

WATER PERMIT NO. 6368-3

Name of Applicant: Sandra Eitemiller

Address: 28774 395th Ave, Armour SD 57313 Phone: 605 384-3120

Amount of Water Claimed: 2.0 cfs Total Acres: 198

Source of Water Supply: groundwater

Water to be used for: irrigation County: Charles Mix

Type of Waste Disposal System:

Location: 7 miles northwest of Wagner

PRIORITY Date Received: 10-31-02

Application/License Fee: \$325

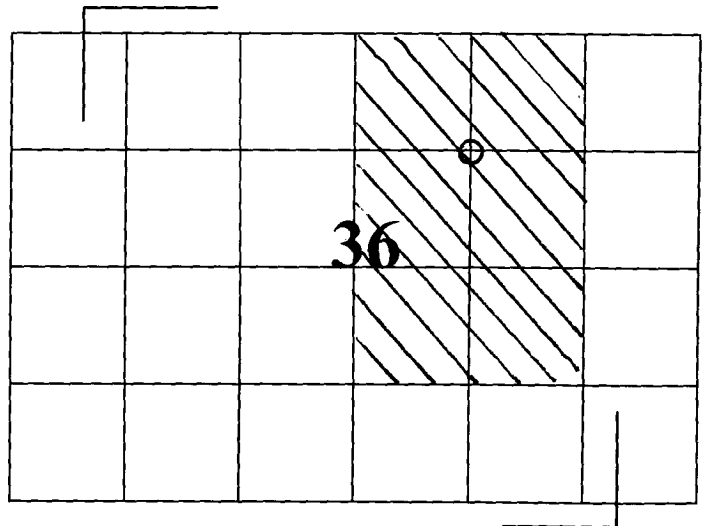
Corrected Application Received: 11-4-02

Period of Annual Use: April 1 – October 31

Remarks:

Diversion Point: center of NE ¼ Sec 36-T97N-
R64W

Land to be Irrigated: NE ¼ N ½ SE ¼ Sec 36-
T97N-R64W



Depth of Well: 225 feet deep

Well Driller: : Sargent Irrigation

Remarks:

Type of Map: aerial

Prepared by: Joseph Schatz, Charles Mix Co. FSA

Reviewed and the Number Assigned on: 11-4-02

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 6368-3**

Date of first receipt of application October 31, 2002.

Date of return to applicant for corrections, amendments or changes October 31, 2002.

Date of receipt of corrected application November 4, 2002.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6368-3 to Sandra Eitemiller, 28774 395th Ave, Armour SD 57313 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 6368-3 appropriates 2.0 cubic feet of water per second from one well (Choteau West Aquifer) 225 feet deep located in the center of the NE ¼ Section 36 to irrigate 198 acres located in the NE ¼, N ½ SE ¼ Section 36; all in T97N-R64W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The date from which applicant may claim right is October 31, 2002.
4. The date of approval of Permit No. 6368-3 is December 9, 2002.
5. One-fifth of the construction is to be completed on or before June 9, 2005.
6. All construction is to be completed on or before December 9, 2007.
7. Water is to be put to beneficial use on or before December 9, 2011.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 6368-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year

WATER MANAGEMENT BOARD

By: *Garland Erbele*
for Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JAN 15 2003

date



FORM 2: Application for irrigation in South Dakota
(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6368-3</u>	(office use only) Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u>	
	Newspaper <u>Wagner Post, PO Box 187 Wagner</u>	

RECEIVED
OCT 31 2002
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) _____

- Name of Applicant Sandra Eitemiller Phone 605-384-3120
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 28774 395th Ave. Armour State SD 57313
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 2.0 *CFS or 900 **GPM ***AF Total Acreage 198
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 1 well in the NE 1/4
Section 36 T-97N - R-64W Center
County Charles Mix
- County or counties where water will be used Charles Mix
- Annual period during which water is to be used April 1st to Oct. 31st
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NW 1/4 NE 1/4 Section 36-T97N-R64W	33	NE 1/4 SE 1/4 Sec. 36-T97N-R 64W	33
NE 1/4 NE 1/4 Sec. 36-T97N-R64W	33	NW 1/4 SE 1/4 Sec. 36-T97N-R 64W	33
SE 1/4 NE 1/4 Sec. 36-T97N-R64W	33		
SW 1/4 NE 1/4 Sec. 36-T97N-R64W	33		

8. Give a description of the project. (Attach sheet if more space is needed)

STATE OF SOUTH DAKOTA) SS
County of Charles Mix

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

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

Applicant's signature Sandra Eitemiller

Subscribed and sworn to before me this 30th day of October 20 02



Elaine M Sellers

Notary Public signature

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 30" Depth 225
- b) Casing Type 26 SDR PVC Diameter 16" Thickness 1560
- c) Screen Type 26 SDR PVC Diameter 16" Thickness 1560
- d) Gravel Pack Pea Rock Length of Gravel Pack 140 ft
- e) Depth to Top of Water Bearing Material 160 ft
- f) Depth to Water (ground surface to water level) ~~74~~ 89 ft
- g) Distance to nearest existing domestic well:
- On applicants property 100 ft On property owned by others 120 ft

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System _____

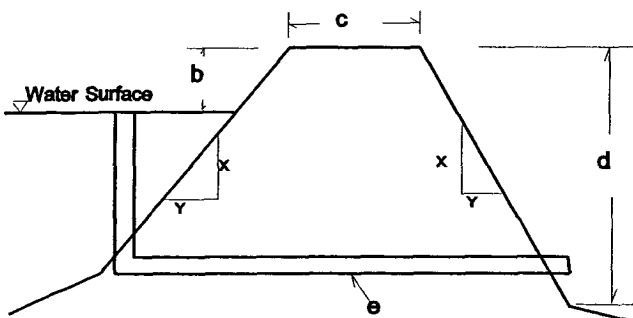
3. Dugout Information

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

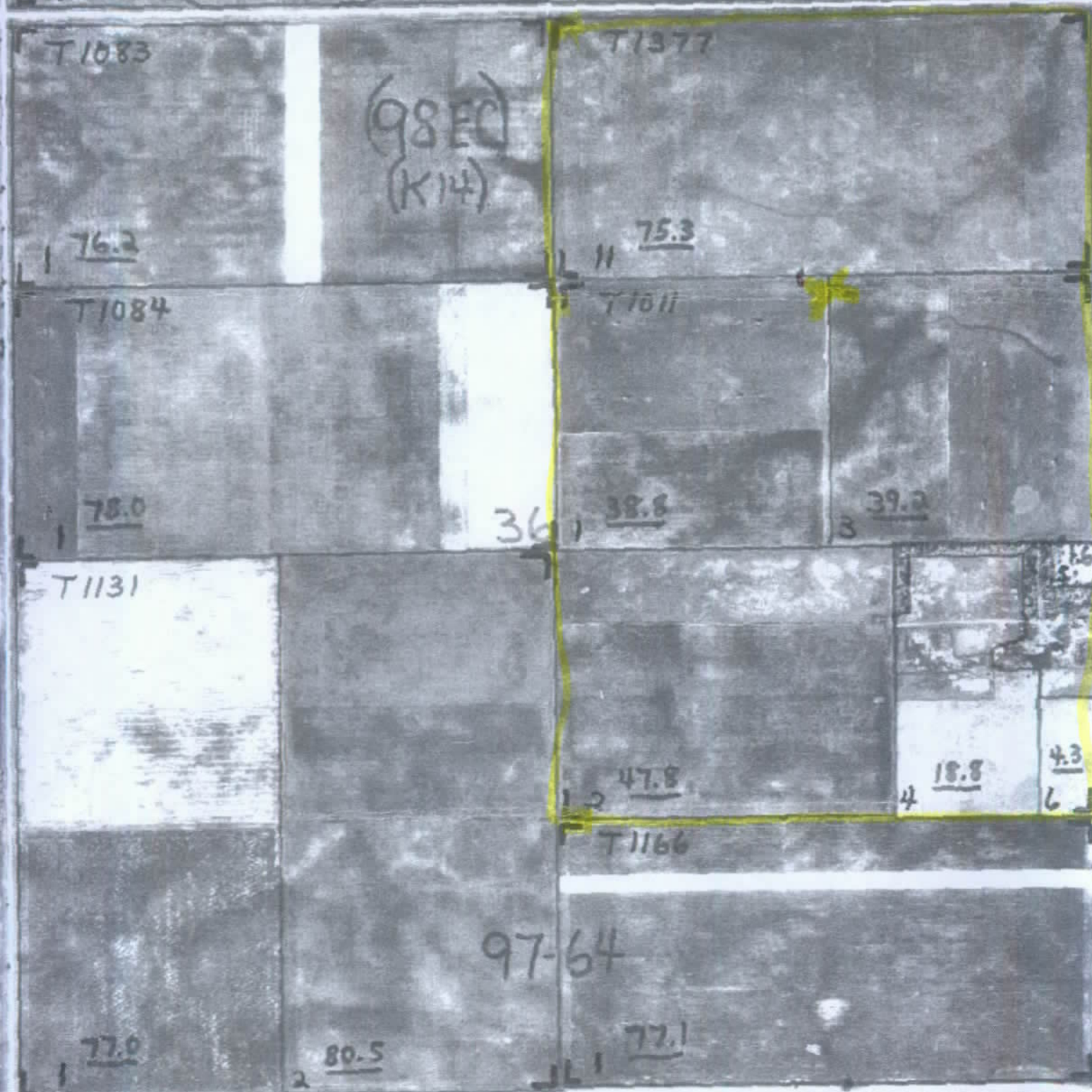
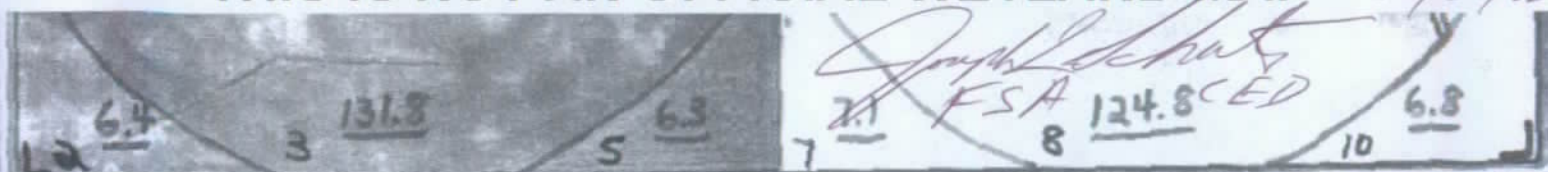
- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:



- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope _____
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

MAP NOT TO SCALE
THIS IS NOT AN OFFICIAL WETLAND MAP

10/30/02



6368-3

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date October 31, , 20 02

RECEIVED OF Charles Eitemiller, 28774 395th Ave, Armour SD 57313-6707

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

Fee for Application for Permit No. <u>6362-3</u> to Appropriate Water, to construct and to put water to beneficial use	250	00
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. <u>6362-3</u>	50	00
Fee for Filing Transfer Form _____		
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	300.00

No. **000333**

By David E. Erbe
Chief Engineer *gms*

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date November 4, 20 02

RECEIVED OF Charles Eitemiller, 28774 395th Ave., Armour SD 57313-6707

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

Fee for Application for Permit No. <u>10368-3</u> to Appropriate Water, to construct and to put water to beneficial use	25	00
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 _____		
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	25.00

No.

000337

By

Darlene E. Eide
Chief Engineer *gm*

S 1/2 Sec25-97-64 Charles Mix County

0-10	Yellow Clay
10-29	Brown Clay
29-100	Blue Clay
100-130	Blue Clay w/ Sand Streaks
130-150	Blue Clay w/sand streaks & coal streaks
150-160	Blue Clay w/ sand streaks
160-185	Good Medium Sand
185-210	Coarse Sand
210-212	Fine sand & clay
212-228	Medium-Coarse Sand
228	Shale

Static Water Level at 89 ft.

No Pump Record



October 31, 2002

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Sandra Eitemiller
28774 395th Ave
Armour SD 57313

Dear Ms. Eitemiller:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation. In order to complete the application the following is required.

Enclosed is the map submitted with your application. On the map, please outline the acreage you intend to irrigate and mark the proposed well location with an "X".

We have received the \$300 application/license filing fee. The application/license fee for irrigation of 198 acres is \$325. Please submit an additional \$25.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosures

REPORT ON WATER PERMIT APPLICATION NO. 6368-3
For Sandra Eitemiller
November 5, 2002

Application No. 6368-3 proposes to appropriate 2.0 cfs (898 gpm) from one well approximately 225 feet deep located in the center of the NE $\frac{1}{4}$ of section 36, to irrigate 198 acres located in the NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ of section 36; all in T97N R64W in Charles Mix County.

AQUIFER – CHOTEAU WEST (CH-W)

The Choteau is a buried outwash (sand and gravel) and western derived stream deposits that is under confined or artesian conditions at this site (Kume, 1977). The Choteau West is a management unit of the Choteau aquifer that underlies 169,600 acres and contains an estimated 1.225 million acre feet of recoverable water in storage in Charles Mix County (Hedges, 1982). The aquifer extends into Douglas and Hutchinson Counties to the northeast and into Bon Homme County to the southeast. Ground water movement is basically from north to south across the area, although the gradient is nearly flat at the time Kume prepared a potentiometric map (Kume, 1977). Kume's map also was found to be in error with test drilling and monitor well construction in the Douglas County area. The water table does not slope as much as mapped from Hutchinson County into Douglas County.

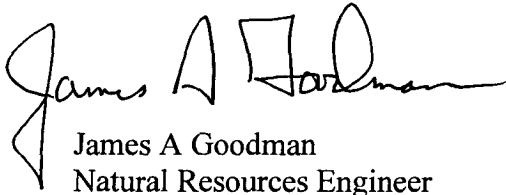
The Water Rights Program monitors eight observation wells within a three-mile radius of this site. Two of these monitor wells, CM-67B located about $\frac{3}{4}$ mile southwest and CM-67A located about two miles west from this application respectively, are completed into the Choteau aquifer. Another observation well, CM-77D, located about 1 $\frac{1}{2}$ mile south of this application is completed into a shallower aquifer and does not respond to pumping. Water level records for the Choteau aquifer show good correlation with pumping. Significant fluctuation occurs during the irrigation season. Hydrographs for these three wells are included with this report. In general, the water level record indicates that recharge does occur to the aquifer and that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2002).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is a Water Right No. 2217-3 located just to the north of this application and the existing and proposed well will be approximately 2330 feet apart. Interference will occur. That is, drawdown created by pumping will overlap at this distance. In fact, there has been as much as 40 feet of drawdown in nearby observation wells. Even so, this amount of drawdown is not expected to be adverse. The observation well record clearly shows this phenomenon has been going on for years. Back in the 1960's and 1970's irrigation development in this entire area was controversial with many complaints about lowering water levels in area domestic wells. Originally some applications were deferred for further study but eventually with the passage of time this problem faded away.

CONCLUSIONS

1. Water is available from the Choteau West aquifer.
2. The aquifer is under confined conditions. Water levels will fluctuate when pumping occurs. This is well documented with observation well data. Even though drawdown will increase due to additional pumping this is not expected to be adverse. Some lowering of pumps may be required to maintain the amount of water needed.
3. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.



James A Goodman
Natural Resources Engineer

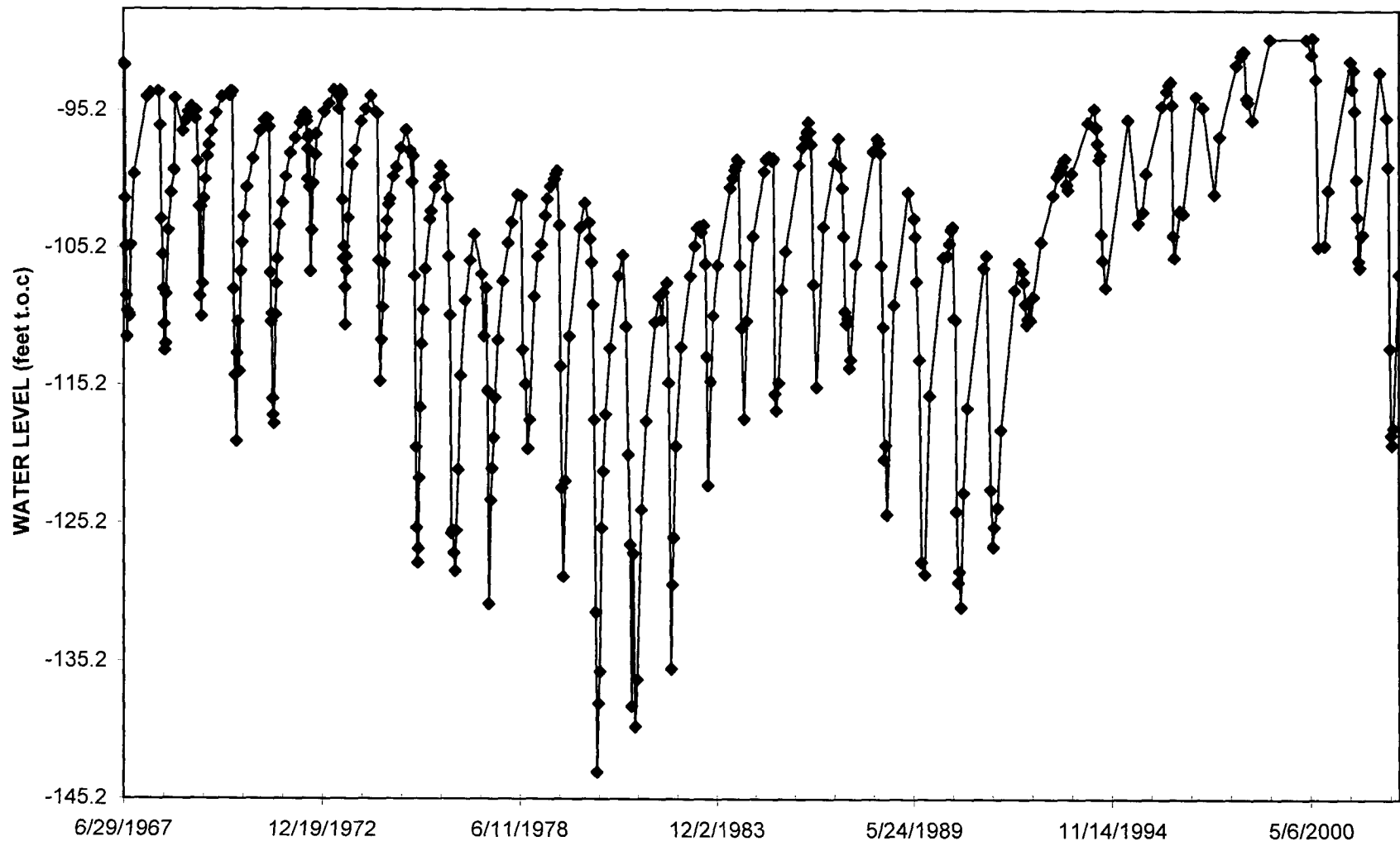
BIBLIOGRAPHY

Hedges, L.S., 1982, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

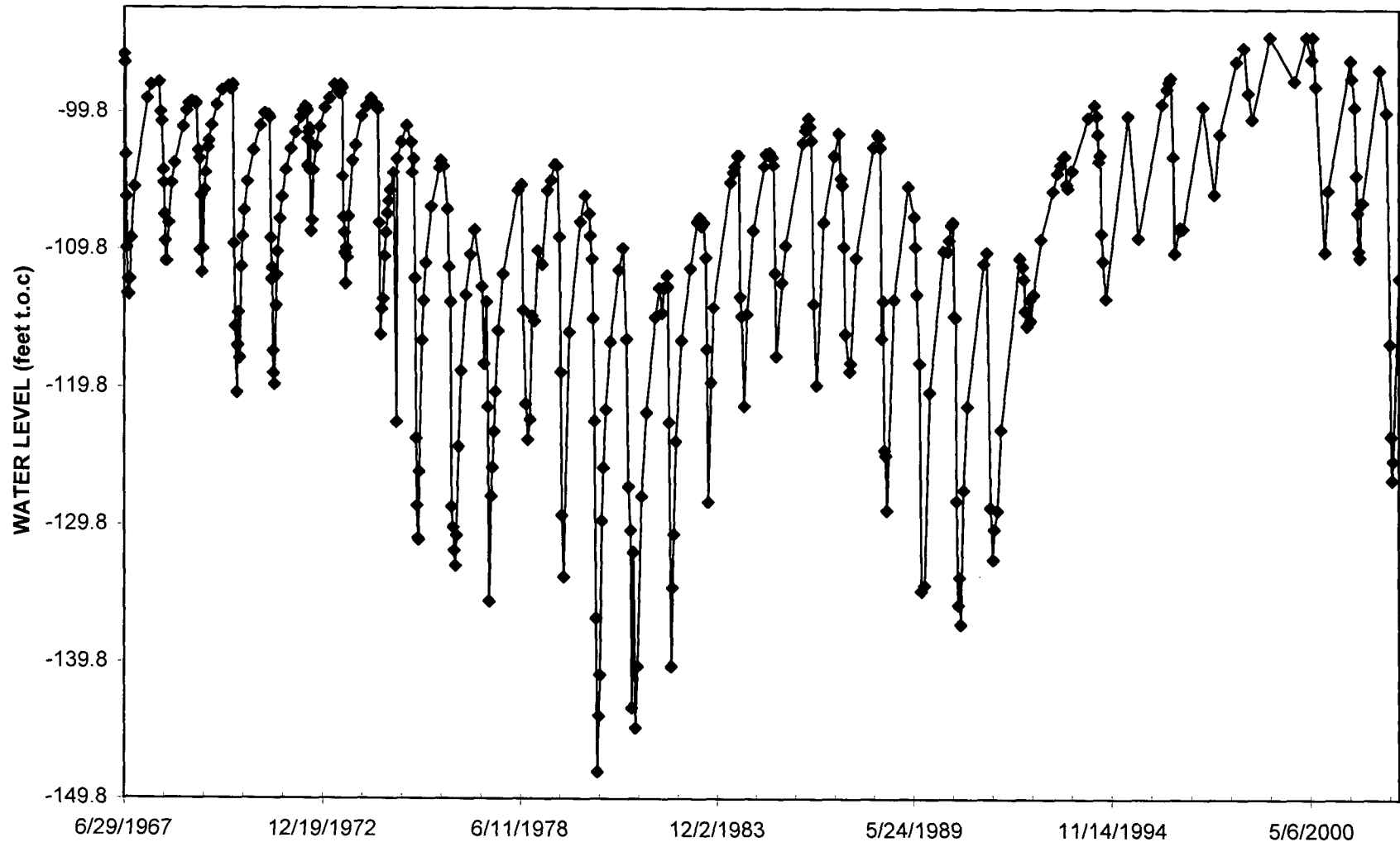
Kume, J., 1977, Geology and Water Resources of Charles Mix and Douglas Counties, SD, Part II : Water Resources, SD DENR, SDGS, Vermillion, SD, 57069.

Water Rights, 2002, Unpublished Observation Well Data for Charles Mix County, SD DENR, DES, Water Rights Program, Pierre, SD, 57069.

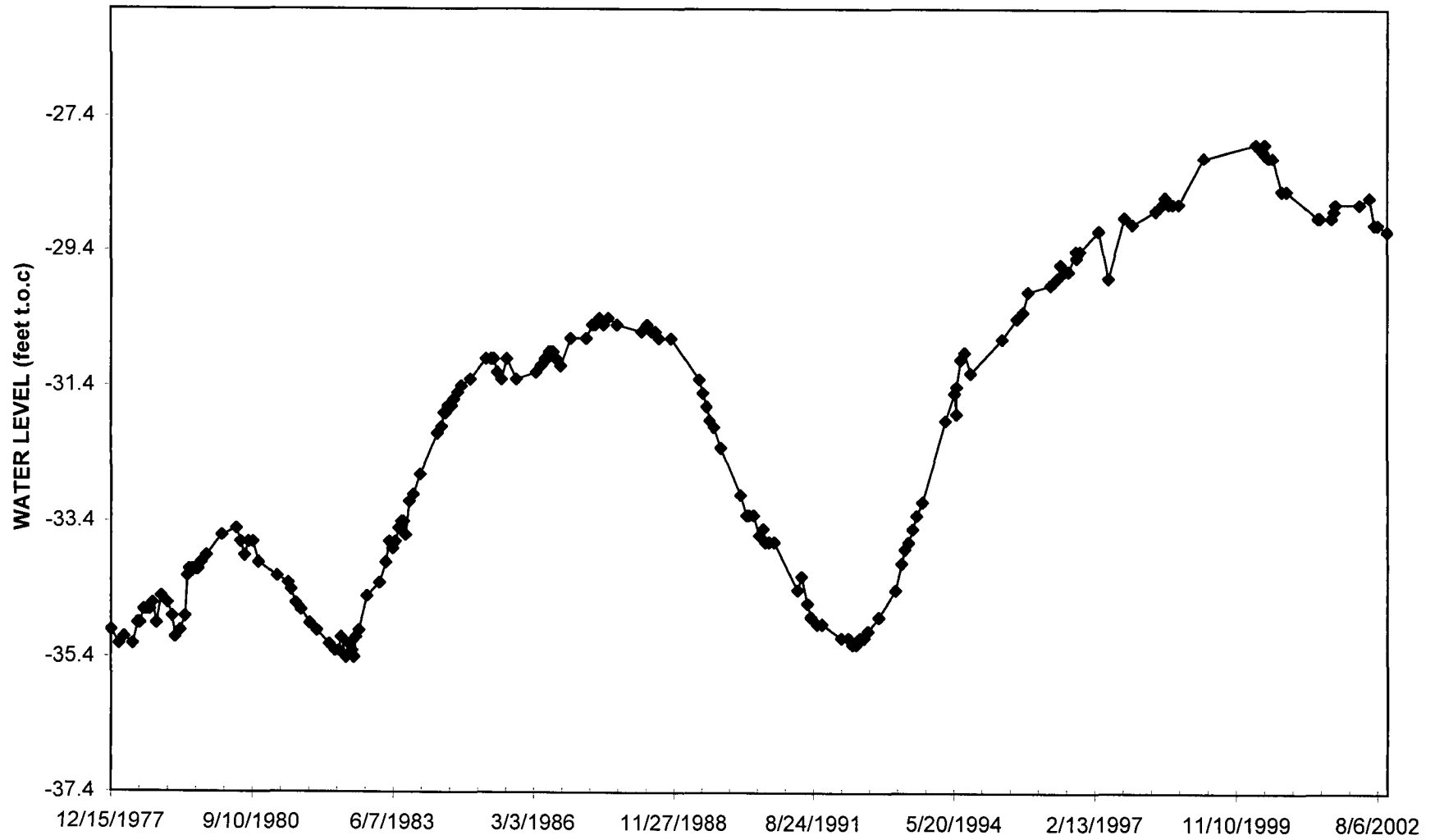
**WATER RIGHTS' OBSERVATION WELL
CM-67A**



**WATER RIGHTS' OBSERVATION WELL
CM-67B**



**WATER RIGHTS' OBSERVATION WELL
CM-77D**





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6368-3, Sandra Eitemiller**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 6368-3, Sandra Eitemiller 28774 395th Avenue, Armour SD 57313.

The Chief Engineer is recommending APPROVAL of Application No. 6368-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 6368-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
November 12, 2002

Affidavit of Publication

STATE OF SOUTH DAKOTA)

) SS

COUNTY OF CHARLES MIX)

Peggy Nedved, of said County and State being first duly sworn on her oath says: That *The Wagner Post* is a legal newspaper of general circulation, printed and published in Wagner, in said County and State, by Peggy Nedved, and has been such newspaper during the time herein mentioned; and that I, Peggy Nedved, the undersigned, am office manager of said newspaper in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit; a printed copy of which is hereunto attached, was printed and published in the regular and entire issue of said newspaper and not in supplement, once each week for 2 successive weeks.

1st publication made on 20 day of Nov, 2002

2nd publication made on 27 day of Nov, 2002

3rd publication made on ____ day of _____, 2002

4th publication made on ____ day of _____, 2002

5th publication made on ____ day of _____, 2002

That said newspaper is a legal newspaper, and has a bona fide circulation of more than two hundred copies weekly, and has been published within the County of Charles Mix for more than fifty-two successive weeks prior to the first publication of said notice, and is printed in an office maintained in Wagner, South Dakota, the place of publication of said newspaper. That the full amount of the fee for the publication of the annexed notice is

\$ 33.78

Peggy Nedved
Subscribed and sworn to before me this 27th day of Nov, 2002.

Jan Woods

Notary Public

My commission expires 4/17/2007

Public Notice

NOTICE OF APPLICATION NO. 6368-3 TO APPROPRIATE WATER

Notice is given that Sandra Eitemiller, 28774 395th Ave, Armour SD 57313 has filed an application for a water permit to appropriate 2.0 cubic feet of water per second from one well (Choteau West Aquifer) 225 feet deep located in the center of the NE 1/4 Section 36 to irrigate 198 acres located in the NE 1/4, N 1/2 SE 1/4 Section 36; all in T97N-R64W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6368-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contest-

THE WAGNER POST

ing the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by December 9, 2002.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application.

Steven M. Pirner, Secretary,
Department of Environment and
Natural Resources.

Pub: November 20, 27, 2002

RECEIVED

DEC 02 2002

WATER RIGHTS
PROGRAM



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.**

November 13, 2002

Sandra Eitemiller
28774 395th Ave
Armour SD 57313

Dear Ms. Eitemiller:

Water Permit Application No. 6368-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Wagner Post printed at Wagner, SD (Ph # 605-384-5616). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 13, 2002

Wagner Post
PO Box 187
Wagner SD 57380-0187

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6368-3 to Appropriate Water to be published twice. Please publish the first notice on November 20, 2002 with the second publication 7 days later.

The applicant must verify to you that the notice is to be published, before you make the first publication **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Sandra Eitemiller, 28774 395th, Armour SD 57313 (Ph # 605-384-3120).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

No. 6368-3

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of November 13, 2002 enclosing Notice of Hearing to Appropriate Water by Application No. 6368-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

Instruction to Newspaper - Publish first Notice on November 20, 2002 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6368-3 to Appropriate Water

Notice is given that Sandra Eitemiller, 28774 395th Ave, Armour SD 57313 has filed an application for a water permit to appropriate 2.0 cubic feet of water per second from one well (Choteau West Aquifer) 225 feet deep located in the center of the NE ¼ Section 36 to irrigate 198 acres located in the NE ¼, N ½ SE ¼ Section 36; all in T97N-R64W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6368-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by December 9, 2002.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Sandra Eitemiller
28774 395th Ave
Armour SD 57313

Dear Ms. Eitemiller:

Enclosed is Water Permit No. 6368-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

for Eric Erbele
Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE

Date 8-30-03

TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM:

Sandra Eitemiller
(name)

28774 395th Ave
(address)

Armour, S.D. 57313
(city, state, zip)

605-384-3120
(phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 6368-3 states that the water use system is to be constructed by

12-9-2007, and water is to be put to beneficial use by 12-9-2011
(date) (date)

The water use system was completed on 6-15-03
(date)

Applying the water to beneficial use was completed on 6-20-03
(date)

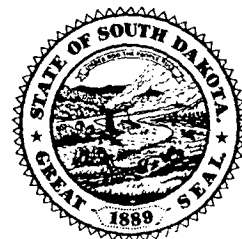
You may schedule an investigation so that the water license may be issued.

Sandra Eitemiller
(signature)

RECEIVED

SEP - 5 2003

WATER RIGHTS
PROGRAM



SOUTH DAKOTA WATER WELL COMPLETION REPORT

6368-3 07-92

Location Center 1/4 NE 1/4 Sec 36 Twp 97 Rg 64

County

North

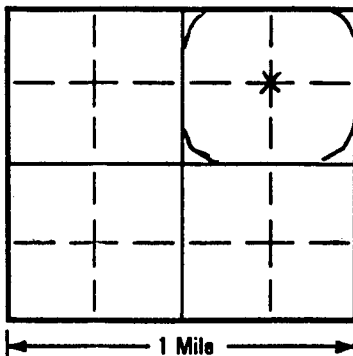
Charles Mix

Please mark well location with an "X"

W

E

Well Completion Date

6/11/03

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well,

feed lot, etc.)? _____ ft. from _____ (identify source).

PROPOSED USE:

- ☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Reverse RotaryCASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>37</u> LB/FT	<u>16</u> IN	<u>0</u> FT	<u>135</u> FT	<u>30</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Bentonite</u>		<u>12-16</u> lb./gal	<u>20</u> ft	<u>135</u> ft
		_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure TremmieSCREEN: ☒ Perforated pipe ☐ ManufacturedDiameter 16 IN Length 100 FEETMaterial 26 SDR PVC CasingSlot Size .085 Set From 135 Feet to 240 FeetOther information GravelWAS A PACKER OR SEAL USED? ☒ YES ☐ NOIf so, what material? ConcreteDescribe packer(s) and location? 20' to Surface

DISINFECTION: Was well disinfected upon completion?

☒ YES, How:HTH

Laboratory sent to for water quality analysis

_____ NO, Why Not? _____

Well Owner: Charles Eitemiller

Business Name: _____

Address: 28774 395th Ave.Armour, SD 57313

WELL LOG:

DEPTH

FORMATION

FROM

TO

0	to	20	Topsoil, sand, clay w/hard layers (rocky) good
0	to	20	coarse sand in last 5'
20	to	40	Brown & gray clay
40	to	60	Clay (Rock at 3')
60	to	80	Med-coarse sand, fine gravel w/clay layers
80	to	100	10' med-coarse sand & clay layered, 10' clay
100	to	120	Med-crse snd w/trace of fine grvl, clay layers
120	to	140	Med-crse snd, trace of fine grvl, w/clay layers
140	to	160	15' med-coarse sand, trace of fine grvl w/clay
140	to	160	layers, last 5' good coarse sand
160	to	180	Coarse sand, fine-med gravel
180	to	200	Coarse sand, fine-med gravel, few clay streaks
200	to	220	Coarse snd, traces of fine grvl, few clay strks
220	to	240	15' coarse sand, traces of fine grvl, few clay
220	to	240	streaks, 5' clay
240	to	260	Clay & coarse sand layered
260	to	280	17' clay, rock

STATIC WATER LEVEL 68' Feet

If flowing: closed in pressure _____ PSI

GPM flow 900 through 8 inch pipeControlled by ☐ Valve ☐ Reducers ☒ Other SprinklerReduced Flowrate _____ System GPMCan well be completely shut in? Yes

WELL TEST DATA:

☒ Pumped

Describe: _____

☐ Bailed☐ Other

Pumping Level Below Land Surface

79 ft. After 1 Hrs. pumped 700 GPM86 ft. After 1 Hrs. pumped 1433 GPMIf pump installed, pump rate 900 GPM

REMARKS

This well was drilled under license # 273

And this report is true and accurate.

Drilling firm Sargent Irrigation Co.

Signature of License Representative

Dale Schindler

Signature of Well Owner or Equitable Property Holder:

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JAN 30 2004

Date: _____

WATER RIGHTS PROGRAM



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 21, 2006

6368-3

Sandra Eitemiller
28774 395th Ave
Armour SD 57313

Dear Ms. Eitemiller:

On July 12, 2006, Ron Duvall with our program, conducted a field investigation of the project developed under Water Permit No. 6368-3. The permit is now ready for licensing and will be licensed for the system as developed in the NE ¼ Section 36, T97N, R64W.

It is our understanding that the land has changed ownership and the water permit should be transferred. Ron requested that I send you a "Notice of Transfer of Ownership" form to get the water permit changed to the correct owner prior to licensing. Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. The form should be completed and signed by the new owner. Upon completion, return the form to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

As soon as we receive the completed transfer form and filing fee, the water permit will be changed to reflect the new ownership and a water license will be issued based on the recent field investigation.

If you have any questions, please contact me.

Sincerely,

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

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED
FEB 20 2007
WATER RIGHTS
PROGRAM

No. 6368-3

Date: 2/15/07

I/We request that Water Permit No. 6368-3

formerly owned by: Sandra Eitemiller

be transferred to: (name & address)

Chris & Theresa Eitemiller

6927 Calgary Rd

Woodbury, MN 55125

Telephone No. 651/702-0420

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

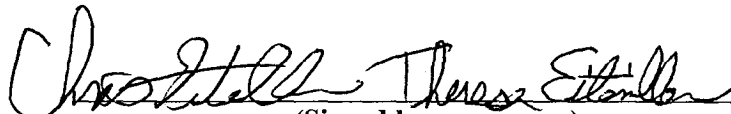
NE 1/4 and N 1/2 SE 1/4 Section 36, T97N, R64W

I/We understand that the validity of Water Permit No. 6368-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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 required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Chris & Theresa Eitemiller, the new owner, certify that the above information is true and correct.


(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date Feb 20, 20 07

RECEIVED OF Chris & Theresa Eitemiller, 6927 Calgary Rd, Woodbury MN 55125

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	2 50	
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>Water Permit No. 6368-3</u>		
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. _____	2 50	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2 50

No.

02943

By

Harland Erbe

Chief Engineer

(KS)

Permit No. 6368-3
Missouri River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, July 12, 2006, made a thorough examination of the water use system constructed by Sandra Eitemiller of 28774 395th Ave, Armour SD 57313 holder of Permit No. 6368-3, bearing the priority of October 31, 2002 authorizing the diversion of 2.00 cu. ft. per second of the waters of ground water (Choteau West aquifer) for irrigation purposes, in Charles Mix County.

Inspection contact & relationship to permit holder, if applicable: **Chuck Eitemiller (Sandra's husband)**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Sargent Irrigation Co
- 2) No. of Wells 1
- 3) Depth(s) 240 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 16 inches
- 2) Length 135 feet
- 3) Type Plastic

Screen:

- 1) Type PVC
- 2) Length 105 feet
- 3) Static water level 68 feet

Pump:

- 1) Make Well-line

Motor:

- 1) Make US Electrical
- 2) Model No. 365TP
- 3) Horsepower rating 75 hp

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

Well at pivot center – short section of 8" pipe to pivot.

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Zimmatic
- 2) Number of towers 7
- 3) End gun Y
- 4) Low pressure
- 5) Capacity 900 GPM

Report of Examination of Works

Permit No. 6368-3

Chemigation Equipment:

- 1) Does chemigate Y
- 2) Main line check valve Y
- 3) Inspection port/air relief Y
- 4) Low pressure drain Y
- 5) Discharge is 20' from source Y, with hose
- 6) Interlock type electrical
- 7) Injection pump type piston
- 8) Injection check valve Y
- 9) Injection line check valve or positive displacement pump Y
- 10) All chemigation equipment appears to be installed in the proper position and complies with chemigation requirements Y

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period within construction period
- 3) Exceptions to compliance are: none

The system is in good condition with the point of diversion located as follows: Well: 1,360 feet S and 1,360 feet W from the NE corner section 36-T97N-R64W (Latitude 43.17999, Longitude -98.35262 -- SW¼NE¼). The works are capable of diverting and conveying to the place of use 2.00 cu. ft. per second of water which is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows: all in section 36-T97N-R64W

NE¼NE¼ 34 acres
NW¼NE¼ 34 acres

SW¼NE¼ 34 acres
SE¼NE¼ 34 acres

comprising a total of 136 acres of land and the license should be issued for 1.94 cfs.

All structures, wells and lands on map Y | Comments or other permit(s) associated with the project: none



Ron Duvall
Natural Resources Engineer
DENR, Water Rights Program

Date report completed: September 13, 2006

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6368-3**

(1) Sandra Eitemiller, Armour SD made Application No. 6368-3, October 31, 2002 for a water permit to divert 2.00 cubic feet of water per second from ground water (one well – Choteau West Aquifer), Charles Mix County, South Dakota for irrigation purposes. Permit No. 6368-3, with a priority date of October 31, 2002 was approved December 9, 2002 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before December 9, 2007 and for the application to beneficial use of said water on or before December 9, 2011. The Permit holder submitted a "*Notice of Completion of Works and Application of Water to Beneficial Use*" on September 5, 2003. The "*Notice*" stated the water use system was completed water placed to beneficial use in June, 2003.

On February 20, 2007, Water Permit No. 6368-3 was transferred to Chris and Theresa Eitemiller.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.94 cubic feet of water per second for beneficial use. The location of the diversion point is 1,360 feet S and 1,360 feet W of the NE corner of Section 36, T97N, R64W (SW ¼ NE ¼).

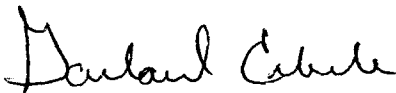
(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 36, T97N, R64W	NE ¼ NE ¼	34 acres	SW ¼ NE ¼	34 acres
	NW ¼ NE ¼	34 acres	SE ¼ NE ¼	34 acres
Total irrigated acres 136				

(4) Pursuant to South Dakota Water Law 46-5-30.1 Chris and Theresa Eitemiller, 6927 Calgary Rd, Woodbury, MN 55125 the holders and/or owners of Water Right No. 6368-3 are issued a license to appropriate water, the right to use 1.94 cubic feet of water per second from ground water (one well – Choteau West Aquifer) with a priority date of October 31, 2002 from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6368-3 and subject to the following qualifications:

1. The well approved under this Permit is located near domestic wells which may obtain water from the same aquifer. The well owner, under this water right, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 6368-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:28 (*well found to be constructed in accordance with standards*).
3. This water right is approved subject to the irrigation water use questionnaire being submitted each year.



Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

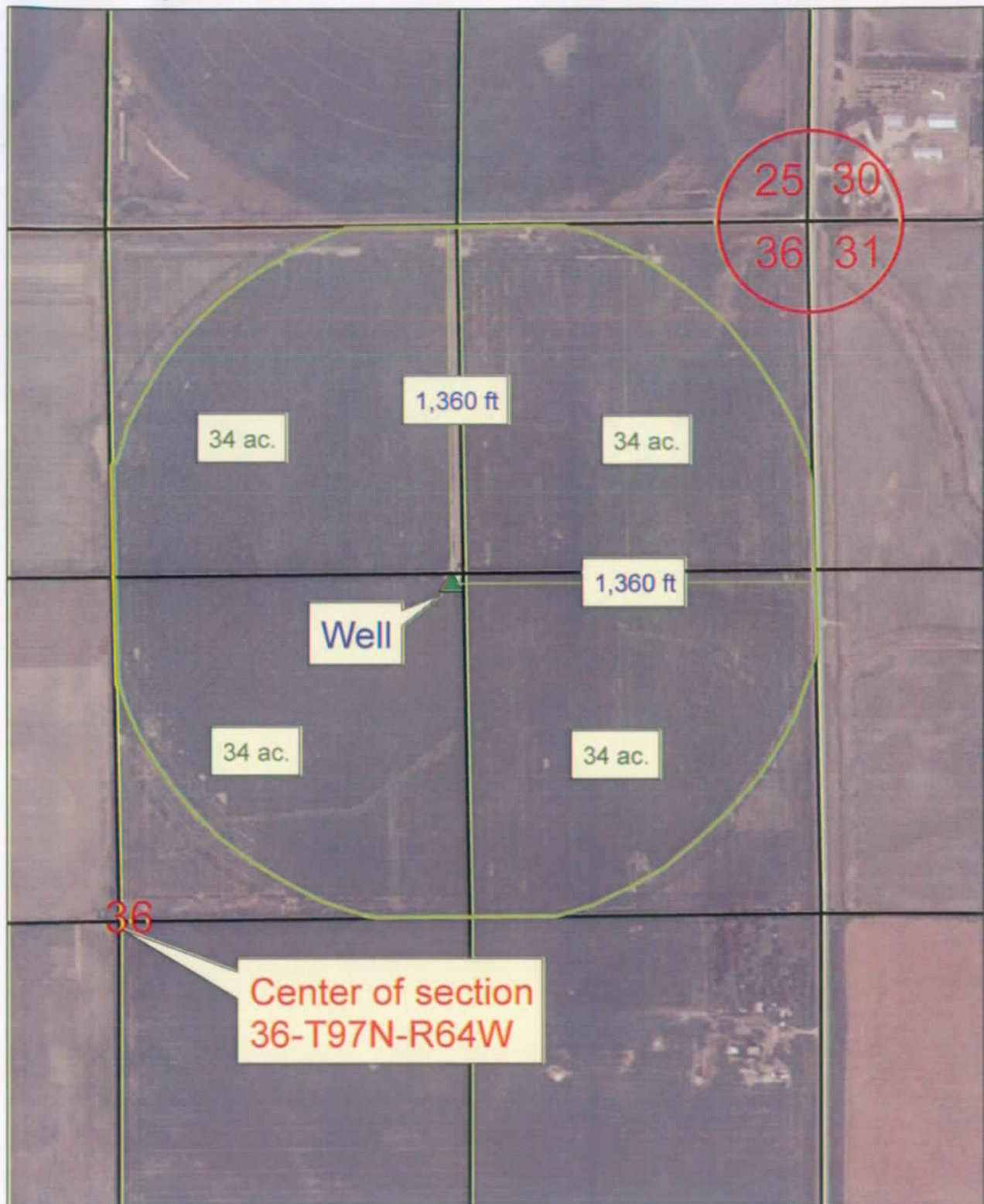
APR 20 2007
date



Scale: 1 inch equals 566 feet

800

Feet



South Dakota
Department of Environment
& Natural Resources
Water Rights

Completed by:

Ron Duvall, Natural Resources Engineer
Water Rights Program

Diversion point(s) located using GeoExplorer II GPS

Date: Sept. 13, 2006

Water Right No. 6368-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 20 2007

6368-3

Chris & Theresa Eitemiller
6927 Calgary Rd
Woodbury MN 55125

Dear Mr. & Mrs. Eitemiller:

The ownership change you submitted has been completed. When the transfer of ownership occurred, the water permit was licensed based on a July, 2006 investigation of the water use system.

Enclosed is Water License No. 6368-3. This is the final water right document completing your process of obtaining a Water Right. Included with the license is a map prepared by the staff engineer who conducted the field investigation. Also enclosed is your Receipt No. 02943 in the amount of \$2.50 which you paid for filing the ownership change.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 6368-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

6368-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

JAN 29 2016

6368-3
7628-3

Chris & Theresa Eitemiller
6927 Calgary Rd
Woodbury MN 55125

Dear Mr. & Mrs. Eitemiller:

Enclosed is Water License No. 7628-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 7628-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

The applicable portions of Water Right No. 6368-3 have been incorporated into Water License No. 7628-3. As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

c: Chet Eitemiller, 28746 395th Ave, Armour SD 57313