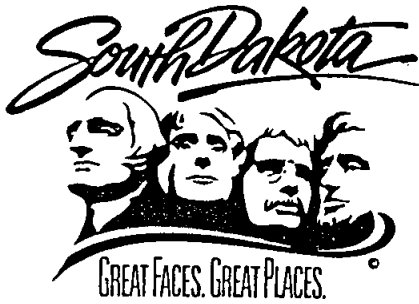




January 25, 2006

1038B-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

1038-3
1039-3

Sandy Poindexter
212 S Polk
Pierre SD 57501

Dear Sandy:

Enclosed as we discussed are partially completed "Notice of Transfer of Ownership" forms for filing ownership changes with Water Right Nos. 1038-3 and 1039-3. Complete the forms by filling in the portion titled "*be transferred to: (name & address)*". Review the legal descriptions to ensure they are correct and then sign both forms.

Once you have completed them, return them to our office with a filing fee of \$2.50 each (total of \$5.00). The check or money order for the fee can be made payable to the Water Rights Program.

Water Right No. 1039-3 will be transferred to you in its entirety. No. 1038-3 will be divided and reissued as 1038A-3 (T J Poindexter) and 1038B-3 (your name or the trust you have established). T J will receive an updated license with the acreage he owns in Sections 9 and 10, T113N, R70W.

If you have any questions, give me a call.

Sincerely,

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

enclosures

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date March 6, 2006

RECEIVED OF Sandra Poindexter, 212 S Polk, Pierre SD 57501

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>1038B-3</u>		250
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. 02333

By Garland Erbele

Chief Engineer Garland Erbele

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED
MAR - 6 2006
WATER RIGHTS
PROGRAM

No. 1038B-3
Date: 3-2-06

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

formerly owned by: T J Poindexter

be transferred to: (name & address) Sandra Poindexter Revocable Trust
212 S. Polk
Pierre, SD 57501 Telephone No. (605) 224-2960

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

N ½ NW ¼ Section 15 and NE ¼ NE ¼ Section 16, T113N, R70W (19.9 acres)

storage dam located in NE ¼ NE ¼ Section 16, T113N, R70W

I/We understand that the validity of Water Right No. 1038B-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.

Sandra Poindexter
Revocable Trust
I/We _____, the new owner, certify that the above information is true and correct.

Sandra Poindexter, Trustee
(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.



**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 2006

1038B-3

Sandra Poindexter Revocable Trust
212 S Polk
Pierre SD 57501

Dear Ms. Poindexter:

Enclosed is your Water License No. 1038B-3 and Receipt No. 02338 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. 1038B-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, Sandra Poindexter Revocable Trust, 212 S Polk, Pierre SD 57501 the holder and/or owner of Water Right No. 1038B-3 is issued a license, bearing a priority date of May 27, 1963 to appropriate 0.28 cubic feet of water per second from a storage dam on Wolf Creek (93 acre-feet storage capacity) to irrigate 19.9 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:

T113N, R70W	Section 15	NW ¼ NW ¼	14.30 acres
		NE ¼ NW ¼	0.40 acres
	Section 16	NE ¼ NE ¼	5.20 acres
		Total	19.90 acres

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

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

APR 18 2006
date

