

Water Right Number 1940-3

1. Considered MAY 17, 1972
2. Name of Applicant WAYNE EIGHMY
3. Post Office Address BRUCE, So. DAK.
4. Amount of Water claimed 1.0
5. Source of Water supply GROUND WATER
6. Water to be used for IRRIGATION

Acres to be irrigated 70

7. Water to be diverted and used in BROOKINGS County
about 15 miles of BRUCE

8. Proof of Publication Received 1ST

Not Received _____

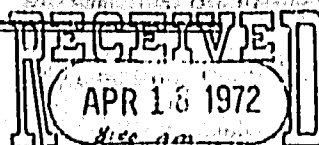
9. Application Approved _____

Subject to _____

Not Approved _____

Action Deferred _____

10. Remarks:

No. 1440-3Water Division No. 3 BIG SIOUX RIVER District
(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 Wayne Eighmy
 Postoffice address Brice, County Brookings, State So. Dak.

I.—If a corporation

(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)

direct labor

(b) Cash on hand, \$

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work Wayne Eighmy Irrigation Project3. Amount of water claimed to 1.00 cubic feet per second4. Source of water supply well5. Location of point of diversion See map N 26° E, 1350' FROM THE
SW CORNER, SECTION 13, T11N, R51W on bank BROOKINGS County.6. Annual period or periods during which water is to be used March thru October

7. To be used for:

I. ☒ Irrigation or domestic use: Gravity, ☒ overhead sprinkling or combination system?(a) Number of acres to be irrigated 80.70 acres.(b) Legal subdivisions to be irrigated W 1/2 SE 1/4 SEC. 13-T11N-R51W

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may 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.)

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

(a) Nature of use

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

Method of developing power

(e) Point where water will be returned to stream

MAP NO. 1374-3

8. Estimated cost of work:

(a) Head Gates, \$----- (b) Pumping plant, \$-----
 (c) Fluming, \$----- (d) Canal-earth, \$----- Rock, \$-----
 (e) Other structures pipe, machine etc \$ 6,000.00 Total, \$-----

9. Description of diversion works:

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

well and pumping unit

II. Dimensions of works.

(a) Dam: Height-----feet; length at bottom-----feet; length at top-----feet; thickness at bottom-----feet; thickness at top-----feet; slope at front water face-----; slope at back face-----
 material used in construction-----

(b) Reservoir: Capacity when filled-----acre feet. Surface area at highwater mark-----acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	FEET	ACRE-Feet CAPACITY

(c) Head-gate: Width-----feet; height-----feet;
 Material-----

(d) Canal: Total length-----miles

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 work 3 years.
 11. Time required for complete application of water to the proposed beneficial use 3 years.
 12. Choice of newspaper for publication of notice of intention to appropriate-----

Brookings Register, Brookings, S. Dak.

STATE OF SOUTH DAKOTA

County of Brookings

33.

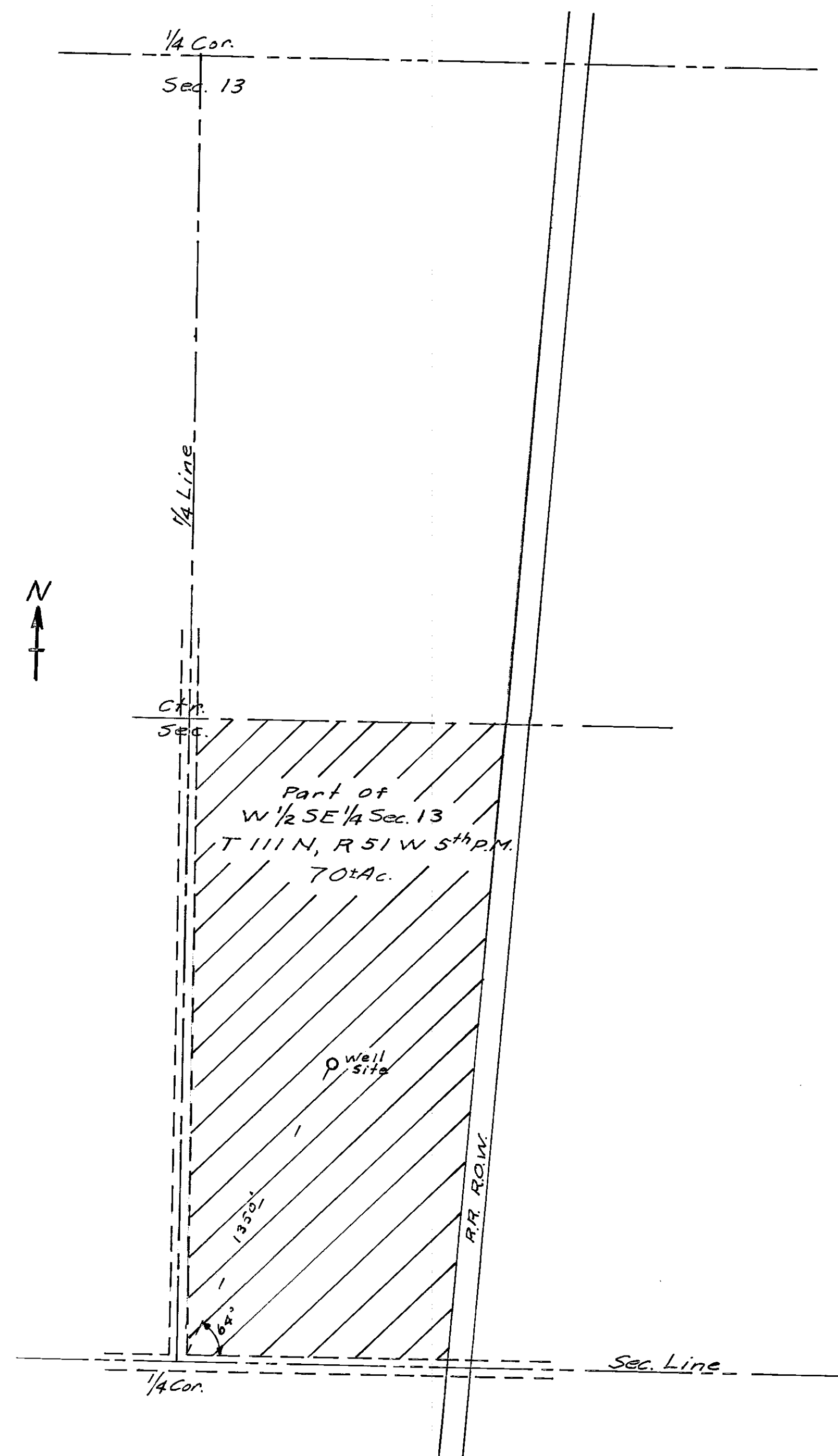
I, Wayne Eighmy, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated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

Signed

Wayne Eighmy

Subscribed and sworn to before me this 10th day of April 1972

Robert J. [Signature]
 Notary Public (or other qualified officer.)



SURVEYOR'S CERTIFICATE

STATE OF SOUTH DAKOTA } ss
COUNTY OF BROOKINGS } ss
I, Emory E. Johnson, a registered engineer and land surveyor, do certify that at the request of the owner, I prepared this map showing irrigable land in the property of the owner for which application for water right is being made and this map is a true representation thereof.
In witness whereof, I have hereunto set my hand and seal this 10th day of April 1972.

Emory E. Johnson
Registered Engineer and
Land Surveyor

STATE OF SOUTH DAKOTA } ss
COUNTY OF BROOKINGS } ss
On this 11th day of April, 1972, before me L.J. Larson, the undersigned officer, personally appeared Emory E. Johnson, known to me to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purpose therein contained.
In witness whereof, I hereunto set my hand and official seal.

L.J. Larson
Notary Public

My commission expires Feb. 10, 1977.

MAP
SHOWING AREA AND PUMP SITES
FOR PERMIT TO APPROPRIATE WATER
WAYNE EIGHMY OWNER
Scale 1"=400'

APRIL 10, 1972

Emory E. Johnson
Registered Engineer
and Land Surveyor

Remarks by State Water Resources Commission:

----- 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. ..

STATE OF SOUTH DAKOTA
County of HUGHES ss.

Pierre, South Dakota, JUNE 30, 1972

This is to certify that the foregoing application was received by the Commission at 8:00 o'clock
9 a.m. upon the 18TH day of APRIL, 1972

State Water Resources Commission

By:

Burton
for Chief Engineer Executive Officer

Number of permit 19403

Date of first receipt of application APRIL 18, 1972

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 APRIL 18, 1972

Approved MAY 17, 1972, Recorded in Book 12 Page 114

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

NOVEMBER 17, 1973

2nd. The whole of said work is to be completed on or before MAY 17, 1975

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

MAY 17, 1978

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

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 1141.00 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, 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 MAY 17, 1978; said water to be used during the following described annual period:

MARCH THRU OCTOBER

Witness my hand this 30TH day of JUNE, 1972

State Water Resources Commission

By:

James
Chief Engineer, Executive Officer

Certificate of Construction Issued

APRIL 26, 1974

Water License Issued

APRIL 26, 1974

12. Principal Features of the Proposed Water Supply System (continue 1.)

D. Well Information or Estimates

- (1) Drill Hole, Diameter 18 inches, Depth 28 feet
 (2) Casing, Type steel Diameter 18 in. Thickness 10 gauge
 (wood, concrete, steel, etc)
 (3) Perforated Screen.
 Type _____, Diameter 18 inches, Length 15 feet
 (4) Gravel Pack, Thickness 10 in., Length of gravel pack 20 feet

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 medium fine gravel

Depth to top of water bearing material 8 feet

Depth to bottom of water bearing material 28 feet

Thickness of water bearing material 20 feet

Depth to water (ground surface to water level) 8 ~~20~~ feet

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

On same owner's property _____ rds. On property owned by others 200 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.

Wayne E. Ehlmy
 Signature of Applicant

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1940-3

(1) WHEREAS, On the 18th day of April, A. D. 1972
Wayne Highmy

made Water Right Application No. 1940-3 for a permit to use 1.00 cubic feet per second of the waters
of ground water

County of Brookings State of South Dakota, for irrigation

_____ purposes; and

(2) WHEREAS, On the 17th day of May, A. D. 1972

Permit No. 1940-3, with a date of priority of April 18, 1972

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 17th day of May, A. D. 1975 and for the
application to beneficial use of said water on or before the 17th day of May, A. D. 1978

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 1.00 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 70 acres in the W½ SE¼, Section 13, T11N, R51W

(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 Wayne Eighthy

_____ of Bruce, S.D.

the holder _____ and owner _____ of said permit No. 1940-3 a water right, dating from April 18, 1972

_____ to use of 1.00 cubic feet per second of the waters of ground water

in the County of Brookings 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 26⁸ East, 1350 feet from the S⁴

Corner, Section 13, T111N, R51W

and conduct to and upon W¹/₂ SE⁴, Section 13, T111N, R51W

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 1940-3 and subject to the laws of the State of South Dakota.

WITNESS. My hand and seal of our office at Pierre, South Dakota
this 26th day of April A. D.
Nineteen Hundred and Seventy-four

WATER RIGHTS COMMISSION

By:

Chief Engineer, Executive Officer **DONALD DRISCOLL**

Permit No. 1940-3

Water Diversion No. 3 BIG SIOUX RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Wayne Fighmy

_____ the holder _____ of
Permit No. 1940-3, issued upon Application No. 1940-3, bearing date of priority of April 18,
1972 authorizing the diversion of 1.00 cu. ft. per second of the waters of _____
ground water County of Brookings, State of South Dakota at _____
A point North 26° East, 350 feet from the S½ Corner, Section 13, T11N,
R51W
_____, for irrigation

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 1.3 cu. ft. per second of water.

Date April 26, 1974

~~WATER RIGHTS COMMISSION~~
By: WATER RIGHTS COMMISSION

DONALD DRISCOLL, Chief Engineer

1940-3

Publish first publication, on or before April 25, 1972

NOTICE
INTENT TO APPROPRIATE WATER:

Pierre, South Dakota 57501

April 20, 1972

Notice is hereby given that Wayne Eighmy
whose post office address is Bruce, 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
1.6 cubic feet of water per second of time from the ground water through the
Wayne Eighmy Irrigation Project, the point of diversion of which is to be located in the _____

SW $\frac{1}{4}$ SE $\frac{1}{4}$
of Section 13, Twp. 111N, Range 51W. Said water to be used for the purpose
of providing irrigation on the following described land:
W $\frac{1}{2}$ SE $\frac{1}{4}$, Section 13, T111N, R51W

This application No. 1946-3 will be considered by the Water Resources Commission at their office at
Pierre upon the 17th day of May, 1972, at 2:00 P. M. All interested
persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON F. JONES, Water Rights Specialist

cc: Wayne Eighmy, Bruce, S.D. 57220

Form 8 - Proof of Publication - Notice of
Intent to Appropriate Water

No. 102

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Brookings) ss.

I, Robert D. Anais hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Brookings Daily Press

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

_____ of _____
County of Brookings and State of South Dakota;
that the said notice was published in said newspaper on the following
four dates:

April 25, 1972

May 2, 1972

May 9, 1972

May 16, 1972

Robert D. Anais
(Signature)

(Title)

(Date Signed)

No. 26 Apr. 25, May 2, 9, 16, 1972
**NOTICE
INTENT TO
APPROPRIATE WATER**
Pierre, South Dakota 57501

April 20, 1972
Notice is hereby given that Wayne
Eightmy whose post office address is
Bruce, 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 1.0 cubic feet of
water per second of time from
ground water through the Wayne
Eightmy Irrigation Project, the point
of diversion of which is to be located
in the SW 1/4 SE 1/4 of Sect 17, Twp.
111N, Range 51W. Said water to be
used for the purpose of providing
irrigation on the following described
land: W 1/2 SE 1/4, Section 13, T111N,
R51W.

This application No. 19413 will be
considered by the Water Resources
Commission at their office at Pierre
upon the 17th day of May, 1972, at
2:00 P.M. All interested persons
may appear and be heard.
**WATER RESOURCES
COMMISSION**
By: Burton F. Jones
Water Rights Specialist

RECEIVED
JUN 26 1972
STATE WATER RESOURCES
PIERRE, SOUTH DAKOTA

Permit No. 1940-3
Water Division 3 Big Sioux 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 WAYNE
EIGHMY of BRUCE holder
of Permit No. 1940-3, bearing date of priority of APRIL 18, 1972
authorizing the diversion of 1.00 cu. ft. per second of the waters of GROUND WATER
for IRRIGATION purposes, in BROOKINGS 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:
29' DEEP WELL WITH 18" STEEL CASING
WESTERN LAND ROLLER 6" PUMP MODEL 6-10CM
POWERED BY GE 40 H.P. ELECTRIC MOTOR
- B. Works used to transport water to place of use,
1230' OF 5" MAINLINE
- C. Works used to apply water to beneficial use.
600' 4" RUBBER HOSE
BIG GUN SPRINKLER

The system is in the following condition 26 GOOD
The point of diversion is located N 63° E, 1350' FROM THE S 1/4
CORNER, SECTION 13, T111N, R51W
The works are capable of diverting and conveying to the place of use 1.3
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:
N 2° SE, SECTION 13, T111N, R51W
comprising a total of 10 acres of land.

Date APRIL 17, 1974
[Signature]
(Signature)
WATER RIGHT SPECIALIST
WATER RIGHTS COMMISSION

1940-3
10-85

Date 3-27-87

SD EForm - 0495 V1 NOTICE OF TRANSFER OF OWNERSHIP

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

Water Right/Permit No. 1940-3

Date: 10/10/2003

I/We request that Water Right/Permit No. 1940-3 formerly owned by:

Wayne Eighmy

be transferred to:

New Owner Name: Eldon Eighmy

Address: P. O. Box 292

City, State, Zip Bruce SD 57220 Telephone No. (605) 627-5604

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

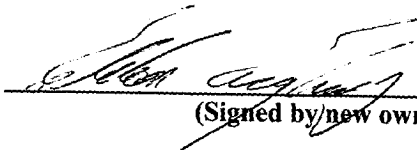
West Half (W 1/2) of the Southeast Quarter (SE 1/4) of Section Thirteen (13) Township One Hundred Eleven (111) North, Range Fifty-One (51) West of the 5th P.M., Brookings County, South Dakota.

☒ I understand that the validity of Water Right/Permit No. 1940-3 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, Eldon Eighmy, 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 November 12, 20 03

RECEIVED OF Eldon Eighmy, PO Box 292, Bruce SD 57220

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>1940-3</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.

000915

By

Darland Eide
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 12, 2003

1940-3

Eldon Eighmy
PO Box 292
Bruce SD 57220

Dear Mr. Eighmy:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" form and filing fee you submitted for Water Right No. 1940-3. The transfer has been completed. The water right formerly listed in the name of Wayne Eighmy is now listed in your name.

Enclosed is your Receipt No. 000915 in the amount of \$2.50. 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

enclosure



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 14, 2025

NOTICE

TO: ELDON EIGHMY, 12939 PINE TOP TRL, HOT SPRINGS SD 57747

FROM: Ron Duvall, Engineer III
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaire(s)

Our records indicate your 2024 Irrigation Questionnaire has not been submitted for Permit No(s) 1940-3 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 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 on **Wednesday, March 5, 2025, at 9:30 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) 1940-3 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 5, 2025**, 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 Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: ADUJKG**

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.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 28, 2025

1940-3

Eldon Eighmy
12939 Pine Top Pl
Hot Springs SD 57747

Dear Mr. Eighmy:

I am writing to acknowledge the receipt of your 2024 irrigation questionnaire(s).

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 1940-3. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

If you have any questions or concerns, please contact me.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us