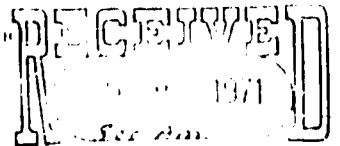


Water Right Number 1884.3

1. Considered N' VEMBER 13, 19 71
2. Name of Applicant MERRITT EITEMILLER
3. Post Office Address ARMOUR
4. Amount of water claimed 2.28
5. Source of water supply GROUND WATER
6. Water to be used for IRRIGATION
Acres to be irrigated 160
7. Water to be diverted and used in CHARLES MIX County
about 10N 2E Miles of WAGNER
8. Proof of Publication
Received 11-8-71
Not received
Approved
Subject to
Not approved
Action deferred
9. Application

10. Remarks:

No. 1884-3Map No. 1177-3 Water Division No. 3 Missouri River District
(Blanks to be filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

(NOTE: Draw a line through items not applicable)

1. Name of Applicant Merritt Eitemiller & Sons
 Postoffice address Armour State South Dakota
 If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract
3. Name of diversion work Eitemiller No. 1
4. Amount of water claimed (cubic feet per second) 2.28
5. Source of water supply 185 foot deep well
6. Location of point of diversion N 45° W, 1870 feet from the SE Corner of Section 15,
Township 97N, Range 63W
- County Charles Mix
7. Annual period or periods during which water is to be used April through October
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
9. For irrigation use, Total number of acres to be irrigated _____

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
SE 1/4 Section 15, T97N, R63W	160		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 4 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Armour Chronicle
12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

185 foot deep well
Turbine pump
Industrial engine

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

Short length of buried pipe

C. Works proposed to apply water to beneficial use.

"Valley" self propelled circular sprinklerEstimated Total Cost \$ 25,000

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
 (See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

County of Charles Mix

I, Charles Eitemiller the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

Merritt Eitemiller & Sons By

Signed (Signature) 8011Subscribed and sworn to before me this 20th day of July 19 71

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 1884-3

MERRITT EITEMILLER & SONS
(Applicant)

ARMOUR
(Post Office Address)

SOUTH DAKOTA
(State)

With the following modifications:

The irrigation well approved under this Permit will be located near domestic wells and other irrigation wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in existing domestic wells or in irrigation wells having prior water rights.

Date of first receipt of application JULY 21 19 71

Date of return to applicant for correction, amendments or changes required — 19 —

Date of receipt of corrected application — 19 —

Approved NOVEMBER 13 19 74 Recorded in Book 13 Page 93

WATER RIGHT PERMIT NO. 1884-3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 1884-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is JULY 21 19 71
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MAY 13 19 77
3. The whole of said work is to be completed on or before NOVEMBER 13 19 79
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is NOVEMBER 13 19 83
5. The water appropriated shall be used for the purpose of IRRIGATION

6. 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.

7. The amount of the appropriation herein granted shall not exceed 2.28 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and 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 NOVEMBER 13 19 83; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 18TH day of NOVEMBER 19 74

WATER RESOURCES COMMISSION

By:

Donald W. Wincell
Chief Engineer, Executive Officer

Certificate of Construction Issued NOVEMBER 27 19 74

Water License Issued NOVEMBER 27 19 74

12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates

- (1) Drill Hole, Diameter 32', Depth 185'
- (2) Casing, Type Concrete Diameter 18" Thickness 3"
(wood, concrete, steel, etc)
- (3) Perforated Screen.
Type Concrete, Diameter 18, Length 48
- (4) Gravel Pack. Thickness 7, Length of gravel pack 50

E. Dugout Information or Estimates.

- (1) Surface dimensions _____, Depth _____

F. Fill out for Either a Well or a Dugout.

- (1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials _____

0-137' clay and thin sand veins

137-185' sand and gravel

Depth to top of water bearing material 137'

Depth to bottom of water bearing material 185'

Thickness of water bearing material 48'

Depth to water (ground surface to water level) 29'

- (2) Distance to nearest existing household or livestock watering wells.

On same owner's property 160 rds. On property owned by others 160 rds.

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.


Signature of Applicant

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1884-3

(1) WHEREAS, On the 21st day of July A. D. 19 71
Marriott Eitemiller and Sons

made Water Right Application No. 1884-3 for a permit to use 2.28 cubic feet per second of the waters
of ground water

County of Charles Mix, State of South Dakota, for irrigation
purposes; and

(2) WHEREAS, On the 18th day of November A. D. 19 74
Permit No. 1884-3, with a date of priority of July 21, 1971

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 November A. D. 19 79 and for the
application to beneficial use of said water on or before the 13th day of November A. D. 19 83

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 1.9 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,

for irrigating a 130 acre circle in the SE $\frac{1}{4}$, Section 15, T97N, R63W

(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 Merritt Eitemiller and Sons

of Armour, S.D.

the holder 8 and owner 8 of said permit No. 1884-3 a water right, dating from July 21, 1971

to use of 1.9 cubic feet per second of the waters of ground water

in the County of Charles Mix and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at

a point North 45° West, 1870 feet from the SE Corner, Section 15, T97N, R63W

and conduct to and upon the SE 1/4, Section 15, T97N, R63W

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 1884-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 27th day of November A. D.
Nineteen Hundred and Seventy-four

WATER RIGHTS COMMISSION

By:

Chief Engineer, Executive Officer
DONALD DRISCOLL

Permit No. 1884-3

Water Diversion No. 3 MISSOURI RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Merritt Eitemiller and Sons

_____ the holder _____ of
Permit No. 1884-3, issued upon Application No. 1884-3, bearing date of priority of July 21, 1971
_____ authorizing the diversion of 2.28 cu. ft. per second of the waters of _____
ground water County of Charles Mix, State of South Dakota at _____
a point North 45° West, 1870 feet from the SE Corner, Section 15, T97N,
R63W.
_____, for irrigation.

_____ purposes, have 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 1.9 cu. ft. per second of water.

Date November 27, 1974

By: **WATER RIGHTS COMMISSION**

DONALD DRISCOLL, Chief Engineer

Form G - Notice of Intent to Appropriate Water

No. 1884-3

Publish first publication, on or before 11 October 31, 19 74

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

September 30, 19 74

Notice is hereby given that Merritt Eitemiller and Sons

whose post office address is Armour, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use

2.28 cubic feet of water per second of time from the a 185 foot deep well through the Eitemiller #1, the point of diversion of which is to be located in the _____

Center of the SE 1/4
of Section 15, Twp. 97N, Range 63W. Said water to be used for the purpose

of providing irrigation on the following described land:

SE 1/4, Section 15, T97N, R63W

The well being considered has been operated on an experimental basis since 1971.

This application No. 1884-3 will be considered by the Water Rights Commission at the Embassy Room #11, at the Downtown Holiday Inn at Sioux Falls, S.D.

xxPierce upon the 13th day of November, 19 74, at 2:30 P. M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/bw

cc: Charles Eitemiller, Armour, S.D. 57313

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County _____) ss.

I, Max Maynard H. Goehring hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Armour Chronicle

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the _____

Armour Chronicle of Armour, S. Dak.

County of Douglas and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

October 31, 1974

November 7, 1974

Max Maynard H. Goehring
(Signature)

Publisher - Owner
(Title)

November 7, 1974
(Date Signed)

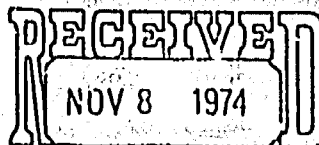
NOTICE

INTENT TO APPROPRIATE
WATER

Pierre, S.D. 57501
September 30, 1974

Notice is hereby given that
Merritt Eltemiller and Sons,
whose post office address is
Armour, South Dakota, has
made an application in accordance
with the provisions of
the water laws of South Dakota
for a permit to appropriate
for beneficial use 2.28 cubic
feet of water per second of
time from a 185 foot deep well
through the Eltemiller #1,
the point of diversion of which
is to be located in the Center
of the SE 1/4 of Section 15,
Twp. 97N, Range 63W. Said
water to be used for the purpose
of providing irrigation on the
following described land:
SE 1/4, Section 15, T97N,
R63W. The well being con-
sidered has been operated on
an experimental basis since
1971.

This application No. 1884-3
will be considered by the Water
Rights Commission at the
Embassy Room #1, at the
Downtown Holiday Inn at Sioux
Falls, S.D. upon the 13th day
of November, 1974, at 2:30 p.m.
All interested persons may
appear and be heard.
WATER RIGHTS COMMISSION
BY: BURTON F. JONES
Water Rights Specialist



STATE WATER RIGHTS COMM.
PIERRE, SOUTH DAKOTA

July 16, 1971

Mr. Charles Eitemiller
Armour
South Dakota 57313

Dear Mr. Eitemiller:

This is to confirm the action of the Water Resources Commission, when you met with the Commission on July 14, 1971, pertaining to the 125 foot deep well drilled rather than the 70 foot deep well authorized in Water Permit No. 1631-3.

The Commission moved, seconded and passed a motion that you be authorized to irrigate with water from the 125 foot deep well on an experimental basis, that your pumping rate shall not exceed 2.28 cubic feet per second of water and that your irrigation pumping periods shall not exceed 18 hours per 24 hour day.

The length of time that you may pump experimentally and subsequent action by the Water Resources Commission will depend upon the time it takes to determine what effect your experimental pumping has, both in your immediate area and in the entire area being affected by the existing irrigation in the Lake Andes-Wagner-Armour Area. The deferred water right applications, and particularly Mr. Clifford G. Hanson's deferred water right application, are also factors which will have to be considered.

This office requests that you keep a record of the time and number of hours pumped each day and also the approximate pumping rate. When you have completed your irrigation this year, please send a copy of those records to us.

As was discussed at the Water Resources Commission meeting on July 14, 1971, it is advisable that you make a water right application for the 125 foot deep well. The enclosed forms, 2 and 2A, have been completed so you can use them in making such an application. All four forms should be signed with the two forms 2's being notarized and then all of the forms should be sent to this office with the required fee of \$8.00.

Mr. Charles Hittmiller
July 16, 1971
Page 2

Extra forms are provided in case that you believe some change in the prepared forms should be made.

If you have any questions, please let us know.

Sincerely,

J. W. Grimes

JWG/DD/sjb
Enclosure

1684-3

August 3, 1971

Mr. Charles Eitemiller
Armour
South Dakota 57313

Dear Mr. Eitemiller:

Your Water Right Application No. 1684-3 to irrigate up to 160 acres of land from a 185 foot deep well will be presented to the Water Resources Commission during the afternoon of September 1, 1971.

As was discussed with you at the Commission meeting on July 14, 1971 the recommendation of the Commission Staff will be that Water Right Application No. 1684-3 be placed in a deferred status pending results of your experimental pumping and other factors.

Sincerely,

BURTON F. JONES
Water Rights Specialist

BFJ/DD/tw



Department of Natural Resource Development

WATER RIGHTS COMMISSION

Office Building Number 2, Pierre, South Dakota 57501

Phone 605/224-3151

November 19, 1974

Mr. Charles Fitemiller
Armour
South Dakota 57313

Dear Mr. Fitemiller:

Enclosed herewith is your Water Right Permit No. 1884-3 as approved by the Water Rights Commission, authorizing you to construct your water diversion system and apply the water to beneficial use, not exceeding the limits as specified in said Water Right Permit No. 1884-3.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Water Rights Commission when you have completed the system and/or have put the water to beneficial use. The Commission can then schedule an inspection so that your Certificate of Construction and/or your Water License may be issued to you, thus completing your acquisition of a water right.

P.S. As you were informed, Permit No. 1631-3 was cancelled upon approval of this Permit No. 1884-3. The inspection has been made on your irrigation system and upon receipt of your check in the amount of \$12.00 the final papers will be sent to you.

Respectfully,

WATER RIGHTS COMMISSION

DONALD DRISCOLL
Chief Engineer

DD/PFJ/bw

Encl: As stated

Permit No. 1884-3

Water Division 3 MISSOURI RIVER Water District

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

WATER RIGHTS COMMISSION

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 Merritt Fitchmiller
and Sons of Armour, South Dakota holder
of Permit No. 1884-3, bearing date of priority of July 21, 19 71
authorizing the diversion of 2.28 cu. ft. per second of the waters of ground water
for irrigation purposes purposes, in Charles Mix 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:
Well 185 feet deep cased with 18 inch diameter concrete casing
Western Land Roller pump 8 inch, Mod. BM8
Chrysler Industrial Motor, 100 H.P., propane

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

Short length of underground pipe

C. Works used to apply water to beneficial use.

Water propelled 12 tower "Valley" Center pivot sprinkler system.

The system is in the following condition: excellent

The point of diversion is located North 45° West, 1870' from the SE Corner of Section 15,
T97N, R63W

The works are capable of diverting and conveying to the place of use 1.9
cu. ft. per second of water which is to be used for irrigation

Water has been put to beneficial use to the maximum extent as follows: Circular area of 130 acres in the SE¼ of Section 15, T97N, R63W

comprising a total of 130 acres of land.

Date September 19, 1974

Donald Driscoll
(Signature)

DONALD DRISCOLL, Chief Engineer



Department of Water & Natural Resources

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

January 27, 1989

1884-3

Charles Eitemiller
RR #2 Box 22
Armour, SD 57313

Dear Mr. Eitemiller:

In response to the 1988 irrigation questionnaire you submitted, enclosed is a partially completed "Notice of Transfer" for use in filing an ownership change on Water Right No. 1884-3. Please check over the form and sign in the presence of a notary public. Upon completion of the form, return it to our office with a required filing fee of \$2.50. The water right will then be transferred to your name.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact us.

Sincerely,

GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosure



 **Department of
Water & Natural Resources**

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

May 16, 1989

Second Notice
Water Right No. 1884-3

Charles Eitemiller
RR #2 Box 22
Armour, SD 57313

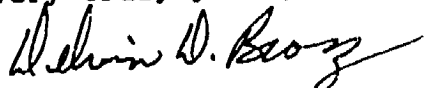
Dear Mr. Eitemiller:

On January 27, 1989, notice was sent to you concerning the transfer of Water Right No. 1884-3 in the name of Merritt Eitemiller and Sons which covers irrigation of 130 acres in the SE 1/4 Section 15, T97N, R63W. To date, we have not heard from you on this matter.

A transfer form was previously sent to you, enclosed is an additional form. Please sign, have notarized and return the form to this office with the required filing fee of \$2.50. The water right can then be transferred to your name. If you are not the present owner of the land covered under this water right, please notify this office. It is very important that ownership records be kept current. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact Genny McMath, (605) 773-3352.

Very truly yours,



DELVIN D BROSZ, P.E.
Hydrologist
for John Hatch, Chief Engineer
Water Rights Division

enclosure



[illegible]



NO. 1884-3

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 5-24-84

This is to notify you that the title to the lands described as follows:
130 acres - SE 1/4 Section 15, T97N, R63W

formerly owned by Merritt Eitemiller & Sons

has been transferred to Charles Eitemiller R2 Box 22 Armon, S.D.
(please include complete mailing address) 5738
together with any rights to the beneficial use of water thereon as evidenced by

Water Right ~~xxxxx~~ No. 1884-3 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

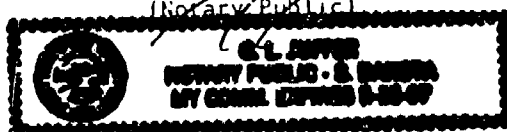
STATE OF SOUTH DAKOTA)
County of Charles Mix) ss.

I, Charles Eitemiller 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, and I know of my own personal knowledge that the information herein stated is true.

Charles Eitemiller
(Signed)

Subscribed and sworn to before me this 24th Day of May, 1984.

[Signature]
(Notary Public)





Department of Water & Natural Resources

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

May 25, 1989

1884-3

Charles Eitemiller
RR #2 Box 22
Armour, SD 57313

Dear Mr. Eitemiller:

The "Notice of Transfer" for Water Right No. 1884-3 has been received. The form is completed properly, however, the transfer can not be completed without a required filing fee of \$2.50.

Please remit the \$2.50 filing fee as soon as possible. Upon receipt, the water right will be transferred from Merritt Eitemiller and Sons to your name.

If you have any questions, please contact me.

Sincerely,

GENNY MCMATH
Natural Resources Analyst
(605) 773-3352



RECEIPT

Division of Water Rights South Dakota Department of Water and Natural Resources

Pierre, June 6, 1989

RECEIVED OF Charles W. Eitenmiller, RR #2, Box 22, Armour, SD 57313-9406

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____

Fee for Filing Transfer Form Water Right No. 1884-3

Fee for Filing Extension Request _____

Fee for Certified Copy of _____

Fee for Print Copy of Map _____

Fee for Certifying _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

By

Chief Engineer

John Hatch/mra



Department of Water & Natural Resources

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

July 14, 1989

Charles W. Eitemiller
RR #2 Box 22
Armour, SD 57313-9406

Dear Mr. Eitemiller:

Enclosed is Receipt No. 411789 in the amount of \$2.50 which you paid for the transfer of Water Right No. 1884-3.

Our records now reflect you as the owner of this Water Right.

Sincerely,

Marie R. Arthur

MARIE R. ARTHUR
Secretary
for Genny McMath
Natural Resources Analyst
Water Rights Division
(605) 773-3352



1884-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

January 29, 1993

NOTICE

TO: CHARLES EITEMILLER
RR 2 BOX 22
ARMOUR SD 57313

FROM: Ron Duvall, Natural Resources Engineer IV
for JOHN HATCH, Chief Engineer
Water Rights Division

RE: Violation of Requirement to Submit 1992 Irrigation Questionnaire

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 1884-3, 2216-3 & 2217-3. The request for the Questionnaire was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:30 am, March 3, 1993, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1884-3, 2216-3 & 2217-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner 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 the State Supreme Court as provided by law. Prior to February 22, 1993, contact the Water Rights Division, 523 E Capitol, Pierre SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the questionnaire(s) is(are) received in this office before the March 3rd hearing date, your name will be deleted from the Board agenda.



1884-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

February 3, 1993

1884-3
2216-3
2217-3

Charles Eitemiller
RR #2 Box 22
Armour, SD 57313

Dear Mr. Eitemiller:

I am writing to acknowledge receipt of your 1992 irrigation questionnaires and chemigation reports. You may disregard the January 29, 1993 notices for "Violation of Requirement to Submit the 1992 Irrigation Questionnaires" and "Failure to Report Chemical Use".

The questionnaires for Water Permit Nos. 1884-3, 2216-3 & 2217-3, and the chemical reporting forms for Nos. 2216-3 & 2217-3 were received prior to the March Water Management Board Meeting, and your name was deleted from the agenda.

If you have any questions, please contact me at (605) 773-3352.

Sincerely,

Genny McMath
Natural Resources Analyst
Water Rights Division

NOTICE OF TRANSFER OF OWNERSHIP

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

Water Right/Permit No. 1884-3

Date: 1-18-07

I/We request that Water Right/Permit No. 1884-3 formerly owned by:

Charles Eitemiller

be transferred to:

New Owner Name:

Chet Eitemiller

Address:

28746 3915th Ave

City, State, Zip

Armour, SD 57313

Telephone No. 605-384-5931

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

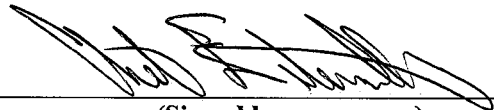
SE 1/4 - Sec. 15 - T97N - R63W - 130 Acres

☒ I understand that the validity of Water Right/Permit No. 1884-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is included to cover the filing fee as required by SDCL 46-2-13.

I, Chet Eitemiller, the new owner, certify that the above information is true and correct.



(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date January 19, 200607

RECEIVED OF Charles Eitemiller, 28774 395th Ave., Armour SD 57313

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use		
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>1884-3</u>		2 50
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	2.50

No.

02829

By

David E. White
Chief Engineer *gn*



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 23, 2007

1884-3

Chet Eitemiller
28746 395th Ave
Armour SD 57313

Dear Mr. Eitemiller:

I am writing to acknowledge receipt of the ownership change you submitted for Water Right No. 1884-3. The transfer has been completed. The water right formerly listed in the name of Charles Eitemiller is now listed in your name.

Receipt No. 02829 for the filing fee that was paid was forwarded to Sandra Eitemiller. If I can answer any questions for you, please contact me.

Sincerely,

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



1884-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 26, 2018

NOTICE

TO: CHET EITEMILLER, 28746 395TH AVE, ARMOUR, SD 57313

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaire(s)

Our records indicate your 2017 Irrigation Questionnaire has not been submitted for Permit No(s) 1884-3 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **Wednesday, March 7, 2018 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1884-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner 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 the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 7, 2018** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

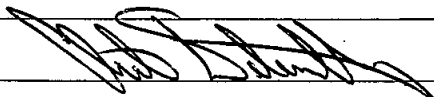
Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

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(888)-CURRYSD
WWW.CURRYSEED.COM

1884-3

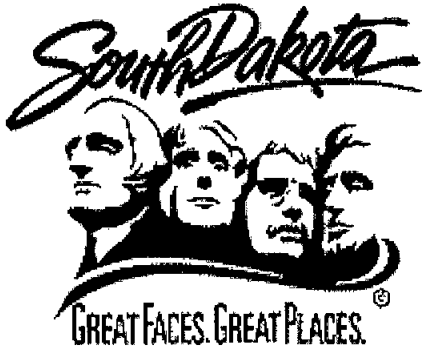
Hello my name is Chet Eitemiller.
I am in charge of filling out these Irrigation
Questionnaires. I'm sincerely sorry for being
so late on returning them, I have had some
health problems with MS this past year
and I lost track of this. I will be much
more prompt this coming year. Sorry to
cause the inconvenience.



RECEIVED

FEB 08 2018

WATER RIGHTS
PROGRAM



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 9, 2018

1884-3

Chet Eitemiller
28746 395th Ave
Armour SD 57313

Dear Mr. Eitemiller:

I am writing to acknowledge receipt of your 2017 irrigation questionnaire and also the questionnaires you submitted on behalf of Charles & Sandra Eitemiller and Chris Theresa Eitemiller.

You may disregard the January 26, 2018, "Notice" concerning reporting requirements for Water Right No. 1884-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

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