

WATER PERMIT NO. 7553-3

Name of Applicant: John Freeburg

Address: Box 252, Gayville SD 57031

Phone: 605 267-4427

Amount of Water Claimed: 1.55 cfs

Total Acres: 136

Source of Water Supply: groundwater (1 well)

Water to be used for: irrigation

County: Clay

Type of Waste Disposal System:

Location: 4 west of Vermillion

PRIORITY

Date Received: 11-30-12

Application/License Fee: \$ 1050

Corrected Application Received: 12-10-12

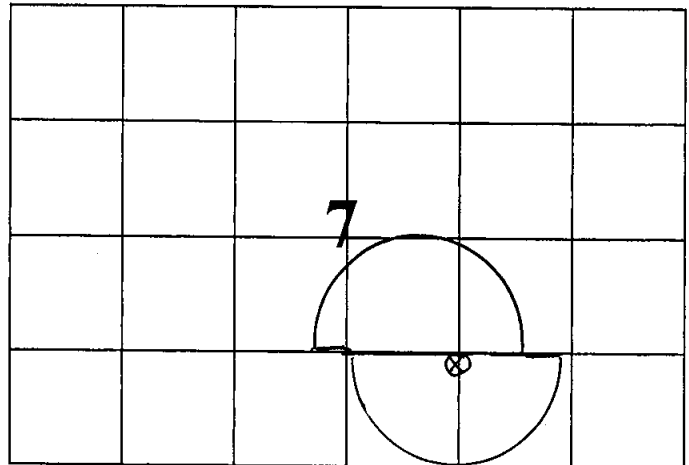
Period of Annual Use: April 1 – October 31

Remarks:

Diversion Point: approximate center of the SE 1/4

Sec 7-T92N-R52W

Land to be Irrigated: SE 1/4, NE 1/4 SW 1/4 Sec 7-
T92N-R52W



Depth of Well: 100 feet deep

Well Driller: Heine Electric & Irrigation

Remarks:

Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 12-11-12

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

FORM 2: Application for irrigation in South Dakota

(type or print)

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>7553-3</u> (office use only)	Hydrologic Unit <u>10170 102</u>
	Basin <u>Vermillion River</u>	<u>605-624-2695</u>
	Newspaper <u>Plain Talk 201 W Cherry Vermillion 57069</u>	<u>605-665-7811</u>
	<u>Press/Dakota 319 Walnut Yankton 57078</u>	

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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.)

1. Name to Appear on Irrigation Permit John Freeburg

(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent

(name and complete address if different than above name)

Mailing Address Box 252 Gayville SD 57031
(Address) (City) (State) (Zip Code)

Home Phone 605-267-4427 Cell 605-660-4908 Email Freeburg-j@hottmail.com

2. Amount of water claimed 1.55 *CFS or 700 **GPM 0 ***AF Total Acreage 136
(*Cubic Feet per Second) (**Gallons per Minute) (***) Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Well

4. Location of point of diversion 1 Well at Midpoint of SE 1/4 Section 7
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

T92 N-R52 W south side of Norway St County Clay

5. County or counties where water will be used Clay

6. Annual period during which water is to be used April 1 thru October 31

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
S. half of SE 1/4 of T92S2	69		
N. half of SE 1/4 of T92S2	67		
& NE 1/4 SW 1/4 Sec 7			

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

Dig well and Construct 2 pivot System To Irrigate
174.61 Acres. In Sec 7 T92N 52W

I, John Freeburg, the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true.

SOUTH DAKOTA
WATER PERMIT NO. 7553-3

Date of first receipt of application November 30, 2012.

Date of return to applicant for corrections, amendments or changes December 3, 2012.

Date of receipt of corrected application December 10, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7553-3 to John Freeburg, Box 252, Gayville SD 57031 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 7553-3 appropriates 1.55 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (100 feet deep) located in the SE 1/4 SE 1/4, Section 7 for irrigation of 136 acres located in the SE 1/4, NE 1/4 SW 1/4 Section 7; all in T92N-R52W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The date from which applicant may claim right is November 30, 2012.
4. The date of approval of Permit No. 7553-3 is February 25, 2013.
5. One-fifth of the construction is to be completed on or before August 25, 2015.
6. All construction is to be completed on or before February 25, 2018.
7. Water is to be put to beneficial use on or before February 25, 2022.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 7553-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

APR 26 2013

date



**2012
CERTIFICATION MAPS**

Shares = 100%

620
2686
1
48
NHSL

620
2687
2
28.16
NHSL

620
2687
3
73.46
NHSL

4-22-10

AIRB-FG

4-22-10

↑
well



United States Department of Agriculture
Farm Service Agency

PLSS: 7 92N 52W
Farm: 620

Clay County, SD

1:8,350



March 10, 2010

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- Wetland Determination Identifiers
- Restricted Use
 - ▽ Limited Regulations
 - Excluded from Conservation Compliance Provisions

Common Land Units

Wetland Determination Identifiers do not represent the size, shape or specific determination of the area. Refer to your original determination (CPA-020 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.

2008 Ortho-Photography - Not to Scale



Prepared By: **Heine Electric and Irrigation, Inc.**
 For: **Johns North**

Questions or concerns? Please call us at 402-640-1999!

Pivot center at 42.797359, -97.029701

Arc Start Bearing: 270.52

Arc Stop Bearing: 90.34

[E] Spray off at 77°, on at 110°.

[W] Spray off at 250°, on at 281°.

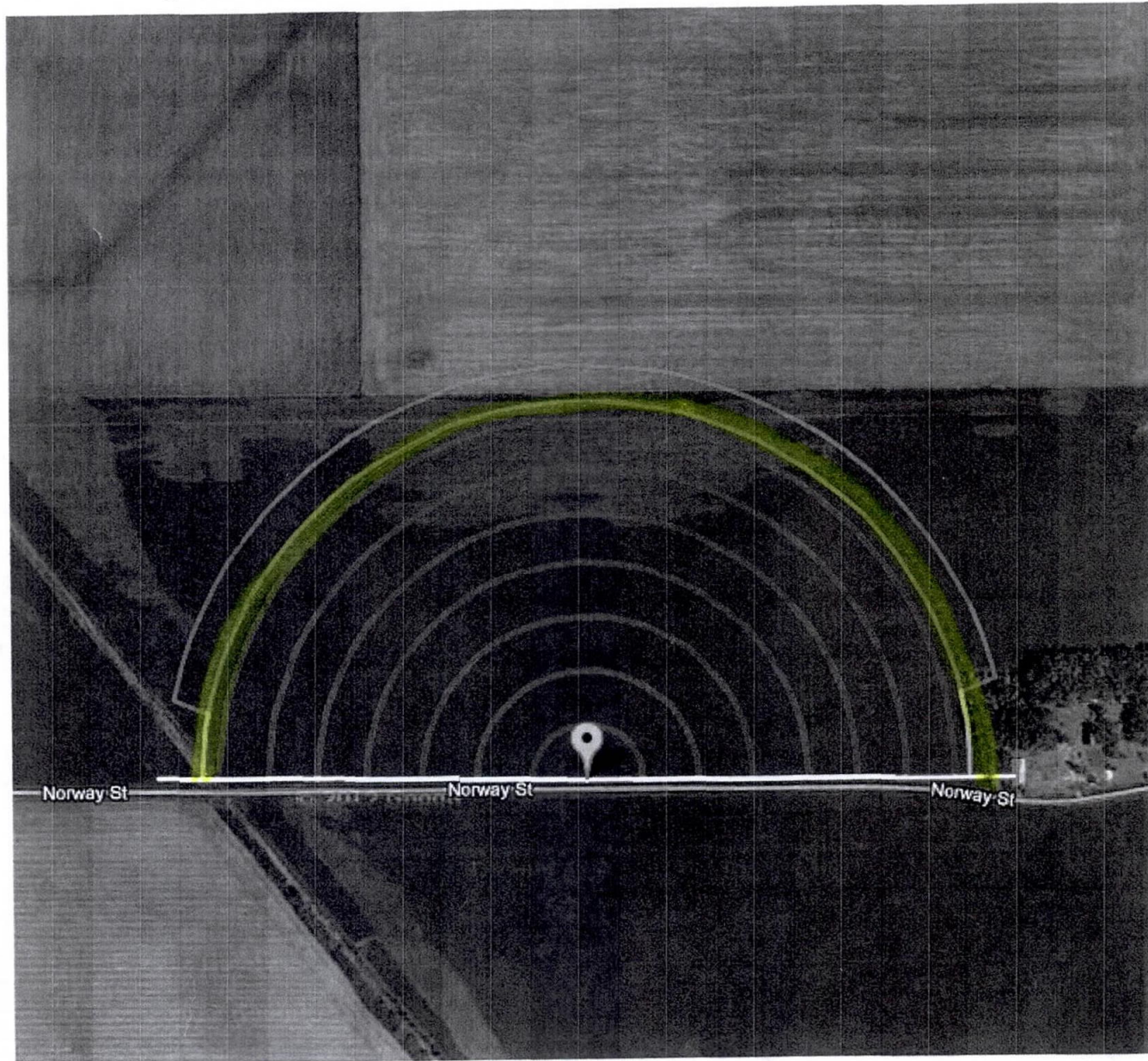
- 1 180 ft. Total: 180 ft.
Acreage: 1.16. Total: 1.16 acres.
- 2 180 ft. Total: 360 ft.
Acreage: 3.49. Total: 4.65 acres.
- 3 180 ft. Total: 540 ft.
Acreage: 5.82. Total: 10.47 acres.
- 4 180 ft. Total: 720 ft.
Acreage: 8.15. Total: 18.63 acres.
- 5 160 ft. Total: 880 ft.
Acreage: 9.2. Total: 27.83 acres.
- 6 160 ft. Total: 1040 ft.
Acreage: 11.04. Total: 38.87 acres.
- 7 160 ft. Total: 1200 ft.
Acreage: 12.88. Total: 51.75 acres.
- Overhang** 54 ft. Total: 1254 ft.
Acreage: 4.76. Total: 56.51 acres.
- Spray** 120 ft. Total: 1374 ft.
Acreage: 9.87. Total: 66.38 acres.

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173,520
 Quoted for
 12,300

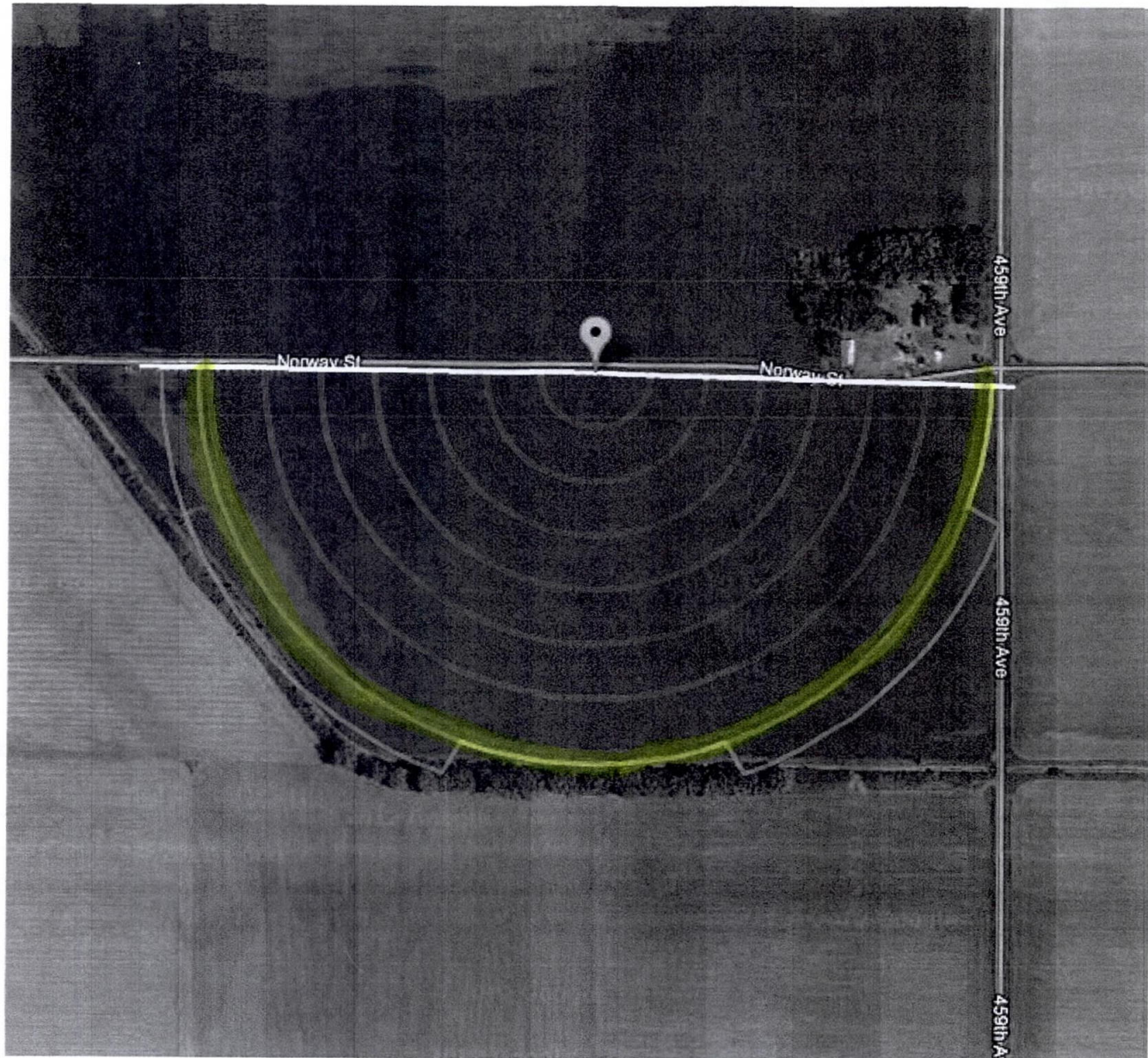




Prepared By: **Heine Electric and Irrigation, Inc.**
For: **John South**
Questions or concerns? Please call us at 402-640-1999!

Number of Spans: 7.
Total radius with overhang: 1296 feet.
Total Coverage: 68.23 acres.

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RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 12/3, 20 12

RECEIVED OF John Freeburg 206 Meckling Gayville SD 57031

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

Fee for Application for Permit No. <u>7553-3</u> to Appropriate Water, to construct and to put water to beneficial use	850	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>7553-3</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	1050 00

No. **05727**

By

Charles Erbe
Chief Engineer



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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 3, 2012

John Freeburg
Box 252
Gayville SD 57031

Dear Mr. Freeburg:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation of 175 acres located in Clay County. In order to complete the application, the following is required.

- Enclosed is the Form 2A, Supplemental Information. Please complete Item No. 1 regarding the Well Information. At the very least, we need the proposed depth of the well.

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

Water Rights Program - File Documentation

NAME: John Freeburg

ADDRESS: Gayville SD

DATE: 12-11-12 **COUNTY:** CL **TELEPHONE:** 605 267-4427

RE: Pending Application

COMMENTS:

I called John Freeburg to clarify the number of acres he was proposing to irrigate. Mr. Freeburg stated the entire area outlined in yellow on the FSA map was 175 acres.

The pivot to the north will cover 67 acres located in the N 1/2 SE 1/4, NE 1/4 SW 1/4 of Section 7-T92N-R52W.

The pivot to the south will cover 69 acres located in the S 1/2 SE 1/4 of Section 7-T92N-R52W.

He is proposing to irrigate a total of 136 acres.

The well will be located at the point marked in the south side of the road or the approximate middle of the SE 1/4.



Karen Schlaak
Water Rights Program



**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. 7553-3, John 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. 7553-3, John Freeburg, Box 252, Gayville SD 57031.

The Chief Engineer is recommending APPROVAL of Application No. 7553-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 7553-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
February 1, 2013

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 7553-3
JOHN FREEBURG
January 30, 2013

Water Permit Application No. 7553-3 proposes to appropriate up to 272 acre-feet annually (ac-ft/yr) at a maximum diversion rate of 1.55 cubic feet of water per second (cfs) from one well to be completed into the Missouri: Elk Point aquifer. The well will be located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, T92N-R52W and is expected to be approximately 100 feet deep. This application proposes to irrigate 136 acres located in the SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 7, T92N-R52W in Clay County.

AQUIFER: Elk Point management unit of the Missouri Aquifer (M: EP)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The Elk Point management unit of the Missouri aquifer is an alluvium mantled outwash composed of sand and gravel material (Stephens, 1967). The aquifer is under both water-table and artesian conditions, but is under water-table conditions in the area of this application. The Elk Point management unit of the Missouri aquifer encompasses regions of Clay, Union, and Yankton Counties. The Missouri: Elk Point aquifer underlies approximately 74,500 acres of Clay County alone and contains an estimated 1,117,500 acre-feet of recoverable water in storage in the county (Hedges and others, 1982). The aquifer is hydraulically connected to the Dakota, Lower James Missouri and the Lower Vermillion Missouri aquifers as well as the Missouri and Vermillion Rivers. The ground water in this aquifer generally moves from northwest to southeast in the area of this application (Stephens, 1967). The saturated thickness of the aquifer in the region ranges from approximately 45-65 feet thick (Water Rights, 2013a).

SDCL 46-2A-9

In accordance with SDCL 46-2A-9, a permit may be issued to appropriate water 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 review the availability of unappropriated water and existing rights within the Missouri: Elk Point aquifer.

WATER AVAILABILITY:

This application proposes to appropriate 272 ac-ft/yr from the Missouri: Elk Point aquifer. If this application is approved, it is likely that the actual water use will be less than the appropriated amount. The probability of unappropriated water available from the aquifer can be evaluated using 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."

Recharge versus Discharge:

Recharge:

Recharge to the Missouri: Elk Point aquifer occurs through infiltration and percolation of precipitation falling in areas where the aquifer is near land surface. Recharge is also provided to the aquifer from the Big Sioux, Lower Vermillion-Missouri, and Dakota aquifers as well as during times of high flow and stage from the Missouri River. The average annual recharge rate to the Missouri: Elk Point aquifer is an estimated 3.8 in/yr based on observation well analysis (Hedges and others, 1985). Given the area of the management unit in Clay County of 74,500 acres, average annual recharge to the aquifer in Clay County alone is estimated to be 23,592 ac-ft/yr.

Discharge:

Discharge from the Missouri: Elk Point aquifer is by evapotranspiration, discharge to the Big Sioux and Missouri Rivers during low flow and to the underlying Dakota aquifer, and withdrawal from wells. There are a number of completion reports on file with the SD DENR-Water Rights Program for domestic use wells completed into the Missouri: Elk Point aquifer (Water Rights, 2013b) and there are currently 507 water rights/permits appropriating water from the Missouri: Elk Point aquifer (Water Rights, 2013c). In addition, there are five future use permits reserving water from the aquifer. There are 120 water rights/permits appropriating water from this aquifer in Clay County alone (Water Rights, 2013c). All five of the future use permits reserving water from the aquifer are from Clay County. The distribution of these appropriations and their types are shown in Table 1.

Water Rights/Permits	Number
Domestic	1
Irrigation	113
Municipal	4
Rural Water System	2
Future Use Permits	Number
Lewis & Clark Rural Water System	4
City of Vermillion	1

Table 1. Water rights/permits from the Missouri: Elk Point aquifer in Clay County (Water Rights, 2013c).

The amount of water that can be expected to be withdrawn through water rights/permits authorizing water use for non-irrigation purposes at the current appropriation level can be estimated by assuming:

1. Water rights/permits limited by an annual volume will pump the entire volume appropriated.
2. Water rights/permits limited only by diversion rate will pump at the maximum permitted diversion rate 60 percent of the time.
3. Future use permits can be fully developed.

The expected water use for non-irrigation purposes, including that reserved for future use, from the Missouri: Elk Point aquifer in Clay County is less than 50,600 ac-ft/yr based on current water appropriations.

The annual reported water use from the Missouri: Elk Point aquifer for irrigation purposes is displayed in Table 2.

YEAR	NO. OF PERMITS	APPROPRIATION (AC-FT/YR)	PUMPAGE REPORTED (AC-FT/YR)
2011	431	159700.8	12107.55
2010	419	155905.4	2723.87
2009	410	155245.4	6120.97
2008	396	151130.4	16261.88
2007	366	139826.6	30482.84
2006	353	136491.6	27974.54
2005	335	130046.6	23964.5
2004	322	126955.8	23862.25
2003	314	125379.8	26734.67
2002	315	125555.8	23547.22
2001	313	125537.4	19071.88
2000	309	124852.2	26640.12
1999	308	125225.6	14748.02
1998	313	127862.6	11127.24
1997	305	126518.2	17182
1996	296	124606.2	9412.78
1995	292	121644.25	18320.24
1994	295	122975.05	10221.43
1993	298	125576.3	1475.2
1992	295	125256.68	1881.95
1991	300	126471.68	18798.6
1990	297	127965.68	19425
1989	292	126354.68	25651.9
1988	282	123601.48	28184.55
1987	281	123601.68	13163.7
1986	286	125320.68	6252.1
1985	282	124546.68	13718.5
1984	281	126221.56	9194.3
1983	273	121483.08	10834.04
1982	269	122297.78	18822.35
1981	297	134477.62	13096
1980	262	124404.88	14586
1979	259	122980.02	9859
MIN	259	121483.08	1475.20
MAX	431	159700.80	30482.84
AVE	313.52	129879.40	15922.64

Table 2. Irrigation from the Missouri: Elk Point aquifer (Water Rights, 1979-2011)

Pumping from the aquifer will induce greater recharge as most of the water will come directly from the Missouri River rather than the aquifer itself. Lewis and Clark Rural Water System currently reserves 13,000 ac-ft/yr for future use and has permits appropriating 32,165 ac-ft/yr (Water Rights, 2013b). This accounts for a significant portion of the annual water usage in Clay County, and most of the water from these wells will also be induced from the Missouri River. Recognizing that Lewis and Clark RWS withdraw water from the Missouri: Elk Point aquifer that is induced from the Missouri River and considering the remaining hydrologic budget, there

is reasonable probability that unappropriated water is available for the 272 acre-feet appropriation proposed by this application.

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 37 observation wells completed into the Missouri: Elk Point aquifer with two of these observation wells located within five and one half miles of the well site proposed by this application (Water Rights, 2013b). Hydrographs for these wells are shown in Figures 1 and 2.

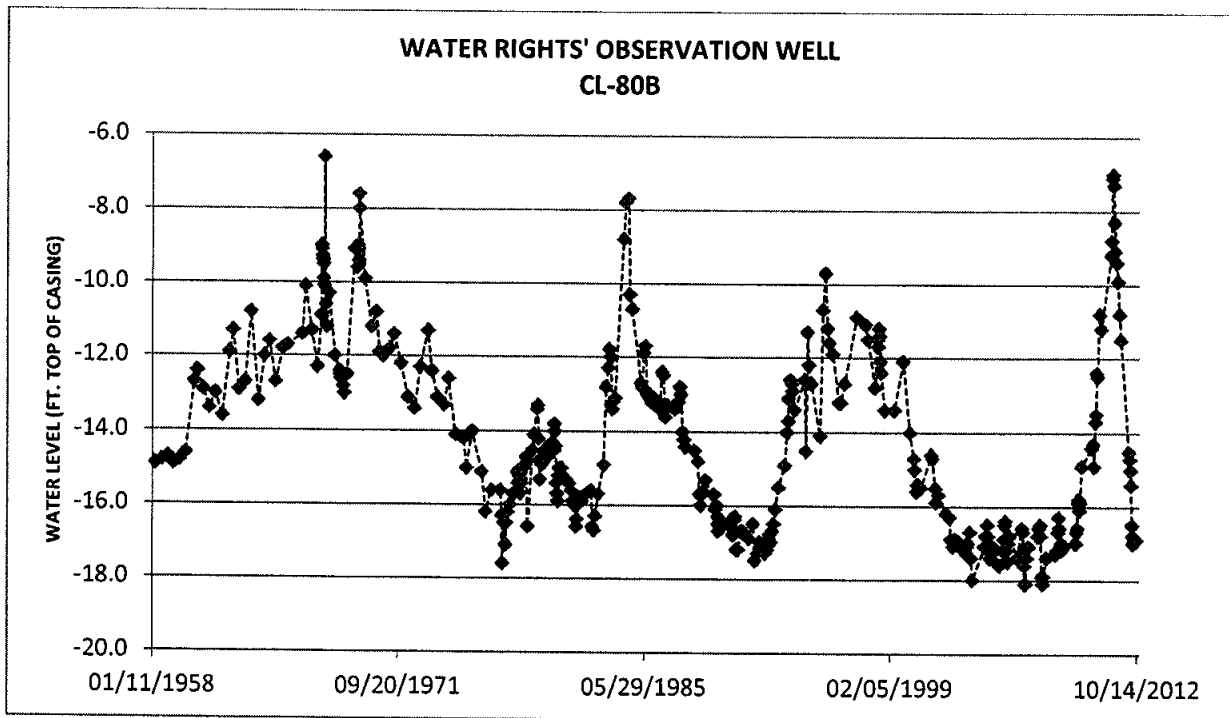


Figure 1. Hydrograph for DENR-Water Rights Observation Well CL-80B completed into the Missouri: Elk Point aquifer approximately four and one half miles west of the well site proposed by Application No. 7553-3 (Water Rights, 2013a).

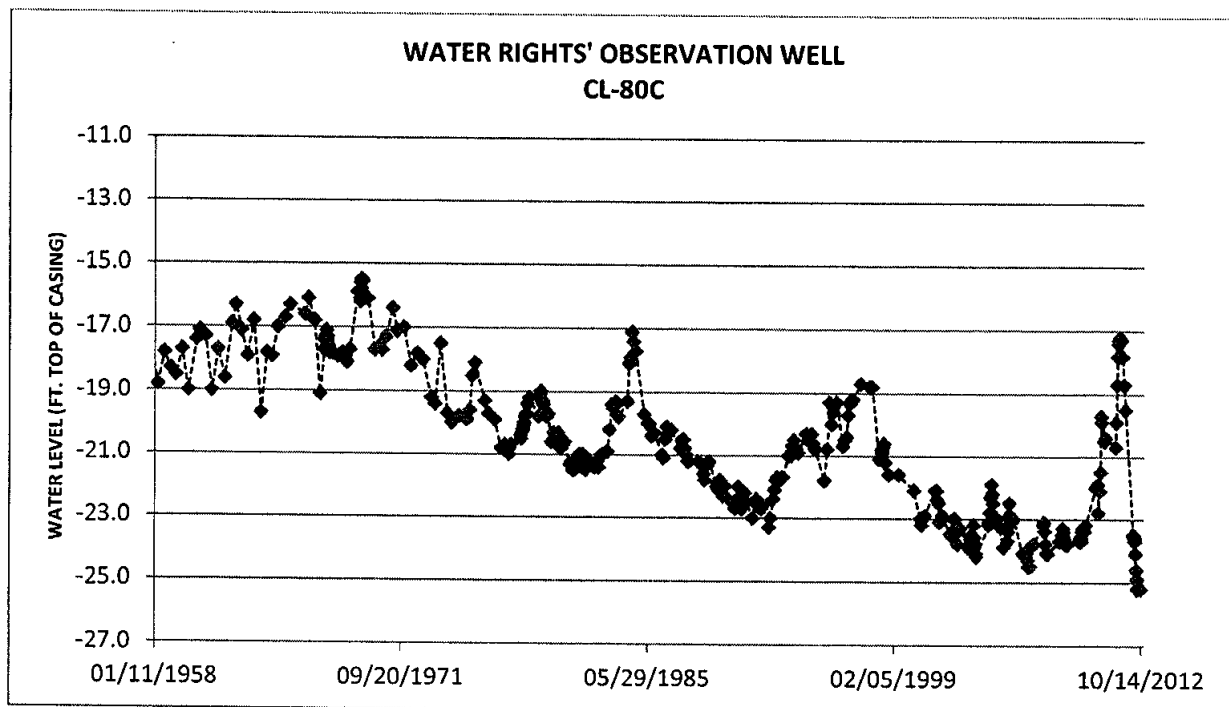


Figure 2. Hydrograph for DENR- Water Rights Observation Well CL-80C completed into the Missouri: Elk Point aquifer approximately five and one quarter miles southeast of the well site proposed by Application No. 7553-3 (Water Rights, 2013a).

The observation well data shows the aquifer responds well to climatic conditions with rising water levels during wet years and gradually declining water levels during dry years. The water level data shows that over the period of record, in general discharge has not exceeded recharge. The observation well data shows that at the current level of development, climatic conditions greatly mask the temporal effects of well withdrawals. Therefore, recharge to and natural discharge from the Missouri: Elk Point aquifer significantly exceeds pumping. Recognizing that natural discharge from the aquifer can be captured for pumping. The hydrographs document that there is unappropriated water available from the aquifer to support this appropriation.

EXISTING WATER RIGHTS:

The well site proposed by this application is located approximately 6.3 miles east of the Missouri River in a portion of the Missouri: Elk Point aquifer that extends east of the Missouri River for approximately nine miles to the edge of the aquifer. There are three water rights/permits that have diversion points within a one mile radius from the proposed well site. The nearest water right/permit is future use Water Permit number 6869-3, for the Lewis and Clark Rural Water System, located over 1,600 feet south and down-gradient from the proposed well site (Water Rights, 2013c). Based on the observation well data and the distance between wells, drawdown is not expected to be significant nor likely to cause adverse impacts to existing water rights.

CONCLUSIONS:

1. This application proposes to appropriate up to 272 acre-feet annually for irrigation from the Missouri: Elk Point aquifer.
2. There is a reasonable probability that unappropriated water is available from the Missouri: Elk Point aquifer to supply this proposed appropriation.
3. The Missouri: Elk Point aquifer is under unconfined (water-table) conditions in this area, and drawdown from pumping is not expected to be significant very far from a production well.
4. There is a reasonable probability that the well proposed by this application will not adversely impact existing water rights.



Nicole Van Dyk
SD DENR-Water Rights Program

Approved by



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- 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., 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; U.S. Army Corps of Engineers Contract DACW 45-80-C-0185
- Stephens, J.C., 1967, Geology and Hydrology of Clay County, South Dakota, Part II: Water Resources, SD DENR- Geological Survey Bulletin 19, 62 p.
- Water Rights, 1979-2011, Irrigation Questionnaire Summaries 1979-2011, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2013a, Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2013b, Water Well Completion Reports, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2013c, Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

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FEB 25 2013
WATER RIGHTS
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AFFIDAVIT OF PUBLICATION

PLAIN TALK

DENR

Division of Environmental Services

Air Quality Program

Joe Foss Building, 523 East Capitol

Pierre, SD 57501

STATE OF SOUTH DAKOTA
COUNTY OF CLAY

TERA SCHMIDT BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT SHE IS THE CLASSIFIED MANAGER OF YANKTON
MEDIA INC., A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
PLAIN TALK, A LEGAL WEEKLY NEWSPAPER PUBLISHED AND CIRCULATED
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 FOR AIR QUALITY CONSTRUCTION PERMIT

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 15 DAY OF FEBRUARY 2013
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$26.98 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: 2/15/13

FILED ON: 2/15/13

Tera A. Schmidt

SUBSCRIBED AND SWORN TO BEFORE ME THIS

19th

DAY OF

February

NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES

8/19/2015

NOTICE OF APPLICATION NO. 7553-3 to Appropriate Water

Notice is given that John Freeburg, Box 252, Gayville SD 57031 has filed an application for a water permit to appropriate 1.55 cubic feet of water per second from one well to be completed into the Missouri Elk Point Aquifer (100 feet deep) located in the SE 1/4 SE 1/4, Section 7 for irrigation of 136 acres located in the SE 1/4, NE 1/4 SW 1/4 Section 7; all in T92N-R52W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7553-3 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 February 25, 2013.

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 once at the total approximate cost of \$26.98.

Published: February 15, 2013

RECEIVED

FEB 21 2013

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

Department of Environment and Natural Resources
PMB 2020
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

KELLY HERTZ BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT HE IS THE **MANAGING EDITOR** OF, YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY
AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID
COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED

Notice of Application No. 7553-3

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 15th DAY OF February 2013
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID **NOTICE** TO WIT \$25.48 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: 2/15/2013

FILED ON: 2/15/2013

SUBSCRIBED AND SWORN TO BEFORE ME THIS 15th DAY OF February

NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES 8/19/2015

2-15

NOTICE OF APPLICATION
NO. 7553-3 to Appropriate Water

Notice is given that John Freeburg, Box 252, Gayville SD 57031 has filed an application for a water permit to appropriate 1.55 cubic feet of water per second from one well to be completed into the Missouri Elk Point

Aquifer (100 feet deep) located in the SE 1/4 SE 1/4, Section 7 for irrigation of 136 acres located in the SE 1/4, NE 1/4 SW 1/4 Section 7; all in T92N-R52W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7553-3 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 February 25, 2013.

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 once at the total approximate cost of \$25.48.

2013

Instruction to Newspaper - Publish the Notice on February 15, 2013. 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. 7553-3 to Appropriate Water

Notice is given that John Freeburg, Box 252, Gayville SD 57031 has filed an application for a water permit to appropriate 1.55 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (100 feet deep) located in the SE 1/4 SE 1/4, Section 7 for irrigation of 136 acres located in the SE 1/4, NE 1/4 SW 1/4 Section 7; all in T92N-R52W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7553-3 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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Published once 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

February 5, 2013

Plain Talk
201 W Cherry St
Vermillion SD 57069

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7553-3 to Appropriate Water. Please publish the notice once on February 15, 2013. 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 and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is John Freeburg, PO Box 252, Gayville SD 57031 (Ph # 605-267-4427).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

February 5, 2013

Press & Dakotan
319 Walnut
Yankton SD 57078

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7553-3 to Appropriate Water. Please publish the notice once on February 15, 2013. 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 and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is John Freeburg, PO Box 252, Gayville SD 57031 (Ph # 605-267-4427).

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



**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 DATE, CONTACT
THE NEWSPAPER(S) RIGHT AWAY.

February 5, 2013

John Freeburg
PO Box 252
Gayville SD 57031

Dear Mr. Freeburg:

Water Permit Application No. 7553-3 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 Press & Dakotan printed at Yankton SD (Ph # 605-665-7811) and the Plain Talk printed at Vermillion SD (Ph # 605-624-2695). You will need to contact the newspaper(s) 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 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(s) to authorize publication of your Notice and to arrange for payment. Early contact with the paper(s) can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

APR 26 2013

John Freeburg
PO Box 252
Gayville SD 57031

Dear Mr. Freeburg:

Enclosed is Water Permit No. 7553-3 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,

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

enclosures

1002-0
RECEIVED

JUN - 3 2013

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 5-30-13TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

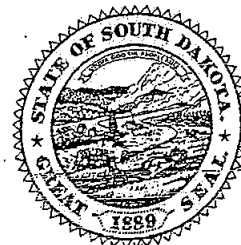
FROM:

John Freeburg
(name)Box 252 706 Kingsbury St.
(address)Gayville SD 57031
(city, state, zip)605-267-4427
(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. 7553-3 states that the water use system is to be constructed by5-20-13
(date), and water is to be put to beneficial use by 5-30-13
(date)The water use system was completed on 5-20-13
(date)Applying the water to beneficial use was completed on 5-30-13
(date)

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

John Freeburg
(signature)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 6, 2013

7553-3

John Freeburg
PO Box 252
Gayville SD 57031 0252

Dear Mr. Freeburg:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with your irrigation system.

The system is now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

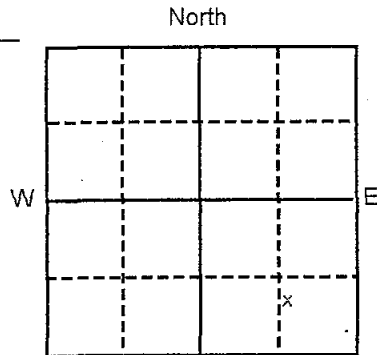
Sincerely,

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

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SE 1/4 SE 1/4 Sec 7 Twp 92N Rg 52WCounty ClayPlease mark well
location with an "X"

Well Completion Date

December 29, 2012

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

1,500.0 ft. from Septic Tank (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Reverse Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	<u>16.00</u> IN	<u>0.0</u> FT	<u>40.0</u> FT	<u>28.00</u> IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Bentonite</u>	<u>13</u>	<u>9.5</u> Lb/gal	<u>0.0</u> Ft	<u>40.0</u> Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
Tremie Method

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 16.00 Inches Length 60.0 FeetMaterial PVCSlot Size .050 Set From 40.0 Feet to 100.0 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?

☒ No, Why Not? Not Required
Lab to which water
quality sample sent for analysisWell Owner: John Freeburg

Business Name:

Address: 206 Meckling StCity, State, Zip: Gayville SD 57031

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top Soil	0	3
Blue Clay	3	20
Fine Sand	20	100

STATIC WATER LEVEL 18.0 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

28.0 Ft. After 3.5 Hrs. pumped 700.0 GPM37.0 Ft. After 7.0 Hrs. pumped 1,200.0 GPM

If pump installed, pump rate: _____ GPM

REMARKS

RECEIVED

FEB - 1 2013

WATER RIGHTS
PROGRAMThis well was drilled under license # 666 and this
report is true and accurate.Drilling firm: Hammond Wetmore Drilling, LLC

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:

1-29-13

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 the John Freeburg, PO Box 252, Gayville, SD 57031, holder of Water Permit No. 7553-3, bearing the priority date of November 30, 2012. Water Permit No. 7553-3 authorizes the diversion of 1.55 cubic feet per second (cfs) or 700 gallons per minute (gpm) from one well completed into the Missouri: Elk Point aquifer for the purpose of irrigating 136 acres in Clay County as follows: 69 acres in the S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 7, 67 acres in the N $\frac{1}{2}$ SE $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 7, both in T92N-R52W.

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

- 1) Works used to divert water:
One turbine pump, manufactured by Hydroflo.
- 2) Works used to transport water to a place of use:
Underground and above ground 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 No. 7553-3 is located in the center of the SE $\frac{1}{4}$ of Section 7, T92N-R52W. The exact location the pump is as follows:

- 1) **1,300 feet north and 1,300 feet west of the southeast corner of Section 7, T92N-R52W. Lat 4279717.N Lon 97.02782W.**

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

- 1) 33 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 7, T92N-R52W.
 - 2) 36 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 7, T92N-R52W.
 - 3) 15 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 7, T92N-R52W.
 - 4) 36 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 7, T92N-R52W.
 - 5) 8 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 7, T92N-R52W.
- For a total of 128 acres.**

License should be issued for ~~the developed diversion rates of~~ **1.55 cfs or 700 gpm.**

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

Exceptions to compliance are: **None**

Date Report Completed: **June 29, 2015**



Bracken Capen
Natural Resources Engineer
DENR, Water Rights Program

FIELD INVESTIGATION REPORT FOR WATER PERMIT NO. 7553-3

DATE OF INVESTIGATION:	June 23, 2015
NAME & ADDRESS OF PERMIT HOLDER	John Freeburg PO Box 252 Gayville, SD 57031
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	John Freeburg
DIVERSION POINT LEGAL LOCATIONS	1,300 feet north and 1,300 feet west of the southeast corner of Section 7, T92N-R52W. Lat 4279717.N Lon 97.02782W.

WELL INFORMATION:

- 1) Well Drilling Firm:
Hammond Wetmore Drilling
- 2) Number of Wells: **1**
- 3) Depth: **100 feet**
- 4) Well Logs Available: **Yes**
- 5) Comment:

Pumps

- 1) Make:
- 2) Model:
- 3) Size:
- 4) Capacity: **800 gpm (1.78 cfs)**

Casing

- 1) Diameter: **16 inches**
- 2) Length: **40 feet**
- 3) Type: **Plastic**

Screen

- 1) Type: **Manufactured**
- 2) Length: **60 feet**
- 3) Static Water Level: **18 feet**

Motor

- 1) Make:
- 2) Model No:
- 3) Power: **20 hp**

System Type

- 1) Make: **Valley (x2)**
- 2) Overall length: **1,300 feet (x2)**
- 3) Number of Towers: **7 towers (x2)**
- 4) Distance Between Towers:
- 5) End Gun: **Yes**
- 6) Pressure:
- 7) Capacity: **800 gpm**

CHEMIGATION EQUIPMENT: No

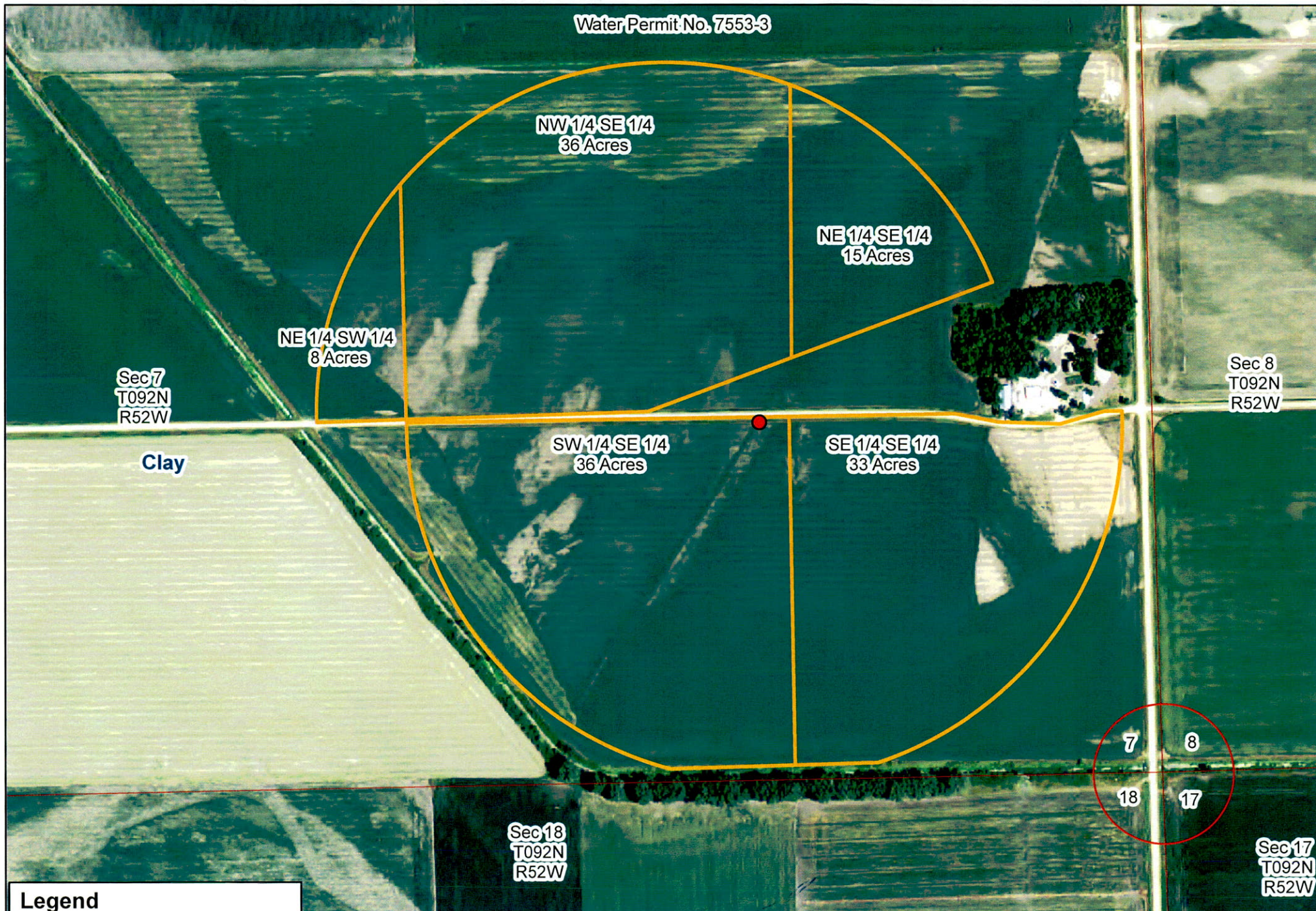
- 1) Mainline Check Valve:
- 2) Low Pressure Drain:
- 3) Inspection Port/Air Relief:
- 4) Discharge 20 Feet Away:
- 5) Injection Line Check Valve or Positive
Displacement Pump:
- 6) Injection Check Valve:
- 7) Properly Installed:

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 from 2013 to present.**

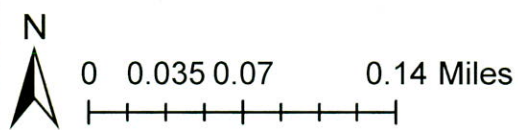
COMMENTS: The system authorized under Water Permit No. 7553-3 has a greater capacity than the permit allows.

Water Permit No. 7553-3

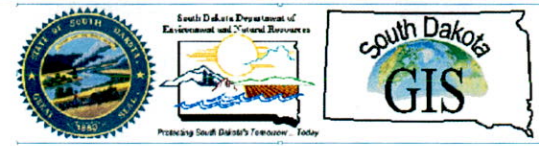


Legend

- Irrigated_Acres
- Section Boundaries - PLSS
- Well Location



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





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

JUL 01 2015

7553-3

John Freeburg
PO Box 252
Gayville SD 57031

Dear Mr. Freeburg:

Enclosed is Water License No. 7553-3. 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. 7553-3, 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

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7553-3**

(1) John Freeburg, PO Box 252, Gayville SD 57031 made Application No. 7553-3, November 30, 2012 for a water permit to divert 1.55 cubic feet of water per second from ground water (one well, Missouri Elk Point Aquifer), Clay County, South Dakota for irrigation purposes. Permit No. 7553-3, with a priority date of November 30, 2012 was approved February 25, 2013 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before February 25, 2018 and for the application to beneficial use of said water on or before February 25, 2022.

The Permit holder submitted a "*Notice of Completion of Works and Application of Water to Beneficial Use*" on June 3, 2013. The "*Notice*" stated the water use system was completed on May 20, 2013 and the water placed to beneficial use on May 30, 2013.

(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 1.55 cubic feet of water per second for beneficial use.

The location of the diversion point is 1,300 feet north and 1,300 feet west of the SE corner of Section 7, T92N, R52W (approximate center of the SE ¼).

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

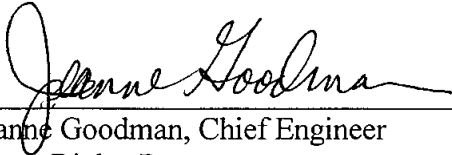
Section 7, T92N, R52W			
SE ¼ SE ¼	33 acres	NE ¼ SW ¼	8 acres
SW ¼ SE ¼	36 acres		
NE ¼ SE ¼	15 acres		
NW ¼ SE ¼	36 acres	Total	128 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 John Freeburg, PO Box 252, Gayville SD 57031 the holder and/or owner of Water Right No. 7553-3 is issued a license to appropriate water, the right to use 1.55 cubic feet of water per second from ground water (one well, Missouri Elk Point Aquifer) with a priority date of November 30, 2012 from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 7553-3 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. 7553-3 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 drilled in December, 2012 by Hammond Wetmore Drilling LLC. A copy of the well log is on file with the Water Rights Program.***

- 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

JUN 30 2015
date





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

SEP 20 2022

7553-3
8324-3

John Freeburg
PO Box 252
Gayville SD 57031

Dear Mr. Freeburg:

Enclosed is Water License No. 8324-3. 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 in the future, the owner of an existing well, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

Note: Upon licensing, the applicable portions of Water Right No. 7553-3 were incorporated into Water License No. 8324-3.