No. 1101-3Water Division No. 3 James River District

(Blanks to be Filled by the Engineer for the W. R. C.)

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE—Draw a line through items not applicable.)

1. Name of applicant T. J. Binderster
 Postoffice address Ree Heights, County Hand, State S. Dak.

- I. If a corporation
- (a) Name of same
- (b) Date and place of incorporation
- (c) Amount of capital stock
- (d) Amount paid in
- (e) Names and addresses of directors

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

- (a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

(b) Cash on hand, \$ Completed (c) Treasury stock, \$

(d) Bonds to be issued, \$ (e) Other resources, \$

2. Name of diversion work Binderster Spreader Project

3. Amount of water claimed 21.82 cubic feet per second

4. Source of water supply Dry Draw

5. Location of point of diversion SE 1/4 Section 9 and SE 1/4 Section 32, T114N R20W on both bank North County.

6. Annual period or periods during which water is to be used when available

7. To be used for:

- I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? water spreading

(a) Number of acres to be irrigated 1527.7 acres.

(b) Legal subdivisions to be irrigated See attachment

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

(c) Statement as to domestic use (giving location, etc.)

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

(a) Nature of use

Name any of the above uses claimed

(b) Amount of power to be generated horse power.

Amount claimed for engine cooling

(c) Location of plant

(d) Method of developing power

(e) Point where water will be returned to stream

Map No 734-3

8. Estimated cost of work:

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

9. Description of diversion works:

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

Storage dam and small diversion dam with natural flow

II. Dimensions of works.

(a) Dam: Height *9'* feet; length at bottom *100* feet; length at top *50* feet; thickness at bottom *30* feet; thickness at top *17* feet; slope at front water face *3:1*; slope at back face *2:1*
 material used in construction *earth*

(b) Reservoir: Capacity when filled *200* acre feet. Surface area at highwater mark *50* acres.

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

(c)* Head gate. Width *3' Tube* feet; height *4' Tube* feet;
 Material *emp w/ headgates*

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

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work *Completed* years.

11. Time required for complete application of water to the proposed beneficial use *Completed* years.

12. Choice of newspaper for publication of notice of intention to appropriate -----
not applicable

STATE OF SOUTH DAKOTA

County of *Hughes* ss.

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

Signed

Subscribed and sworn to before me this

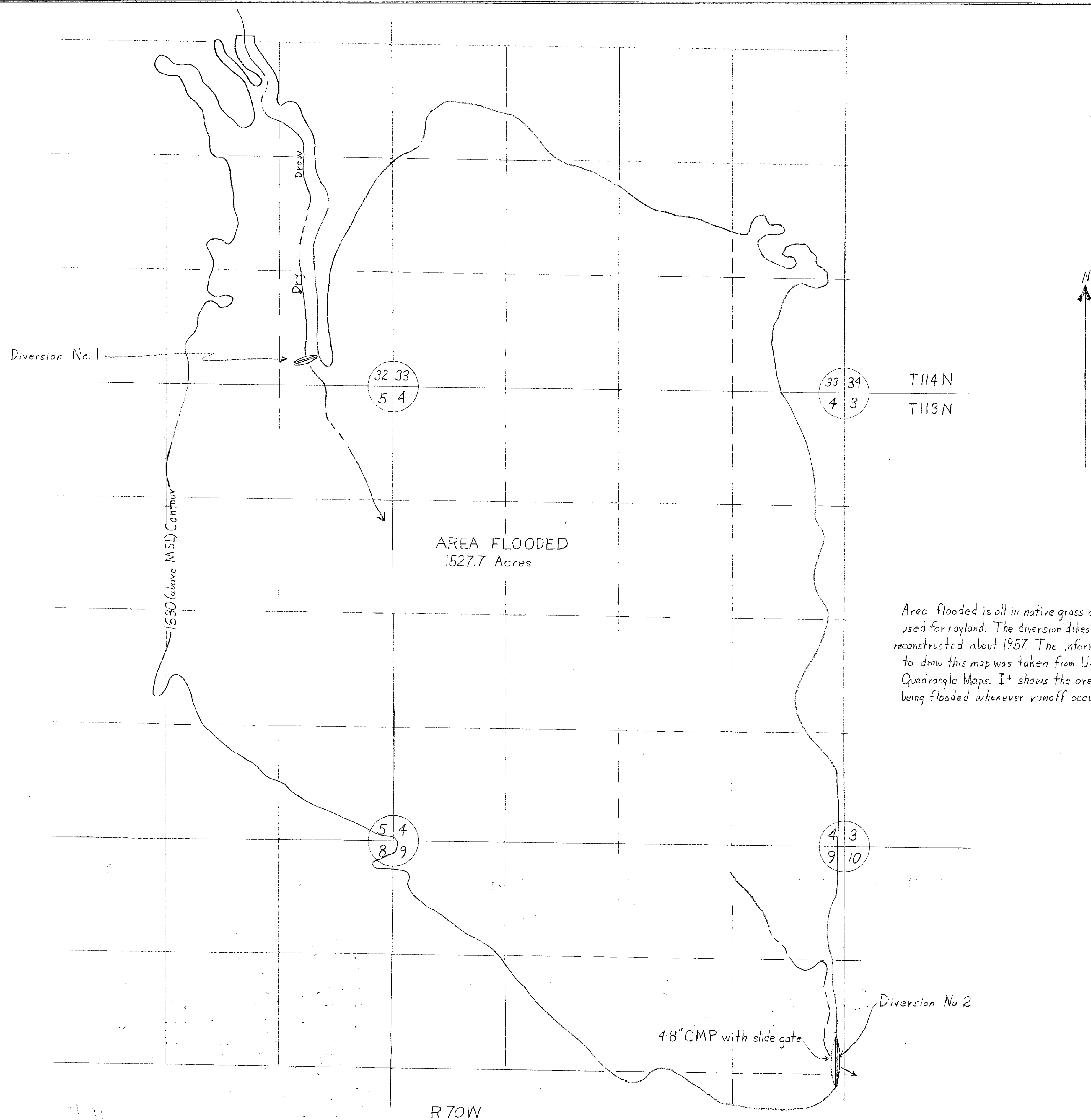
8th

day of

May

19*64*

Alvin H. Allen
 Notary Public (or other qualified officer.)



LOCATION OF LANDS TO BE IRRIGATED				
LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
SW 1/4 NE 1/4	32	114N	70W	19.6
SE 1/4 NE 1/4	32	114N	70W	4.8
NW 1/4 SE 1/4	32	114N	70W	18.7
NE 1/4 SE 1/4	32	114N	70W	26.0
SW 1/4 SE 1/4	32	114N	70W	28.7
SE 1/4 SE 1/4	32	114N	70W	37.0
SW 1/4 NW 1/4	33	114N	70W	14.0
SE 1/4 NW 1/4	33	114N	70W	4.4
NW 1/4 SW 1/4	33	114N	70W	40.0
NE 1/4 SW 1/4	33	114N	70W	38.0
SW 1/4 SW 1/4	33	114N	70W	40.0
SE 1/4 SW 1/4	33	114N	70W	40.0
NW 1/4 SE 1/4	33	114N	70W	22.7
NE 1/4 SE 1/4	33	114N	70W	9.7
SW 1/4 SE 1/4	33	114N	70W	40.0
SE 1/4 SE 1/4	33	114N	70W	17.3
NW 1/4 NE 1/4	5	113N	70W	37.3
NE 1/4 NE 1/4	5	113N	70W	40.0
SW 1/4 NE 1/4	5	113N	70W	40.0
SE 1/4 NE 1/4	5	113N	70W	40.0
NW 1/4 SE 1/4	5	113N	70W	35.4
NE 1/4 SE 1/4	5	113N	70W	40.0
SW 1/4 SE 1/4	5	113N	70W	7.4
SE 1/4 SE 1/4	5	113N	70W	31.0
NW 1/4 NW 1/4	4	113N	70W	40.0
NE 1/4 NW 1/4	4	113N	70W	40.0
SW 1/4 NW 1/4	4	113N	70W	40.0
SE 1/4 NW 1/4	4	113N	70W	40.0
NW 1/4 NE 1/4	4	113N	70W	40.0
NE 1/4 NE 1/4	4	113N	70W	25.5
SW 1/4 NE 1/4	4	113N	70W	40.0
SE 1/4 NE 1/4	4	113N	70W	30.8
NW 1/4 SW 1/4	4	113N	70W	40.0
NE 1/4 SW 1/4	4	113N	70W	40.0
SW 1/4 SW 1/4	4	113N	70W	40.0
SE 1/4 SW 1/4	4	113N	70W	40.0
NW 1/4 SE 1/4	4	113N	70W	40.0
NE 1/4 SE 1/4	4	113N	70W	27.4
SW 1/4 SE 1/4	4	113N	70W	40.0
SE 1/4 SE 1/4	4	113N	70W	35.8
NW 1/4 NW 1/4	9	113N	70W	26.5
NE 1/4 NW 1/4	9	113N	70W	40.0
SE 1/4 NW 1/4	9	113N	70W	24.0
NW 1/4 NE 1/4	9	113N	70W	40.0
NE 1/4 NE 1/4	9	113N	70W	35.8
SW 1/4 NE 1/4	9	113N	70W	40.0
SE 1/4 NE 1/4	9	113N	70W	36.6
NW 1/4 SE 1/4	9	113N	70W	3.1
NE 1/4 SE 1/4	9	113N	70W	10.2
TOTAL				1527.7

Area flooded is all in native grass and is being used for hayland. The diversion dikes shown were reconstructed about 1957. The information used to draw this map was taken from USGS Quadrangle Maps. It shows the area which is being flooded whenever runoff occurs.

Scale: 1"=660'

T.J. POINDEXTER
WATERSPREADING

Sec 4, 5, 8 & 9 - T113N-R70W; Sec 32 & 33 - T114N-R70W
Hand County, South Dak.

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Designed	Date	Approved by
Drawn	1964	Title
Traced		Title
Checked		Sheet No. of
		Drawing No.

Map No 734-3 (Appl No 1101-3) CS-313 (November 1955)

Remarks by State Water Resources Commission:

"Vested right" claimed

Approval of this permit recognizes storage rights to 200 acre feet of water

STATE OF SOUTH DAKOTA
County of Hughes ss.

Pierre, South Dakota, May 12, 1964

This is to certify that the foregoing application was received by the Commission at 1:30 o'clock
a m. upon the 8th day of May, 1964

State Water Resources Commission

By:

Dustin Jones
for Chief Engineer, Executive Officer

Number of permit 1101-3

Date of first receipt of application May 8, 1964

Date of return to applicant for correction, amendments or changes required as follows: —, 19—

Date of receipt of corrected application —, 19—

Date from which applicant may claim right 1950, 19—

Approved May 12, 1964, Recorded in Book 8 Page 198

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is ~~to be~~ completed ~~on or before~~

2nd. The whole of said work is ~~to be~~ completed ~~on or before~~

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

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

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 21.82 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water ~~is~~ actually was

and beneficially applied for irrigation on or before June 30, 1955; said water to be used during the following described annual period:

when available
Witness my hand this 12th day of May, 1964

State Water Resources Commission

By:

J. W. Garmon
Chief Engineer, Executive Officer

Certificate of Construction Issued May 12, 1964

Water License Issued May 12, 1964

Lands to be irrigated:

T114N, R70W Sec 32 SW⁴ NE⁴ 19.6 ac.

SE⁴ NE⁴ 4.8 "
NW⁴ SE⁴ 18.7 "
NE⁴ SE⁴ 26.0 "
SW⁴ SE⁴ 28.7 "
SE⁴ SE⁴ 37.0 "

Sec. 33 SW⁴ NW⁴ 14.9 "
NW⁴ SW⁴ 40.0 "
NE⁴ SW⁴ 38.0 "
SW⁴ SW⁴ 40.0 "
SE⁴ SW⁴ 40.0 "
NW⁴ SE⁴ 22.7 "
NE⁴ SE⁴ 9.7 "

T113N, R70W Sec 4

SW⁴ SE⁴ 40.0 "
SE⁴ SE⁴ 17.3 "
NW⁴ NW⁴ 40.0 "
NE⁴ NW⁴ 40.0 "
SW⁴ SW⁴ 40.0 "
SE⁴ NW⁴ 40.0 "
NW⁴ NE⁴ 40.0 "
NE⁴ NE⁴ 25.5 "
SW⁴ NE⁴ 40.0 "
SE⁴ NE⁴ 30.8 "
NW⁴ SW⁴ 40.0 "
NE⁴ SW⁴ 40.0 "
SW⁴ SW⁴ 40.0 "
SE⁴ SW⁴ 40.0 "
NW⁴ SE⁴ 40.0 "
NE⁴ SE⁴ 27.4 "
SW⁴ SE⁴ 40.0 "

Sec 5 SE⁴ SE⁴ 35.8 "
NW⁴ NE⁴ 37.3 "
NE⁴ NE⁴ 40.0 "
SW⁴ NE⁴ 40.0 "
SE⁴ NE⁴ 40.0 "
NW⁴ SE⁴ 35.4 "
NE⁴ SE⁴ 40.0 "
SW⁴ SE⁴ 7.4 "
SE⁴ SE⁴ 31.0 "

Sec 9 NW⁴ NW⁴ 26.5 "
NE⁴ NW⁴ 40.0 "
SE⁴ NW⁴ 24.0 "
NW⁴ NE⁴ 40.0 "
NE⁴ NE⁴ 35.8 "
SW⁴ NE⁴ 40.0 "
SE⁴ NE⁴ 36.6 "
NW⁴ SE⁴ 3.1 "
NE⁴ SE⁴ 10.2 "

TOTAL 1527.7 acres

STATE OF SOUTH DAKOTA

WATER LICENSE No. 1101-3

WHEREAS, On the 8th day of May A. D. 1964
T. J. Poindexter

of Rea Heights County of Hand and State of
South Dakota duly made application (No. 1101-3) to us for a Vested Right permit to use 21.82
cubic feet per second of the waters of dry draws
County of Hand, State of South Dakota, for irrigation
purposes; and

Vested Right WHEREAS, On the 12th day of May A. D. 1964
/ Permit No. 1101-3 was issued to said applicant for the diversion of said water, recognizing the
completion of the works of diversion therein described XXXXXXXXXXXX
XXXXXXXX and the application to beneficial use of said
water on or before the XXXXX day of XXXXX
and,

WHEREAS, On the 8th day of May A. D. 1964
the holder of said permit duly made proof of the completion of adequate works for the diversion of 21.82
cubic feet per second of said waters, as evidenced by our Certificate No. 1101-3
dated May 12, 1964 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 21.82 cubic feet per second of water, with date of
priority of 1950 and,

WHEREAS, On the 8th day of May A. D. 1964
proof was duly made the application to beneficial use of 21.82 cubic feet per second of said water;
for irrigating 1527.7 acres in portions of Sections 4, 5 and 9, T113N, R70W, and
Sections 32 and 33, T114N, R70W.

NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota,
We hereby grant and confirm to T. J. Poindexter
of Reo Heights Vested Right
the holder and owner of said permit No. 1101-3
a water right, dating from 1950 to the use of 21.32
cubic feet per second of the waters of dry draws
in the County of Hand and State of South Dakota, or so much thereof as may be
necessary for the purposes hereinbelow mentioned, to be diverted at a point in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 9,
T113N, R70W and a point in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 32, T114N, R70W
and conducted to and upon portions of Sections 4, 5, and 9, T113N, R70W, and Sections
32 and 33, T114N, R70W, more specifically described in the Certificate of Comple-
tion of Works
for the purpose of irrigation

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the State, and subject, also to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this 12th day of May A. D. Nineteen
Sixty-Four
Hundred and _____

State Water Resources Commission

By:

J. W. GRIMES
Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____

Permit No. 1101-3Water Division No. 3 James River Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That T. J. Poindexter

of Ree Heights, County of Hand, and State of South Dakota, the holder of Permit No. 1101-3, issued upon Application No. 1101-3, bearing date of priority of 1950, authorizing the diversion of 21.82 cu. ft. per second of the waters of dry draws County of Hand, State of South Dakota, at a point in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 9, T113N, R70W and a point in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 32, T114N, R70W for irrigation

purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are ~~XXXXXX~~ recognized as satisfactory ~~condition~~ for diverting and conveying to the place of intended use 21.82 cu. ft. per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows,

T114N, R70W			(con't.)			
to-wit:	Section 32	SW $\frac{1}{4}$ NE $\frac{1}{4}$	19.6 acres	SW $\frac{1}{4}$ SE $\frac{1}{4}$	40.00 acres	
		SE $\frac{1}{4}$ NE $\frac{1}{4}$	4.8 "	SE $\frac{1}{4}$ SE $\frac{1}{4}$	35.8 "	
		NW $\frac{1}{4}$ SE $\frac{1}{4}$	18.7 "	Section 5	NW $\frac{1}{4}$ NE $\frac{1}{4}$	37.3 "
		NE $\frac{1}{4}$ SE $\frac{1}{4}$	26.0 "		NE $\frac{1}{4}$ NE $\frac{1}{4}$	40.0 "
		SW $\frac{1}{4}$ SE $\frac{1}{4}$	28.7 "		SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.0 "
		SE $\frac{1}{4}$ SE $\frac{1}{4}$	37.0 "		SE $\frac{1}{4}$ NE $\frac{1}{4}$	40.0 "
		SW $\frac{1}{4}$ NW $\frac{1}{4}$	14.0 "		NW $\frac{1}{4}$ SE $\frac{1}{4}$	35.4 "
	Section 33	NW $\frac{1}{4}$ SW $\frac{1}{4}$	40.0 "		NE $\frac{1}{4}$ SE $\frac{1}{4}$	40.0 "
		NE $\frac{1}{4}$ SW $\frac{1}{4}$	38.0 "		SW $\frac{1}{4}$ SE $\frac{1}{4}$	7.4 "
		SW $\frac{1}{4}$ SW $\frac{1}{4}$	40.0 "		SE $\frac{1}{4}$ SE $\frac{1}{4}$	31.0 "
		SE $\frac{1}{4}$ SW $\frac{1}{4}$	40.0 "	Section 9	NW $\frac{1}{4}$ NW $\frac{1}{4}$	26.5 "
		NW $\frac{1}{4}$ SE $\frac{1}{4}$	22.7 "		NE $\frac{1}{4}$ NW $\frac{1}{4}$	40.0 "
		NE $\frac{1}{4}$ SE $\frac{1}{4}$	9.7 "		SE $\frac{1}{4}$ NW $\frac{1}{4}$	24.0 "
		SW $\frac{1}{4}$ SE $\frac{1}{4}$	40.0 "		NW $\frac{1}{4}$ NE $\frac{1}{4}$	40.0 "
		SE $\frac{1}{4}$ SE $\frac{1}{4}$	17.5 "		NE $\frac{1}{4}$ NE $\frac{1}{4}$	35.3 "
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	4.4 "	SW $\frac{1}{4}$ NE $\frac{1}{4}$		40.0 "	
			NW $\frac{1}{4}$ SE $\frac{1}{4}$		3.1 "	
					NE $\frac{1}{4}$ SE $\frac{1}{4}$	10.2 "
				SE $\frac{1}{4}$ NE $\frac{1}{4}$	30.6 "	
	T113N, R70W			Total - 1527.7 "		
	Section 4	NW $\frac{1}{4}$ NW $\frac{1}{4}$	40.0 "			
		NE $\frac{1}{4}$ NW $\frac{1}{4}$	40.0 "			
		SW $\frac{1}{4}$ NW $\frac{1}{4}$	40.0 "			
		SE $\frac{1}{4}$ NW $\frac{1}{4}$	40.0 "			
		NW $\frac{1}{4}$ NE $\frac{1}{4}$	40.0 "			
		NE $\frac{1}{4}$ NE $\frac{1}{4}$	25.5 "			
		SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.0 "			
		SE $\frac{1}{4}$ NE $\frac{1}{4}$	30.8 "			
		NW $\frac{1}{4}$ SW $\frac{1}{4}$	40.0 "			
		NE $\frac{1}{4}$ SW $\frac{1}{4}$	40.0 "			
		SW $\frac{1}{4}$ SW $\frac{1}{4}$	40.0 "			
		SE $\frac{1}{4}$ SW $\frac{1}{4}$	40.0 "			
		NW $\frac{1}{4}$ SE $\frac{1}{4}$	40.0 "			
		NE $\frac{1}{4}$ SE $\frac{1}{4}$	27.4 "			

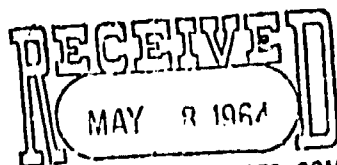
Witness my hand this 12th day of May A. D. 1964

State Water Resources Commission

By: J. W. ORIMES
Chief Engineer, Executive Officer

Location No.

Water Division No. Water District

STATE WATER RESOURCES COMM.
SOUTH DAKOTA

Proof of Application of Water to Beneficial Use

PETITION OF HOLD

Ques. 1. State your name, residence, occupation and post office address.

Ans. T. J. Pindexter, Rancher, Ree Heights, S.D.

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent,) your position with reference to same, and your authority for appearing in its behalf.

Ans.

Ques. 3. State date of posting and date of recording notice of appropriation.

Ans. Dam posted 11-3-53 no other application

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. See attachment

Ques. 5. Describe your works of diversion giving length and height of each dam and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use, and date of completion of same.

Ans. See attachment

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

Ans. See attachment

Ques. 7. If for other than irrigation purpose, state how applied, amount of horse power generated, etc.

Ans.

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. 1527.7 acre feet annually

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. By Purchase - 1950

Ques. 10. State when, how, in what amount and to what extent, the water diverted under above mentioned permit has been used.

Ans. Area has been irrigated for some time.
Our use of water started in 1950 and has been
used when water is available since that time.

(Sign) *L. J. Kordyba*

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in PIERRE, County of Hughes

State of South Dakota, on this 8th day of MAY A. D. 1964

Witnesses, *Alvin Spencer*
Notary Public

I, the undersigned, do hereby certify that I am a duly qualified elector residing in the immediate vicinity of the diversion works designated in the foregoing testimony, that I have no interest in the works, water or land above described, that I have read the foregoing testimony and that I know of my own personal knowledge that the matters therein stated are true.

Location No.-----

**PROOF OF APPLICATION OF
WATER TO BENEFICIAL USE**

PETITION OF HOLDER

Amount of Water ----- c. f. s.

Source -----

County -----

Purpose -----

Place of Use -----

Date of recording -----

Received and filed -----

#6 Lands to be irrigated:

T114N, R70W Sec 32 CN⁴ NE⁴ 19.6 ac.

SE⁴ NE⁴ 4.8 "

NW⁴ SE⁴ 18.7 "

NE⁴ SE⁴ 26.0 "

SW⁴ SE⁴ 28.7 "

SE⁴ SE⁴ 37.0 "

Sec 33

SW⁴ NW⁴ 14.0 "

SE⁴ NW⁴ 40.0 "

NW⁴ SW⁴ 40.0 "

NE⁴ SW⁴ 38.0 "

SW⁴ SW⁴ 40.0 "

SE⁴ SW⁴ 40.0 "

NW⁴ SE⁴ 22.7 "

NE⁴ SE⁴ 9.7 "

SW⁴ SE⁴ 40.0 "

SE⁴ SE⁴ 17.3 "

NW⁴ NW⁴ 40.0 "

NE⁴ NW⁴ 40.0 "

SW⁴ NW⁴ 40.0 "

SE⁴ NW⁴ 40.0 "

NW⁴ NE⁴ 40.0 "

NE⁴ NE⁴ 25.5 "

SW⁴ NE⁴ 40.0 "

SE⁴ NE⁴ 30.8 "

NW⁴ SW⁴ 40.0 "

NE⁴ SW⁴ 40.0 "

SW⁴ SW⁴ 40.0 "

SE⁴ SW⁴ 40.0 "

NW⁴ SE⁴ 40.0 "

NE⁴ SE⁴ 27.4 "

SW⁴ SE⁴ 40.0 "

SE⁴ SE⁴ 35.8 "

Sec 5

NW⁴ NE⁴ 37.3 "

NE⁴ NE⁴ 40.0 "

SW⁴ NE⁴ 40.0 "

SE⁴ NE⁴ 40.0 "

NW⁴ SE⁴ 35.4 "

NE⁴ SE⁴ 40.0 "

SW⁴ SE⁴ 7.4 "

SE⁴ SE⁴ 51.0 "

Sec 9

NW⁴ NW⁴ 26.5 "

NE⁴ NW⁴ 40.0 "

SE⁴ NW⁴ 24.0 "

NW⁴ NE⁴ 40.0 "

NE⁴ NE⁴ 35.8 "

SW⁴ NE⁴ 40.0 "

SE⁴ NE⁴ 36.6 "

NW⁴ SE⁴ 3.1 "

NE⁴ SE⁴ 10.2 "

TOTAL 1527.7 acres

Pipes 4 - Dry draws -
from a point in the
SE⁴ NE⁴, Sec 9, T114N, R70W,
and a point in the
SE⁴ SE⁴, Sec 32, T114N, R70W

Pipes 5 - Storage dam in
Sec 27, T114N, R70W
a diversion dam in
Sec 32, T114N, R70W,
water is held for 3-4
days, then released
through 3' & 4' dia.
gated tubes in
Storage dam

 **Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-2181

September 21, 1988

NOTICE

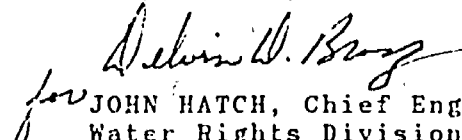
T. J. Poindexter
Box 55
Ree Heights SD 57371

Dear Mr. Poindexter:

I am writing to notify you that pursuant to the Notice of Intent to Validate Vested Water Right Claims dated June 20, 1988 that I intend to oppose validation of your water right claim No(s) 1101-3 until a field inspection has been completed. The claim has either never been inspected or an inspection was conducted so long ago that a new inspection is needed. An inspection is needed to determine the current state of your vested water right claim.

A staff member from the Division of Water Rights will be contacting you and scheduling an inspection of your water project. If we can answer any questions, please contact us.

Very truly yours,


for JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352



Water Rights Division - DWR

File No. 1101-3

Conversation or File Documentation

NAME OF PERSON OR FILE: Dr. Joe PoindexterADDRESS: R.R., Ree Heights, S.D. 57371 COUNTY HandDATE: 7-27-89 TELEPHONE (605) 943-5576RE: Inspection of VR claim 1101-2.

COMMENTS:

On 7-27-89 I inspected Vested Right Claim 1101-3 with Dr. Joe Poindexter. It was a water spreading system that used two dams and control gates to spread water over 1500+ acres primarily in the spring if water was available.

From the inspection it appeared that the acreage listed on the license is what is currently being irrigated when water is available. The diversion points are located as described and are in generally good condition. The south dam does need some repair work and Mr. Poindexter has contracted with the SCS to do the work. The agency does not plan to begin work until this Vested Right Claim is validated.

Vested Right Claim 1101-1 can be validated as written on the Water License of 5-12-64. Mr. T.J. Poindexter has died recently and the permit should be transferred to: P. Spear Ranch, Inc.
Box B

Ree Heights, S.D. 57371

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Thomas M. Brundin



Department of Water & Natural Resources

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

August 1, 1989

1101-3

P Spear Ranch, Inc.
Box 8
Hoe Heights, SD 57371

Dear Sirs:

Enclosed is a partially completed "Notice of Transfer" for use in filing an ownership change on Vested Water Right Claim No. 1101-3. Please check over the form and sign in the presence of a notary public. Upon completion of the form, return it to our office with a required filing fee of \$2.50.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosure



**SOUTH Dakota Department of
Water & Natural Resources**

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

June 25, 1990

**Second Notice
Vested Right Claim No. 1101-3**

P Spear Ranch Inc.
Box 8
Ree Heights SD 57371

Dear Sir:

On August 1, 1989 notice was sent to you concerning the transfer of Vested Right Claim No. 1101-3 in the name of T.J Poindexter which covers irrigation of 1527.7 acres. To date, we have not heard from you on this matter.

A transfer form was previously sent to you, enclosed is an additional form. Please sign, have notarized and return the form to this office with the required filing fee of \$2.50. The permit can then be transferred to your name. If you are not the present owner of the land covered under this Permit, please notify this office. It is very important that ownership records be kept current. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact Genny McMath, (605) 773-3352.

Very truly yours,



RON DUVALL
Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Division

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

No. 1101-3

TO: Chief Engineer
Water Rights Division, DWR
523 East Capitol
Pierre, SD 57501-3181

Date: June 27, 1990

I/We request that ~~Water Right Claim~~ No. 1101-3

formerly owned by: T. J. Foindexter

be transferred to: (name & address) P Spear Ranch Inc Box 8
Roe Heights S.D. 572371 (telephone No.) 605-943-5576

Title to the following described land(s)/property has been transferred as described above:
1527.7 acres - S 1/2 NE 1/4 and SE 1/4 Section 32: S 1/2 NW 1/4, and S 1/2 Section 33, T114N, R70W
Section 4, E 1/2 Section 5, N 1/2 and N 1/2 SE 1/4 Section 9, T113N, R70W

I/We understand that the validity of ~~Water Right Claim~~ No. 1101-3 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).

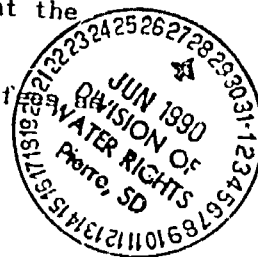
You are requested to file this "Notice of transfer" in the appropriate file at the Division of Water Rights, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fee required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

County of Hand)

I/We Dr. Joe Foindexter being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.



Subscribed and sworn to before me this 27th day of June, 1990.

Mary M. Christopherson
(Notary Public)

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a water 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.

REPRODUCTION: REPRODUCTION: DATE MICROFILMED: CAMERA OPERATOR:

RECEIPT
Division of Water Rights
South Dakota Department of Water and Natural Resources

Pierre, June 28, 1990

RECEIVED OF P Spear Ranch, Box 8, Ree Heights, SD 57371

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Watered Water Right Claim No. 1101-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____ (Any Other Work Provided by Law)		
Total	2	50

By John H. Hildebrand
Chief Engineer

 **Department of
Water & Natural Resources**
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

July 6, 1990

No. 1101-3

P Spear Ranch Inc.
Box 8
Ree Heights SD 57371

Dear Sir:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Vested Right Claim No. 1101-3.

Our records now show you as the owner of this Vested Right Claim.

Sincerely,



KAREN SCHLAACK
Senior Secretary
Water Rights Division
605 773-3352

enclosure

South Dakota

DEPARTMENT OF WATER & NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

1101-3

GREAT FACES. GREAT PLACES.

April 26, 1991

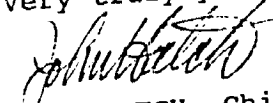
P Spear Ranch, Inc.
Box 8
Ree Heights SD 57371

Dear Mr. Spear:

The Water Management Board has validated the enclosed Vested Water Right No. 1101-3. This validation gives legal status to the claim and is the final document for your vested right.

As long as you use the water beneficially, as stated in the validation, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

enclosure

SOUTH DAKOTA

VALIDATION OF VESTED WATER RIGHT CLAIM NO. 1101-3 FOR IRRIGATION

Date Claim Accepted For Filing May 8, 1964.

Date of Validation September 27, 1989.

Pursuant to SDCL 46-2A-17 the Water Management Board validated Vested Water Right Claim Permit No. 1101-3 for irrigation purposes for P. Spear Ranch, Inc., Box 8, Ree Heights, South Dakota 57371 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1101-3 appropriates 21.82 cubic feet of water per second from Dry Draws and stores 200 acre feet of water annually in a reservoir to irrigate 1527.7 acres. The diversion points are located in the SE 1/4 NE 1/4, Section 9, T113N, R70 W and the SE 1/4 SE 1/4, Section 32, T114N, R70W. The irrigated acres are located in Section 4; NE 1/4, SE 1/4, Section 5; and Section 5; all in T113N, R70W and in the NE 1/4, SE 1/4, Section 32 and the NW 1/4, SW 1/4, SE 1/4, Section 33; all in T114N, R70W.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per year for each acre of irrigated land. The water is to be used during the following annual period: January 1 - December 31.
3. The priority date of the Vested Water Right is January 1, 1950.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: 
Chief Engineer
Division of Water Rights
Dept. of Environment and Natural Resources

APR 26 1991

date