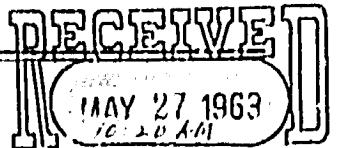


- 1039-3
1. Considered 7-17, 1963
 2. Name of Applicant T. J. POINDEXTER
 3. Post Office Address REE HEIGHTS
 4. Amount of water claimed 3.3
 5. Source of water supply DRY DRAW
 6. Water to be used for IRRIGATION
Acres to be irrigated 2.34
 7. Water to be diverted and used in HAND County about
3.34 miles of REE HEIGHTS
 8. Proof of Publication Received L
Not Received _____
 9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____
 10. Remarks:



No. 1039-3
 Water Division No. 3 JAMES RIVER District
 (Blanks to be filled by the Engineer for the W. R. C.)

STATE WATER RESOURCES COMM.
 PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

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

1. Name of applicant T. J. Poindexter
 Postoffice address Reo Heights, County Hand, State S. D.

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

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

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

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

(b) Cash on hand, \$ Sufficient (c) Treasury stock, \$ _____
 (d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion work Poindexter Irrigation Project No. 2
3. Amount of water claimed 254 Ac Ft 3.5 cfs cubic feet per second
4. Source of water supply Un-named Dry Draw
5. Location of point of diversion Diversion Dam at N53°30' W and 399 rods from SW corner
of Sec-15-T113N-R70W on _____ bank Hand County.
6. Annual period or periods during which water is to be used April 1 thru Sept 30
7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Gravity irrigation

(a) Number of acres to be irrigated 231.3 acres.

(b) Legal subdivisions to be irrigated see under "Remarks by Applicant"

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

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

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

(a) Nature of use _____
 Name any of the above uses claimed

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

Amount claimed for engine cooling _____

(c) Location of plant _____

(d) Method of developing power _____

(e) Point where water will be returned to stream _____

MAP No 680-3

8. Estimated cost of work:

(a) Head Gates, \$ 5.00

(b) Pumping plant, \$

(c) Plumbing, \$

(d) Canal-earth, \$

Rock, \$

(e) Other structures Dam, dikes and controls \$ 1500.00

Total, \$

9. Description of diversion works:

1. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

Diversion dam

II. Dimensions of works.

(a) Dam: Height 5.0 feet; length at bottom feet; length at top 1000.0 feet; thickness at bottom feet; thickness at top 10.0 feet; slope at front water face 4:1; slope at back face 2:1 material used in construction Earth fill

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

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

(c)* Head gate: Width feet; height feet; Material

(d) Canal: Total length miles

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

(Give dimensions where reductions in size are made.)

10. Time required for completion of work 5 years.

11. Time required for complete application of water to the proposed beneficial use 4 years.

12. Choice of newspaper for publication of notice of intention to appropriate

Miller Press

STATE OF SOUTH DAKOTA

County of

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

Signed

Subscribed and sworn to before me this

15

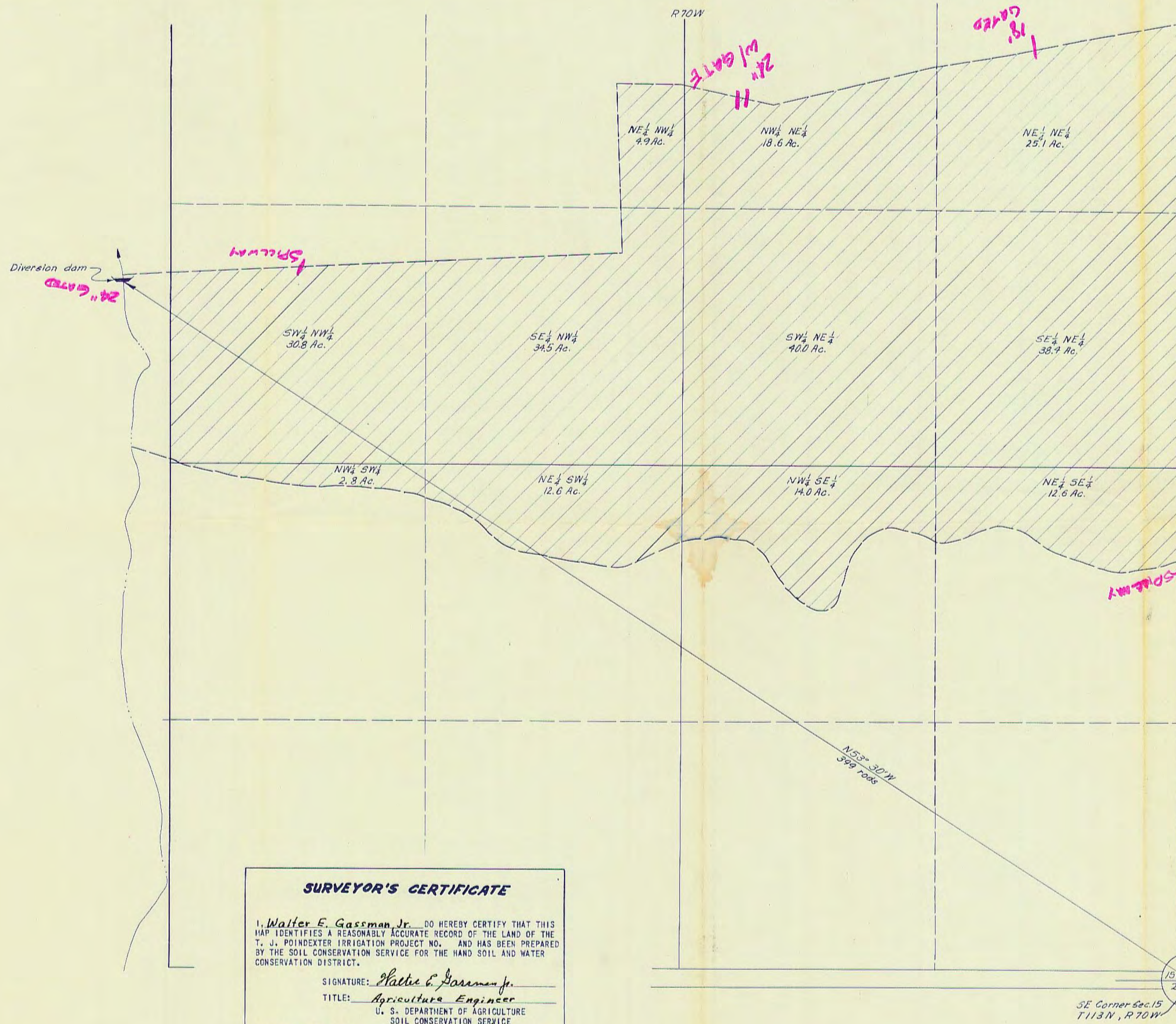
day of

May

1963

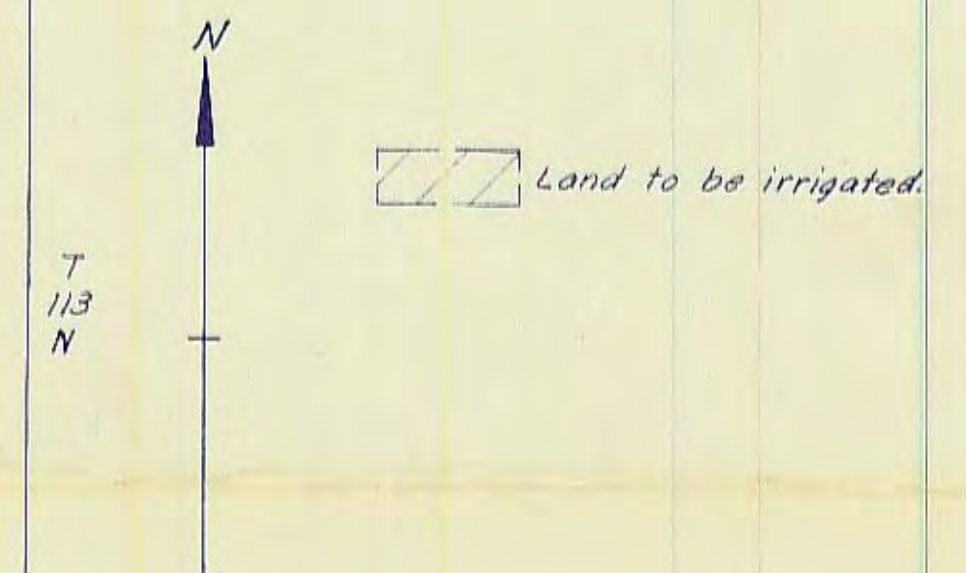
Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.



All lands described are owned by T. J. Poindexter.

LOCATION OF LANDS TO BE IRRIGATED				
LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$	15	113N	70W	34.5
NW $\frac{1}{4}$ SW $\frac{1}{4}$	15	113N	70W	2.8
NE $\frac{1}{4}$ SW $\frac{1}{4}$	15	113N	70W	12.6
NE $\frac{1}{4}$ NW $\frac{1}{4}$	15	113N	70W	4.9
NW $\frac{1}{4}$ NE $\frac{1}{4}$	15	113N	70W	18.6
NE $\frac{1}{4}$ NE $\frac{1}{4}$	15	113N	70W	25.1
SW $\frac{1}{4}$ NE $\frac{1}{4}$	15	113N	70W	40.0
SE $\frac{1}{4}$ NE $\frac{1}{4}$	15	113N	70W	38.4
NW $\frac{1}{4}$ SE $\frac{1}{4}$	15	113N	70W	14.0
NE $\frac{1}{4}$ SE $\frac{1}{4}$	15	113N	70W	12.6
SW $\frac{1}{4}$ NW $\frac{1}{4}$	15	113N	70W	30.8
TOTAL				234.3



SURVEYOR'S CERTIFICATE

I, Walter E. Gassman Jr. DO HEREBY CERTIFY THAT THIS MAP IDENTIFIES A REASONABLY ACCURATE RECORD OF THE LAND OF THE T. J. POINDEXTER IRRIGATION PROJECT NO. AND HAS BEEN PREPARED BY THE SOIL CONSERVATION SERVICE FOR THE HAND SOIL AND WATER CONSERVATION DISTRICT.

SIGNATURE: Walter E. Gassman Jr.
TITLE: Agriculture Engineer

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

SUBSCRIBED AND SWORN TO BEFORE ME THIS 14th DAY OF May, 1963 A.D.

Lilly Hegner
NOTARY PUBLIC

MY COMMISSION EXPIRES 8-6, 1966

SE Corner Sec. 15
T113N, R70W

Scale: 1" = 300'

**T. J. POINDEXTER
IRRIGATION PROJECT
NUMBER**

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Designed.....	Date.....	Approved by.....
Drawn.....	Title.....	
Traced.....	Title.....	
Checked.....	Sheet No. / of 7	Drawing No. 1

MAP No 680-3 (APPL No 1039-3)

Remarks by State Water Resources Commission:

The diversion rate limitation of 1 cubic foot per second for each 70 acres irrigated shall not apply to this Dry Draw irrigation diversion during periods of flood flows, when such flows are in excess of the amount of water required to satisfy domestic use requirements and other water rights.

STATE OF SOUTH DAKOTA

County of

HUGHES

ss.

Pierre, South Dakota,

JULY 29 1963

This is to certify that the foregoing application was received by the Commission at 10:30 o'clock

a.m. upon the 27TH day of MAY 1963

State Water Resources Commission

By:

Chief Engineer, Executive Officer

Number of permit 1039-3

Date of first receipt of application

MAY 27 1963

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

Date of receipt of corrected application

Date from which applicant may claim right

MAY 27 1963

Approved

JULY 4 1963, Recorded in Book 8 Page 95

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

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

JANUARY 17 1966

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

JULY 17 1968

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

JULY 17 1972

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

IRRIGATION

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

6th. The amount of the appropriation herein granted shall not exceed 3.30 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually

and beneficially applied for irrigation on or before JULY 17 1972; said water to be used during the following described annual period:

APRIL 1 THRU SEPTEMBER 30

Witness my hand this

29TH

day of

JULY

1963

State Water Resources Commission

By:

Chief Engineer, Executive Officer

Certificate of Construction issued

OCTOBER 24 1969

Water License issued

OCTOBER 24 1969

Remarks by the Applicant:

7.I.(b) Legal subdivisions to be irrigated-----

<u>Location</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>	<u>Acres</u>
SE 1/4 NW 1/4	15	113N	70W	34.5
NW 1/4 SW 1/4	15	113N	70W	2.8
NE 1/4 SW 1/4	15	113N	70W	12.6
NE 1/4 NW 1/4	15	113N	70W	4.9
NW 1/4 NE 1/4	15	113N	70W	18.6
NE 1/4 NE 1/4	15	113N	70W	25.1
SW 1/4 NE 1/4	15	113N	70W	40.0
SE 1/4 NE 1/4	15	113N	70W	38.4
NW 1/4 SE 1/4	15	113N	70W	14.0
NE 1/4 SE 1/4	15	113N	70W	12.6
SW 1/4 NW 1/4	15	113N	70W	30.8
				<u>234.3</u>

Permit No. 1039-3Water Diversion No. 3 James River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That T.J. Poindexterthe holder of
Permit No. 1039-3, issued upon Application No. 1039-3, bearing date of priority of May 27, 1963authorizing the diversion of 3.3 cu. ft. per second of the waters of
a dry draw County of Hand, State of South Dakota at a
point N. 53° 30' W., 399 rods from the SW Corner, Section 15, T113N, R70Wfor irrigationpurposes, has B complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 30 cu. ft. per second of water.Date October 24, 1969

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

WATER LICENSE NO. 1039-3

(1) WHEREAS, On the 27th day of May A. D. 19 63
T.J. Poindexter

made Water Right Application No. 1039-3 for a permit to use 3.3 cubic feet per second of the waters
of a dry draw
County of Hand, State of South Dakota, for irrigation
purposes; and

(2) WHEREAS, On the 29th day of July A. D. 19 63
Permit No. 1039-3, with a date of priority of May 27, 1963
was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water
supply system therein described on or before the 17th day of July A. D. 19 68 and for the
application to beneficial use of said water on or before the 17th day of July A. D. 19 72

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to completion of the construction of the water supply system and is entitled to divert 3.3 cubic feet
per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to the application of water to beneficial use of the following extent,

For irrigating the following land in Section 15, T113N, R70W

	Acres
SE $\frac{1}{4}$ NW $\frac{1}{4}$	34.5
NW $\frac{1}{4}$ SW $\frac{1}{4}$	2.8
NE $\frac{1}{4}$ SW $\frac{1}{4}$	12.6
NE $\frac{1}{4}$ NW $\frac{1}{4}$	4.9
NW $\frac{1}{4}$ NE $\frac{1}{4}$	18.6
NE $\frac{1}{4}$ NE $\frac{1}{4}$	25.1
SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.0
SE $\frac{1}{4}$ NE $\frac{1}{4}$	38.4
NW $\frac{1}{4}$ SE $\frac{1}{4}$	14.0
NE $\frac{1}{4}$ SE $\frac{1}{4}$	12.6
SW $\frac{1}{4}$ NW $\frac{1}{4}$	30.8
Total	234.3 Acres

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to T.J. Poindexter

of Ree Heights
the holder _____ and owner _____ of said permit No. 1039-3 a water right, dating from May 27, 1963
to use of 3.3 cubic feet per second of the waters
of a dry draw

in the County of Hand and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at a point N 53° 30' W., 399 rods from the SW Corner,
Section 15, T113N, R70W

and conduct to and upon portions of Section 15, T113N, R70W, described on the face of
this License

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 1039-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 24th day of October A. D.
Nineteen Hundred and Sixty-nine

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J.W. GRINES

on or before
(First Publication) June 20, 1963

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., May 29, 1963

Notice is hereby given that T. J. Poindexter whose postoffice address is Ree Heights S. Dak., has made an application in accordance with

the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 3.3 cubic feet of water per second of time from ~~xxx~~ a dry draw through the

Poindexter Irrigation Project #2 the point of diversion of which is to be located on the right bank of said stream in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 16

Twp. 113N Range 70W portions of
Said water to be used for the purpose of providing irrigation on the following described land:

NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 16, T113N, R70W

~~xxxxxx~~ purpose

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 17th day of July, 1963, at 2 P. M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission

By:

BURTON F. JONES
Water Right Specialist

CC: R. H. McFarlane, Publisher
Miller Press
Miller, South Dakota

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Hand } ss.

Robert H. McFarlane being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the

The Miller Press a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the city of Miller County of

Hand and State of South Dakota; that the said notice was published in said newspaper on the following dates:

June 6, 1963

June 13, 1963

June 20, 1963

June 27, 1963

in each and every issue of the full number thereof, the first publication being made on the 6th day of June

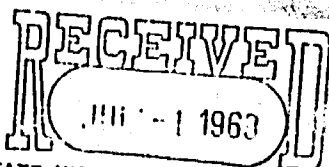
19 63 and the last publication on the 13th day of

June 19 63, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he

was the printer and publisher X of the said newspaper.

Robert H. McFarlane

Subscribed and sworn to before me this 27th day of June A. D. 19 63



STATE WATER RESOURCES COM. I.
PIERRE, SOUTH DAKOTA

APPROPRIATION OF WATER
Office of State Water Resources
Commissioner, Pierre, S. D., May 29, 1963.

Notice is hereby given that T. J. Poindexter whose postoffice address is Ree Heights, S. D., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 3.3 cubic feet of water per second of time from a dry draw through the Poindexter Irrigation Project No. 2, the point of diversion of which is to be located on the right bank of said stream in the SE 1/4 of the NE 1/4 of Section 10 Twp. 113N Range 70W. Said water to be used for the purpose of providing irrigation on portions of the following described land: NE 1/4 NW 1/4, SE 1/4 NW 1/4, NE 1/4 SE 1/4 and NW 1/4 SW 1/4, Section 10, T113N, R70W.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 17th day of July, 1963, at 2 p.m. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission

By:

Burton F. Jones

Water Right Specialist

FPNO 35

LPNO 38

Notary Public Mr. R. H. McFarlane County, S. D.

Pointexter W/R

IRRIGATION PAYS OFF IN STANLEY COUNTY

I have been hearing and reading about the men that are against irrigation in the east river counties of South Dakota and I want to state they plumb don't know what they are talking about if they say irrigation is not good for the dry land farmer.

I came from Hereford, Texas which is about 50 miles southwest of Amarillo where they changed from dry land to irrigation farming and we had to lift our water from wells 200 to 300 feet deep and realized a decided profit.

Land is worth only what it will return to you and to show you the value of irrigation down there, my son, H. A. Poindexter, bought dry land in 1947 for \$50.00 an acre and sold it in 1951 for \$130.00 an acre with irrigation water on it.

I now live on a ranch 11 miles south on U. S. Highway 73 and 22 east of Fort Pierre in Stanley County, South Dakota. Due to the extra load of work getting this ranch in working order since taking it over, I didn't apply water to my corn crop until July, after it was hurt from drouth, with a Rostrum level I bought from Sears, Roebuck. I run ditches through the corn so I could irrigate about 150 acres. I applied water twice with 12 hour runs each time. You should have seen the corn bounce back. On the 150 acres that was irrigated, I will get from 40 to 60 bushels per acre while the dry land corn didn't produce ears in that we have had no rain since the first of July. I am lifting the water from the river some 60 feet with a 70 horsepower Chrysler Industrial Engine operated on butane gas. I estimate

from H.A.T.

my cost per acre for irrigation to be \$1.44, each application.

Total - \$2.88.

I have two men running some 500 cattle and farm 1700 acres so the short time we had to spend on the irrigation operations paid big dividends. With more efficient water applications and additional fertilizer, my corn should yield from 80 to 100 bushels every year, barring hail. On Monday, September 29th at 2:00 P.M., I am planning to have a public tour of my irrigated corn. Come and see for your self.

(Signed)

Joe Poindexter

9-20-52

1039.3

Permit No. ~~1038.3~~Water Division 3 JAMES RIVER Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by T.J.POINDEXTER of REE HEIGHTS holderof Permit No. 1038.3, bearing date of priority of MAY 27, 1963authorizing the diversion of 3.3 cu. ft. per second of the waters of A DAY DRAW
for IRRIGATION purposes, in HAND County.

I have to report on the condition of the same as follows:

The Water Use System consists of,

A. Works used to divert the water:

SMALL DIVERSION DAM W/ 24" TUBE W/
HEADGATE

B. Works used to transport water to place of use,

APPROXIMATELY 1 3/4 MILES OF DICE
HOLDS WATER ON LARGE FLAT

C. Works used to apply water to beneficial use.

1-18" TUBE W/ GATE & 1-24" TUBE W/ GATE
TO RELEASE WATER. TWO SMALL SPILLWAYS
PREVENT WATER FROM BACKING UP TO BUILDINGThe system is in the following condition: EXCELLENTThe point of diversion is located N 53° 30' W, 399 rods from the
SE CORNER, SECTION 15, T113N, R70WThe works are capable of diverting and conveying to the place of use FLOW OF DRAWcu. ft. per second of water which is to be used for IRRIGATIONWater has been put to beneficial use to the maximum extent as follows: ALL IN SECTION 15, T113N, R70W

<u>SE¹ NW⁴</u>	<u>34.5 AC.</u>	<u>N¹ NE⁴</u>	<u>18.6 AC.</u>	<u>NW¹ SE⁴</u>	<u>14 AC.</u>
<u>NW⁴ SW⁴</u>	<u>2.8 "</u>	<u>N¹ NE⁴</u>	<u>25.1 "</u>	<u>NE⁴ SE⁴</u>	<u>12.6 "</u>
<u>NE⁴ SW⁴</u>	<u>12.6 "</u>	<u>SW⁴ NE⁴</u>	<u>40.0 "</u>	<u>SW⁴ NW⁴</u>	<u>80.8 "</u>
<u>NE⁴ NW⁴</u>	<u>4.9 "</u>	<u>SE⁴ NE⁴</u>	<u>88.4 "</u>		

comprising a total of 234.3 acres of land.Date OCTOBER 23, 1969Burton Jones
(Signature)WATER RIGHT SPECIALIST
WATER RESOURCES COMMISSION



January 25, 2006

1039-3

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

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. 1039-3

Date: 3-2-06

I/We request that Water Right No. 1039-3

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:

234.3 acres in portions of Section 15, T113N, R70W

I/We understand that the validity of Water Right No. 1039-3 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 Sandra Poindexter
Revocable
Trust, 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.

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	2	50
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>1039-3</u>		
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.

02337

By

Garland Ebele

(Signature)

Chief Engineer Garland Ebele



**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 10, 2006

1039-3

Sandy Poindexter
212 S Polk
Pierre SD 57501

Dear Sandy:

I am writing to confirm the ownership change for Water Right No. 1039-3. The transfer has been completed. The water right, formerly held by T J Poindexter is now listed in the name of "Sandra Poindexter Revocable Trust".

The ownership changes for Water Right No. 1038-3 are still being processed. I called and spoke with Joe Poindexter concerning portions of the land described in the water right and he wishes to have them transferred to P Spear Ranch Inc. As soon as Joe gets the form and filing fee back to us, the water right will be divided and reissued to reflect separate ownership. Both you and P Spear Ranch will receive an updated license once it is issued.

Enclosed is your Receipt No. 02337 in the amount of \$2.50 which you paid for filing the ownership change for No. 1039-3. If you have any questions, please give me a call.

Sincerely,

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

enclosure