

WATER PERMIT NO. 6272-3

Name of Applicant: P Spear Ranch, Inc.

Address: c/o Joe Poindexter, 34761 190th St, Ree Heights SD 57371

Phone: 605 943-5576

Amount of Water Claimed: 0.11 cfs (50 gpm)

Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: domestic-livestock watering

County: Faulk

Type of Waste Disposal System:

Location: 10 miles southwest of Faulkton

PRIORITY Date Received: 10-11-1991

Fee: \$150

Corrected Application Received:: 6-26-2001

Period of Annual Use: May 1 – Dec 1

Remarks:

Diversion Point: SE ¼ SW ¼ Sec 20-T117N-R70W

Land to be Irrigated: NA

Depth of Well: 2120 feet deep

Well Driller: : Huron Drilling

Remarks:

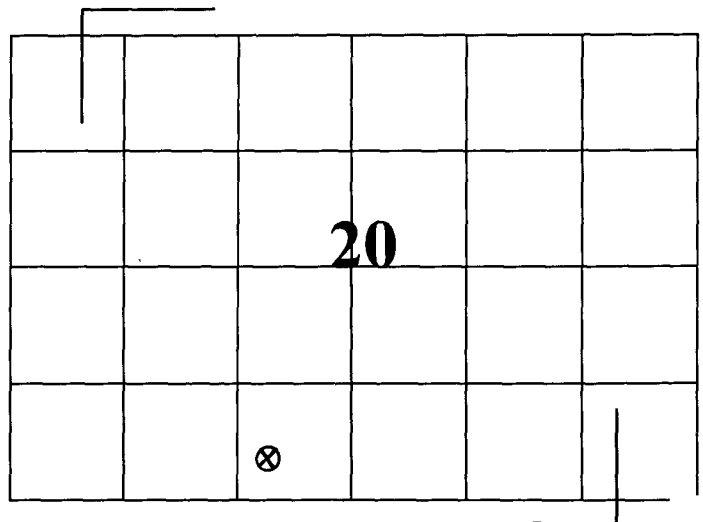
Type of Map: topo

Prepared by: Stacy Johnson

Reviewed and the Number Assigned on: 7-24-2001

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



**SOUTH DAKOTA
WATER PERMIT NO. 6272-3**

Date of first receipt of application October 11, 1991.

Date of return to applicant for corrections, amendments or changes October 16, 1991.

Date of receipt of corrected application August 7, 2001.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6272-3 to P Spear Ranch, Inc., c/o Joe Poindexter, 34761 190th St, Ree Heights SD 57371 authorizing the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 6272-3 appropriates 0.11 cubic feet of water per second (50 gallons per minute) from one well (Inyan Kara Formation) 2120 feet deep located in the SE ¼ SW ¼ Section 20-T117N-R70W.
2. The water appropriated shall be used for the purpose of supplying water for livestock use and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 6272-3 is October 29, 2001.
5. The date from which applicant may claim right is August 7, 2001.
6. 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 approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.

WATER MANAGEMENT BOARD

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

DEC 07 2001
date

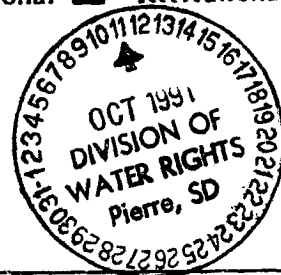


No. <u>6272-3</u>	Hydrologic Unit <u>1016007</u>
Map No. _____	Basin <u>James River</u>
Newspaper <u>Faulk Co. Record, Faulkton</u>	<u>57438</u>

Application For Permit To Appropriate Water Within The State Of South Dakota

Check use of water: Industrial ☐ Commercial ☐ Municipal ☐ Other Common Distribution System ☐
 Rural Water System ☐ Suburban Housing ☐ Geothermal Heat ☐ Institutional ☐ - Recreational ☐
 Domestic ☒ (above 18gpm) Other ☐

Type of Application: Check one or more of the following

New ☒ Vested Right ☐ Future Use ☐ Change Use ☐☐ Amend Permit No. _____ with old priority date retainedChange diversion point(s) ☐ Add diversion point(s) ☐ Other ☐ _____☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. _____☐ Construction to use water reserved by Future Use Permit No. _____

1. Name of Applicant P Spear Ranch Inc % Joe Poindexter Phone No. 605-943-5576
34761 190th St
 Post Office Address Box 8 Ree Heights State SD 57371
(Street, RR or Box) (City) Zip Code

2. Amount of water claimed (c.f.s.) 75 gal/min 50gpm 0.11 cfs3. Source of water supply Sundance aqu

4. Location of point of diversion 2500 ft East North East of the Junction of
sections 19-20-29-30 Township 117-70
SE 1/4 SW 1/4, Sec 20-T117N-R70W County Faulk

5. Counties where water will be used Faulk

6. Annual period during which water is to be used May 1st - Dec 1st
January 1 - December 31

7. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

This well is to help water cattle in a 5600 acre summer pasture.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map (see instruction)

STATE OF SOUTH DAKOTA)
 County of FAULK)^{ss}

I, Joe Poindexter 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.

Signed Mary M. Christopherson

Subscribed and sworn to before me this 9th day of Oct 1991

Mary M. Christopherson
 Notary Public

Supplemental Information

See Well Log (type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
 On applicants property 2 1/2 miles On property owned by others 2 miles

2. Dugout Information Estimates

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

3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should 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 _____

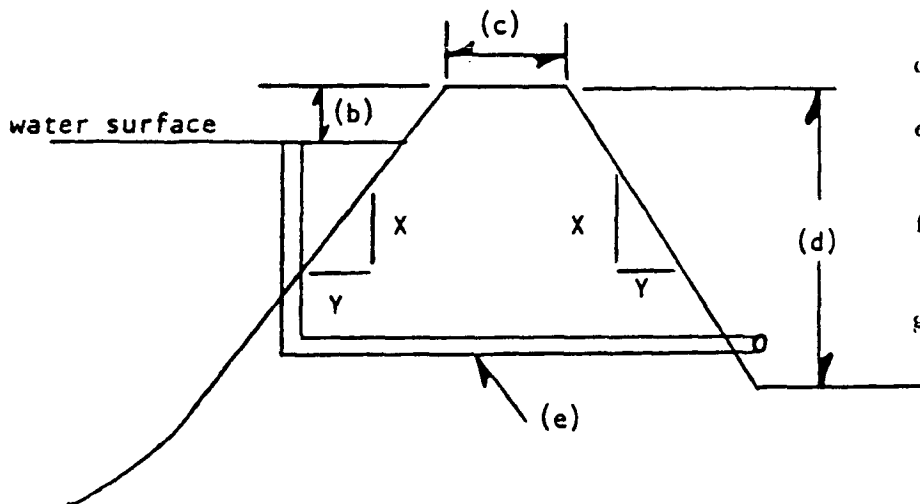
g) X & Y Slope
 Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



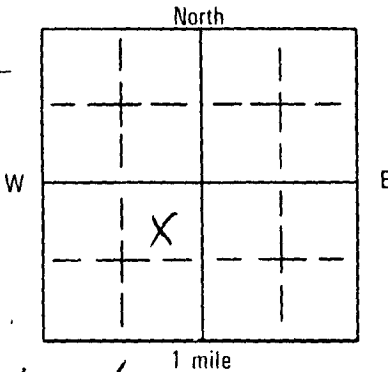
Signature of Applicant _____

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location SE 1/4 SW 1/4 Sec 20 Twp 119 Rg 70County Faith

Please mark well location with an "X"

Well Completion Date 2/15/91

PROPOSED USE:

☒ Domestic ☐ Municipal ☐ Test Holes
☐ Irrigation ☐ Industrial ☒ Stock

Method of Drilling:

Rotary

CASING DATA:

☒ Steel ☒ Plastic ☒ Other
If other describe Copper

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>15</u> LB/FT	<u>5</u> IN	<u>0</u> FT	<u>315</u> FT	<u>7 7/8</u> IN
<u>H80</u> LB/FT	<u>2</u> IN	<u>0</u> FT	<u>1960</u> FT	<u>4 1/4</u> IN
<u>#1</u> LB/FT	<u>2</u> IN	<u>1960</u> FT	<u>2120</u> FT	<u>4 1/4</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUT:

Was the well grouted? ☒ YES ☐ NOTo what depth? 315 FEETWhat is grouting material? Portland CementIf cement, number of sacks? 30Describe grouting procedure Pressure Plug

What was grout weight? _____ LB/GAL

SCREEN: ☒ Perforated pipe ☐ ManufacturedDiameter 2 IN Length 160 FEETMaterial CopperSlot Size 3/8 Set From 1960 Feet To 2120 Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☒ YES ☐ NOIf so, what material? RubberDescribe packer(s) and location? Above PortWas well disinfected upon completion? ☐ YES ☒ NOExplain Flowing WellBacteriological analysis ☒ YES ☐ NOLaboratory sent to Pierre, S. Dak.

Well Owner:

Name Joe Poin DexterAddress Rte 1, S. Dak.

Well Log:

Depth

Formation

From

To

<u>Yellow Clay</u>	<u>0</u>	<u>20</u>
<u>Blue Clay</u>	<u>30</u>	<u>140</u>
<u>Silt/E</u>	<u>140</u>	<u>1150</u>
<u>Greenhorn</u>	<u>1150</u>	<u>1170</u>
<u>Silt/E</u>	<u>1170</u>	<u>1520</u>
<u>Dakota Sand</u>	<u>1520</u>	<u>1810</u>
<u>Mudstone</u>	<u>1810</u>	<u>1895</u>
<u>Sandstone</u>	<u>1895</u>	<u>2120</u>

STATIC WATER LEVEL _____ Feet

If flowing: closed in pressure 100 PSIGPM flow 75 through 2 inch pipeControlled by ☒ Valve ☐ Reducers ☐ Other

If other: specify _____

Can well be completely shut in? Yes

WELL TEST DATA:

☐ Pumped☐ Bailed

Describe: _____

☐ Other

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

This well was drilled under license # 94

And this report is true and accurate.

Drilling firm Super Drilling IncSignature of License Representative: [Signature]

Signature of Well Owner: _____

Date 2/15/91

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

418067

Pierre, _____ October 11 _____, 19 91

RECEIVED OF Dr. Joe Poindexter (P↑Ranch, Inc), Box 8, Ree Heights, SD 57572

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 _____	150	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 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	150.00

By

Chief Engineer

John Hatch
Jmk



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

June 17, 1991

JOE POINDEXTER
REE HEIGHTS SD 57371

Dear MR POINDEXTER:

A well drillers report filed by HURON DRILLING INC. states you recently completed a new well. This letter outlines your responsibilities as a new well owner.

1. If your new well was drilled as a replacement well, and you do not plan to use the old well, the old well is considered abandoned. All abandoned wells must be plugged by a licensed well driller. If the old well is not abandoned, but not being used, the well must be sealed or capped at the surface until such time that it is used.
2. Following completion of any new well for domestic use, a water quality sample must be collected and submitted to a laboratory approved by the department. If the well flows, or if the well driller installs the pump, the well driller is required to collect and submit the water quality sample. If the pump is not installed by the well driller, the owner must collect and submit the water sample. At a minimum, the water sample needs to be analyzed for the presence of nitrates, sulfates, sodium, coliform bacteria, and for conductivity. Further water analysis may be done, but is optional. The analysis must be submitted to the department within 30 days following the submittal of a well completion report. The owner or well driller pays for the cost of all analyses.
3. The output from any flowing well must be controlled by the owner so as to produce only the amount of water needed and to prevent waste.
4. A water permit must be obtained for any water use except for reasonable, private domestic use. Reasonable use is defined as use of 18 or less gallons of water per minute (GPM), on an average daily basis (26,000 gallons per day), with a maximum rate not exceeding 25 GPM. Water distribution systems (i.e. suburban housing, manufactured and mobile home developments; rural water systems; municipalities; etc.) may not exceed 18 GPM without a water permit. You may need a water permit based on the well driller's report. Please complete and return the enclosed application forms, with the required fee, to the "Water Rights Division, 523 E. Capitol, Pierre, SD 57501" by July 19, 1991, or contact Don Frye (605 773-3352) if you don't believe your water use requires a permit.

Very truly yours,

RON DUVALL, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division
enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

GREAT FACES. GREAT PLACES.

October 16, 1991

P Spear Ranch Inc.
Joe Poindexter
Box 8
Ree Heights SD 57371

Dear Mr. Poindexter:

In regard to your water permit application received on October 11, 1991, the following needs to be submitted in order to process your application.

A map showing the location of the diversion point (place where the well is located) in relation to a government section corner or quarter corner by direction and distance. The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local SCS or ASCS office).

Upon receipt of the map, further processing of your application will continue.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak
Natural Resources Analyst
605 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

December 31, 1991

P Spear Ranch Inc.
Joe Poindexter
Box 8
Ree Heights SD 57371

Dear Mr. Poindexter:

On October 11, 1991, you submitted an application (copy enclosed) for a permit to appropriate water for domestic use. You were notified on October 16, 1991 (copy enclosed) that the application was incomplete and were instructed what additional information was necessary in order to complete the application. To date, we have not received a response from you.

Obtaining a water permit ultimately benefits you by protecting your right to use water. Except for domestic use, any water user without a water right is not entitled to receive protection in the event of interference by a new or future user who has a water right.

Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10 and 46-2-18, you must have a water permit prior to using water.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
(605) 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

June 21, 1993

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

Dear Mr. Poindexter:

On October 11, 1991, you submitted an application (copy enclosed) for a permit to appropriate water for livestock watering (75 gallons per minute). You were notified on October 16 and December 31, 1991 (copies enclosed) that the application was incomplete and were instructed what additional information was necessary in order to complete the application. To date, we have not received a response from you.

You should be aware that your use of water without a permit, is a violation of SDCL 46-1-15, 46-5-9, 46-5-10 and 46-2-18. If you have any questions regarding what is needed to complete this application, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
(605) 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

August 9, 1995

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

Dear Mr. Poindexter:

On October 11, 1991, you submitted an incomplete application for a Permit to Appropriate Water for livestock watering (75 gallons per minute). A review of our files indicates that the application is incomplete because the required map showing the location of the well has not been submitted.

If the well is being used, please submit the required map as outlined in the October 16, 1991 letter. Our records indicate the \$150.00 filing fee was submitted. You should be aware that you will be responsible for payment of the required public notice in a local newspaper.

Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10 and 46-2-18, you must have a water permit prior to using water. Without a water permit, no legal right exists to use water in excess of domestic use (18 gallons per minute for livestock watering).

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak
Environmental Scientist
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

March 25, 1999

P Spear Ranch Inc.
Joe Poindexter
Box 8
Ree Heights SD 57371

Dear Mr. Poindexter:

On October 11, 1991, you submitted a *Application for Permit to Appropriate Water Within the State of South Dakota* for livestock watering in Faulk County (75 gallons per minute) and the \$150.00 application filing fee. Enclosed is a copy of the application. Several letters have been sent regarding completion of the application.

State Law requires that a water permit be obtained if the amount of water for all uses from the well at the site exceed 25,920 gallons per day or if the maximum pump rate is greater than 25 gallons per minute. I want to emphasize that these criteria are not based on gallons per day or pump rate averaged over a week, month or year. The standard in determining whether a permit is required is the amount of water used on a peak day and the peak pump rate.

Has the amount of water usage from this well changed since the application was submitted in 1991? If the maximum pump rate is less than the 25 gallons per minute as stated above, a permit is not required and the \$150.00 fee can be refunded.

In order to complete the application, please submit a map (aerial photo) showing the location of the well in relation to a government section corner or quarter corner by direction and distance. The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local NRCS office).

Mr. Poindexter, please take the time to advise us regarding this application. If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
Phone: (605) 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 24, 2001

6272-3

P Spear Ranch, Inc.
c/o Joe Poindexter
34761 190th St
Ree Heights SD 57371

Dear Mr. Poindexter:

On October 11, 1991, you submitted an *Application for a Permit to Appropriate Water* for livestock watering in Faulk County. On June 26, 2001, Stacy Johnson, staff engineer visited with you regarding the application. A map showing the well location was required in order to complete the application. Ms. Johnson has prepared the necessary map.

The \$150 application filing fee was submitted in 1991. In addition to the application filing fee, the \$50 licensing fee is required at this time. Please submit \$50 for the licensing of the water permit. You should be aware that you will be responsible for payment of the public notice that will be prepared for this application.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352



RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

416880

Pierre, August 7, 2001

RECEIVED OF Joe Poindexter, F Spear Ranch Inc., 34761 190th St. 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
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. 6272-3

50 00

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

By Darland Erbele
Chief Engineer

gme

REPORT ON WATER PERMIT APPLICATION NO. 6272-3
for P Spear Ranch, Inc.
July 31, 2001

Application No. 6272-3 proposes to appropriate 0.11 cfs (50 gpm) from one well approximately 2120 feet deep located in the SE 1/4 SW 1/4 of section 20, T117N R70W in Faulk County. The water is for domestic use livestock watering.

AQUIFER - INYAN KARA GROUP (INKR)

The Inyan Kara Group is a buried sandstone, shale and siltstone which is under confined or artesian conditions at this site. The aquifer underlies 882 square miles and contains an estimated 3.175 million acre feet of recoverable water in storage in Faulk County (Hedges, 1982). The well log submitted with the application indicates the top of the aquifer was encountered at a depth of 1895 feet and continued to a depth of 2120 feet below land surface. The completed well was capable of free flowing 75 gpm and had a shut in pressure of about 100 psi. The driller also indicated that this well can be shut in completely. The well as built complies with SD Well Construction Standards for a domestic use well as allowed by ARSD 72:02:04:36.

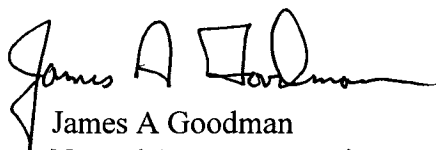
The Water Rights Program does measure an Inyan Kara observation well but it is located about 45 miles northeast of this application. The observation well is ED-85B and it is near Mina Lake. Water levels for this observation well do not change significantly. A hydrograph for this observation well is included with this report. The record indicates the aquifer is capable of sustaining additional withdrawals (Water Rights, 2001).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other nearby water permits/rights which obtain water from the Inyan Kara aquifer. Interference is not a concern. This is an existing well that has been used since drilled in 1991 with no apparent problems.

CONCLUSIONS

1. Water is available from the Inyan Kara aquifer.
2. The aquifer is confined and under artesian conditions at this site. This well was capable of free flowing 75 gpm when drilled. This application if approved allows the diversion rate of 50 gpm but when not in use or when that amount of water is not needed the well must be valved or controlled to the amount of water needed. This is to prevent the waste of water.
3. This well as built does comply with SD Well Construction Standard 74:02:04:36.
4. This is an existing well and has been used since 1991 with no apparent problems.
5. The water is domestic use for livestock watering in a summer pasture.



James A Goodman
Natural Resources Engineer

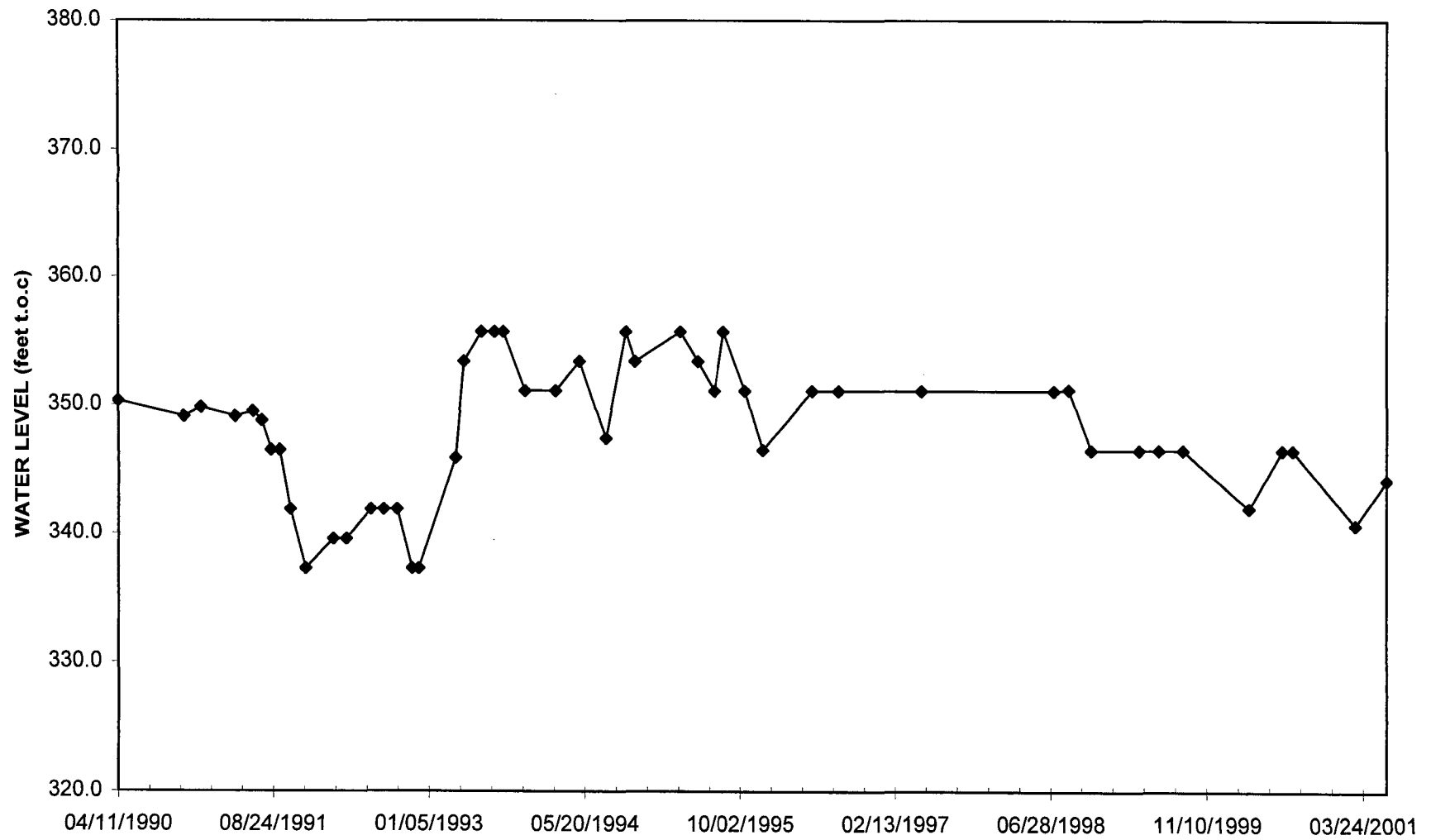
BIBLIOGRAPHY

Hamilton, L.J., 1982, Geology and Water Resources of McPherson, Edmunds, and Faulk Counties, South Dakota, Bulletin 26, Part II : Water Resources, SDGS, Vermillion, SD, 57069.

Hedges, L.S., etal., 1982, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SDGS, Vermillion, SD, 57609.

Water Rights, 2001, Unpublished Observation Well Data for the Inyan Kara Aquifer, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

**WATER RIGHTS' OBSERVATION WELL
ED-85B**





**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. 6272-3, P Spear Ranch, Inc.**

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. 6272-3, P Spear Ranch, Inc., c/o Joe Poindexter, 34761 190th Street, Ree Heights SD 57371.

The Chief Engineer is recommending APPROVAL of Application No. 6272-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion has been 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 approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.

See report on application for additional information.

Garland Erbele, Chief Engineer
August 13, 2001



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 14, 2001

Faulk Co. Record
Box 68
Faulkton, SD 57438

ATTENTION: Legal Public Notice

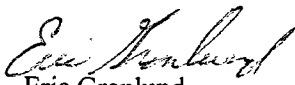
Enclosed is a Notice of Hearing on Application No. 6272-3 to Appropriate Water to be published twice. Please publish the first notice on August 22, 2001 with the second publication 7 days later.

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 P Spear Ranch, Inc., % Joe Poindexter, 34761 190th St., Ree Heights, SD 57371 (Ph # 605-943-5576).

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. 6272-3

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

Date _____

We are in receipt of your letter of August 14, 2001 enclosing Notice of Hearing to Appropriate Water by Application No. 6272-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**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.

August 14, 2001

P Spear Ranch Inc.
% Joe Poindexter
34761 190th St.
Ree Heights, SD 57371

Dear Mr. Poindexter:

Water Permit Application No. 6272-3 for domestic 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 Faulk Co. Record printed at Faulkton, SD (Ph # 605-598-6525). 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.

Instruction to Newspaper - Publish first Notice on August 22, 2001 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6272-3 to Appropriate Water

Notice is given that P Spear Ranch, Inc., c/o Joe Poindexter, 34761 190th St, Ree Heights SD 57371 has filed an application for a water permit to appropriate 0.11 cubic feet of water per second (50 gallons per minute) from one well (Inyan Kara Formation) 2120 feet deep located in the SE ¼ SW ¼ Section 20-T117N-R70W. The water is for livestock watering use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6272-3 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 September 10, 2001.

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.

Affidavit of Publication

State of South Dakota

§

County of Faulk

James B. Moritz of said county, being first duly sworn, on oath says that he is the publisher of the **Faulk County Record**, a weekly newspaper printed and published in Faulkton in said County of Faulk and has a full and personal knowledge of all the facts therein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly, and has been published within said County for fifty-two successive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the

Notice of Application Appropriate Water

a printed copy of which, taken from the paper in which same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once in each week for

Two (2)

successive weeks, on the day of each week on which said newspaper was regularly published, to-wit:

Wednesday, August 22, 2001
Wednesday, August 29, 2001

that the full amount of the fees for the publication of the annexed notice is **\$37.62**

James B. Moritz

Subscribed and sworn to before me this
30th day of August, 2001

Val Ramsdell

Notary Public
Faulk County, South Dakota

No. 182, Aug. 22 & 29, 2001

Notice of Application

No. 6272-3 to Appropriate Water

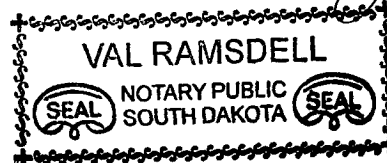
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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6272-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public 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.

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My Commission Expires
Jan. 17, 2005



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 3, 2001

P Spear Ranch Inc.
% Joe Poindexter
34761 190th St.
Ree Heights, SD 57371

Dear Mr. Poindexter:

The Notice of Application No. 6272-3 to Appropriate Water was published with an error. The legal description was listed as being in Section 20-T1 17N-R70W. The correct description is Section 20-T117N-R70W. This readvertisement is necessary to ensure your water right is free from any legal entanglements due to insufficient public notice. Therefore, the notice of hearing needs to be readvertised to correct the error.

The notice has been sent to the Publisher of the Faulk Co. Record. For your information, a copy of the notice is enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

The cost of publication of this notice will be paid by the Water Rights Program. Please contact us if you have any questions.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

c: Faulk Co. Record



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 3, 2001

Faulk Co. Record
Box 68
Faulkton, SD 57438

ATTENTION: Legal Public Notice

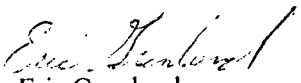
Enclosed is a Notice of Hearing on Application No. 6272-3 to Appropriate Water to be published twice. Please publish the first notice on October 10, 2001 with the second publication 7 days later.

Please bill the Water Rights Program for the cost of publication.

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. 6272-3

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

Date _____

We are in receipt of your letter of October 3, 2001 enclosing Notice of Hearing to Appropriate Water by Application No. 6272-3 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 October 10, 2001 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6272-3 to Appropriate Water

Notice is given that P Spear Ranch, Inc., c/o Joe Poindexter, 34761 190th St, Ree Heights SD 57371 has filed an application for a water permit to appropriate 0.11 cubic feet of water per second (50 gallons per minute) from one well (Inyan Kara Formation) 2120 feet deep located in the SE ¼ SW ¼ Section 20-T117N-R70W. The water is for livestock watering use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6272-3 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.

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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.

FAULK COUNTY RECORD

PO Box 68, 121 8th Ave. S.

Faulkton, SD 57438-0068

605-598-6525 • Fax: 605-598-4355 • E-mail: fcrecord@westtelco.com

Date 10-24-01

Dept of Env. & Nat Res.

Please Detach and return with remittance

\$ _____

[illegible]

2% Interest Per Month Will Be Charged on Past Due Accounts

PAYMENT REQUEST FORM

PAYEE: Faulk County Record
PO Box 68
121 8th Ave. S
Faulkton, SD 57438-0068

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

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Readvertisement of public notice to correct error

AMOUNT: \$37.62

FUNDING SOURCE:

GENERAL: X

FEDERAL:

COMMENTS:

AUTHORIZATION: David E. Ehl

10/25/01

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 07 2001

6272-3

P. Spear Ranch Inc.
% Joe Poindexter
34761 190th St.
Ree Heights, SD 57371

Dear Mr. Poindexter:

Enclosed is Water License and Water Permit No. 6272-3. This is the final water right document completing your process of obtaining a Water Right.

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. 6272-3, 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

Permit No. 6272-3
James River - Water District

Other permit/license(s) associated with project: none

Contact Person & Address: Joe Poindexter, 34761 190th Street, Ree Heights SD 57371

Report Of Examination Of Works

On, June 26, 2001, I made a thorough examination of the water use system constructed by Joe Poindexter of 34761 190th Street, Ree Heights SD 57371 holder of Permit No. 6272-3, bearing the priority of June 26, 2001, authorizing the diversion of 0.16 cu. ft. per second of water for domestic purposes, in Faulk County.

The system is in the following condition good. The point of diversion is located Well: from the SW corner of Section 20 T117N-R70W it is 1793 feet east and 548 feet north with a longitude of -99.300950 and a latitude of 44.927507. The works are capable of diverting and conveying to the place of use 0.11 cu. ft. per second of water that is to be used for domestic purposes.

The license should be issued for 0.11 cfs.

Review of Permit Qualifications And Regulations:

- 1) Special qualifications to permit being abided by yes
- 2) All structures, wells and lands on map yes
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period NA
- 4) Exceptions to compliance are: none

Report On the Specifics of the System

Diversion Point Information:

- | | |
|---|-------------------------------------|
| 1) Well Drilling Firm: <u>Huron Drilling Inc.</u> | 2) No. of Wells <u>1</u> |
| 3) Depth(s) <u>2120</u> feet | 4) Well log is available <u>yes</u> |

Casing:

- | | |
|-----------------------------|----------------------------|
| 1) Diameter <u>5</u> inches | 2) Length <u>315</u> feet |
| 3) Type <u>Steel</u> | |
| 1) Diameter <u>2</u> inches | 2) Length <u>1960</u> feet |
| 3) Type <u>PVC</u> | |
| 1) Diameter <u>2</u> inches | 2) Length <u>160</u> feet |
| 3) Type <u>Copper</u> | |

Screen:

- 1) Type Copper perforated pipe
- 2) Length 160 feet
- 3) Static water level unknown feet

Pump\ Motor:

- 1) Pump Make unknown
- 2) Pump Model unknown
- 3) Capacity 50 GPM
- 4) Motor Make unknown
- 5) Motor Model No. unknown
- 6) Horsepower rating unknown hp

Distribution System:

- 1) Type Black plastic 2) Size 1.5 inches 3) Length 3200 feet
- 1) Type Black plastic 2) Size 1.5 inches 3) Length 4500 feet
- 1) Type Black plastic 2) Size 1.5 inches 3) Length 3700 feet

COMMENTS: The well has a capacity of 120 gpm. The pumping rate of the well is 50 gpm.

Stacy J. Johnson
Stacy J. Johnson
Natural Resources Project Engineer
DENR, Water Rights Program

7-24-01
Date

Section 20 T117N-R70W

Well from the SW corner it is 1793 feet east and
548 feet north



Well

0.3 0 0.3 Miles

Stacy J Johnson 7-11-01
Stacy J Johnson
Natural Resources Engineer
SD DENR Water Rights Program

6272-3

STATE OF SOUTH DAKOTA

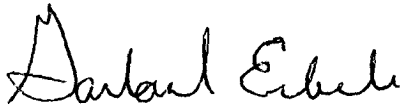
WATER LICENSE NO. 6272-3

(1) P Spear Ranch, Inc., c/o Joe Poindexter, 34761 190th St, Ree Heights SD 57371 made Application No. 6272-3, October 11, 1991 for a water permit to divert 0.11 cubic feet of water per second from groundwater (one well), Faulk County, South Dakota for livestock watering purposes. Permit No. 6272-3, with a priority date of August 7, 2001 was approved October 29, 2001 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

(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 0.11 cubic feet of water per second for beneficial use. The location of the diversion point is 1,793 feet east and 548 feet north from the SW corner of Section 20-T117N-R70W (SE ¼ SW ¼).

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

(4) Pursuant to South Dakota Water Law 46-5-30.1 P Spear Ranch, Inc., c/o Joe Poindexter, 34761 190th St, Ree Heights SD 57371 the holder and/or owner of Water Right No. 6272-3 is issued a license to appropriate water, the right to use 0.11 cubic feet of water per second from groundwater (one well) with a priority date of August 7, 2001 from the location specified in (2) of this license the purpose of livestock watering. This license is subject to any limitations or qualifications listed in Water Right No. 6272-3 and subject to South Dakota State Law.



GARLAND ERBELE, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

DEC 07 2001

date

