



1038A-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 14, 2006

1038-3

Joe Poindexter
P Spear Ranch Inc
34761 109th St
Ree Heights SD 57371

Dear Mr. Poindexter:

Thank you for visiting with me about the ownership change needed for portions of Water Right No. 1038-3 currently listed in the name of T J Poindexter. The water right authorizes diversion of water from a storage dam on Wolf Creek to irrigate 93.3 acres in Sections 9, 10, 15 and 16, T113N, R70W.

Recently, Sandy Poindexter filed a "Notice of Transfer of Ownership" for a portion of the land described in the water right (Sections 15 & 16). It is my understanding from talking with you that the remaining land in Sections 9 and 10 should be listed in the name of P Spear Ranch.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

Once we receive the form and fee back from you, Water Right No. 1038-3 will be divided and reissued to reflect separate ownership. Enclosed is a copy of the water right and the changes proposed.

If I can answer any questions for you, please contact me.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1038A-3

Date: _____

I/We request that portions of Water Right No. 1038-3

formerly owned by: T J Poindexter

be transferred to: (name & address) P Spear Ranch Inc
34761 190th St Ree Heights SD 57371
Telephone No. 605-943-5576

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

73.4 acres - E ½ SE ¼ Section 9 and SW ¼ Section 10, T113N, R70W

I/We understand that the validity of Water Right No. 1038A-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Joe Poindexter Pres, the new owner, certify that the above information is true and correct.


(Signed by new owner)

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

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

RECEIVED
MAR 28 2006
WATER RIGHTS
PROGRAM



1038A-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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PIERRE, SOUTH DAKOTA 57501-3182
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March 29, 2006

1038-3

Dr Joe Poindexter
P Spear Ranch Inc
34761 109th St
Ree Heights SD 57371

Dear Dr. Poindexter:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" form you submitted for transferring a portion of Water Right No. 1038-3 to P Spear Ranch. A \$2.50 filing fee is required for filing an ownership change. My first letter may not have been clear with respect to payment of the fee.

Please submit a total of \$2.50. The check or money order for the fee can be made payable to the "Water Rights Program".

Once we receive the fee from you, Water Right No. 1038-3 will be divided and reissued to reflect separate ownership.

If I can answer any questions for you, please contact me.

Sincerely,

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date April 17, 20 06

RECEIVED OF P 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. _____		
Fee for Filing Transfer Form <u>1038A-3</u>	2	50
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	2.50

No.

02895

By

Darland Eble
Chief Engineer



**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 18 2008

1038A-3

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

Dear Dr. Poindexter:

Enclosed is your Water License No. 1038A-3 and Receipt No. 02396 in the amount of \$2.50. Based on the ownership change you filed, Water Right No. 1038-3 was divided and reissued to reflect separate ownership.

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

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 1038A-3
DIVISION OF NO. 1038-3 INTO 1038A-3 AND 1038B-3

(1) T J Poindexter was issued Water License No. 1038-3, October 24, 1969 for a water right to divert 1.30 cubic feet of water per second (cfs) from a storage dam on Wolf Creek (93 acre-feet storage capacity), Hand County, South Dakota for irrigation purposes. Water License No. 1038-3, with a priority date of May 27, 1963 was issued to T J Poindexter for diversion of water with construction of the described water supply system completed and the application to beneficial use of water completed.

Ownership changes have been filed with the water right. Water Right No. 1038-3 is being divided and reissued to reflect separate ownership as follows:

- **No. 1038A-3, P Spear Ranch Inc.**, authorizes diversion of 1.05 cfs from an existing dam on Wolf Creek located in the NE ¼ NE ¼ Section 16, T113N, R70W to irrigate 73.4 acres in portions of Sections 9 and 10, T113N, R70W.
- **No. 1038B-3, Sandra Poindexter Revocable Trust**, authorizes diversion of 0.28 cfs from an existing dam on Wolf Creek located in the NE ¼ NE ¼ Section 16, T113N, R70W to irrigate 19.9 acres in portions of Sections 15 and 16, T113N, R70W.

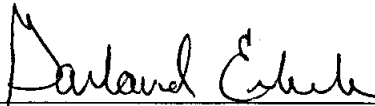
(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, P Spear Ranch Inc., % Dr Joe Poindexter, 34761 190th St, Ree Heights, SD 57371 the holder and/or owner of Water Right No. 1038A-3 is issued a license, bearing a priority date of May 27, 1963 to appropriate 1.05 cubic feet of water per second from a storage dam on Wolf Creek (93 acre-feet storage capacity) to irrigate 73.4 acres.

The diversion point is located S 12° W, 81 rods from the NE corner Section 16, T113N, R70W (NE ¼ NE ¼).
(*Storage dam is on land owned by Sandra Poindexter Revocable Trust.*)

The acres authorized for irrigation are as follows:

Section 9, T113N, R70W		Section 10, T113N, R70W			
NE ¼ SE ¼	2.40 acres	NW ¼ SW ¼	11.70 acres	NE ¼ SW ¼	1.60 acres
SE ¼ SE ¼	8.70 acres	SW ¼ SW ¼	40.00 acres	SE ¼ SW ¼	9.00 acres
Total 73.40 acres					

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 1038-3.



Garland Erbele, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

APR 18 2006

date

