

WATER PERMIT NO. 6586-3

Name of Applicant: **Joe Poindexter**

Address: **34762 190th St, Ree Heights SD 57371** Phone: **605 943-5576**

Amount of Water Claimed: **0.10 cfs** Total Acres: **NA**

Source of Water Supply: **groundwater (one well)**

Water to be used for: **commercial** County: **Hand**

Type of Waste Disposal System:

Location: **7 miles north of Ree Heights**

PRIORITY Date Received: **1-26-05**

Application/License Fee: **\$100**

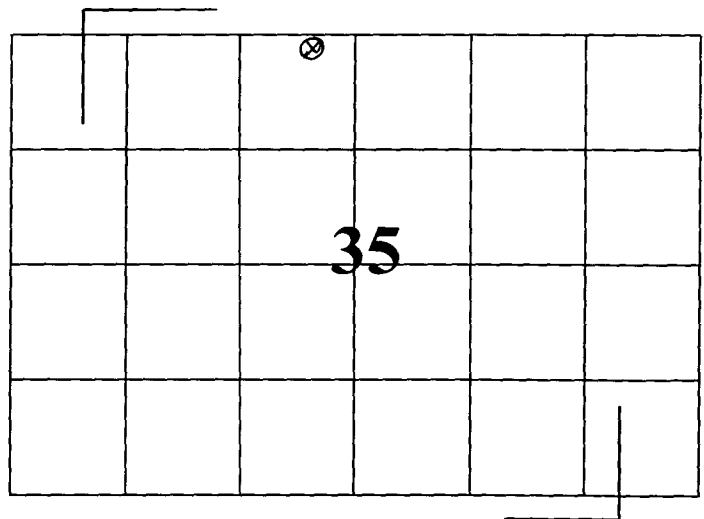
Corrected Application Received: **2-7-05**

Period of Annual Use: **January 1 – December 31**

Remarks: **livestock facility**

Diversion Point: **SW ¼ SW ¼ Sec 35-T114N-R70W**

Land to be Irrigated: **NA**



Depth of Well: **1375**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by: **Dale F Leffers, PE**

Reviewed and the Number Assigned on: **2-7-05**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

SD EForm - 1585

FORM 2: Application for uses other than irrigation

(type or print)

RECEIVED

JAN 26, 2005

WATER RIGHTS
PROGRAM

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6586-3</u> (office use only)	Hydrologic Unit <u>10160009</u>
	Basin <u>James River</u>	
	Newspaper <u>Miller Press</u>	

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

Check use(s) of water:

- | | | | |
|---|--|--|--|
| ☐ Municipal | ☐ Suburban Housing | ☐ Recreational | ☐ Institutional |
| ☐ Rural Water System | ☒ Commercial | ☐ Fish & Wildlife | ☐ Geothermal Heat |
| ☐ Domestic (over 18 gpm) | ☐ Industrial | ☐ Other | |

Type of Application:
(check one)

- ☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
- ☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____
- ☐ Amendment/Correction to Permit No. _____

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

1. Name of Applicant Joe Poindexter Phone (605) 943-5576
(check one) ☒ Owner ☐ Tenant/lessee
- Mailing Address 34761 190th St Ree Heights State SD 57371
(Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed 0.10 *CFS or 43 **GPM ***AF
(*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 (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Hand
SW1/4, SW1/4 S35-T114N-R70W
5. County or counties where water will be used Hand
6. Annual period during which water is to be used Jan 1 thru Dec 31
7. Give a description of the 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)

Existing well for livestock facility

STATE OF SOUTH DAKOTA)

County of Hand

SS

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

I, 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.Applicant's signature Joe PoindexterSubscribed and sworn to before me this 21st day of December 20 04Joyce Poindexter

Notary Public signature

JOYCE POINDEXTER
My Commission Expires 9-27-05

**SOUTH DAKOTA
WATER PERMIT NO. 6586-3**

Date of first receipt of application January 26, 2005.

Date of return to applicant for corrections, amendments or changes January 26, 2005.

Date of receipt of corrected application February 7, 2005.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6586-3 to Joe Poindexter, 34761 190th St, Ree Heights SD 57371 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. 6586-3 appropriates 0.10 cubic feet of water per second (43 gallons per minute) from one existing well completed into the Dakota Formation (approximately 1375 feet deep) located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 35-T114N-R70W.
2. The water appropriated shall be used for the purpose of commercial use in a livestock facility 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. 6586-3 is March 28, 2005.
5. The date from which applicant may claim right is January 26, 2005.
6. One-fifth of the construction is to be completed on or before September 28, 2007.
7. All construction is to be completed on or before March 28, 2010.
8. Water is to be put to beneficial use on or before March 28, 2014.
9. 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. Permit No. 6586-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.
3. Permit No. 6586-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions.

WATER MANAGEMENT BOARD

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

APR 19 2005
date



Form 2A **Supplemental Information**
(Complete applicable portions only)

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 6" Depth 1375 ft
- b) Casing Type PVC Diameter 2" Thickness 1/4"
- c) Screen Type PVC Diameter 2" Thickness 1/4"
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 1200 ft
- f) Depth to Water (ground surface to water level) 1200 ft
- g) Distance to nearest existing domestic well:
On applicants property 1/2 mile On property owned by others 2 1/2 miles

2. Wastewater Disposal System Information

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

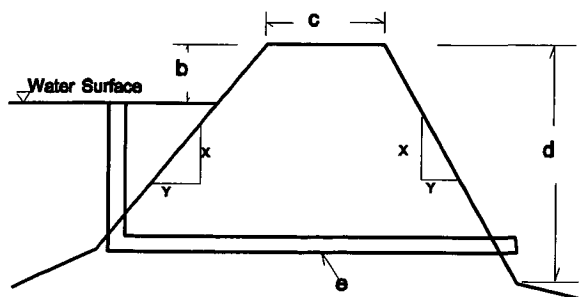
3. Dugout Information

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

4. Water Storage Dams

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

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



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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date February 7, 2005

RECEIVED OF Settje Agri-Services & Engineering Inc., 4700 W Rock Creek Road, Raymond NE
68428

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

Fee for Application for Permit No. <u>6586-3</u> to Appropriate Water, to construct and to put water to beneficial use	50	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>6586-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	100.00

No.

001747

By

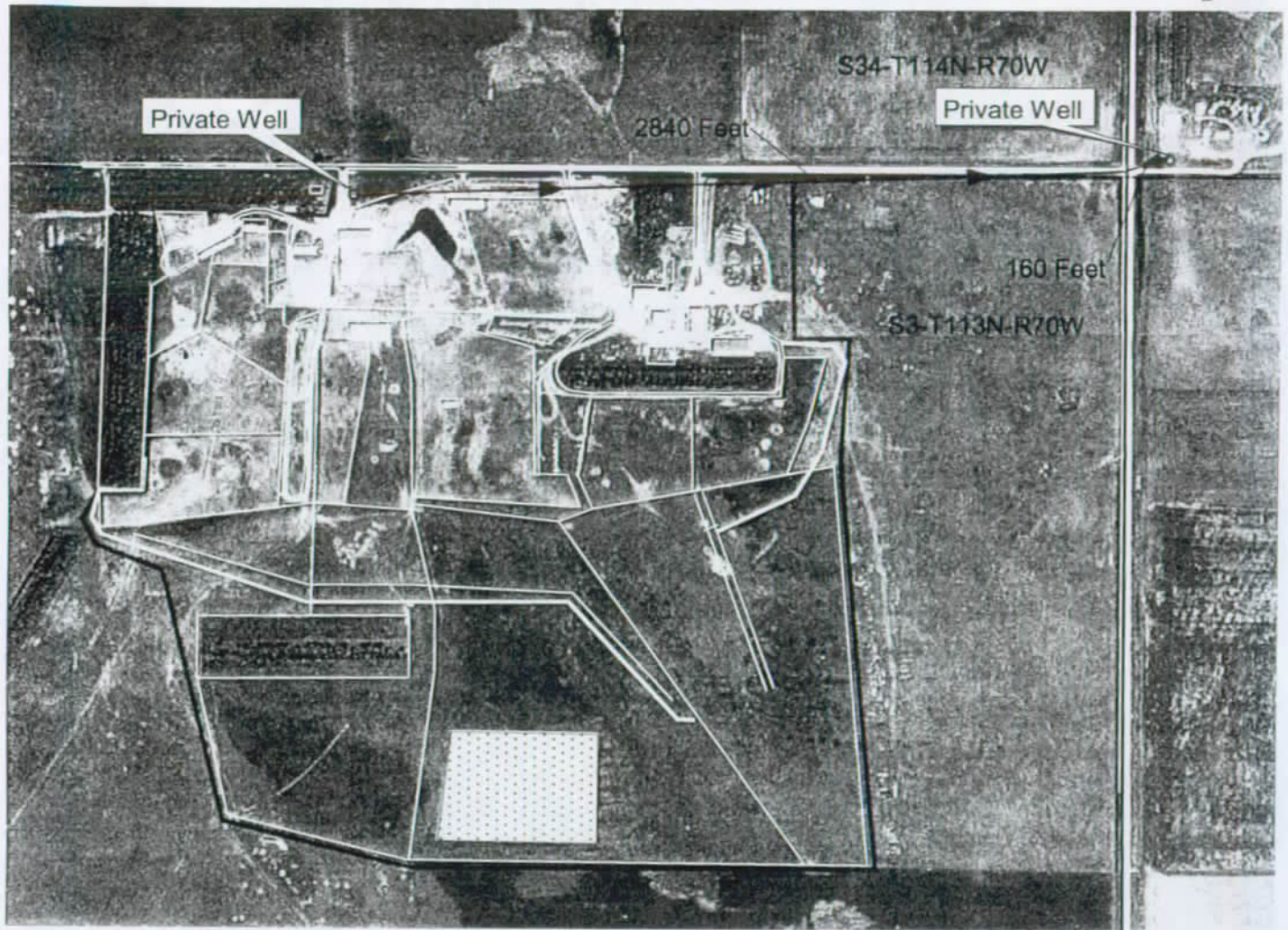
Darlene Eide

Chief Engineer

gm

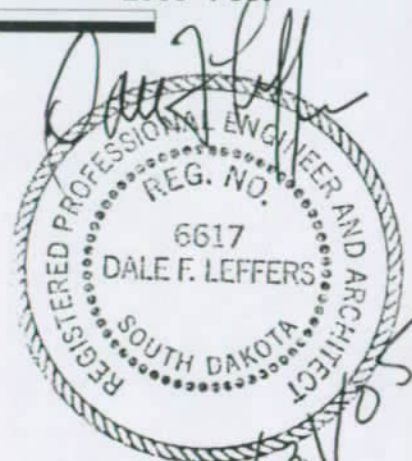
P Spear Ranch - Joe Poindexter

Well Location & Distance Map



Structures

-  Pond
-  Facility Components
-  Wells
-  Facility Boundary
-  Section Lines



Settje Agri-Services & Engineering, Inc.

6586-3



January 26, 2005

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Joe Poindexter
34761 190th St
Ree Heights SD 57371

Dear Dr. Poindexter:

Thank you for submitting the *Applications for a Permit to Appropriate Water* for commercial use. In order to complete the each application the following is required.

- A map showing the location of the well in relation to a government section corner or quarter corner by direction and distance is required. 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).
- We have received the \$100 application filing fee. The application filing fee for each application will be \$100; therefore, another \$100 is required.
- The applications state commercial use. What would the commercial use be?

If you have any questions, please contact me.

Sincerely,

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

c: Settje Agri-Services & Engineering, Inc.

REPORT ON WATER PERMIT NOS. 6585-3 & 6586-3
For Joe Poindexter
February 18, 2005

Application No. 6585-3 proposes to appropriate 0.10 cfs (43 gpm) from an existing well approximately 1,375 feet deep located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of section 3, T113N R70W in Hand County. The water is for use in a livestock feedlot facility.

Application No. 6586-3 proposes to appropriate 0.10 cfs (43 gpm) from an existing well approximately 1,375 feet deep located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of section 35, T114N R70W in Hand County. The water is for use in a livestock feedlot facility.

AQUIFER – DAKOTA FORMATION (DKOT)

The Dakota Formation is a buried sand sandstone and shale that is under artesian conditions at this site. The aquifer underlies 1,426 square miles and contains an estimated 22.245 million acre-feet of recoverable water in storage in Hand County (Hedges, 1982). The aquifer extends into Hyde County to the west, Beadle and Spink Counties to the east, Buffalo and Jerauld Counties to the south and Faulk County to the north. Ground water movement is from west to east across this area (Koch, 1980). Water levels have declined about 200 feet in the Highmore area from late 1880's to 1976 (Koch, 1980). Recharge to the Dakota aquifer is probably from upward leakage of deeper aquifer and from subsurface inflow from the west (Koch, 1980).

A well completion report is available for application No. 6585-3. This log indicates the top of the Dakota aquifer was at a depth of 1190 feet and extended to a depth of 1340 feet. This well had a static water level at the land surface and was capable of producing 40 gpm using air to develop. No information is available for the well for application No. 6586-3. The available well completion report indicates the construction complies with 74:02:04:35 ("slim hole" completion) for a domestic well. This construction would not be acceptable for a new well for a facility of this type.

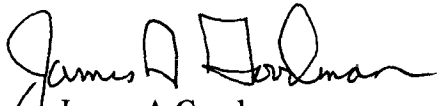
The Water Rights Program does monitor a Dakota aquifer well located about 31 miles southeast of the site of this application. The observation well is HD-87A and is located at Rose Hill Dam. Water levels for this well have been declining since the well was installed (Water Rights, 2005). In fact, the water level decline has been at a rate of about one foot per year. A hydrograph of this observation well is included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other nearby permitted wells for water from the Dakota aquifer in this area. There are numerous domestic wells in the area that obtain water from the Dakota aquifer. In fact, in this area some of the wells will free flow at the land surface but as at this site must be pumped to obtain the amount of water needed.

CONCLUSIONS

1. Water is available from the Dakota Formation.
2. The aquifer is under artesian conditions and may free flow at the land surface. Apparently there is little pressure here and the wells must be pumped. Interference is not expected to be a problem. It may be necessary to lower a pump or place a pump into a well to obtain the amount of water needed.
3. Information is not available to determine if the well for 6586-3 is constructed in accordance with standards for a facility of this type. The existing well for 6585-3 is definitely not constructed in accordance with standards for this facility.
4. Plans and specifications for this facility have been submitted to the Department and are presently under review.

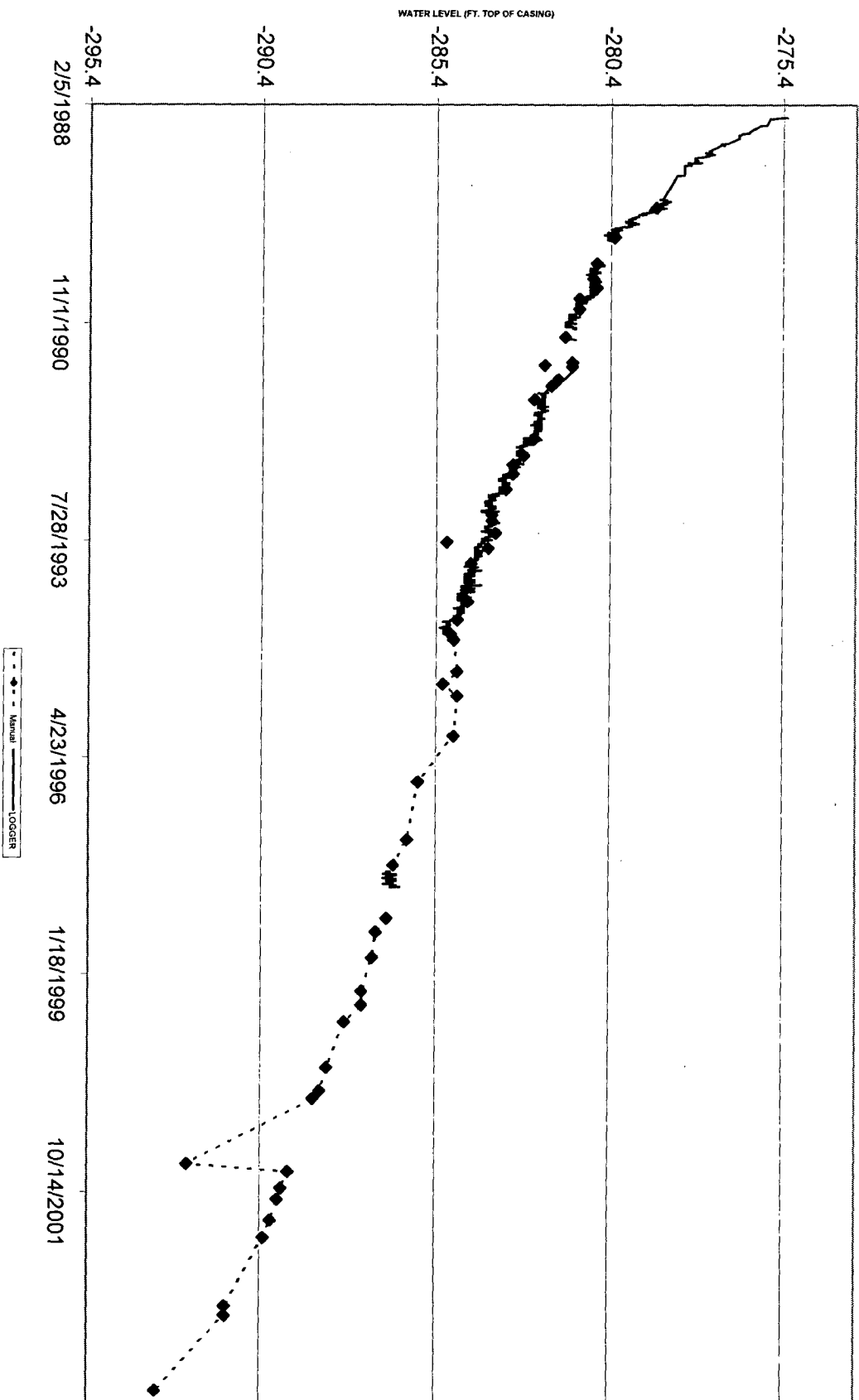


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

- Hedges, L.S., and others, 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River South Dakota and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.
- Koch, N.C., 1980, Geology and Water Resources of Hand and Hyde Counties, South Dakota, Part II: Water Resources, Bulletin 28, SDGS, Vermillion, SD, 57069.
- Water Rights, 2005, Unpublished Observation Well Records for the Dakota Aquifer, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL
HD-87A





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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. 6586-3, Joe Poindexter**

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. 6586-3, Joe Poindexter, 34761 190th Street, Ree Heights SD 57371.

The Chief Engineer is recommending APPROVAL of Application No. 6586-3 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. Permit No. 6586-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.
3. Permit No. 6586-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions.

See report on application for additional information.

Garland Erbele, Chief Engineer
February 28, 2005

WATER RIGHTS
PROGRAM



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

March 1, 2005

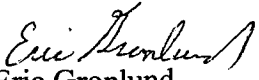
Joe Poindexter
34761 190th St
Ree Heights SD 57371

Dear Mr. Poindexter:

Water Permit Application Nos. 6585-3 & 6586-3 for commercial use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Miller Press printed at Miller, SD (Ph # 605-853-3575). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and a report on the applications 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 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. 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 applications.

Sincerely,


Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

cc: Duane Gangwish, Settje Agri-Services & Engineering, 4700 W Rock Creek Rd, Raymond NE 68428

NOTE: If you plan to contest any part of the Chief Engineer's recommendations, 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 applications.

Instruction to Newspaper - Publish first Notice on March 9, 2005 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NOs. 6585-3 and 6586-3 to Appropriate Water

Notice is given that Joe Poindexter, 34761 190th St, Ree Heights SD 57371 has filed the following applications for a water permit.

Application No. 6585-3 proposes to appropriate 0.10 cubic feet of water per second (43 gallons per minute) from one existing well completed into the Dakota Formation (approximately 1375 feet deep) located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 3-T113N-R70W. The water is for use in a livestock facility.

Application No. 6586-3 proposes to appropriate 0.10 cubic feet of water per second (43 gallons per minute) from one existing well completed into the Dakota Formation (approximately 1375 feet deep) located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 35-T114N-R70W. The water is for use in a livestock facility.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6585-3 and 6586-3 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 applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. 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 28, 2005.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 1, 2005

Miller Press
PO Box 196
Miller SD 57362-0196

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 6585-3 and 6586-3 to Appropriate Water to be published twice. Please publish the first notice on March 9, 2005 with the second publication 7 days later. 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, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Joe Poindexter, 34761 190th St, Ree Heights, SD(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. 6585-3 & 6586-3

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

Date _____

We are in receipt of your letter of March 1, 2005 enclosing Notice to Appropriate Water by Application Nos. 6585-3 & 6586-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 19 2005

Joe Poindexter
34761 190th St
Ree Heights SD 57371

Dear Mr. Poindenxter:

Enclosed is Water Permit Nos. 6585-3 and 6586-3 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,

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

enclosures

Permit No. 6586-3
James 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, June 16, 2012, made a thorough examination of the water use system constructed by Joe Poindexter of 34761 190th St., Ree Heights, SD 57371 holder of Permit No. 6586-3, bearing the priority of January 26, 2005 authorizing the diversion of 0.10 cu. ft. per second of the waters of the Dakota Formation for Commercial purposes, in Hand County.

Inspection contact & relationship **Joe Poindexter**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Unknown
- 2) No. of Wells 1
- 3) Depth(s) 1375 feet
- 4) Well log is available N

Casing:

- 1) Diameter 2 inches
- 2) Length Unknown feet
- 3) Type Plastic

Screen:

- 1) Type Unknown

Pump:

- 1) Make Franklin
- 2) Size ¾ hp
- 3) Capacity 20 GPM

B. Compliance with Permit Requirements:

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

Report of Examination of Works

Permit No. 6586-3

The system is in Good condition with the point(s) of diversion located as follows:

Approximately 60 feet north and 115 feet east of the SW corner of Section 35-T114N-R70W.

(N 44.63485, W -99.23178) (SW ¼ SW ¼)

The works are capable of diverting and conveying to the place of use 0.044 cu. ft. per second of water which is to be used for Commercial use.

The license should be issued for 0.044 cfs.

All structures, wells and lands on map Y

Comments or other permit(s) associated with the project:

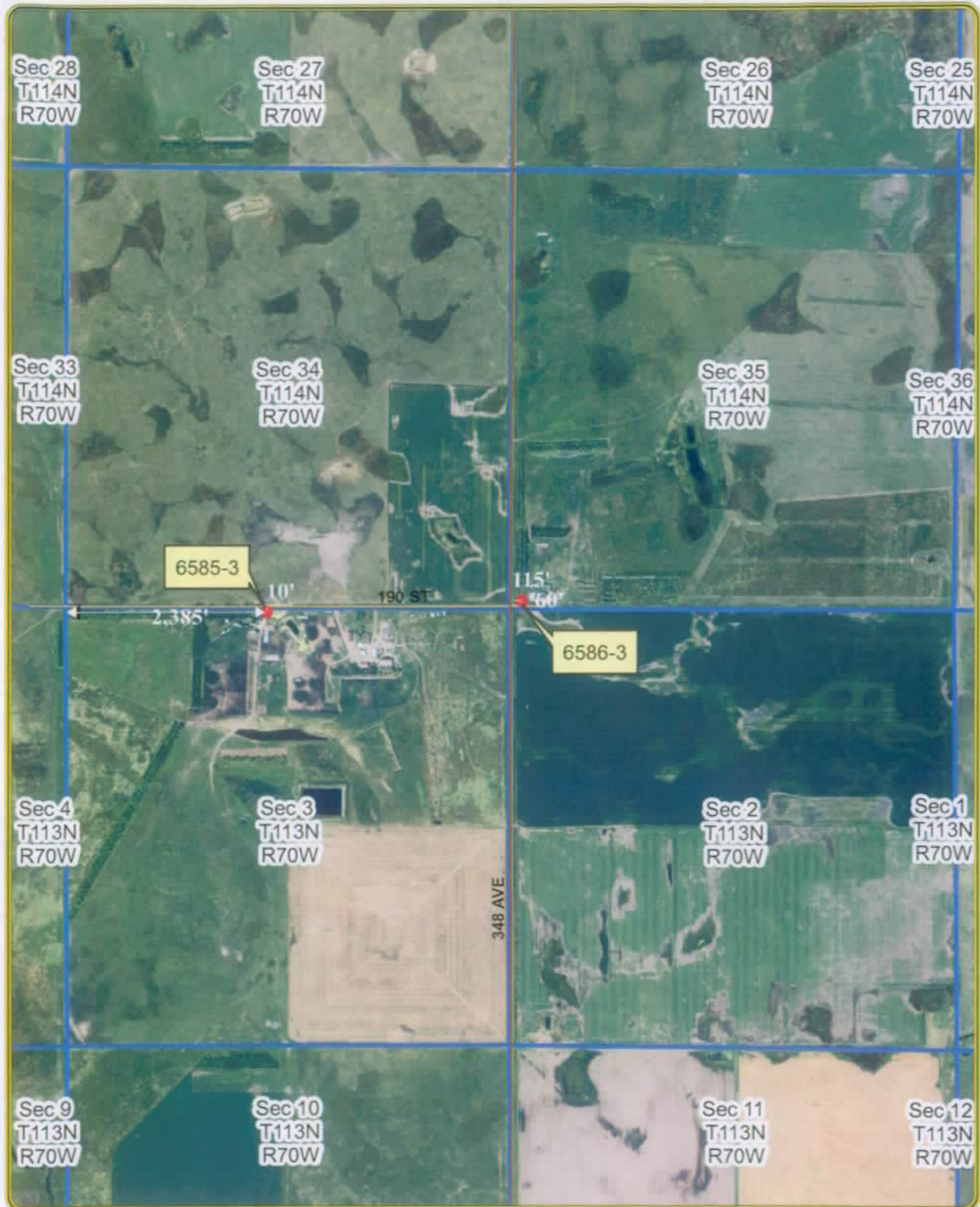


Mike DeFea

Natural Resources Engineer
DENR, Water Rights Program

Date report completed: July 18, 2012

Joe Poindexter
Permit No. 6585-3 & 6586-3



0 0.35 0.7 1.4 Miles

Mike DeFea

Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
July 18, 2012



6586-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

AUG 10 2012

6585-3

6586-3

Joe Poindexter
34761 190th St
Ree Heights SD 57371

Dear Mr. Poindexter:

Enclosed are Water License Nos. 6585-3 and 6586-3. They are the final water right documents completing your process of obtaining Water Rights. A map prepared by the staff engineer who conducted the field investigation is included.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by Water Right Nos. 6585-3 and 6586-3, 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 Licenses, 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 black ink, appearing to read "Garland Erbele".

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

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6586-3**

(1) Joe Poindexter, 34761 190th St., Ree Heights SD 57371 made Application No. 6586-3, January 26, 2005 for a water permit to divert 0.10 cubic feet of water per second from ground water (one well – Dakota Formation), Hand County, South Dakota for commercial purposes. Permit No. 6586-3, with a priority date of January 26, 2005 was approved March 28, 2005 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 28, 2010 and for the application to beneficial use of said water on or before March 28, 2014.

(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 0.044 cubic feet of water per second (20 gallons per minute) for beneficial use.

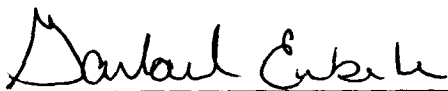
The location of the diversion point is approximately 60 feet north and 115 feet east of the SW corner of Section 35, T114N, R70W (SW ¼ SW ¼).

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

(4) Pursuant to South Dakota Water Law 46-5-30.1 Joe Poindexter, 34761 190th St., Ree Heights SD 57371 the holder and/or owner of Water Right No. 6586-3 is issued a license to appropriate water, the right to use 0.044 cubic feet of water per second (20 gallons per minute) from ground water (one well – Dakota Formation) with a priority date of January 26, 2005 from the location specified in (2) of this license for commercial purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6586-3 and subject to the following qualifications:

- 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.
- Permit No. 6586-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.
- Permit No. 6586-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions



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

AUG 10 2012
date

