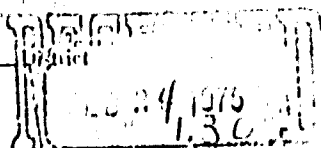


1. Considered 3-19 19 75 2217-3
2. Name of Applicant CHARLES EITEMILLER
3. Post Office Address ARMOUR
4. Amount of water claimed 2.5
5. Source of water supply GROUNDWATER
6. Water to be used for IRRIGATION
- Acres to be irrigated 260
7. Water to be diverted and used in \_\_\_\_\_ county  
about 3W 8N miles \_\_\_\_\_ of WAGNER
8. Proof of Publication Received 3-14-75  
Not Received \_\_\_\_\_
9. Application Approved DEFERRED  
Subject to \_\_\_\_\_  
Not Approved \_\_\_\_\_  
Action deferred \_\_\_\_\_
10. Remarks:

1771

No. 2217-3Map No. 1557-3 Water Division No. 3 MISSOURI RIVER  
(Blanks to be Filled by the Engineer for the W. R. C.)

# APPLICATION FOR PERMIT

STATE WATER RIGHTS COMMISSION  
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. 3

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 SE 1/4, Section 25, T97N, 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>S 1/2, Sec. 25, T97N, 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 Chronical, 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.

Center pivot

Estimated Total Cost \$ 45,000.00

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 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.

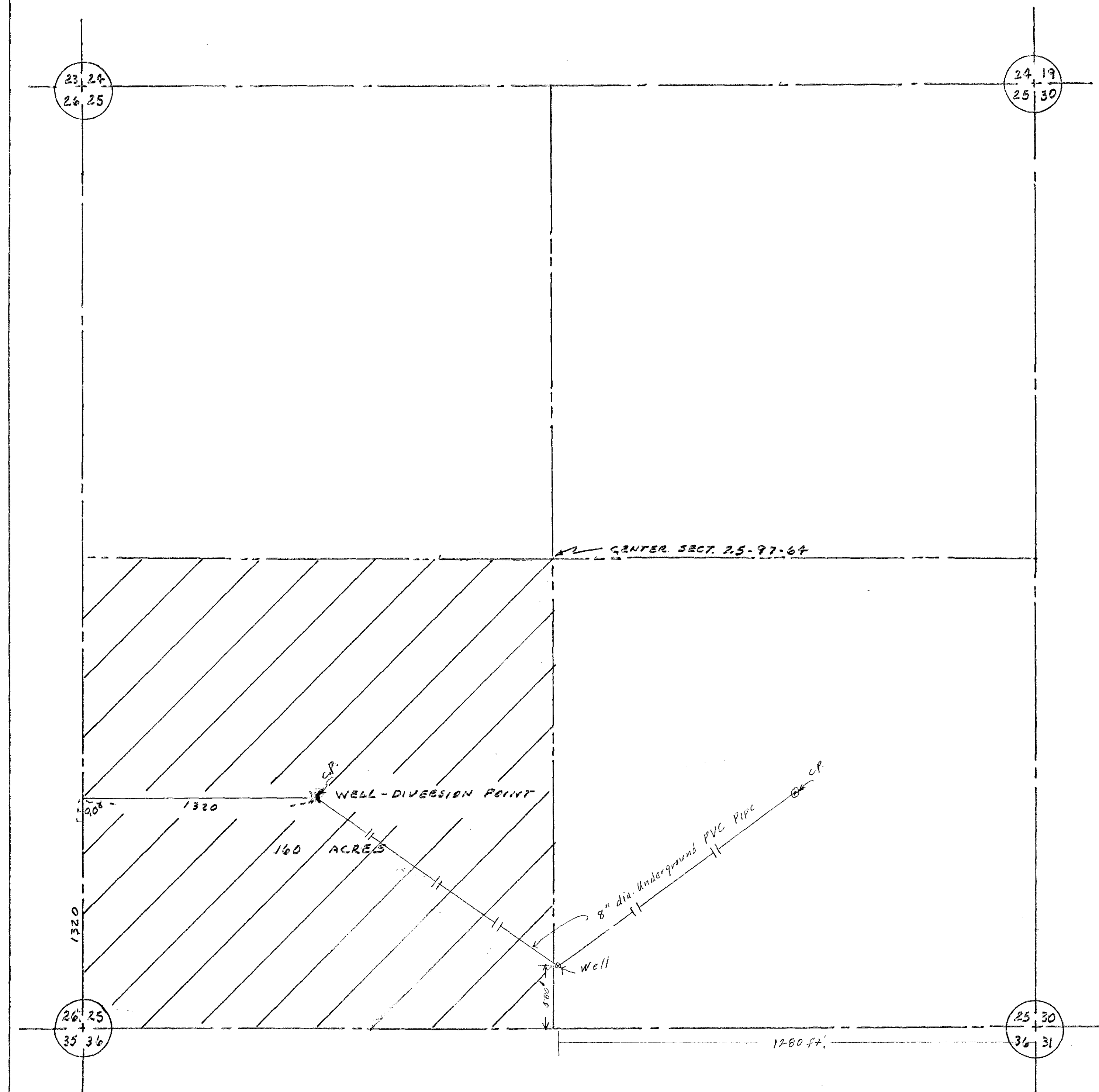
Signed

Charles Eitemiller

Subscribed and sworn to before me this 18th day of February 19 75

Betty Westlund  
Notary Public (or other qualified officer)

Betty Westlund, LWGII



AREA BY LEGAL SUBDIVISION  
160 ACRES: S.W. 1/4 SECTION 25, T97N, R64W, 5TH PM.

SURVEYOR'S CERTIFICATE  
STATE OF SOUTH DAKOTA) ss  
COUNTY OF MINNEHAWHA )  
I, HARLAN W. MEYER, A REGISTERED LAND SURVEYOR  
IN AND FOR THE STATE OF SOUTH DAKOTA, DO HEREBY  
CERTIFY THAT AT THE REQUEST OF CHARLES EITEMILLER,  
SOLE OWNER, I HAVE SHOWN THE LAND PROPOSED TO BE IRRIGATED  
WITHIN HIS OWNERSHIP BOUNDARIES ON DEC 8, 1974 FOR WHICH  
APPLICATION FOR APPROPRIATIVE WATER RIGHT IS MADE AND  
THIS MAP IS A TRUE REPRESENTATION OF THE SAME.  
WITNESS MY HAND AND SEAL THIS 8TH DAY OF DEC. 1974

Harlan W. Meyer  
REG. L.S. # 495



SCALE: 1" = 400'

CHARLES EITEMILLER IRRIGATION PROJECT # 2  
SHOWS AREA TO BE IRRIGATED & WELL DIVERSION POINT  
FOR PERMIT TO APPROPRIATE WATER

OWNER  
SURVEYOR

CHARLES EITEMILLER  
HARLAN W. MEYER

(APP # 2217-3) 74

MAP NO 1557-3 (APPL NO 2165-3)

## WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2217-3  
CHARLES EITEMILLER ARMOUR  
 (Applicant) (Post Office Address)  
SOUTH DAKOTA 57313 With the following modifications:  
 (State)

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 adequate domestic wells or in irrigation wells having prior water rights.

IN CONSIDERING THIS APPLICATION, THE COMMISSION RECOGNIZED A CHANGE IN DIVERSION POINT FROM APPLICATION NO 2165-3, AND APPROVED THE WELL FOR A DEPTH OF UP TO 240' DEEP AS PROPOSED IN APPLICATION NO 2165-3, APPLICATION NO 2165-3 WAS WITHDRAWN UPON THIS ACTION BY THE COMMISSION.

Date of first receipt of application FEBRUARY 24 19 75  
 Date of return to applicant for correction, amendments or changes required — 19 —  
 Date of receipt of corrected application FEBRUARY 28 19 75  
 Approved MARCH 24 19 77 Recorded in Book 17 Page 306

WATER RIGHT PERMIT NO. 2217-3

The Water Rights Commission hereby grants and issues this Water Right Permit No 2217-3 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 SEPTEMBER 24 19 79
3. The whole of said work is to be completed on or before MARCH 24 19 82
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 24 19 86
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 MARCH 24 19 86; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 19TH day of APRIL 19 77

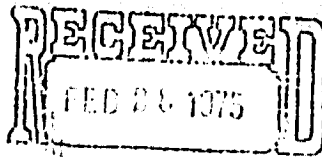
WATER RIGHTS COMMISSION

By:

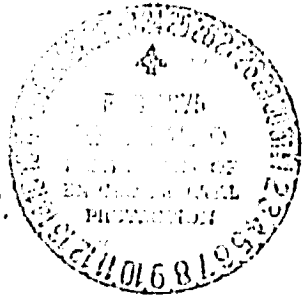
John Hatch  
 Chief Engineer, Executive Officer

Certificate of Construction Issued March 24 19 80

Water License issued March 24 19 80



STATE WATER RIGHTS COMMISSION  
SIOUX FALLS, SOUTH DAKOTA



February 21, 1975

Mr. Charles Eitemiller  
Armour, S.D. 57313

Dear Mr. Eitemiller:

The irrigation water sample you brought to us on February 19 has been analyzed and the original copy of the report is enclosed for your use and keeping. Also you will find enclosed a copy of Extension Circular 654 with the approximate quality of this water for irrigation purposes designated by an encircled red cross on the outside back cover.

The water has defects in two respects. That is it is very high in salinity and high in the percentage of total cations which are sodium - 76.46%. This means that the water has two hazards. 1. The possibility of accumulation of salt in the root zone after prolonged use. This salt can build up to the point that it inhibits germination of seeds and reduces the growth of crops considerably, often to the extent that irrigation and agriculture is entirely unprofitable. 2. The very high proportion of sodium in the water will <sup>reactive</sup> cause an accumulation of sodium on clays and thus a dispersion of the clay so it behaves like gumbo or slick spot soil. In this case tillage becomes very difficult and it is hard to create seed beds which are ~~not~~ suitable for the emergence of seedlings.

Both these qualities are on the marginal to questionable end of our scale for South Dakota use. We do have the modifying effect of considerable rain occurring during the growing season, which is not true in parts of the arid west, and therefore we are not sure that the results will be the same as they would be using these waters in the arid west. However, the experience which we have at this point, including some farm operators in Charles Mix County, using waters quite similar to these shows that there has been a considerable accumulation of sodium (as much as 6 or 7% or more) in the clay as a result of using these waters for only four or five years.

This being the situation, I recommend that this water be used for irrigation only under certain circumstances. These circumstances are mainly two-fold.

1. The water should be applied in large increments as much as possible and infrequently. By this I mean a minimum of three to five inches per application and not used frequently, such as every week or ten days. An

Cont. . . /2.

Mr. Charles Ritemiller

February 21, 1975

Page 2.

Interval of two to three weeks between irrigations helps to allow the storage of large quantities of water and prevents the temptation to irrigate only the top foot or one and one-half foot of soil again when this portion of the soil dries out. Irrigation in small frequent amounts allows maximum opportunity for both salt build-up and exchangeable sodium accumulation in the clays.

2. The second recommendation that I would make is that this be used only in cropping systems or rotations in which the land is in grass/legume mixtures a good proportion of the time, thus allowing maximum opportunity for return of calcium from the subsoil regions and the effect of calcium in reducing accumulated sodium on the surface.

For these reasons I recommend extreme caution and want to be sure you are aware of the possible consequences of the development of this source of water for irrigation. If it were my land I would irrigate first only on one quarter for a few years to see how the water and soil are interacting and what the consequences might be. I would accompany this trial period by careful measurements of the salt and sodium buildup in the soil during this period of irrigation. We at South Dakota State University would be happy to cooperate in such a trial period.

Sincerely yours,

*L. O. Fine*

L. O. Fine  
Water Quality Lab

LOF:MRB

Enclosures

cc: State Conservation Commission  
Mr. Arnold Rieckman, Charles Mix County Agent  
Darrel Pahl

P.S. A copy of this letter and the water analysis and WI-1 form are being sent to the State Conservation Commission today.

**REPORT OF ANALYSIS**  
Water Quality Laboratory  
Water Resources Research Institute  
South Dakota State University  
Brookings, South Dakota 57006

Submitted by: Charles Rittenmiller  
Address: Armour, SD 57313

Date Rec'd: February 19, 1975  
Sample No. 75-099  
Identification Well-160'  
SEA, Sec. 25, T 97N, R 64W

**WATER ANALYSIS**

|                                       |       |                             |       |           |
|---------------------------------------|-------|-----------------------------|-------|-----------|
| Calcium (Ca)                          | 62    | ppm*                        | 3.10  | me/l**    |
| Magnesium (Mg)                        | 16    | ppm                         | 1.31  | me/l      |
| Sodium (Na)                           | 390   | ppm                         | 16.96 | me/l      |
| Potassium (K)                         | 31    | ppm                         | 0.81  | me/l      |
| Sulfate (SO <sub>4</sub> )            | 580   | ppm                         | 12.06 | me/l      |
| Nitrate (as N)                        |       | ppm                         |       | me/l      |
| Chloride (Cl)                         | 162   | ppm                         | 4.54  | me/l      |
| Bicarbonate (HCO <sub>3</sub> )       | 117   | ppm                         | 1.92  | me/l      |
| Carbonate (CO <sub>3</sub> )          | 14    | ppm                         | 0.48  | me/l      |
| Iron (Fe)                             |       | ppm                         |       | me/l      |
| Fluoride (F)                          |       | ppm                         |       | me/l      |
| Hardness (EDTA as CaCO <sub>3</sub> ) |       | ppm                         |       | g.p.g.*** |
| Alkalinity (Methyl Orange)            | 96    | ppm (as CaCO <sub>3</sub> ) |       |           |
| Alkalinity (Penolphthalein)           | 24    | ppm (as CaCO <sub>3</sub> ) |       |           |
| Electrical Conductivity               | 1911  | micromhos per cm at 25° C.  |       |           |
| Sodium Adsorption Ratio               | 11.42 |                             |       |           |
| Sodium                                | 76.46 | % of cations                |       |           |
| Residual sodium carbonate             | 0.00  | me/l                        |       |           |
| pH                                    | 8.27  |                             |       |           |
| Others:                               |       |                             |       |           |

\*ppm=parts per million

\*\*me/l=milliequivalents per liter

\*\*\*g.p.g.=grains per gallon

|           |               |       |      |
|-----------|---------------|-------|------|
| COMMENTS: | Total cations | 22.18 | me/l |
|           | Total anions  | 19.00 | me/l |

By: Shirley Litten

| Service Performed   | Amount Due  |
|---------------------|-------------|
| Irrigation analysis | \$6.00 PAID |

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 75-099

Amount Enclosed \$

Signed

Conservation  
Commission  
Form WI #1

STATE CONSERVATION COMMISSION  
SUPPORTING INFORMATION  
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE  
WITH SDCL 46-6-3 AS AMENDED  
(This Form Required for Proposed Well Irrigation Only)

FOR COMMISSION USE ONLY

Irrigation System: \_\_\_\_\_

Water Quality: \_\_\_\_\_

Soils Capability: \_\_\_\_\_

Approved: ALB 8 2-884  
3/15/77

Disapproved: \_\_\_\_\_

NAME: Charles E. Fennell

ADDRESS: Amos, S.D.

COUNTY: Chas. Mix

LEGAL DESCRIPTION

1. WELL LOCATION: SE. 1/4 of Sec. 25-97-64 (Same location same as 1964 Sec. 25-97-64)  
2. AREA TO BE IRRIGATED: 3 1/2 of Sec. 25-97-64

TYPE OF IRRIGATION

3. GRAVITY SPRINKLER (Indicate Type): center pivot system  
4. CROPS TO BE IRRIGATED: Corn or milo & alfalfa

LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE: 0-3 1/2  
6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION: 2 C-A-1-1 ; class 2  
13,

WATER QUALITY (TO BE COMPLETED BY COMMISSION)

7. SAMPLE NO.: 75-099  
8. SALINITY: EC = 1911 (high)  
9. SODIUM: SAR = 11.42 (high)

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.

Charles E. Peters, Jr.

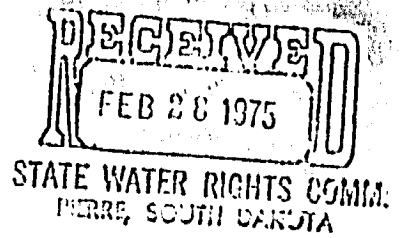
Subscribed and sworn before me this

19 day of February 1975.

Martha Thelma

Register of Deeds

(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 60 feet
- (4) Gravel Pack, Thickness \_\_\_\_\_, Length of gravel pack \_\_\_\_\_

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 \_\_\_\_\_

Fine gravel and sand 73 feet

Depth to top of water bearing material 93 feet

Depth to bottom of water bearing material 160 feet

Thickness of water bearing material 73 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 70 rds. On property owned by others 110 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. 2217-3

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

made Water Right Application No. 2217-3 for a permit to use 2.28 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 24th day of March A. D. 19 77  
Permit No. 2217-3, 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 24th day of March A. D. 19 82 and for the  
application to beneficial use of said water on or before the 24th day of March A. D. 19 86

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 25-T97N-R64W

|                                   | acres     |
|-----------------------------------|-----------|
| NW $\frac{1}{4}$ SW $\frac{1}{4}$ | 33        |
| NE $\frac{1}{4}$ SW $\frac{1}{4}$ | 33        |
| SW $\frac{1}{4}$ SW $\frac{1}{4}$ | 33        |
| SE $\frac{1}{4}$ SW $\frac{1}{4}$ | 33        |
| NW $\frac{1}{4}$ SE $\frac{1}{4}$ | 33        |
| NE $\frac{1}{4}$ SE $\frac{1}{4}$ | 33        |
| SW $\frac{1}{4}$ SE $\frac{1}{4}$ | 33        |
| SE $\frac{1}{4}$ SE $\frac{1}{4}$ | 29        |
| Total                             | 260 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 Eitemiller

\_\_\_\_\_ of \_\_\_\_\_  
the holder \_\_\_\_\_ and owner \_\_\_\_\_ of said permit No. 2217-3 a water right, dating from February 24, 1975  
\_\_\_\_\_ to use of \_\_\_\_\_ 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 hereinbelow mentioned, to be diverted at a point 600 ft. North of the S½ corner of  
Section 25-T97N-R64W

and conduct to and upon portions of land all in Section 25-T97N-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. 2217-3 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:



Chief Engineer

JOHN HATCH

Permit No. 2217-3

Water Diversion No. 3 Missouri River Water District

### CERTIFICATE OF CONSTRUCTION

This is to Certify, That Charles Eitemiller

\_\_\_\_\_ the holder \_\_\_\_\_ of  
Permit No. 2217-3, issued upon Application No. 2217-3, bearing date of priority of February 24,  
1975 authorizing the diversion of 2.28 cu. ft. per second of the waters of \_\_\_\_\_  
groundwater (one well) County of Charles Mix, State of South Dakota at a  
point 600 ft. North of the S $\frac{1}{4}$  corner of Section 25-T97N-64W

\_\_\_\_\_ 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  
JOHN HATCH, Chief Engineer  
Water Rights, WMD

No. 2217-3Publish first publication, on or before March 6, 1975NOTICE  
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

February 28, 1975Notice 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 Charles Eitemiller #3

the point of diversion of which is to be located in the \_\_\_\_\_

Center of the SE $\frac{1}{4}$

of Section 25, Twp. 97N, Range 64W. Said water to be used for the purpose of providing irrigation portions of in the following described land:  
SE $\frac{1}{4}$ , Section 25, T97N, R64W

This application No. 2217-3 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

By:

BURTON F. JONES  
Water Rights Specialist

BFJ/bv

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 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 Douglas

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 Dakota  
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 Eltemiller  
#3, the point of diversion of  
which is to be located in the  
Center of the SE1/4 of Section  
25, Twp. 97N, Range 64W. Said  
water to be used for the purpose  
of providing irrigation or por-  
tions of the following described  
land: S1/2, Section 25, T97N,  
R64W.

This application No. 2217-3  
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

23-17-2

Charles E. Schmitt

6-7-27

Well - 237 ft

100 ft

850 ft

150 ft

Diameter of 194 ft

20 ft

Water level 190 ft

11- R-99-00-07- R2105912 S

Pump Water

11- 377-372

Model - N-60-5

X

Valley, 132

to get to point

Time per 100 ft

3 years

More water

100 ft



out of line - R-40

100 ft out of line

# RECEIPT

## WATER RIGHTS COMMISSION

State of South Dakota

No 4 7383

March 11

80

PIERRE, \_\_\_\_\_, 19\_\_\_\_

RECEIVED OF Charles Eitzmiller, Armour SD 57313

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>2217-3</u> )                              | 50        | 00        |
| Fee for Inspecting Beneficial Use, and issuing Water License No. <u>22173</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)                                                                                 |           |           |
| <b>TOTAL</b>                                                                                                        | <b>50</b> | <b>00</b> |

WATER RIGHTS COMMISSION

By John Hatch  
Chief Engineer, Executive Officer  
JOHN HATCH

Permit No. 2217-3Water Division 3 Missouri River Water DistrictREPORT 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. 2217-3, bearing date of priority of February 24, 1975 authorizing the diversion of 2.28 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, ECS Elec, #10 R-9981-00-074 R2406992-S  
100 H.P.  
 Pump, National, Ser # 377-372, Model N'260-S

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

3000 ft 8" dia. PVC. Pipe.

## C. Works used to apply water to beneficial use.

Valley Center Pivot.The system is in the following condition: GoodThe point of diversion is located 600 ft N of the S  $\frac{1}{4}$  corner of Sec. 25, T 97N R 64WThe works are capable of diverting and conveying to the place of use 1.89cu. 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. 25 T 97N R 64W

NW  $\frac{1}{4}$  SW  $\frac{1}{4}$  - 33 Ac., NE  $\frac{1}{4}$  SW  $\frac{1}{4}$  - 33 Ac., SW  $\frac{1}{4}$  SW  $\frac{1}{4}$  - 33 Ac.,  
SE  $\frac{1}{4}$  SW  $\frac{1}{4}$  - 33 Ac., NW  $\frac{1}{4}$  SE  $\frac{1}{4}$  - 33 Ac., NE  $\frac{1}{4}$  SE  $\frac{1}{4}$  - 33 Ac.,  
SW  $\frac{1}{4}$  SE  $\frac{1}{4}$  - 33 Ac., SE  $\frac{1}{4}$  SE  $\frac{1}{4}$  - 29 Ac.

comprising a total of 260 acres of land.

## Well Data.

Depth - 227 ft.  
 Static 100 ft.  
 pumping 550 gpm  
10 ft drawdown at 1300 gpm

Date June 14, 1977

Leroy J. Munnigh  
 (Signature)

*John Hancock* Companies

July 7, 1986

R. L. Federhart, Director  
Phyllis J. Dobney, Administrator  
Mortgage and Real Estate Dept. Service Center  
Suite 202, Commercial Bank Building  
201 West University Avenue  
Champaign, Illinois 61820-3383  
(217) 356-6464

Department of Water & Natural Resources  
Water Rights Division  
Jon Foss Building  
Pierre, SD 57501



RE: #159563-Eitemiller

Gentlemen:

One of the water permits numbered 2217-3 covered in our mortgage expired March 24, 1986.

If it has gone to license, we would appreciate a copy of the license for our files.

If it has not gone to license, we would appreciate your advice on the standing of this Permit. Enclosed is a stamped self-addressed envelope for your use in replying.

Yours very truly,

*Patricia E. Gilles*

Patricia E. Gilles (Mrs.)  
Service Center Office Manager

PEG:pdg  
Enclosure

2217  
WATER RIGHTS DIVISION  
(605) 773-3352

July 11, 1986

Patricia E. Gilles  
Service Center Office Manager  
John Hancock Mutual Life Insurance Co.  
Mortgage & Real Estate Dept. Service Center  
201 West University Avenue - Suit 202  
Champaign, Illinois 61820-3938

Dear Mrs. Gilles:

Enclosed is a copy of Water License No. 2217-3 listed in the name of Charles Eitemiller. If the water right is to be transferred to you or another party, please complete the enclosed "Notice of Transfer".

If I can answer any questions for you, please advise.

Sincerely,

Genny McMath  
Natural Resources Analyst

GH:ms  
Enc.



2217-3

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.



2217-3

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.

our RETURN ADDRESS completed on the reverse side?

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. ☐ Addressee's Address
- 2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to: 22173

CHARLES EITEMILLER  
RR 2 BOX 22  
ARMOUR SD 57313

4a. Article Number  
P906 560 007

- 4b. Service Type
- ☐ Registered ☐ Insured
  - ☒ Certified ☐ COD
  - ☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery  
1-30-93

5. Signature (Addressee)  
Wayne W. Miller

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

2217-3



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

97-64

(2-27)

116.1

Charles Eitemiller  
Permit # 2217-3  
~~Map 153.2~~

25

77.7

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

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

Center Pivot

75.4

SW  $\frac{1}{4}$  SW  $\frac{1}{4}$   
33 AC.

SE  $\frac{1}{4}$  SW  $\frac{1}{4}$   
33 AC.

8" PVC

100'

~~29.5~~  
153.2

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

~~25.1~~

8" PVC

SW  $\frac{1}{4}$  SE  $\frac{1}{4}$   
33 AC.

97-64

~~24.9~~

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

Center Pivot

~~28.2~~

out

SE  $\frac{1}{4}$  SE  $\frac{1}{4}$   
29 AC.

5.6

4.1

Appl. # 2217-3

-see also Appl # 2165-3



2217-3  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
PMB 2020  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://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](mailto: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.



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.denr.sd.gov](http://www.denr.sd.gov)

February 9, 2018

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

Charles Eitemiller  
28774 395<sup>th</sup> 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 8<sup>th</sup>.

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,

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