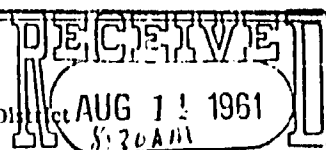


80-3

1. Considered 9-13, 1961
2. Name of Applicant City of Freeman
3. Post Office Address _____
4. Amount of water claimed 1.27
5. Source of water supply ground water
6. Water to be used for municipal
Acres to be irrigated _____
7. Water to be diverted and used in Hutchinson County about
1.27 miles City limits of _____
8. Proof of Publication Received ✓
Not Received _____
9. Application Approved _____
Subject to _____
Not approved _____
Action deferred _____
10. Remarks:

No. 810-3Water Division No. 3 VERMILLION RIVER
(Blanks to be Filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COMM.
PIERRE SOUTH DAKOTA

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

(NOTE—Draw a line through items not applicable.)

1. Name of applicant CITY OF FREEMAN
Postoffice address FREEMAN, County HUTCHINSON, State SOUTH DAKOTA

I. If a corporation MUNICIPALITY

- (a) Name of same ---
(b) Date and place of incorporation ---
(c) Amount of capital stock ---
(d) Amount paid in ---
(e) Names and addresses of directors ---

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

- (a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

BY CONTRACT

- (b) Cash on hand, \$ 5500 (c) Treasury stock, \$ ---
(d) Bonds to be issued, \$ --- (e) Other resources, \$ ---

2. Name of diversion work WELL # 1 - VESTED, WELL # 2 FUTURE (1961)
3. Amount of water claimed 1.27 cubic feet per second 285 GPM - WELL #1
4. Source of water supply GROUND WATER - ARTESIAN
5. Location of point of diversion WELL No. 1 - 2257' S. AND 88' E. OF NW COR. OF SEC. 35, T9N, R56W
WELL No. 2 - 2270' S. AND 145' W. OF NW COR. OF SEC. 35, T9N, R56W
6. Annual period or periods during which water is to be used CONTINUOUS
7. To be used for:

1. Irrigation or domestic use: Gravity, overhead sprinkling or combination system?
-

- (a) Number of acres to be irrigated
-
- acres.

- (b) Legal subdivisions to be irrigated
-

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction, with acreage thereof, should be written here or on a separate sheet and be appended as a part of this application. Same must also be shown on accompanying map.)

- (c) Statement as to domestic use (giving location, etc.)
-

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

- (a) Nature of use
- GENERAL MUNICIPAL USE & FIRE PROTECTION

Name any of the above uses claimed

- (b) Amount of power to be generated
-
- horse power.

Amount claimed for engine cooling ---

- (c) Location of plant
-

- (d) Method of developing power
-

- (e) Point where water will be returned to stream
-

MAP No 591-3

8. Estimated cost of work: -----

(a) Head Gates, \$..... (b) Pumping plant, \$.....
 (c) Fluming, \$..... (d) Canal-earth, \$..... Rock, \$.....
 (e) Other structures \$..... Total, \$.....

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

TWO WELLS, IRON REMOVAL PLANT, HIGH LIFT PUMPS & ELEVATED TANK.

II. Dimensions of works.

(a) Dam: Height.....feet; length at bottomfeet; length at topfeet; thickness at bottomfeet; thickness at topfeet; slope at front water face; slope at back face
 material used in construction 50 BLOCKS PIPING FOR DISTRIBUTION SYSTEM.

(b) Reservoir: Capacity when filled 25,000 GALLONS.....acre feet. Surface area at highwater mark.....acres.

DEPTH AT OUTLET FEET	SURFACE AREA AT EACH.....FEET DEPTH AT OUTLET--ACRES	ACRE-FOOT CAPACITY

(c)* Head gate: Width.....feet; height.....feet;
 Material

(d) Canal: Total lengthmiles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of workyears.

11. Time required for complete application of water to the proposed beneficial useyears.

12. Choice of newspaper for publication of notice of intention to appropriate
FREEMAN COURIER --- FREEMAN, SOUTH DAKOTA

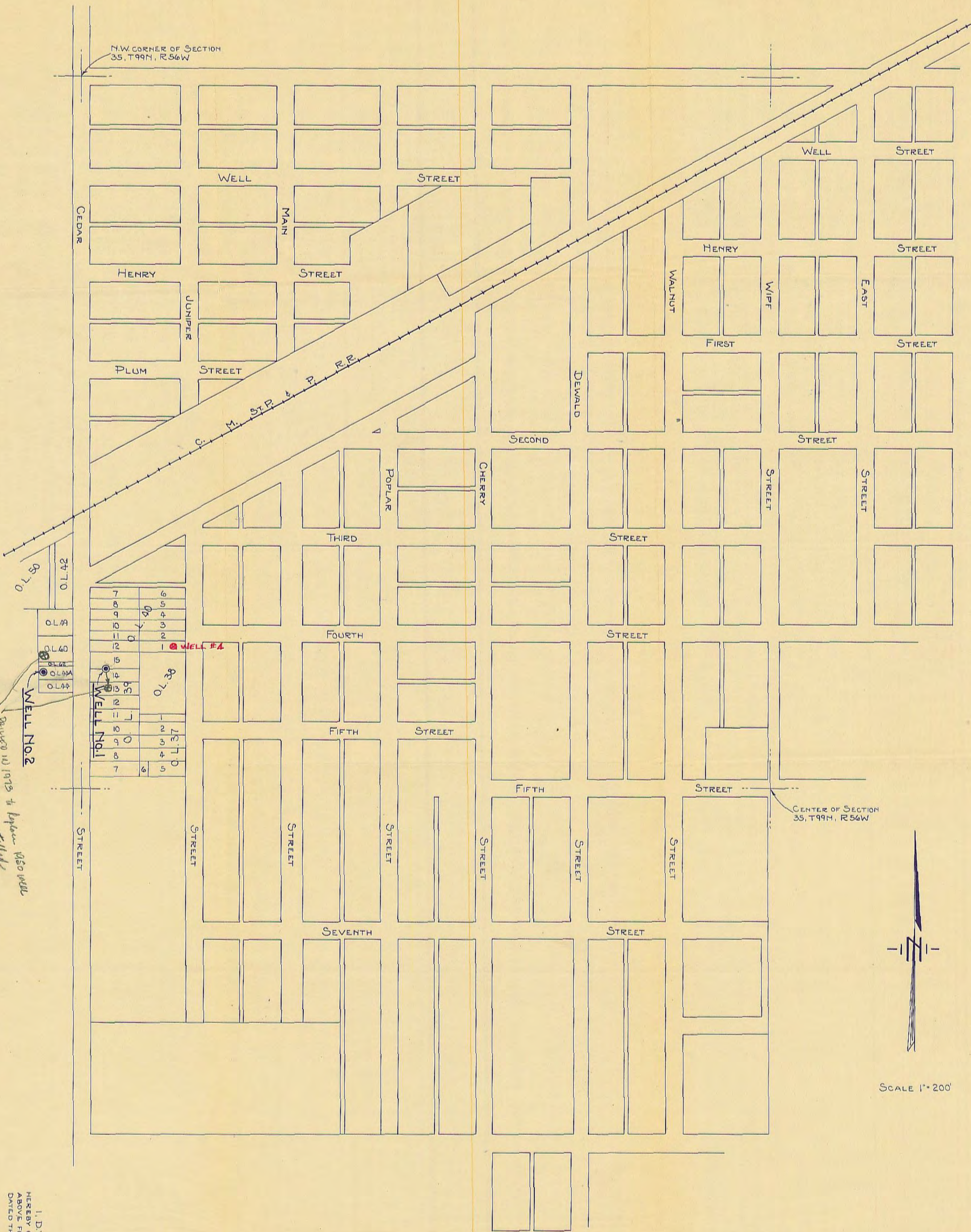
STATE OF SOUTH DAKOTA }
 County of Hutchinson } ss.

I, ELDON P. SANNER, Mayor, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed: Eldon P. Sanner

Subscribed and sworn to before me this 11th day of August 1861

Wilton J. Mubel
 Notary Public (or other qualified officer.)



WELL NO. 1 - LOCATED 2257' SOUTH AND 88' EAST OF THE NW CORNER OF SECTION 35, T99N, R56W.
WELL NO. 2 - LOCATED 2270' SOUTH AND 145' WEST OF THE NW CORNER OF SECTION 35, T99N, R56W.
STBY - NO PUMP INSTALLED
SAVED IN 1973 & before 1980 well

CITY OF
FREEMAN, SOUTH DAKOTA
HUTCHINSON COUNTY

SURVEYORS CERTIFICATE
I, D.V. SCHWITZ, REGISTERED LAND SURVEYOR OF THE STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT I HAVE, ON AND BEFORE JUNE, 27, 1961, MAPPED THE AREA AS SHOWN ABOVE FOR THE PURPOSE OF WATER APPROPRIATION.
DATED THIS 27TH DAY OF JUNE, 1961.
D.V. SCHWITZ, REG. LAND SURVEYOR

STATE OF SOUTH DAKOTA
COUNTY OF MINNEHAHA
ON THIS 27TH DAY OF JUNE, 1961, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE APPEARED D.V. SCHWITZ, WELL KNOWN TO ME TO BE THE PERSON DESCRIBED ABOVE AND WHO ACKNOWLEDGED TO ME THAT HE EXECUTED THE FOREGOING CERTIFICATE.
MY COMMISSION EXPIRES: _____
NOTARY PUBLIC, SOUTH DAKOTA

MAP NO. 59143

Remarks by State Water Resources Commission:

"Partial vested right"

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Pierre, South Dakota, September 18, 1961

This is to certify that the foregoing application was received by the Commission at 8:30 o'clock
a.m. upon the 14th day of August, 1961.

State Water Resources Commission

By:

Burt J. Jones
Chief Engineer, Executive Officer

Number of permit 810-3

Date of first receipt of application August 14, 1961

Date of return to applicant for correction, amendments or changes required as follows: _____, 19____

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right .63 from 1950, 1961

Approved September 13, 1961, Recorded in Book 6 Page 339

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before _____

MARCH 13, 1962

2nd. The whole of said work is to be completed on or before September 13, 1962

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is

September 13, 1962

4th. The water appropriated shall be used for the purpose of municipal use

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 1.26 cubic feet per second; neither shall it exceed the capacity of the above described system of diversions, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually

and beneficially applied for irrigation on or before September 13, 1962; said water to be used during the following described annual period:

Continuously
Witness my hand this 18th day of September, 1961

State Water Resources Commission

By:

Burt J. Jones
Chief Engineer, Executive Officer

Certificate of Construction issued FEBRUARY 20, 1973

Water License issued FEBRUARY 20, 1973

Form 2A — Wells (Supplement to Form 2)

9. (Continued)

III. Well Specifications WELL No. 1

(a) Hole and casing

Size of drill hole or excavation 12" TO 136', 10" TO 132' Depth 182'

Type of casing STEEL (wood, concrete, steel, etc.)

Size of casing 10", Thickness of casing 0.365"

Length of casing 138' If collection gallery, length, size and depth of gallery ---

(b) Screens

Type of perforated screen NONE

Size of perforated screen --- (diameter), --- (length)

Thickness of gravel pack NONE, length of gravel pack ---

(c) Water Bearing Materials

Distance to water 82' Character of water bearing materials GREVICED CHALK ROCK

Thickness of water bearing material 52'

(d) Pump and Motor

Type of pump VERTICAL TURBINE (centrifugal, propeller, mixed flow, etc.)

Name of pump LAYNE, size 1"

Kind of motor ELECTRIC (gasoline, electric, diesel, etc.)

Horsepower 20, Name of Motor LAYNE

(e) Complete well

Capacity 285 GPM at drawdown of 3' Estimated cost \$5,500.00

(f) Owner of land upon which well is located CITY OF FREEMAN Name

FREEMAN, SOUTH DAKOTA Address

(g) Distance to nearest existing wells

On same owner's property WELL No. 2 TO BE LOCATED WITHIN 14.5 RODS rods. On property owned by others 30 rods

Form 2A — Wells (Supplement to Form 2)

9. (Continued)

III. Well Specifications WELL No. 2

(a) Hole and casing

Size of drill hole or excavation 15" TO 136', 10" TO 182' Depth 182'

Type of casing STEEL - PRESSURE GROUTED FROM 136' TO SURFACE
(wood, concrete, steel, etc.)

Size of casing 10" Thickness of casing 0.365"

Length of casing 138' If collection gallery, length, size and depth of gallery

(b) Screens

Type of perforated screen NONE

Size of perforated screen (diameter) (length)

Thickness of gravel pack NONE, length of gravel pack

(c) Water Bearing Materials

Distance to water 82' Character of water bearing materials
CREVICED CHALK ROCK

Thickness of water bearing material 52'

(d) Pump and Motor

Type of pump VERTICAL TURBINE
(centrifugal, propeller, mixed flow, etc.)

Name of pump LAYNE, size 4"

Kind of motor ELECTRIC
(gasoline, electric, diesel, etc.)

Horsepower 15, Name of Motor LAYNE

(e) Complete well

Capacity 285 GPM at drawdown of 3' Estimated cost \$5,500.00

(f) Owner of land upon which well is located CITY OF FREEMAN
Name

FREEMAN, S. DAK
Address

(g) Distance to nearest existing wells

On same owner's property 14.5 rods. On property owned by others 25 rods

Permit No. 810-3Water Diversion No. 3 VERMILION RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That the City of Freeman

_____ the holder _____ of
Permit No. 810-3, issued upon Application No. 810-3, bearing date of priority of 1950 and
August 14, 1961 authorizing the diversion of 1.26 cu. ft. per second of the waters of _____
Ground water _____ County of Hutchinson, State of South Dakota at _____
#1, 2300 ft. South and 100 ft. East, #2, 2270 Ft. South and 145 Ft. West, both
from NW Corner, Section 35, T99N, R56W
_____, for Municipal

purposes, has _____ complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 1.33 cu. ft. per second of water.

Date February 20, 1973

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 810-3

(1) WHEREAS, On the 14th day of August A. D. 19 61
the City of Freeman

made Water Right Application No. 810-3 for a permit to use 1.26 cubic feet per second of the waters
of Ground water

County of Hutchinson State of South Dakota, for Municipal

_____ purposes; and
(2) WHEREAS, On the 18th day of September A. D. 19 61
Permit No. 810-3, with a date of priority of 1950 and August 14, 1961

was issued to said applicant _____ for the diversion of said water, and provided for the completion of construction of the water
supply system therein described on or before the 13th day of September A. D. 19 62 and for the
application to beneficial use of said water on or before the 13th day of September A. D. 19 62

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to completion of the construction of the water supply system and is entitled to divert 1.26 cubic feet
per second of water for beneficial use and.

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to the application of water to beneficial use of the following extent:
water is used for municipal purposes by the City of Freeman

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to the City of Freeman

~~xxxx~~
the holder _____ and owner _____ of said permit No. 810-3 a water right, dating from 1950 and August 14, 1961
_____ to use of 1.26 cubic feet per second of the waters of ground water

in the County of Hutchinson and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at #1, 2300 Ft. South and 100 Ft. East, #2, 2270 Ft. South and 145 Ft. West, Both from NW Corner, Section 35, T99N, R56W

and ~~xxxxxxxxxxxx~~ conducted through the City water distribution system

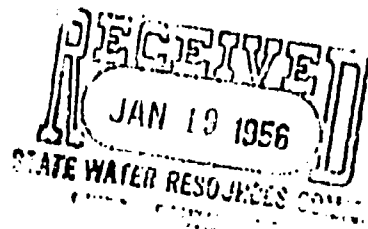
for the purpose of Municipal use

Subject to any limitations listed in Water Right Permit No. 810-3 and subject to the laws of the State of South Dakota.

WITNESS: My hand and seal of our office at Pierre, South Dakota
this 20th day of February A. D.
Nineteen Hundred and Seventy-three

WATER RESOURCES COMMISSION

By: _____
Chief Engineer, Executive Officer J.W. GRIMES



January 18, 1956

C
O
P
Y

The Honorable John D. Unruh
Mayor of Freeman
Freeman, South Dakota

Dear Mayor Unruh:

Mr. Arthur E. Munk, Chairman of the State Water Resources Commission, had your request of January 4 forwarded to me. In our files, I note that this water problem has been bothering Freeman back as far as 1935. In 1948, our geologist, Mr. C. L. Baker, examined the situation at the request of your city council and made a short report, which I believe is in your files.

The upshot of the report is that your well water at about 400 feet seems to be the largest volume available in the immediate vicinity of Freeman. The only alternative, if a well is to be drilled in town, would be to drill deep into the quartzite, which is a very expensive and uncertain process. The water there, however, might be better than what you are using provided the well is properly constructed so that leaks from the upper sands will not result.

Mr. Baker also suggests that water can be obtained from glacial gravels two miles south of town and from similar gravels three miles north of town. At the time, however, he did not investigate these thoroughly because the price of piping the water into Freeman was more than the city wanted to spend. Without knowing more about the water needs of your city and the size of these reservoirs, it would be impossible to make any recommendations. The geology at the surface indicates that the gravels south of town might be fairly extensive and would offer

Mayor Unruh

page 2

January 18, 1956

C
O
P
Y

an adequate supply at least in years of normal rainfall. Before any considerable amount of money was spent on this project, I would have the situation investigated as many of these are gravel pockets and while they make excellent farm wells, they cannot supply the volume necessary for a city.

If we can help you further with your problem, I will be glad to hear from you.

Very truly yours,

E. P. Rothrock
STATE GEOLOGIST

EPR:es
cc: Mr. J. W. Grimes

January 13, 1956

Dr. E. K. Rothrock
State Geologist
Vermillion, South Dakota

Dear Dr. Rothrock:

A letter from Mayor John D. Unruh, Freeman, South Dakota, is enclosed.

It will be appreciated by both Mayor Unruh and myself if you will help the City of Freeman investigate water supplies for their City. Your knowledge of ground water supplies in the State is the best possible source of help for the job the City is considering.

Please advise.

Sincerely,

J. W. CRIKES
Chief Engineer

WJC:rs

Enclosure

cc: Mr. John D. Unruh, Mayor
City of Freeman, South Dakota

cc: Mr. C. E. Carl (with copy of enclosure)
State Health Department
Pierre, South Dakota

Note to Mr. Unruh:

I will be near Freeman late in the afternoon of Tuesday, January 17. I will stop in to see you.

C O P Y

CITY OF FREEMAN
Hutchinson County
Freeman, South Dakota

January 4, 1956

Mr. Arthur E. Munck
Pierre, South Dakota

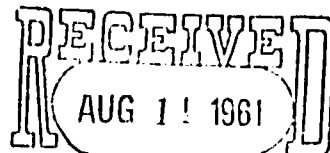
Dear Mr. Munck:

For sometime here at Freeman we have been thinking of going out of town several miles to the South to drill a well and pipe the water into town. This would give us a much better quality of water than we now have. Our only question is whether or not we could get it in sufficient quantities to go to the expense of piping it in. Does your Water Resources Commission render any services in this connection? If so would you please let me know whom to contact and to what extent we might get some assistance. Thank you.

Yours truly,

John D. Unruh
Mayor

Location No.



Water Division No.

Water District

STATE WATER RESOURCES COMM.
PIERRE SOUTH DAKOTA

Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. CITY OF FREEMAN - FREEMAN, SOUTH DAKOTA

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent,) your position with reference to same, and your authority for appearing in its behalf.

Ans. MUNICIPAL

Ques. 3. State date of posting and date of recording notice of appropriation.

Ans. ---

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. GROUND WATER - ARTESIAN - LOCATED 2257' S. AND 88' E. OF

N. W. CORNER OF SECTION 35, T90N, R56W, HUTCHINSON COUNTY,

Ques. 5. Describe your works of diversion giving length and height of each dam and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use, and date of completion of same.

Ans. WELL # 1 - DRILLED 1960 - CAPACITY OF 285 GPM

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

Ans. MUNICIPAL USE

Ques. 7. If for other than irrigation purpose, state how applied, amount of horse power generated, etc.

Ans. ---

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. 570 GPM -- 285 GPM FROM VESTED, 285 GPM FROM FUTURE WELL - (1961)

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. ---

Ques. 10. State when, how, in what amount and to what extent, the water diverted under above mentioned permit has been used.

Ans. CITY HAS USED WELL # 2 SINCE 1950 CONTINUOUSLY FOR

MUNICIPAL SUPPLY.

(Sign) MAYOR.

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Freeport, County of Hutchinson, State of South Dakota, on this 11th day of August A. D. 1961.

Witnesses.

I, the undersigned, do hereby certify that I am a duly qualified elector residing in the immediate vicinity of the diversion works designated in the foregoing testimony, that I have no interest in the works, water or land above described, that I have read the foregoing testimony and that I know of my own personal knowledge that the matters therein stated are true.

Location No.-----

**PROOF OF APPLICATION OF
WATER TO BENEFICIAL USE**

PETITION OF HOLDER

Amount of Water ----- c. f. s.

Source -----

County -----

Purpose -----

Place of Use -----

Date of recording -----

Received and filed -----

on or before August 17, 1961.
(First Publication _____)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., August 14, 1961

Notice is hereby given that the City of Freeman ~~whereas it is~~
~~addressed~~ S. Dak., has made an application in accordance with
the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 1.27
cubic feet of water per second of time from ~~the~~ ground water through the
City Well #1 and #2, the point of diversion of which is to be located on the
in the SE 1/4 NE 1/4 Section 34, and
~~bank of said stream~~ in the SW 1/4 of the N 1/2 of Section 35
Twp. 22N Range 50E. Said water to be used for the purpose of providing ~~irrigation~~ domestic
~~and stock water~~

municipal supplies for the City of Freeman

~~and for~~ purpose
This application will be taken up by the State Water Resources Commission at their office at Pierre for
consideration upon the 12th day of September, 1961, at 2 P.M. All interested persons
may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for
the consideration of any or all information presented.

CC: J. J. Mondol, Publisher
Freeman Courier
Freeman, S. Dak.

State Water Resources Commission

By:

Chief Engineer, Executive Officer

BURTON F. JONES
Water Right Specialist

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Hutchinson } ss.Glen Gering being duly sworn, deposes and says the annexed printed copy of Notice

of Intention to Appropriate Water was taken from the -----

Freeman Courier a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in theCity of Freeman County ofHutchinson and State of South Dakota; that the said notice was published in said newspaper on the following dates:August 17, 1961August 24, 1961August 31, 1961September 7, 1961in each and every issue of the full number thereof, the first publication being made on the 17 day of August1961 and the last publication on the 7 day ofSeptember 1961, upon which days or times

of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he

was ----- the printer and publisher of the said newspaper.

Glen Gering PublisherSubscribed and sworn to before me this 17 day of Sept A. D. 1961Notary Public

County, S. D.

APPROPRIATION OF WATER

Office of State Water Resources
Commission, Pierre, S. Dak.,
August 14, 1961.

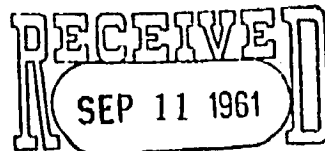
Notice is hereby given that the City of Freeman, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 127 cubic feet of water per second of time from ground water through the City Well #1 and #2, the point of diversion of which is to be located in the SE 1/4, NE 1/4, Section 31, and in the SW 1/4 of the NW 1/4 of Section 33 Twp. 59N, Range 56W. Said water to be used for the purpose of providing municipal supplies for the City of Freeman.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 13th day of September, A.D., at 2:00 P.M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after available time has elapsed for the consideration of any or all information presented.

State Water Resources Commissioner
Burton F. Jones
Water Right Specialist

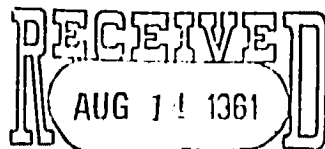
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STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Location No. _____

Water Division No. _____

Water District _____



STATE WATER RESOURCES COMM.

PIERRE, SOUTH DAKOTA

Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. CITY OF FREEMAN - FREEMAN, SOUTH DAKOTA

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent,) your position with reference to same, and your authority for appearing in its behalf.

Ans. MUNICIPAL

Ques. 3. State date of posting and date of recording notice of appropriation.

Ans. ---

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. GROUND WATER - ARTESIAN - LOCATED 2257' S. AND 88' E. OF
N. W. CORNER OF SECTION 35, T99N, R56W, HUTCHINSON COUNTY.

Ques. 5. Describe your works of diversion giving length and height of each dam and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use, and date of completion of same.

Ans. WELL # 1 - DRILLED 1960 - CAPACITY OF 285 GPM

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

Ans. MUNICIPAL USE.

Ques. 7. If for other than irrigation purpose, state how applied, amount of horse power generated, etc.

Ans. ---

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. 570 GPM ... 285 GPM FROM VESTED, 385 GPM FROM FUTURE WELL - (1961)

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. ---

on or before August 17, 1961
 (First Publication _____)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., August 14, 1961

Notice is hereby given that the City of Freeman ~~whose office~~

~~address is~~ _____ S. Dak., has made an application in accordance with
 the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 1.27
 cubic feet of water per second of time from ~~the~~ ground water through the

City Well #1 and #2, the point of diversion of which is to be located on the
in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 34, and
~~bank of said stream~~ in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 35

Twp. 22N Range 56W Said water to be used for the purpose of providing ~~irrigation~~
~~for the use of the land~~

municipal supplies for the City of Freeman

~~and for~~ _____ ~~SPURDAS~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for
 consideration upon the 13th day of September, 1961 at 2 P.M. All interested persons
 may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for
 the consideration of any or all information presented.

CC: J. J. Mondol, Publisher
 Freeman Courier
 Freeman, S. Dak.

State Water Resources Commission

By:

Chief Engineer, Executive Officer
 BURTON F. JONES
 Water Right Specialist

Permit No. 810-3
 Water Division 3 VERMILLION RIVER Water District

REPORT OF EXAMINATION OF WORKS
 AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by THE CITY OF FREEMAN of _____ holder _____
 of Permit No. 810-3, bearing date of priority of 1950 & AUGUST 14, 1961
 authorizing the diversion of 1.26 cu. ft. per second of the waters of GROUND WATER
 for MUNICIPAL purposes, in HUTCHINSON County.

I have to report on the condition of the same as follows:

The Water Use System consists of,

A. Works used to divert the water:

TWO 180' DEEP WELLS WITH 10" STEEL CASING. BOTH HAVE 5" LAYNE SUBMERSIBLE PUMPS, ONE WITH 15HP. & ONE WITH 20HP. ELECTRIC MOTORS

B. Works used to transport water to place of use.

8" MAIN TO 75,000 ELEVATED STEEL STANDPIPE MOSTLY 4" MAINS - ALL NEW CONSTRUCTION WILL BE 6"

C. Works used to apply water to beneficial use.

TO 540 SERVICE CONNECTIONS

The system is in the following condition: VERY GOOD

The point of diversion is located #1 - 2300'S & 100'E, #2 - 2270'S & 145' W, BOTH FROM NW CORNER, SECTION 35, T99N, R56W

The works are capable of diverting and conveying to the place of use 1.33

cu. ft. per second of water which is to be used for MUNICIPAL USE

Water has been put to beneficial use to the maximum extent as follows: _____

* WELL WAS REPLACED IN 1972. ALSO A 3RD WELL WAS DRILLED AS STANDBY WELL ABOUT 40' N OF WELL #2. NO PUMP HAS BEEN INSTALLED IN 3RD WELL

comprising a total of _____ acres of land.

Date JANUARY 30, 1973
Shirton Jones
 (Signature)
 WATER RIGHT SPECIALIST
 WATER RESOURCES COMMISSION



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

810-3

July 11, 1988

Dale Strasser
City Attorney
Box 428
Freeman SD 57029

Dear Mr. Strasser:

Enclosed are copies of Water Right No. 810-3, Water Permit Nos. 4776-3 and 4791-3, and a set of blank application forms. If you have any questions or need additional application forms, please contact us.

Sincerely,

GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosures





DEPARTMENT OF WATER & NATURAL RESOURCES

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

GREAT FACES. GREAT PLACES.

April 26, 1991

810-3

Chester Sorensen, Mayor
City of Freeman
185 E Third
Freeman SD 57029

Dear Mayor Sorensen:

The Water Management Board has validated the enclosed Vested Water Right No. 810-3. This validation gives legal status to the claim and is the final document for your vested right.

As long as you use the water beneficially, as stated in the validation, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

enclosure

SOUTH DAKOTA

VALIDATION OF (PARTIAL) VESTED WATER RIGHT CLAIM NO. 810-3

Date Claim Accepted For Filing August 14, 1961.

Date of Validation September 27, 1989.

Pursuant to SDCL 46-2A-17 the Water Management Board validated Vested Water Right Claim No. 810-3 for the City of Freeman, 185 East Third, Freeman, South Dakota 57029 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 810-3 appropriates 0.63 cubic feet of water per second from Well No. 2 approximately 182 feet deep and located in the SE 1/4 NE 1/4, Section 34, T99N, R56W.
2. The appropriated water is used for supplying water for the City of Freeman and may not exceed the amount of water needed for beneficial use for municipal purposes.

The water is to be used during the following annual period:
January 1 - December 31

3. The priority date of the Vested Water Right is: January 1, 1950.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water Rights obtained in compliance with the laws of the State of South Dakota must not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: _____

John H. H. H.
Chief Engineer
Division of Water Rights
Dept. of Environment and Natural Resources

APR 29 1991

date

810-3
5239-3

From: Dewell, Amanda
Sent: Wednesday, July 16, 2025 4:08 PM
To: lisa@cityoffreeman.org
Cc: Mathiowetz, Adam (DENR) <Adam.Mathiowetz@state.sd.us>
Subject: Water Rights_annual reporting

Hello Lisa,

I believe you spoke yesterday with our senior groundwater engineer, Adam Mathiowetz. He may have mentioned that obtaining annual water use reporting for Freeman's Water Right Nos. 810-3 & 5239-3 would be beneficial for management of the water budget for the semi-problematic Niobrara Aquifer in your area.

Due to the history of complaints in this area of the Niobrara Aquifer and the city's recently resumed use of wells authorized under WR Nos. 810-3 & 5329-3, which had previously been maintained on "standby" due to the city's rural water connection, the Water Rights Program will be recommending to the Water Management Board that a qualification be added to both water rights, requiring annual water use reporting. A "Notice of Hearing" will be sent to your attention. Please let me know if there are any other parties you wish to include.

Thank you,

Amanda Dewell

DANR - Water Rights Program
Permitting Administrator
Main Phone: 605 773-3352
Website: danr.sd.gov





DEPARTMENT of AGRICULTURE and NATURAL RESOURCES

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

July 23, 2025

TO: City of Freeman
c/o Lisa Edelman, Finance Officer
PO Box 178
Freeman SD 57029

FROM: Mark Mayer, PE
SD DANR, Director of Office of Water *MSM*

SUBJECT: Notice Scheduling Hearing Regarding Addition of a Qualification Requiring
Annual Reporting on Vested Water Right No. 810-3 and Water Right No. 5239-3,
City of Freeman

Vested Water Right No. 810-3 and Water Right No. 5239-3 appropriate 0.63 and 0.33 cubic feet of water per second, respectively, from two separate wells completed into the Niobrara Aquifer for municipal use.

Due to the history of well interference complaints, the extended period of the city's wells being maintained on standby pursuant to SDAR 74:02:01:37.02, and the city's recent resumed use, Water Rights Program staff believes adding a qualification mandating annual water use reporting, would be beneficial to management of the hydrologic budget in the area.

As acting Chief Engineer, I am recommending the addition of a qualification that would require annual water use reporting for Vested Water Right No. 810-3 and Water Right No. 5239-3, based on a staff review (copy enclosed), dated July 16, 2025. The qualification would read as follows:

The permit holder shall report to the Chief Engineer annually, the amount of water withdrawn from the Niobrara Aquifer.

The Water Management Board will conduct a hearing to consider addition of the mandatory reporting qualification to Vested Water Right No. 810-3 & Water Right No. 5239-3 at **9:30 AM, on October 1, 2025 (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (*the agenda time is an estimate, and actual time of hearing may be later*).

The recommendation of the acting Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) remove the qualification as recommended, 2) delay action, or 3) take no action on Vested Water Right No. 810-3 and Water Right No. 5239-3 based upon facts presented at the public hearing.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-14; 46-2-5, 46-2-9, 46-2-11; and Board Rules ARSD 74:02:01:14. This is a contested case pursuant to procedures contained in SDCL 1-26.

This hearing is an adversarial proceeding. Any party has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Prior to August 4, 2025, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed qualification addition; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the acting Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by August 4, 2025.

Questions regarding the hearing process may be directed to Amanda Dewell, Permitting Administrator, Water Rights Program, at (605) 773.3352 or amanda.dewell@state.sd.us



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

City of Freeman Water Right Nos. 810-3 & 5239-3

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

It is reasonable to add a reporting qualification to the City of Freeman's municipal use Water Right Nos. 810-3 and 5239-3. The city has been connected to and primarily used B-Y rural water since the late 1990's and has, per the Drinking Water Program's available surveys since at least 2005 with their initial connection occurring in 1996. This means as a matter of reviewing the hydrologic budget for the Niobrara aquifer, which includes Water Right Nos. 810-3 and 5239-3, the accounting for the City of Freeman has been an assumption of 0 ac-ft/yr.

Since August 2024, the city has been delivering water to the Dakota Protein Solutions, approximately 1 mile east of the City of Freeman, using a well authorized under Water Right No. 810-3. The estimated pump rate is 400 gallons per minute. The records provided by Lisa Edelman, Finance Officer for the City of Freeman, shows an increasing delivery of water over that period. The monthly delivery of water has been relatively stable starting in February 2025 at an average monthly volume of 428,000 gallons per month (1.31 ac-ft/yr). With a maximum monthly deliver of 492,900 gallons in the month of May 2025. Using that average, the annual volume would be approximately 15.8 ac-ft/yr. The portion of the Niobrara aquifer that the City of Freeman's wells withdraw water from has had groundwater shutoff orders to deal with unlawful impairment from the cumulative impact of pumping and drought conditions creating unlawful impairment of 2 domestic wells. The impacted wells have since been hooked up to rural water. The nearest water right/permit that was ordered to cease pumping until the domestic well issue was remediated is approximately 5 miles southwest of the City of Freeman.

Considering the history of the Niobrara aquifer in this location, the proximity to the city, and the recent change in use status for the City of Freeman, it is prudent to require reporting of pumping for both Water Right Nos. 810-3 and 5239-3.

7/16/2025

Adam Mathiowetz, PE
Engineer IV
DANR – Water Rights Program

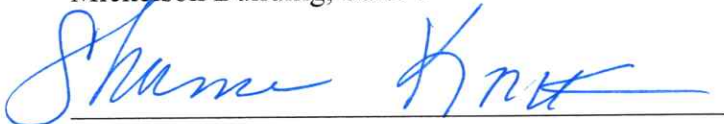
CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that a true and correct copy of a Notice of Hearing dated July 23, 2025 & staff review dated July 16, 2025, regarding Vested Water Right No. 810-3 and Water Right No. 5239-3, City of Freeman, was served upon the following by enclosing the same in an envelope with first class postage prepaid, and depositing said envelope in the United States mail on July 23, 2025.

City of Freeman
c/o Lisa Edelman, Finance Officer
PO Box 178
Freeman SD 57029

Above Sent Inter-office to:

Assistant Attorney General's Office
c/o Jennifer Verleger's successor
Mickelson Building, Suite 1



Shannon Konst
Water Rights Program, DANR

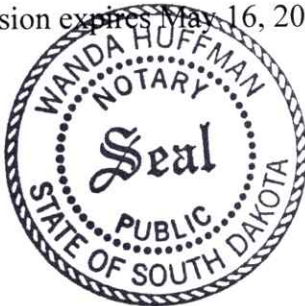
STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 23rd day of July, 2025.



Notary Public
My Commission expires May 16, 2029

Wanda Huffman
My Commission Expires
July 28, 2028



Dewell, Amanda

From: Mathiowetz, Adam (DENR)
Sent: Wednesday, September 11, 2024 11:22 AM
To: Gronlund, Eric; Kilts, Whitney (DENR)
Subject: RE: Dakota Protein Solutions

Can we require an amendment to add reporting? Since this is in our problem chunk, but not near the problem area, it may be prudent.



Adam Mathiowetz, PE
Engineer, Water Rights Program
Department of Agriculture and Natural Resources
523 E. Capitol Ave. Pierre SD, 57501
605.773.3352
danr.sd.gov

From: Gronlund, Eric
Sent: Wednesday, September 11, 2024 9:40 AM
To: Kilts, Whitney (DENR)
Cc: Mathiowetz, Adam (DENR)
Subject: FW: Dakota Protein Solutions

Freeman gets supplied by B-Y Water. The city is now supplying some quantity of water to the Dakota Protein rendering facility south of Freeman. This is from the Niobrara aquifer and likely a resumption of water use that hasn't been being made since Freeman connected to rural water.

From: Gronlund, Eric
Sent: Wednesday, September 11, 2024 9:34 AM
To: Woodmansey, Kent <Kent.Woodmansey@state.sd.us>
Subject: RE: Dakota Protein Solutions

I believe that is allowable under Freeman's current water right as long and the amount authorized is not exceeded – which I doubt they are exceeding. So we are good.

From: Woodmansey, Kent <Kent.Woodmansey@state.sd.us>
Sent: Wednesday, September 11, 2024 9:30 AM
To: Gronlund, Eric <Eric.Gronlund@state.sd.us>
Subject: RE: Dakota Protein Solutions

In working on an Inside Item I found a news article indicating Freeman is being paid for the water.

From: Woodmansey, Kent
Sent: Wednesday, September 11, 2024 7:49 AM
To: Gronlund, Eric <Eric.Gronlund@state.sd.us>
Subject: Dakota Protein Solutions

From what we heard last week they are getting water from old Freeman city wells the city isn't getting water from. Don't know if it is being delivered through a city distribution system.



Kent Woodmansey, P.E.

Director, Division of Agriculture and Environmental Services

Department of Agriculture and Natural Resources

523 E. Capitol Ave. Pierre SD, 57501

605.773.5559

danr.sd.gov

**File No. 810-3
5239-3**

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Lisa Edelman, Finance Officer for the City of Freeman

DATE: 10/01/2025

TELEPHONE: 605.925.7127

RE: Dakota Protein

COMMENTS:

It is the understating of the Water Rights Program, based on an email from previous Chief Engineer, Eric Gronlund, that the City of Freeman is servicing water to Dakota Protein, which is located just over a mile outside of city limits (to the East).

In a telephone call with the city's Finance Officer, she stated that while the city was not currently looking to annex in the property on which the plant sits, they were moving forward with annexation of properties between the current city limits, and the plant.

The goal of the annexation would be to bring city limits to less than a mile from Dakota Protein, allowing the city to assert jurisdiction over the plant.



Amanda Dewell
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

OCT 03 2025

810-3
5239-3

City of Freeman
c/o Finance Officer, Lisa Edelman
PO Box 178
Freeman SD 57029

Dear Ms. Edelman:

Enclosed are reissued licenses for Partially Validated Vested Water Right No. 810-3 and Water Right No. 5239-3. Reissuance of these licenses is based on a decision by the South Dakota Water Management Board that annual water use reporting be required under these water rights.

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.

So long as you use the water beneficially, as stated in the licenses, State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact Amanda Dewell, Water Rights Permitting Administrator (605) 773-3352.

Sincerely,

Mark Mayer, PE
Director of the Office of Water
(605) 773-3352

enclosures

REISSUED WATER LICENSE NO. 810-3

STATE OF SOUTH DAKOTA PARTIALLY VALIDATED VESTED WATER RIGHT

(1) Partially Validation Vested Water Right No. 810-3 is being reissued based on a decision by the South Dakota Water Management Board to require annual water use reporting.

(2) It is certified that the water right 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 0.63 cubic feet of water per second for beneficial use. The location of the diversion point is:

- Well No. 2: SE ¼ NE ¼ Section 34-T99N-R56W

(3) The water is to be used during the following described annual period: January 1 – December 31.

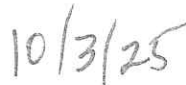
(4) Pursuant to South Dakota Water Law 46-5-30.1 the City of Freeman, PO Box 178, Freeman SD 57029, the holder and/or owner of Partially Validated Vested Water Right No. 810-3 is reissued a license to appropriate water, the right to use 0.63 cubic feet of water per second from groundwater, one well (Niobrara Aquifer), with a priority date of January 1, 1950, from the location specified in (2) of this license for municipal use.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Partially Validated Vested Water Right No. 810-3 and subject to the following qualifications:

1. Water Rights obtained in compliance with the laws of the State of South Dakota must not be unlawfully impaired by this appropriation.
2. The permit holder shall report to the Chief Engineer annually, the amount of water withdrawn from the Niobrara Aquifer. *(The qualification was added by the South Dakota Water Management Board on October 1, 2025.)*



Mark Mayer, PE
Director of the Office of Water
Department of Agriculture and Natural Resources



date

