License No. 7330-3 is now limited to the well capacity with the volume not to exceed two acre feet per acre per year.*
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

AUG 17 2015

date



7330-3



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.