

WATER PERMIT NO. 7628-3

Name of Applicant: Chris & Theresa Eitemiller

Address: 6927 Calvary Rd, Woodbury MN 55125 Phone: 605 245-9415

Amount of Water Claimed: no add'l Total Acres: 76 additional acres

Source of Water Supply: groundwater (one existing well)

Water to be used for: irrigation County: Charles Mix

Type of Waste Disposal System:

Location: 7 miles northwest of Wagner

PRIORITY Date Received: 12-14-12

Application/License Fee: \$ 950

Corrected Application Received: 1-10-13

Period of Annual Use: May 1 – Sept 30

Remarks: Additional acres to Water Right No. 6368-3

Diversion Point: Center NE 1/4 Sec 36-T97N-
R64W

Land to be Irrigated: N 1/2 SE 1/4, S 1/2 NE 1/4
Sec 36-T97N-R64W

Depth of Well: 240 feet deep

Well Driller: Sargent Irrigation Co.

Remarks:

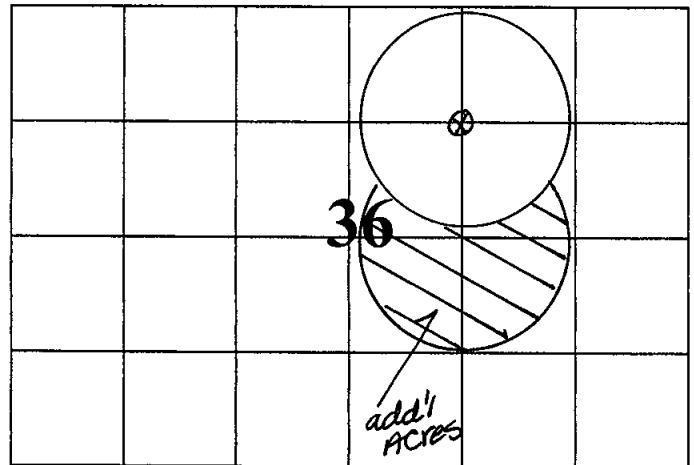
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 1-10-13

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



FORM 2: Application for irrigation in South Dakota

(type or print)

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>7628-3</u> (office use only) Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u> <u>605-384-5616</u>
	Newspaper <u>Wagner Post Box 187 Wagner 57380</u> <u>605-996-5514</u>
	<u>Daily Republic Box 1288 Mitchell 57301</u>

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DEC 14 2012

WATER RIGHTS
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Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 6368-3
(Use predates Mar 2, 1955)

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

add 1 diversion point with the same gallons per minute

1. Name to Appear on Irrigation Permit Chris & Theresa Eitemiller
(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent
(name and complete address if different than above name)

Mailing Address 6927 Calgary RD. Woodbury MN. 55125
(Address) (City) (State) (Zip Code)

Home Phone 651-702-0420 Cell 651-245-9415 Email chris.eitemiller@MSN.COM

2. Amount of water claimed No add *CFS or 800 **GPM ***AF Total Acreage 76
(*Cubic Feet per Second) (**Gallons per Minute) (***) Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Well

4. Location of point of diversion 1 well center of NE 1/4 Sec. 36-97-64
(Sample - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

County Chas-MIX

5. County or counties where water will be used Chas-MIX

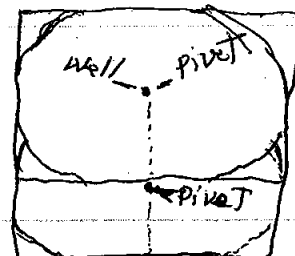
6. Annual period during which water is to be used May - Sept.

7. 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 Sec. 36		<u>SE-NE Sec 36-97-64</u>	<u>5</u>
<u>NE-SE Sec. 36-97-64</u>	<u>33</u>	<u>SW-NE Sec. 36-97-64</u>	<u>5</u>
<u>NW-SE Sec. 36-97-64</u>	<u>33</u>		

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

Add a pivot to the south 80 plus water part of the corner in the qt. to the north



I, Chris Eitemiller Agent, the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true.

**SOUTH DAKOTA
WATER PERMIT NO. 7628-3**

Date of first receipt of application December 14, 2012.

Date of return to applicant for corrections, amendments or changes December 14, 2012.

Date of receipt of corrected application January 10, 2013.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7628-3 to Chris & Theresa Eitemiller, 6927 Calgary Rd, Woodbury MN 55125 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. 7628-3 authorizes irrigation of 76 additional acres. Water Right No. 6368-3 authorizes 1.94 cubic feet of water per second from one well completed into the Choteau West Aquifer (240 feet deep) located in the SW 1/4 NE 1/4 Section 36 to irrigate 136 acres located in the NE 1/4 Section 36; all in T97N-R64W. This permit authorizes 76 additional acres located in the S 1/2 NE 1/4, N 1/2 SE 1/4 Section 36-T97N-R64W from the existing well. This permit does not authorize any increase in the developed diversion rate.
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: May 1 – September 30.
3. The date from which applicant may claim right is December 14, 2012.
4. The date of approval of Permit No. 7628-3 is March 25, 2013.
5. One-fifth of the construction is to be completed on or before September 25, 2015.
6. All construction is to be completed on or before March 25, 2018.
7. Water is to be put to beneficial use on or before March 25, 2022.
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 Water Right No. 6368-3 and 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. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

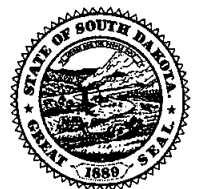
WATER MANAGEMENT BOARD

By: 

Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

APR 26 2013

date



Supplemental Information

(type or print)

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JAN - 9 2013

WATER RIGHTS
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1. Well Information

(check one or both as applicable) ☒ Drilling new well(s) ☐ Using existing well(s)

a) If new wells, how many 1 Have test holes been drilled ☐ Yes ☒ No Drilled by _____
(if yes, please provide copies of logs)

b) If existing wells, how many _____ Provide copy of log(s), if available. Drilled by _____

c) Well Depth 230' Depth to Top of Water Bearing Material 170' Depth to Water from Surface 200'

d) Distance to nearest existing domestic well:

On applicant's property _____ On property owned by others _____

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

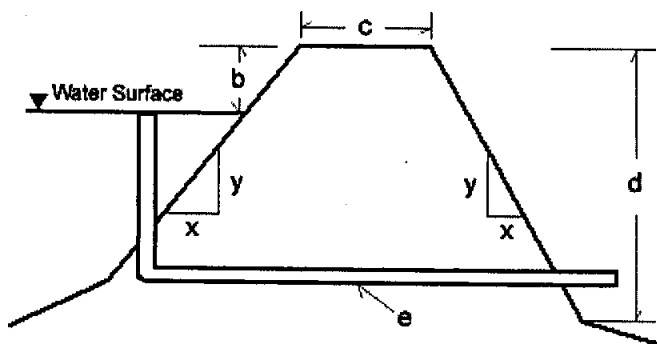
a) Surface Dimensions _____ Depth _____

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 (e.g. 3 to 1 is a typical slope)

Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres

Supplemental Information

(type or print)

1. Well Information

(check one or both as applicable) ☐ Drilling new well(s) ☒ Using existing well(s)

a) If new wells, how many _____ Have test holes been drilled ☐ Yes ☐ No Drilled by _____
(if yes, please provide copies of logs)

b) If existing wells, how many 1 Provide copy of log(s), if available. Drilled by Sargent Dr.

c) Well Depth _____ Depth to Top of Water Bearing Material _____ Depth to Water from Surface _____

see permit no. 6368-3
d) Distance to nearest existing domestic well:

On applicant's property 100 rods On property owned by others 120 rods

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 (e.g. 3 to 1 is a typical slope)

Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



United States Department of Agriculture Farm Service Agency



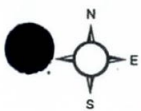
South Dakota Charles Mix County

Farm Number
7211

Township-Range-Section
97N64W36

Legend

- Restricted Use
- ▽ Limited Restrictions
- Exempt from Conservation Compliance Provisions
- CLU Field Boundary
- Tract Boundary



1:8,148

USDA FSA maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or the 2008 orthorectified imagery for South Dakota. The producer accepts the data 'as is' and assumes all risks associated with its use. The USDA Farm Service Agency assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside of FSA Programs. Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.

May 04, 2009

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/10, 20 13

RECEIVED OF Charles Eitmiller 28774 395th Ave Armour SD 57313

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

Fee for Application for Permit No. <u>7628-3</u> to Appropriate Water, to construct and to put water to beneficial use	750	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>7628-3</u>	200	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	950 00

No. 05934

By

David O. Eitmiller
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

December 14, 2012

Chris & Theresa Eitemiller
6927 Calgary Rd
Woodbury MN 55125

Dear Mr. & Mrs. Eitemiller:

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

- The application/license filing fee to irrigate the 76 additional acres is \$950.00.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7628-3, Chris and Theresa 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. 7628-3, Chris and Theresa Eitemiller, 6927 Calgary Rd, Woodbury MN 55125.

The Chief Engineer is recommending APPROVAL of Application No. 7628-3 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 Water Right No. 6368-3 and 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. 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
March 4, 2013

REPORT TO THE CHIEF ENGINEER

WATER PERMIT APPLICATION NO. 7628-3

Chris & Theresa Eitemiller

February 20, 2013

Water Permit Application No. 7628-3 proposes to appropriate an additional 152 acre-feet per year (ac-ft/yr). Water Right No. 6368-3 authorizes a maximum diversion rate of 1.94 cubic feet of water per second (cfs) from one well, 240 feet deep, completed into the West management unit of the Choteau aquifer. The well is located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 36 to irrigate 136 acres located in NE $\frac{1}{4}$ of Section 36, all in T97N-R64W in Charles Mix County. Water will be used to irrigate 76 acres located in the S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 36, T97N-R64W. If approved, this application does not authorize any increase in the maximum diversion rate authorized by Water Right No. 6368-3.

AQUIFER: West management unit of the Choteau aquifer (CH:W)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The Choteau: West is a buried outwash with western origin stream deposits consisting of sand and gravel occurring in several layers within the till. The aquifer is probably under artesian conditions at this site (Kume, 1977). The majority of the aquifer lies within Charles Mix County, and also extends north into Douglas County and east into Bon Homme County. In total, the Choteau: West aquifer is estimated to underlie 218,400 acres and contain 1,474,200 ac-ft of recoverable water in storage (Hedges and others, 1982).

The saturated thickness of the Choteau: West aquifer ranges from five to 89 feet, with an average of 35 feet. In the area of the well site, the aquifer is expected to be between 50 and 75 feet thick (Kume, 1977). In many places, the Choteau: West aquifer lies directly on bedrock. A test hole log submitted with this application for the existing well documents up to 180 feet of aquifer materials at the well site.

SDCL 46-2A-9

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is a reasonable probability that there is unappropriated water available for the applicant's proposed use, that the proposed diversion can be developed without unlawful impairment of existing rights and that the proposed use is a beneficial use and in the public interest. This report will address the availability of unappropriated water and existing rights from the aquifer that are pertinent to this application.

WATER AVAILABILITY:

This application proposes to appropriate 152 ac-ft/yr from the Choteau: West aquifer. If this application is approved, the actual water use will likely be less than the appropriation. The probability of unappropriated water available from an aquifer can be evaluated by considering SDCL 46-6-3.1, which requires "No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable the quantity of water

withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source.”

Hydrologic Budget:

Recharge:

Recharge to the Choteau: West aquifer is mostly from adjacent till, and also from leakage where the aquifer lies directly on the Niobrara, such as the case in the vicinity of the well site (Kume, 1977). Because the potentiometric surface of bedrock aquifers are generally higher than that of surficial aquifers, there is a substantial potential for up flow, creating a significant recharge source. According to Hedges and others (1985), this is exactly the case for the Choteau: West and bedrock Niobrara aquifers.

Based on observation well data, recharge to unconfined portions of the Choteau: West aquifer was determined to be 4.1 inches per year (in/yr) (Hedges and others, 1985). The aquifer is also under confined conditions frequently. For management and development programs, Hedges and others (1985) suggests an estimated recharge rate range, based on observation well data, of 0.15 to 0.60 in/yr for confined aquifers.

Discharge:

Discharge from the Choteau: West aquifer occurs through seepage to springs, surrounding drift, or bedrock, and also due to well withdrawals. Currently there are 47 water rights/permits appropriating from the Choteau: West aquifer (Water Rights, 2013b). There are also two water permit applications being processed at this time: Water Permit Application No. 7607-3 proposes appropriating up to 222 ac-ft/yr and Water Permit Application No. 7626-3 proposes appropriating up to 560 ac-ft/yr.

The amount of water that can be expected to be withdrawn by non-irrigation use water rights/permits can be estimated by assuming water rights/permits limited only by diversion rate will pump at the maximum permitted diversion rate 60 percent of the time. The City of Wagner has connected to a rural water system, and therefore, the associated water rights are no longer expected to withdraw from the aquifer (Water Rights, 2013b). Therefore, the total annual withdrawal from the Choteau: West aquifer by non-irrigation use is expected to be less than 366 ac-ft/yr (Water Rights, 2013b).

In addition, there are many well completion reports on file with the SD DENR-Water Rights Program for domestic wells that appear to be completed into the Choteau: West aquifer (Water Rights, 2013c). The annual withdrawal due to domestic use is not significant to the hydrologic budget of the aquifer.

The irrigation development of the Choteau: West aquifer over the period of record, 1979 to 2011 has remained at the same general level. The annual withdrawal from the aquifer fluctuates, as shown in Figure 1. This is probably mostly dependent on annual growing season climatic conditions. Over the period of record, the average pumpage reported equals 2,325 ac-ft/yr. The maximum and minimum pumpage reported was 4,538 and 335 ac-ft/yr, respectively (Water Rights, 1980-2012).

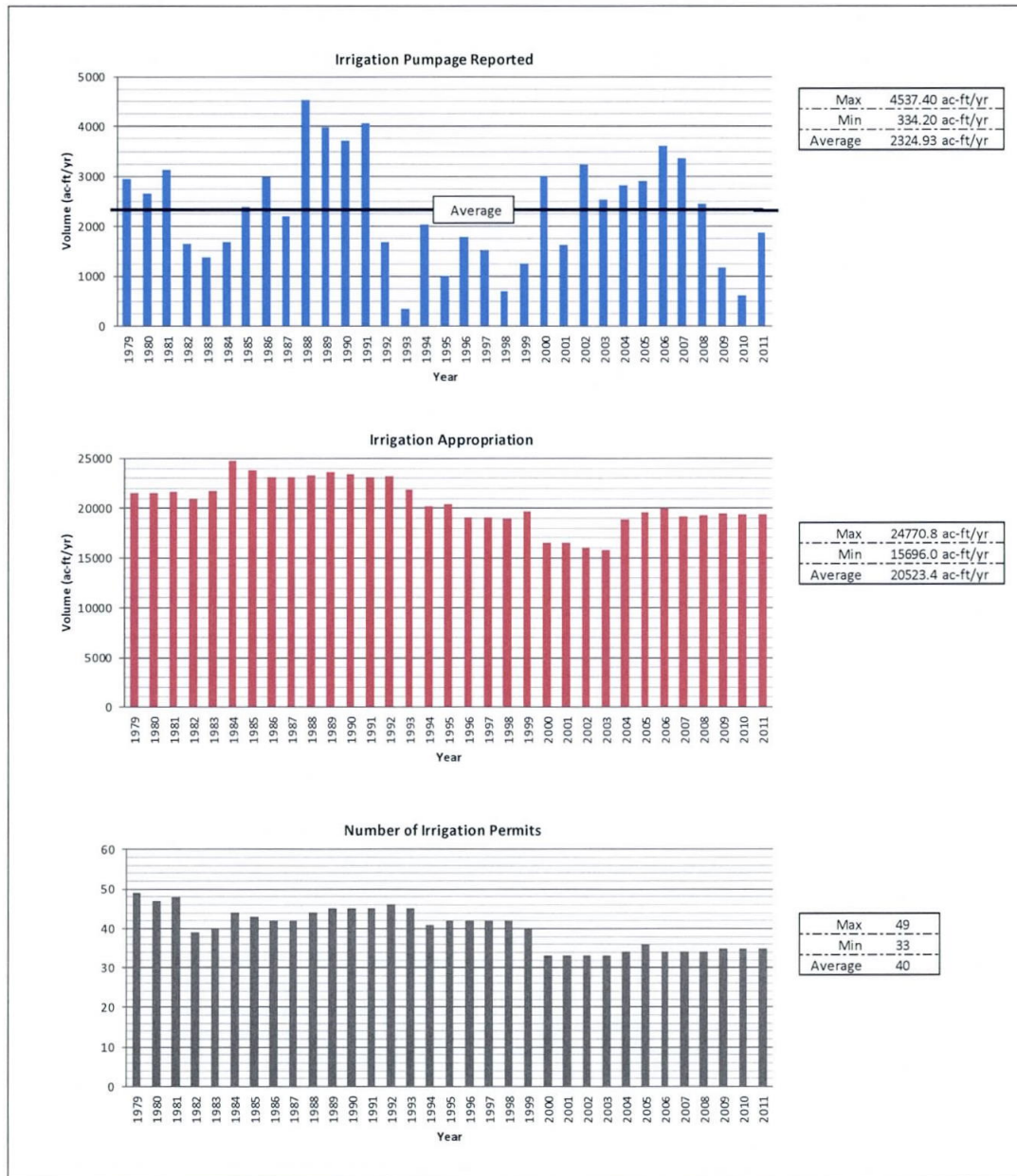


Figure 1: Historic irrigation water use from the Choteau: West aquifer (Water Rights, 1980-2012)

Water Balance:

The average annual withdrawal from the Choteau: West aquifer is estimated to be less than 2,691 ac-ft/yr. To balance the hydrologic budget, recharge must equal withdrawal. And so, assuming average annual use plus the maximum use proposed by this application, recharge to this aquifer must equal 0.16 in/yr. If the two other pending water permit applications are approved, and assuming maximum use proposed by these three applications plus average annual use, recharge to this aquifer must equal 0.20 in/yr. This required recharge rate is on the low end of the suggested recharge rate range provided by Hedges and others (1985). Therefore, there is a reasonable probability that unappropriated water is available from the Choteau: West aquifer for this proposed appropriation of 152 ac-ft/yr.

Observation Well Data:

Administrative Rule of South Dakota Section 74:02:05:07 requires that “the Water Management Board shall rely upon the record of observation well measurements to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge of the aquifer.”

The SD DENR-Water Rights Program monitors 25 observation wells in the Choteau: West aquifer. The nearest observation well, CM-67B, is located approximately 0.9 miles southwest of the well site. The associated hydrographs is shown in Figure 2 (Water Rights, 2013a).

The observation well data documents cyclic conditions of water levels, recharging during wet years and declining during dry years. The effects of pumping are also evident. This data documents that, at the current level of development, temporal well withdrawal is masked by climatic conditions. The recent low water levels are due to the current dry conditions. Recharge to and natural discharge from the Choteau: West aquifer exceeds pumping, indicating that unappropriated water is available from the aquifer to support the proposed appropriation of 152 ac-ft/yr.

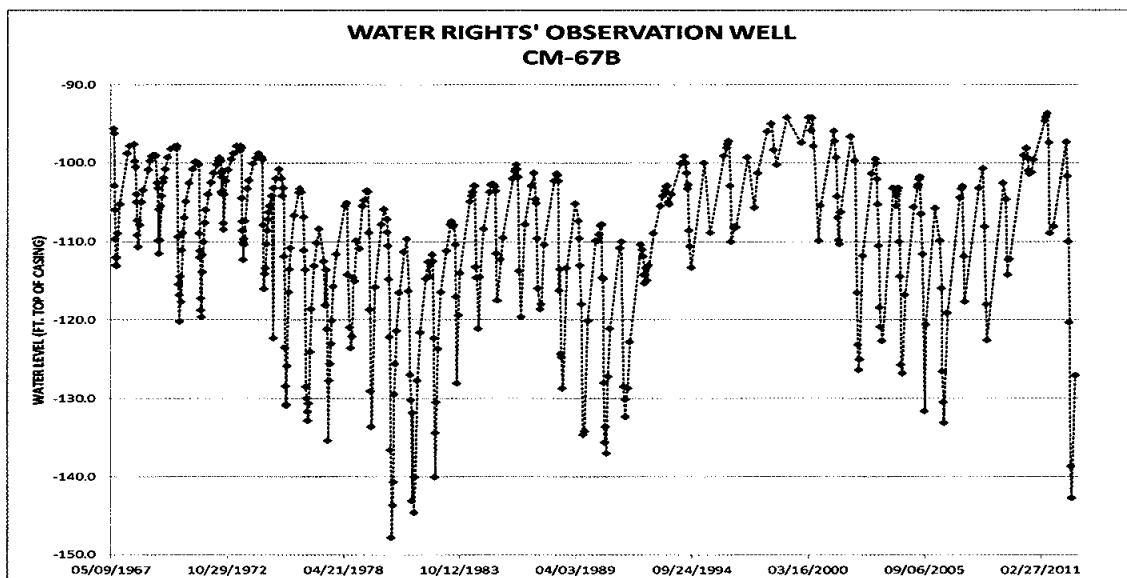


Figure 2: Hydrograph for observation well CM-67B (Water Rights, 2013a)

EXISTING WATER RIGHTS:

If approved, the well will be located near other wells that obtain water from the same aquifer. With that in mind, a standard permit qualification to most groundwater permits/rights stating that: “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” should be placed on this permit if approved.

There are four water rights/permits appropriating water from the Choteau: West aquifer with diversion points within two miles of the well site; these are shown in Table 1. Water Right No.

2217-3 has the nearest diversion point at approximately one half mile north of the well site. There are also several well completion reports on record with the SD DENR-Water Rights Program for domestic wells within two miles of the well site that could be completed into the Choteau: West aquifer (Water Rights, 2013c). While this application does not proposed an increase in maximum diversion rate, the increase in proposed applied acres will likely increase the average diversion rate. The current average diversion rate has not adversely effected nearby wells. And so, the increase in average diversion rate due to the additional acres is not expected to cause adverse impacts either.

Table 1: Water rights/permits with diversion points within two miles of the well site (Water Rights, 2013b)

Permit No.	Name	Priority Date	Status	Type	Diversion Rate (CFS)	Acres
1252-3	Barbara J Specht	02/15/1966	LC	IRR	1.71	120
1355-3	Barbara J Specht	02/08/1967	LC	IRR	1.42	100
2216-3	Charles Eitemiller	02/24/1975	LC	IRR	1.89	264
2217-3	Charles Eitemiller	02/24/1975	LC	IRR	1.89	260
LC = Water Right, IRR = Irrigation						

The Choteau: West aquifer could be under artesian conditions at the well site; therefore, some drawdown due to pumping is likely. However, precise drawdown cannot be quantified without aquifer testing. The Water Management Board has consistently recognized that to place water to maximum beneficial use a certain amount of drawdown may occur. SDCL 46-6-6.1 does not require protection of artesian head pressure as a means of groundwater delivery. However, reasonable domestic use must be assured before irrigation use is allowed. Therefore, when considering irrigation projects, the Water Management Board must give consideration to maintaining artesian head pressure as a method of delivery for domestic wells. To balance interests between irrigation use and delivery of groundwater by artesian pressure, ARSD 74:02:04:20(7) defines an adversely impacted domestic well as:

“a well in which the pump intake was set at least 20 feet below the top of the aquifer at the time of construction or, if the aquifer is less than 20 feet thick, is as near to the bottom of the aquifer as is practical and the water level of the aquifer has declined to a level that the pump will no longer deliver sufficient water for the well owner’s needs”

Depending on the specific characteristics of the Choteau: West aquifer at the well site, some existing well owners may need to lower their pumps to accommodate possible reduction of head pressure.

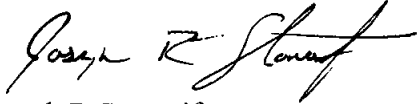
There are four water rights within two miles of observation well CM-67B, whose hydrograph is shown in Figure 2. The hydrograph documents the obvious effects of pumping; however, these effects have been relatively minimal over the period of record (Water Rights, 2013a). Also, there is up to 180 feet of aquifer materials at the well site. Therefore, at the distances involved there is a reasonable probability that any well interference from the proposed appropriation will not adversely or unlawfully impair existing nearby wells.

Irrigation development in the 1950’s in this area was very controversial. Irrigation pumping caused changes in the water levels in domestic wells that resulted in wells that no longer were free flowing at the surface and caused other wells to have pumps lowered. The early controversies were resolved and there have been no issues in this area for several years. The

change in South Dakota Water Law no longer protecting artesian head pressure as a means of water delivery would have made these early controversies non-issues.

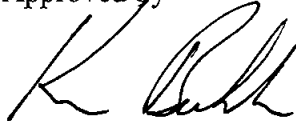
CONCLUSIONS:

1. The application proposes to appropriate 152 ac-ft/yr for irrigation.
2. There is a reasonable probability that unappropriated water is available from the Choteau: West aquifer to supply the proposed appropriation.
3. There is a reasonable probability that this well will not adversely or unlawfully impair existing nearby wells.



Joseph R Stonesifer
SD DENR-Water Rights Program

Approved by



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- Hedges, L.S., S.L. Burch, D.L. Iles, R.A. Barari, and R.A. Schoon. 1982. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 1: Bedrock Topography and Distribution, Task 2: Extent of Aquifers, Task 3: Ground-Water Storage, Task 4: Computerized Data Base, Final Report. U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.
- Hedges, L.S., Allen, J., and Holly, D.E. 1985. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa. Task 7: Ground Water Recharge. South Dakota DENR-Geological Survey, Vermillion, South Dakota.
- Kume, J. 1977. Geology and Water Resources of Charles Mix and Douglas Counties, South Dakota; Part II: Water Resources. S.D. Geological Survey Bulletin 22. SD DENR-Geological Survey, Vermillion, South Dakota.
- Water Rights. 1980-2012. "Annual Irrigation Summary by Aquifer": SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2013a. Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2013b. Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2013c. Water Well Completion Reports, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

Affidavit of Publication

RECEIVED

STATE OF SOUTH DAKOTA)

)SS

APR - 3 2013

COUNTY OF CHARLES MIX)

WATER RIGHTS
PROGRAM

Stacy Irwin, 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 Stacy Irwin, and has been such newspaper during the time herein mentioned; and that I, Stacy Irwin, the undersigned, am Assistant Editor 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 one successive weeks.

1st publication made on 13th day of March, 2013
2nd publication made on _____ day of _____, 2013
3rd publication made on _____ day of _____, 2013
4th publication made on _____ day of _____, 2013
5th publication made on _____ day of _____, 2013

That said newspaper is a legal newspaper, and has a bonafide 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

\$ 24.56

Stacy Irwin

Subscribed and sworn before me this 14 day of March, 2013.

Brian R. Rues

Notary Public

My commission expires 10/22/16

NOTICE OF APPLICATION NO. 7628-3 TO APPROPRIATE WATER

Notice is given that Chris & Theresa Eitemiller, 6927 Calgary Rd, Woodbury MN 55125 has filed an application for a water permit to irrigate 76 additional acres. Water Right No. 6368-3 authorizes 1.94 cubic feet of water per second from one well completed into the Choteau West Aquifer (240 feet deep) located in the SW 1/4 NE 1/4 Section 36 to irrigate 136 acres located in the NE 1/4 Section 36; all in T97N-R64W. This application proposes to irrigate 76 additional acres located in the S 1/2 NE 1/4, N 1/2 SE 1/4 Section 36-T97N-R64W from the existing well. This application, if approved, does not authorize any increase in the developed diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7628-3 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 this 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 this 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 March 25, 2013.

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.

Published once at the total approximate cost of \$24.56

RECEIVED

MAR 15 2013

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF DAVISON)

Penny Hohbach of said county, being, first duly sworn, on oath, says; that he/she is the publisher or an employee of the publisher of The Daily Republic, a daily newspaper, published in the City of Mitchell, in said County of Davison, and State of South Dakota; that he/she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive; that said newspaper has been published within the said County of Davison and State of South Dakota, for at least one year next prior to the first publication of the attached public notice, and that the notice, order or advertisement, a printed copy of which, taken from the paper in which the same was published, and which is hereto attached and made a part of this affidavit, was published in said newspaper for 1 issues(s), to wit:

Wednesday, March 13, 2013

That the full amount of the fee charged for the publication of the attached public notice insures to the sole benefit of the publisher or publishers; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever, that the fees charged for the publication thereof are: \$63.91

Signed: Penny Hohbach

Subscribed and sworn to before me this 13 day of March

Kathy Hoggman

Notary Public
County of Hanson

My Commission Expires: 10.8.2015

Prepared by: The Daily Republic, P.O. Box 1288, Mitchell S.D. 57301 605-996-5515

NOTICE OF APPLICATION

NO. 7628-3
to Appropriate Water

Notice is given that Chris & Theresa Eitemiller, 6927 Calgary Rd, Woodbury MN 55125 has filed an application for a water permit to irrigate 76 additional acres. Water Right No. 3 authorizes 104 cubic feet of water per second from one well completed into the Choteau West Aquifer (240 feet deep) located in the SW 1/4 NE 1/4 Section 36 to irrigate 136 acres located in the NE 1/4 Section 36 all in T97N-R64W. This application proposes to irrigate 76 additional acres located in the S 1/2 NE 1/4, N 1/2 SE 1/4 Section 36-T97N-R64W from the existing well. This application, if approved, does not authorize any increase in the developed diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7628-3 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 this 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 this 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 March 25, 2013.

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.

Published once at the total approximate cost of \$63.91.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

March 4, 2013

Wagner Post
PO Box 187
Wagner SD 57380

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7628-3 to Appropriate Water. Please publish the notice once on March 13, 2013. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Chris & Theresa Eitemiller, 6927 Calgary Rd, Woodbury MN 55125 (Ph # 651-702-0420).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

March 4, 2013

Mitchell Daily Republic
PO Box 1288
Mitchell SD 57301

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7628-3 to Appropriate Water. Please publish the notice once on March 13, 2013. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATE, CONTACT
THE NEWSPAPER(S) RIGHT AWAY.

March 4, 2013

Chris & Theresa Eitemiller
6927 Calgary Rd
Woodbury MN 55125

Dear Sir:

Water Permit Application No. 7628-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Wagner Post printed at Wagner SD (Ph # 605-384-5616) and the Daily Republic printed at Mitchell SD (Ph # 605-996-5514). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and 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(s) to authorize publication of your Notice and to arrange for payment. Early contact with the paper(s) can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. 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

cc: Charles Eitemiller, 28774 395th Ave, Armour SD 57313
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.

Instruction to Newspaper - Publish the Notice on March 13, 2013. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NO. 7628-3 to Appropriate Water

Notice is given that Chris & Theresa Eitemiller, 6927 Calgary Rd, Woodbury MN 55125 has filed an application for a water permit to irrigate 76 additional acres. Water Right No. 6368-3 authorizes 1.94 cubic feet of water per second from one well completed into the Choteau West Aquifer (240 feet deep) located in the SW 1/4 NE 1/4 Section 36 to irrigate 136 acres located in the NE 1/4 Section 36; all in T97N-R64W. This application proposes to irrigate 76 additional acres located in the S 1/2 NE 1/4, N 1/2 SE 1/4 Section 36-T97N-R64W from the existing well. This application, if approved, does not authorize any increase in the developed diversion rate.

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Published once at the total approximate cost of _____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

APR 26 2013

Chris & Theresa Eitemiller
6927 Calgary Rd
Woodbury MN 55125

Dear Sir:

Enclosed is Water Permit No. 7628-3 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,

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

enclosures



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



December 24, 2014

7628-3

Chris & Theresa Eitemiller
6927 Calgary Rd
Woodbury MN 55125

Dear Mr. & Mrs. Eitemiller:

Today I spoke with Chuck Eitemiller concerning Water Permit No. 7628-3. He indicated the system authorized under that permit was completed this last spring and was used this summer to irrigate corn. Based on our phone conversation, I have made a notation in your permit file indicating the system is now ready for inspection.

Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

Sincerely,

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

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, December 1, 2015, made a thorough examination of the water use system constructed by Chris and Theresa Eitemiller of 6927 Calgary Rd, Woodbury MN holder of Permit No. 7628-3, bearing the priority of December 14, 2012 authorizing the irrigation of 76 acres using the well and diversion rate authority authorized under Water Right No. 6368-3. Water Right No. 6368-3 authorizes the irrigation of 136 acres in Charles Mix County at a diversion rate of 1.94 cu. ft. per sec. with a priority date of October 31, 2002.

Inspection Contact: Chet Eitemiller, Renter and Sibling of permit holder

I have to report on the conditions of the same as follows:

A. Works used to divert the water: Permit No. 7628-3 uses the well authorized by Water Right No. 6368-3. The well is 240 ft deep and has a pump output of 870 gpm. The well and pump setup is the same as during the inspection of Water Right No. 6368-3.

B. Works used to transport water to place of use: 1,340 ft of buried 10 inch PVC pipe

C. Works used to apply water to beneficial use:

	Water Right No. 6368-3	Water Permit No. 7628-3
Make	Zimmatic	Olson
No. of towers	7	7
Pressure	Low	28 psi (low)
End gun	Yes	Yes
Capacity	900 gpm	900 gpm

The system is in the following condition: Good. The point of diversion is located: 1,360 ft. south and 1,360 ft west of the NE corner Sec. 36-T97N-R64W (SW ¼ NE ¼); Lat. 43.17999, Long. -98.35262. The works are capable of diverting and conveying to the place of use 1.94 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:

	Water Right No. 6368-3			Water Permit No. 7628-3
NE 1/4 NE 1/4	34		SE 1/4 NE 1/4	5
NW 1/4 NE 1/4	34		SW 1/4 NE 1/4	5
SW 1/4 NE 1/4	34		NE 1/4 SE 1/4	33
SE 1/4 NE 1/4	34		NW 1/4 SE 1/4	33
Total	136		Total	76

comprising a total of 212 acres of land. Water Right No. 6368-3 should be incorporated into Water Permit No. 7628-3 and the license should be issued for a diversion rate 1.94 cu. ft. per sec. The diversion rate of 1.94 cu. ft. per sec. and the 136 acres authorized by Water Right No. 6368-3 should bear a priority date of October 31, 2002 and the 76 acres authorized by Water Permit No. 7628-3 should bear the priority date of December 14, 2012.

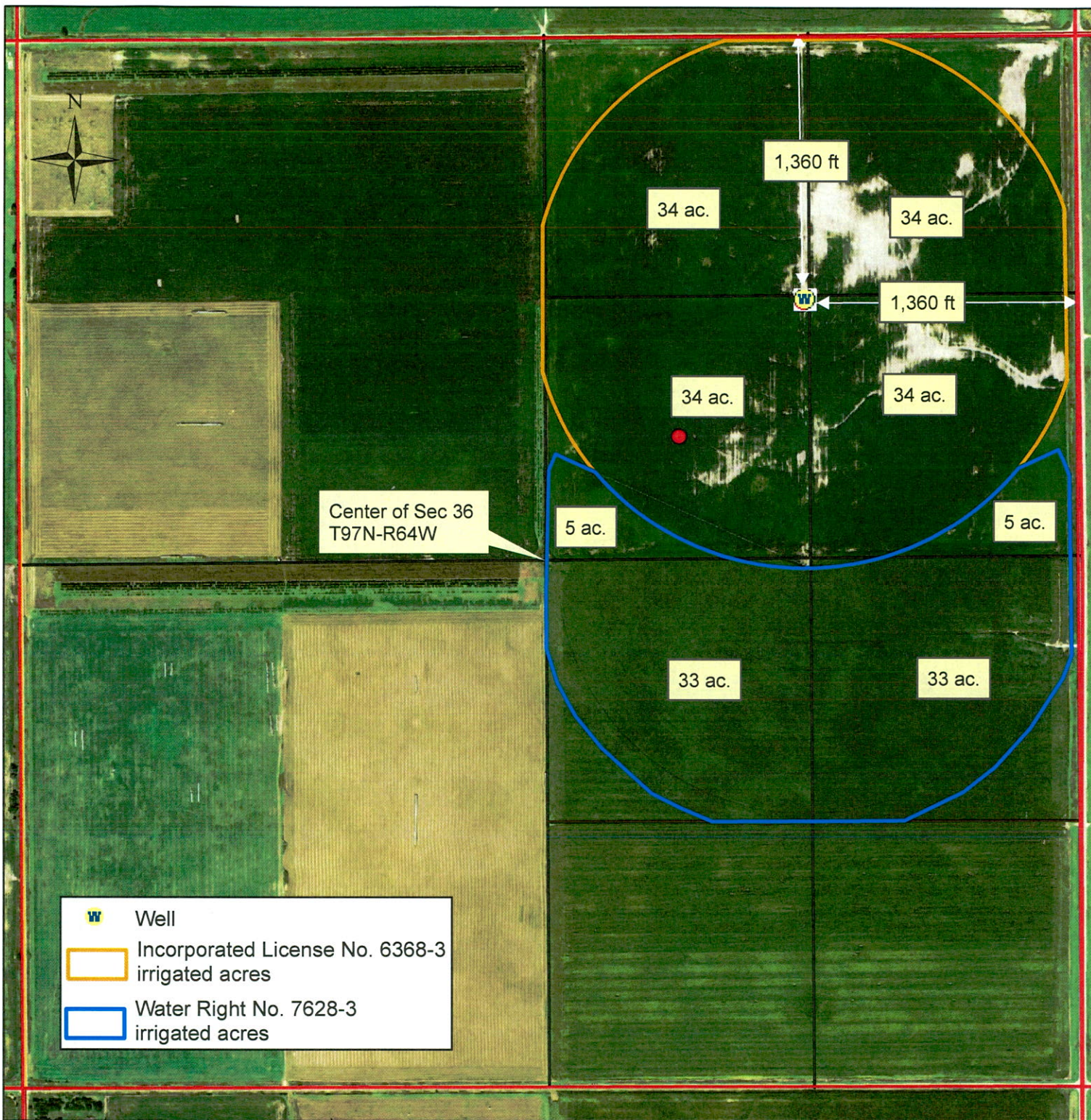
Applicable permit qualifications have been complied with Yes. Exceptions to compliance are: None.

Comments:

There is chemigation associated with this irrigation project. The chemigation system is the same system that was in place during the inspection of Water Right No. 6368-3. All required equipment and safeties are in place. There are approximately 3 acres of overlap between the systems as constructed.

Date: January 13, 2016


(Signature)



0 0.1 0.2 0.4 Miles

Water Right No. 7628-3 and
Incorporated License No. 6368-3
Chris & Theresa Eitemiller

Adam Mathiowetz

Adam Mathiowetz
Natural Resources Engineer
DENR-Water Rights Program

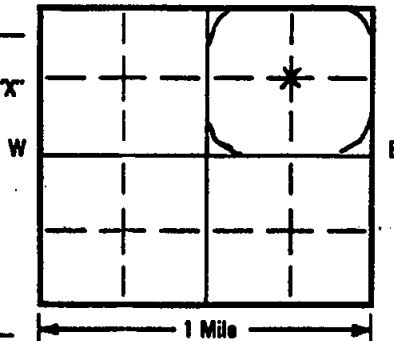
January 14, 2016



SOUTH DAKOTA WATER WELL COMPLETION REPORT 6368-3 07-92

Location Center 1/4 NE 1/4 Sec. 36 Twp. 97 Rg. 64
 County _____
Charles Mix

Please mark well location with an "X"



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 Rotary

CASING 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 Bentonite No. of Sacks 12-16 Grout Weight lb./gal From 20 ft. To 135 ft.

Describe grouting procedure Tremmie

SCREEN: ☒ Perforated pipe ☐ Manufactured

Diameter 16 IN Length 100 FEET

Material 26 SDR PVC Casing

Slot Size .085 Set From 135 Feet to 240 Feet

Other information Gravel

WAS A PACKER OR SEAL USED? ☒ YES ☐ NO

If so, what material? Concrete

Describe 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	
		FROM	TO
0	to	20	Topsoil, sand, clay w/hard layers (rocky) good
0	to	10	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 sand w/trace of fine grvl, cly layers
120	to	140	Med-crse sand, trace of fine grvl, w/cly 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 sand, traces of fine grvl, few cly 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 pipe

Controlled by ☐ Valve ☐ Reducers ☒ Other Sprinkler
System GPM

Reduced Flowrate _____ GPM

WELL TEST DATA:

☒ Pumped

Describe: _____

☐ Bailed

☐ Other

Pumping Level Below Land Surface

79 ft. After 1 Hrs. pumped 700 GPM

86 ft. After 1 Hrs. pumped 1433 GPM

If 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:

RECEIVED

JAN 30 2004

Date: _____

WATER RIGHTS PROGRAM

7628-3



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,

A handwritten signature in cursive script that reads 'Jeanne Goodman'.

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

enclosures

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

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7628-3**

(1) Chris & Theresa Eitemiller, 6927 Calgary Rd., Woodbury MN 55125 made Application No. 7628-3, December 14, 2012 for a water permit to irrigate an additional 76 acres from an existing well (Choteau West Aquifer) Charles Mix County, South Dakota with no increase in the developed diversion rate. Permit No. 7628-3, with a priority date of December 14, 2012 was approved March 25, 2013 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before March 25, 2018 and the application to beneficial use of said water on or before March 25, 2022.

Water Right No. 6368-3, with a priority date of October 31, 2002, authorizes 1.94 cubic feet of water per second (cfs) from one well for irrigation of 136 acres. The applicable portions of Water Right No. 6368-3 are incorporated into this Water License No. 7628-3. The 1.94 cfs diversion rate and the original 136 acres will retain a priority date of October 31, 2002. The 76 acres authorized under No. 7628-3 retains a priority date of December 14, 2012.

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

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

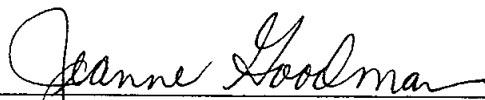
Section 16, T97N, R64W		Section 16, T97N, R64W	
October 31, 2002 priority (6368-3)		December 14, 2012 priority (7628-3)	
NE ¼ NE ¼	34 acres	SE ¼ NE ¼	5 acres
NW ¼ NE ¼	34 acres	SW ¼ NE ¼	5 acres
SW ¼ NE ¼	34 acres	NE ¼ SE ¼	33 acres
SE ¼ NE ¼	34 acres	NW ¼ SE ¼	33 acres

Total 212 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Chris & Theresa Eitemiller, 6927 Calgary Rd., Woodbury MN 55125 the holders and/or owners of Incorporated Water Right No. 7628-3 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 priority dates of October 31, 2002 (1.94 cfs and 136 acres) and December 14, 2012 (76 acres) from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 7628-3 and subject to the following qualifications:

- The well approved under Water Right No. 6368-3 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.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JAN 29 2016

date





7628-3
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: CHRIS & THERESA EITEMILLER, 6927 CALGARY RD, WOODBURY, MN 55125
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaire(s)

Our records indicate your 2017 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7628-3. The request for the Questionnaire was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 7628-3 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) 7628-3 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.

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

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 9, 2018

7628-3

Chris & Theresa Eitemiller
6927 Calgary Rd
Woodbury MN 55125

Dear Mr. & Mrs. Eitemiller:

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

You may disregard the January 26, 2018, "Notice" concerning reporting requirements for Water Right No. 7628-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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