

610A-1



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
PMB 2020  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.denr.sd.gov](http://www.denr.sd.gov)

April 18, 2012

610-1

Amanda Uhlmann  
PO Box 53  
Newell SD 57760 0053

Dear Ms. Uhlmann:

I am contacting you in regard to Vested Water Right No. 610-1 listed in the name of Lillie Holst. David Ruff notified us that a portion of the land described in the water right belongs to you.

I am enclosing a copy of the water license and a map showing the area authorized for irrigation. I used a yellow highlighter to mark the area Mr. Ruff indicated that you purchased. This area is within the Belle Fourche Irrigation District and of course has a state water permit on it as well. If you intend to irrigate the land, the portion of the land you own should be transferred to your name. The vested right would then be divided and reissued to reflect separate ownership between you and Mr. Ruff.

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 \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

If you do not intend to irrigate and do not wish to maintain the water right, please contact our office. Thank you in advance for your help in updating the vested water right.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

enclosures



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June 26, 2012

610-1

Amanda N Uhlmann  
12698 Bighorn Rd  
Whitewood SD 57793-6427

Dear Ms. Uhlmann:

I am writing in follow-up to my letter of April 18<sup>th</sup> concerning Vested Water Right No. 610-1 listed in the name of Lillie Holst. Back in April I sent a copy of the water right and a map showing the area authorized for irrigation. To date, we have received no response from you.

If you intend to irrigate the land, the portion of the land you own should be transferred to your name. The vested right would then be divided and reissued to reflect separate ownership between you and Mr. Ruff. Mr. Ruff has already filed an ownership change for his portion of the land.

In the event you no longer have the transfer form included with the April correspondence, 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 \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

If you do not intend to irrigate and do not wish to maintain the water right, please contact our office by **July 13<sup>th</sup>**. Thank you in advance for your help in updating the vested water right.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

enclosure

## McMath, Genny

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**From:** Amanda Uhlmann <uhlmann12@hotmail.com>  
**Sent:** Tuesday, August 06, 2013 11:13 AM  
**To:** McMath, Genny  
**Subject:** Re: water right

Hi Genny,

Sorry I didn't get back to you sooner (found your email in my junk mail). I never got a straight answer to whether or not we would be able to get any of the water to our place. We would use it if we could. Our new address is:

12981 193rd Street  
Vale, SD  
57788

Just send the paperwork, I will just get it switched to my name. I can figure the rest out later.

Thank you,  
Amanda Uhlmann

Sent from my iPhone

On Jul 29, 2013, at 7:11 AM, "McMath, Genny" <[Genny.McMath@state.sd.us](mailto:Genny.McMath@state.sd.us)> wrote:

Amanda,  
When you get a minute, please give me a call about that land described in Water right No. 610-1. It is land located in the NE ¼ NE ¼ Section 1, T7N, R5E. David Ruff owns the land directly to the south of your land.

I wrote to you a couple times last year concerning the need for an ownership change and whether or not you are irrigating. We have not heard back from you and want to follow up and get the issues taken care of.

Thank you in advance,  
Genny McMath  
Water Rights Program  
605 773-5455



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August 8, 2013

610A-1

Amanda Uhlmann  
12981 193<sup>rd</sup> St  
Vale SD 57788

Dear Ms. Uhlmann:

Enclosed in response to our email communication is a partially completed transfer of ownership form for portions of land described in Vested Water Right No. 610-1.

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 \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

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

Sincerely,

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

enclosure

RECEIVED

SEP 16 2013

WATER RIGHTS  
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 610A-1

Date: 9-11-13

I/We request that portions of Vested Water Right No. 610-1

formerly owned by: Lillie Holst

be transferred to: (name & address) Amanda Uhlmann  
12981 193<sup>rd</sup> Street  
Vale, SD 57788 Telephone No. 605-206-1200

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

11 acres - NE ¼ NE ¼ Section 1, T7N, R5E

I/We understand that the validity of Vested Water Right No. 610A-1 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 Fifty Dollars (\$50.00) 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 Amanda Uhlmann, 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.

# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 9/16, 20 13

RECEIVED OF Amanda N Uhlmann 12981 193rd St Vale SD 57788

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 | 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. _____            |       |       |
| Fee for Filing Transfer Form <u>610A-1</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 | 50 00 |

No. **06433**

By Jeanne Dalman 29  
Chief Engineer



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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[denr.sd.gov](http://denr.sd.gov)

SEP 27 2013

610A-1

Amanda Uhlmann  
12981 193<sup>rd</sup> St  
Vale SD 57788

Dear Ms. Uhlmann:

Enclosed is your Reissued Vested Right Water License No. 610A-1. Vested Right Water License No. 610-1 was divided and reissued based on the ownership changes filed on April 26, 2012 by David D Ruff and by you on September 16, 2013.

Each year in October, we mail out an irrigation questionnaire to irrigators in South Dakota for reporting annual water use. Submission of the annual form is a qualification on your water right and is required whether or not irrigation took place. If you receive water during a specific year from the Belle Fourche Irrigation District, be sure to include a notation to that effect on the questionnaire when returning it to us. If you have any questions concerning how to fill out the form once you receive it, please contact Genny McMath with our program at (605) 773-3352.

Under South Dakota Water Law, water must be placed to beneficial use for the purpose it was appropriated at least once every three years in order to maintain a water right. This three year period may be waived if legal excuse exists for the years of nonuse. Enclosed are excerpts of the water right laws and Water Management Board Rules dealing with these issues.

Enclosed with your water license is Receipt No. 06433 in the amount of \$50.00. The receipt is for the filing fee you paid for filing the ownership change. 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,

Jeanne Goodman, Chief Engineer  
Water Rights Program  
(605) 773-3352

enclosures

**STATE OF SOUTH DAKOTA**  
**REISSUED VESTED RIGHT WATER LICENSE NO. 610A-1**  
**DIVISION OF NO. 610-1 INTO 610A-1 AND 610B-1**

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(1) Lillie Holst was issued Vested Right Water License No. 610-1, December 24, 1992 for a right to divert 0.60 cubic feet of water per second (cfs) from Cottonwood Creek, Meade County, South Dakota for irrigation purposes. Vested Water Right No. 610-1 with a priority date of January 1, 1947 was validated September 30, 1992. Construction of the described water supply system and the application to beneficial use of water was completed and complied with applicable provisions of South Dakota State Law.

The vested water right authorizes irrigation of 42 acres in the NE  $\frac{1}{4}$  Section 1, T7N, R5E. Ownership changes were filed with the vested water right on April 26, 2012 (David D Ruff) and September 16, 2013 (Amanda Uhlmann). Vested Water Right No. 610-1 has been divided and reissued to reflect separate ownership as follows:

- **Vested Water Right No. 610B-1: David D Ruff, 3040 Ridge Rd, Spearfish SD 57783** authorizing irrigation of 31 acres in the S  $\frac{1}{2}$  NE  $\frac{1}{4}$  Section 1, T7N, R5E with a prorated diversion authority of 0.44 cfs.
- **Vested Water Right No. 610A-1: Amanda Uhlmann, 12981 193<sup>rd</sup> St, Vale SD 57788** authorizing irrigation of 11 acres in the NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  Section 1, T7N, R5E and a prorated diversion authority of 0.16 cfs.

(2) It is certified that the vested right holder has complied with the provisions of South Dakota State Law and is entitled to divert 0.16 cubic feet of water per second for beneficial use. The location of the diversion point is in the SW  $\frac{1}{4}$  NE  $\frac{1}{4}$  Section 1, T7N, R5E.

(3) The vested right holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

T7N, R5E Section 1    NE  $\frac{1}{4}$  NE  $\frac{1}{4}$     11 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Amanda Uhlmann, 12981 193<sup>rd</sup> St, Vale SD 57788 the holder and/or owner of Vested Water Right No. 610A-1 is issued a license to appropriate water, the right to use 0.16 cubic feet of water per second from Cottonwood Creek with a priority date of January 1, 1947 from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Vested Water Right No. 610-1.

  
\_\_\_\_\_  
Jeanne Goodman, Chief Engineer  
Water Rights Program  
Department of Environment and Natural Resources

SEP 27 2013

\_\_\_\_\_  
date



610A-1

NOT TO SCALE





610A-1  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 24, 2014

NOTICE

TO: AMANDA UHLMANN, 12981 193RD ST, VALE, SD 57788

FROM: Ron Duvall, Natural Resources Engineer  
for Garland Erbele, Chief Engineer  
Water Rights Program

A handwritten signature in black ink, appearing to read "Ron Duvall".

SUBJECT: Reporting Requirement for 2013 Irrigation Questionnaire(s)

Our records indicate that the 2013 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 610A-1. The request for the Questionnaire was dated October 18, 2013. The Water Management Board has directed that owners of water permits who have not submitted the 2013 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 610A-1 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **9:00 am, March 6, 2014** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 610A-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office on/or before **March 3, 2014**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at [genny.mcmath@state.sd.us](mailto:genny.mcmath@state.sd.us). If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

**NOTE:** Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of ENVIRONMENT  
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PIERRE SOUTH DAKOTA 57501-3182  
[www.denr.sd.gov](http://www.denr.sd.gov)

January 30, 2014

610A-1

Amanda Uhlmann  
12981 193<sup>rd</sup> St  
Vale SD 57788

Dear Ms. Uhlmann:

I am writing to acknowledge receipt of your 2013 irrigation questionnaire.

You may disregard the January 24, 2014, "Notice" concerning reporting requirements for Water Right No. 610A-1. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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