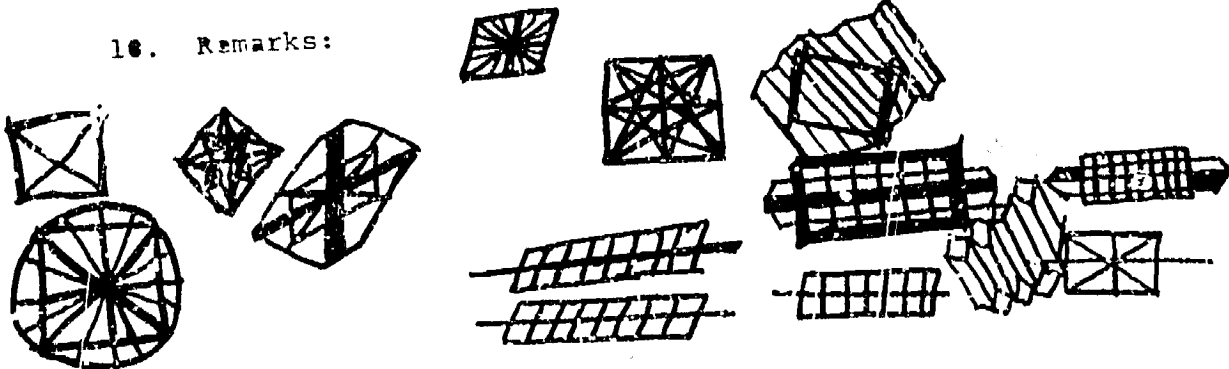
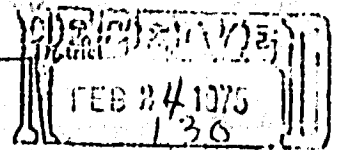


- 2216-3
1. Considered 3-19, 1975
2. Name of Applicant CHARLES LITEMILLER
3. Post Office Address ARMOUR
4. Amount of water claimed 2.5
5. Source of water supply GROUND WATER
6. Water to be used for IRRIGATION
- Acres to be irrigated 260
7. Water to be diverted and used in CHARLES MIX county
about 4W, 6N miles of WAGNER
8. Proof of Publication Received 3-14-75
Not Received _____
Approved _____
Subject to _____
Not Approved _____
Action deferred _____
9. Application

10. Remarks:



Map No. SEC 1556-3 Water Division No. 3 MISSOURI RIVER
(Blanks to be Filled by the Engineer for the W. R. C.)APPLICATION FOR PERMIT TO APPROPRIATE WATER RIGHTS 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 Charles Eitemiller
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) Combination
3. Name of diversion work Charles Eitemiller No. 2
4. Amount of water claimed (cubic feet per second) 2.5
5. Source of water supply Ground Water
6. Location of point of diversion Center of NE $\frac{1}{4}$, Section 2, T96N, R64W
- County Charles Mix
7. Annual period or periods during which water is to be used April thru 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 260

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.
<u>NE$\frac{1}{4}$, Sec. 2, T96N, R64W</u>	<u>260</u>		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system Five years. Additional time required to complete application of water to the proposed beneficial use Four years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Armour Chronicle, Armour, S.D.
12. Principal Features of the Proposed Water Supply System.
- A. Works proposed to divert water from its natural source.
Well, Pump and Motor
- B. Works proposed to transport water to place of use.
Mainline
- C. Works proposed to apply water to beneficial use.

Pivot Irrigation SystemEstimated Total Cost \$ 45,000Attachments: 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 Hughes) ss.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.Signed Charles EitemillerSubscribed and sworn to before me this 18th day of February, 19 75Betty Westland
Notary Public (or other qualified officer)
Betty Westland, INC. II

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2216-3CHARLES EITEMILLER

(Applicant)

ARMOUR

(Post Office Address)

SOUTH DAKOTA 57313

(State)

With the following modifications:

THE WELL GRANTED UNDER THIS PERMIT SHALL NOT, UNDER ANY CIRCUMSTANCES BE DRILLED DEEPER THAN 160 FEET FROM GROUND SURFACE

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 FEBRUARY 24, 19 75Date of return to applicant for correction, amendments or changes required —, 19 —Date of receipt of corrected application FEBRUARY 28, 19 75Approved MARCH 19, 19 75, Recorded in Book 13, Page 245WATER RIGHT PERMIT NO. 2216-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2216-3 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 FEBRUARY 24, 19 75
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MARCH 19, 19 76
3. The whole of said work is to be completed on or before MARCH 19, 19 77
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 19, 19 81
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 2.5 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 MARCH 19, 19 81; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 9TH day of APRIL, 19 75

WATER RIGHTS COMMISSION

By:

Donald D. Smith

Chief Engineer, Executive Officer

Certificate of Construction Issued March 24, 19 80Water License Issued March 24, 19 80

Conservation
Commission
Form WI #1

STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-6-J AS AMENDED
(This Form Required for Proposed Well Irrigation Only)

FOR COMMISSION USE ONLY

Irrigation System: _____

Water Quality: _____

Soils Capability: _____

Approved: [Signature]
5/27/92

Disapproved: _____

NAME: Chas. E. Smith

ADDRESS: Cherokee S.D.

COUNTY: Cherokee

LEGAL DESCRIPTION

1. WELL LOCATION: NE 1/4 of Sec. 2-96-64

2. AREA TO BE IRRIGATED: N 1/2 of Sec. 2-96-64

TYPE OF IRRIGATION

3. GRAVITY

SPRINKLER (Indicate Type): center pivot system

4. CROPS TO BE IRRIGATED: corn & milo & alfalfa

LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE: 0 - 2%

6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION: 2C-A-1-1

WATER QUALITY (TO BE COMPLETED BY COMMISSION)

7. SAMPLE NO.: _____

8. SALINITY: _____

9. SODIUM: _____

I do hereby certify that a chemical analysis of the ground water to be acquired for irrigation from South Dakota State University and: the land capability for irrigation information has been acquired from

_____ and:

that the legal description for the location of the well and land to be irrigated is true and correct.

Chas. E. Thomas

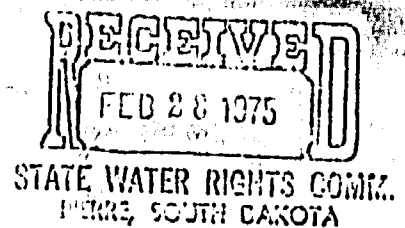
Subscribed and sworn before me this

19 day of February 19 75.

Martha Nielsen

Register. J. A. S. 11

(Title)



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

D. Well Information or Estimates

- (1) Drill Hole, Diameter 36 inches, Depth 160 feet
- (2) Casing, Type steel Diameter 16 inches Thickness standard
(wood, concrete, steel, etc)
- (3) Perforated Screen.
Type Johnson, Diameter 16 inches, Length 35 feet
- (4) Gravel Pack. Thickness 10 inches, Length of gravel pack 150 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 _____

Sands and gravels

Depth to top of water bearing material 126 feet

Depth to bottom of water bearing material 160 feet

Thickness of water bearing material 34 feet

Depth to water (ground surface to water level) 10 feet

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

On same owner's property 120 rds. On property owned by others 80 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

WATER LICENSE NO. 2216-3

(1) WHEREAS, On the 24th day of February A. D. 19 75
Charles Eitemiller

made Water Right Application No. 2216-3 for a permit to use 2.5 cubic feet per second of the waters
of groundwater (one well)

County of Charles Mix, State of South Dakota, for irrigation

purposes; and
(2) WHEREAS, On the 19th day of March A. D. 19 75
Permit No. 2216-3, with a date of priority of February 24, 1975

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 19th day of March A. D. 19 77 and for the
application to beneficial use of said water on or before the 19th day of March A. D. 19 81

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 1.89 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,

to irrigate the following lands all in Section 2-T96N-R64W

	acres
NW $\frac{1}{4}$ NW $\frac{1}{4}$	33
NE $\frac{1}{4}$ NW $\frac{1}{4}$	33
SW $\frac{1}{4}$ NW $\frac{1}{4}$	33
SE $\frac{1}{4}$ NW $\frac{1}{4}$	33
NW $\frac{1}{4}$ NE $\frac{1}{4}$	33
NE $\frac{1}{4}$ NE $\frac{1}{4}$	33
SW $\frac{1}{4}$ NE $\frac{1}{4}$	33
SE $\frac{1}{4}$ NE $\frac{1}{4}$	33
Total	264 acres

(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 Charles Eit/miller

Armour, SD

the holder _____ and owner _____ of said permit No. 2216-3 a water right, dating from February 24, 1975
to use of 1.89 cubic feet per second of the waters
of groundwater (one well)
in the County of Charles Mix and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinafter mentioned, to be diverted at a point 1310 ft. south and 1320 ft. west
of the NE Corner, Section 2, T96N, R64W

and conduct to and upon portions of land all in Section 2-T96N-R64W, more
fully described on the face of this License

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 2216-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 24th day of March A. D.
Nineteen Hundred and eighty

Board of Water Management

By:

John Hatch
Chief Engineer

JOHN HATCH

Permit No. 2216-3

Water Diversion No. 3 Missouri River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Charles Eitemiller

the holder of
Permit No. 2216-3, issued upon Application No. 2216-3, bearing date of priority of February 24,
1975 authorizing the diversion of 2.5 cu. ft. per second of the waters of
groundwater (1 well) County of Charles Mix, State of South Dakota at a
point 1310 ft. south and 1320 ft. west of the NE Corner,
Section 2, T96N, R64W
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 1.89 cu. ft. per second of water.

Date March 24, 1980


JOHN HATCH, Chief Engineer
Water Rights, WND

Form 6 - Notice of Intent to Appropriate Water

No. 2216-3

Publish first publication, on or before March 6, 19 75

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

February 28, 19 75

Notice is hereby given that Charles Eitemiller

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

2.5 cubic feet of water per second of time from the ground water (160 ft. deep well) through the

IX Charles Eitemiller #2, the point of diversion of which is to be located in the

Center of the NE 1/4

of Section 2, Twp. 96N, Range 64W. Said water to be used for the purpose
a portion of
of providing irrigation on the following described land:

NE 1/4, Section 2, T96N, R64W

This application No. 2216-3 will be considered by the Water Rights Commission at its office at Pierre upon the 19th day of March, 19 75, at 2:00 P.M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

DFJ/bw

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

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Douglas) ss.

I, Maynard H. Goehring hereby

certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the 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 _____
city Armour of _____

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

March 6, 1975

March 13, 1975

Maynard H. Goehring
(Signature)

Owner - Publisher
(Title)

March 13, 1975
(Date Signed)

NOTICE

**Intent To Appropriate
Water**

Pierre, South Dakota 57501
February 28, 1975

Notice is hereby given that
Charles Eltemiller whose post
office address is Armour, South
Dakota, has made an application
in accordance with the provisions
of the water laws of South Da-
kota for a permit to appropriate
for beneficial use 2.5 cubic feet
of water per second of time
from ground water (160 ft. deep
well) through the Charles Elte-
miller #2, the point of diversion
of which is to be located in the
Center of the NE 1/4 of Section
2, Twp. 96N, Range 64W. Said
water to be used for the purpose
of providing irrigation on a por-
tion of the following described
land: N1/2, Section 2, T93N,
R64W.

This application No. 2216-3
will be considered by the Water
Rights Commission at its office
at Pierre upon the 19th day of
March, 1975, at 2:30 P.M. All
interested persons may appear
and be heard.

WATER RIGHTS COMMISSION
BURTON F. JONES
Water Rights Specialist

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7384

PIERRE, March 11, 1980

Charles Eitemiller, Armour SD 57313

RECEIVED OF _____

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

Fee for Application for Permit to Appropriate Water No. _____ (examination, processing, recording and filing) _____		
Fee for Inspecting Construction, and issuing Cert. of Construction No. <u>2216-3</u>)	50	00
Fee for Inspecting Beneficial Use, and issuing Water License No. <u>2216-3</u>)		
Fee for issuing Location Certificate-Dry Draw, No. _____		
Fee for filing _____		
Fee for certified copy of _____		
Fee for Print copy of map _____		
Fee for Certifying _____		
Fee for _____		
(any other work as provided by law)		
TOTAL	50	00

WATER RIGHTS COMMISSION

By John Hatch
 Chief Engineer, Executive Officer
 JOHN HATCH

Permit No. 22-16-3Water Division 3 Missouri River Water District

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

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / FOSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by Charles Eitemiller of Armour, South Dakota 57313 holder of Permit No. 22-16-3, bearing date of priority of February 24, 1975 authorizing the diversion of 2.5 cu. ft. per second of the waters of One well. for "Irrigation" 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:

Motor U.S. Elec. ID# C 9981-00-617-55-11425
100 HP.
Pump Fairbanks Morse, Ser# A282806319;
Size 12-A, 4 stages, Imp. dia. 5 5/8 Pumping 850 gpm

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

2640 ft. 10" PVC Pipe

C. Works used to apply water to beneficial use.

Valley water drive center PivotThe system is in the following condition: GoodThe point of diversion is located 1310 ft S and 1320 ft W of the NE Cor.
Sec. 2, T96N R64WThe works are capable of diverting and conveying to the place of use 1.87cu. ft. per second of water which is to be used for IrrigationWater has been put to beneficial use to the maximum extent as follows: All in sec. 2 T96N R64WNW 1/4 NW 1/4 - 33 Ac. NE 1/4 NW 1/4 - 33 Ac. SW 1/4 NW 1/4 - 33 Ac.SE 1/4 NW 1/4 - 33 Ac. NW 1/4 NE 1/4 - 33 Ac. NE 1/4 NE 1/4 - 33 Ac.SW 1/4 NE 1/4 - 33 Ac. SE 1/4 NE 1/4 - 33 Ac.comprising a total of 264 acres of land.

Well Data:

Depth 160 ftStatic 100 ftPumping 850 gpmTested to 1000 gpm

Inspected for 1.87 cfs

Date June 14, 1977
Perry J. Mernagh
(Signature)

**Department of
Water & Natural Resources**

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

February 17, 1989

Charles Eitemiller
RR 2, Box 22
Armour, SD 57313

Dear Mr. Eitemiller:

On October 6, 1988, the Water Management Board adopted rules to implement a 1988 law for application of chemicals through irrigation systems. The rules establish equipment standards, performance standards and installation requirements for irrigation systems that apply chemicals (fertilizers, insecticides, or herbicides) with irrigation water.

You have indicated on your 1988 Water Management Board Irrigation Questionnaire that you do apply chemicals with irrigation water. A copy of the new rules for chemigation are enclosed for your information.

The new standards include:

- * a check valve between the irrigation pump and the point of chemical injection;
- * a vacuum relief valve on top of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a low-pressure drain on the bottom of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a chemical injection line check valve between the chemical injection pump and the point at which the chemical is injected into the irrigation line; a second check valve is required if the chemical injection pump is not a positive displacement pump;
- * an interlock system which ensures that the chemical injection pump will stop whenever the irrigation pump stops;
- * an inspection port between the irrigation pump and the check valve on the irrigation line;

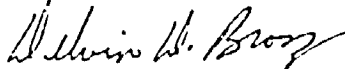


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

The equipment must be installed according to the manufacturer's specifications, calibrated, and maintained in good working condition. All chemical product labels must be followed and warning signs must be posted. These rules also require reporting of all spills, accidents, and system malfunctions. A 24-hour telephone number is provided.

The chemigation rules contain notification and record keeping requirements. Prior to using chemigation, notification must be given to the Chief Engineer on the enclosed Form 1C. Information that must be provided in this notification includes the water permit or right number, the name, address, and telephone number of the water permit or right holder and of the system operator, and the legal description of the lands on which the system is located. A record of the name, quantity, dates and hours of each chemical applied must be provided to the Chief Engineer on Form 2C. A copy of this form is also enclosed for your information. It will be mailed with the annual irrigation questionnaire and must be returned with the questionnaire by the date specified. If you have any questions regarding these rules or need additional copies of the forms, please contact Susan Boar, Water Rights Engineer (605-773-3352).

Very truly yours,



for JOHN HATCH, Chief Engineer
Water Rights Division



2216-3

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.



2216-3

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: Failure to Report Chemical Use under Water Permit No(s) 2216-3; & 2217-3

The first notice to file chemigation report(s) for Permit No(s) 2216-3; & 2217-3 was dated October 16, 1992. Our records indicate that we have not received the 1992 chemigation report for Permits No(s) 2216-3; & 2217-3. The Water Management Board has directed that owners of water permits who have not submitted the 1992 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing held by the Board is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application.

The hearing will be held at 9:30 A.M. on March 3, 1993, at the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation or up to three years for the second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s). 2216-3; & 2217-3 in accordance with applicable provisions of SDCL 46-1-12;
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 chemigation report(s) is(are) received by this office prior to the March 3, 1993 hearing, you will no longer be in violation and your name will be deleted from the Board agenda.



2216-3

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

OWNER: CHARLES EITEMILLER

JOHN OSINGER

20.0

8.6

16.6

97-64

1320'

79.9

NW $\frac{1}{4}$ NW $\frac{1}{4}$
33 Ac.

70.9

(1-768)
NE $\frac{1}{4}$ NW $\frac{1}{4}$
33 Ac.

11.4
NW $\frac{1}{4}$ NE $\frac{1}{4}$
33 Ac.

64.6
NE $\frac{1}{4}$ NE $\frac{1}{4}$
33 Ac.

35.3

23.5

Center Pivot 10" PUC

Center Pivot

Well #1

SW $\frac{1}{4}$ NW $\frac{1}{4}$
33 Ac.

SE $\frac{1}{4}$ NW $\frac{1}{4}$
33 Ac.

SW $\frac{1}{4}$ NE $\frac{1}{4}$
33 Ac.

SE $\frac{1}{4}$ NE $\frac{1}{4}$
33 Ac.

16.4

54.1

79.5

Aera Irrigated
266 Ac

Morgan & Kempt
District Conservationist

16.5

38.0

34.4

96-64

Appl. 2216-3
100-1556-3

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Right No. 2216-3, Chuck Eitemiller

ADDRESS: COUNTY: Charles Mix County

DATE: January 11, 2012 TELEPHONE:

RE: new well for Water Right No. 2216-3

Mr. Eitemiller called to inform DENR that his existing well was failing and that he intended to drill a new well and wanted to know the procedure. The new well will be 20 – 50 feet away from the old well which will be properly plugged.

Water Right No. 2216-3 appropriates 850 gpm from one well completed in the Choteau West Aquifer. I explained SDCL 46-5-13.1 but stated that if the new well will be only 20-50 feet from the existing well, in the same quarter-quarter section, will be completed into the same source and no additional water is appropriated, DENR considers that a replacement well and he may proceed to replace the well.

Mr. Eitemiller confirmed that no additional water will be diverted. He indicated the new well may be a little deeper but still in the same aquifer.

A review of irrigation questionnaires was conducted and irrigation took place in all years except 2010 so forfeiture for nonuse does not appear to be an issue.

NAME: Eric Branstetter



2216-3
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: CHARLES EITEMILLER, 28774 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 Questionnaires

Our records indicate your 2017 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 2216-3 & 2217-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 5183-3 & 6271-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

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. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5183-3 & 6271-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2216-3 & 2217-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 questionnaires 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 questionnaires 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.

2216-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 9, 2018

2216-3
2217-3
5183-3
6271-3

Charles Eitemiller
28774 395th Ave
Armour SD 57313

Dear Mr. Eitemiller:

I am writing to acknowledge receipt of your 2017 irrigation questionnaires. The forms were submitted by Chet Eitemiller on February 8th.

You may disregard the January 26, 2018, "Notice" concerning reporting requirements for Water Right Nos. 2216-3, 2217-3, 5183-3 and 6271-3. 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 cursive script that reads 'Genny McMath'.

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