

Water Rights Division -DENR  
Conversation or File Documentation

NAME OF PERSON OR FILE: Cecil F. Henriks

ADDRESS: Sturgis SD

COUNTY: Meade

DATE: March 28, 2002

TELEPHONE: XXXXXXX

RE: Inspection of Vested Right Claim No. 947-1

On August 29, 2001, I talked to Raymond Kieffer and inspected Vested Right Claim No. 947-1. This project still exists as originally claimed and licensed. The new or additional 40 acres in the NW 1/4 of Section 36 were not developed. The project irrigates the following land:

|        |                          |         |        |                          |         |
|--------|--------------------------|---------|--------|--------------------------|---------|
| NE 1/4 | NE 1/4 Sec. 35-T5N-R8E-- | 2 acres | SW 1/4 | NW 1/4 Sec. 36-T5N-R8E-- | 4 acres |
| SW 1/4 | NE 1/4                   | " "     | --     | 4                        |         |
| SE 1/4 | NE 1/4                   | " "     | --     | 33                       |         |

I talked to Mary Ellen Cammack on September 6, 2001. She now owns the 4 acres that are irrigated in the SW 1/4 NW 1/4 of Section 36-T5N-R8E. Mr. Kieffer now owns the 39 acres that are irrigated in the NE 1/4 of Section 35-T5N-R8E. Vested Right Claim No. 947-~~1~~ should be split and transferred to them.

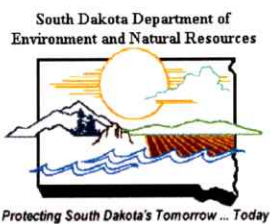
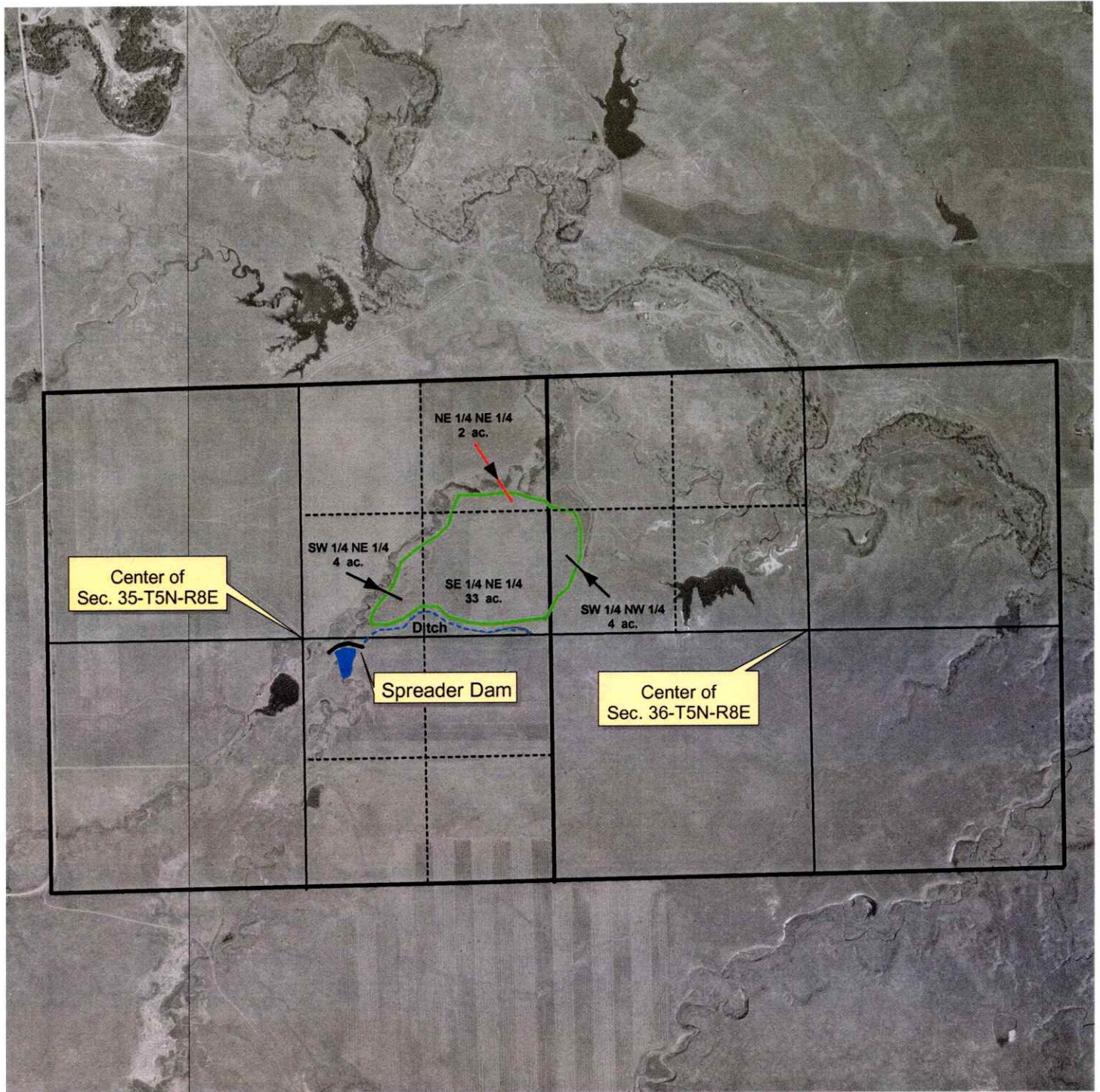
Raymond Kieffer  
20405 Hay Draw Road  
New Underwood, SD 57761

Mary Ellen Cammack  
HC 75, Box 278  
Sturgis, SD 57785



Timothy G. Schaal, P.E.  
Natural Resources Engineer Specialist  
Water Rights Program

# Vested Right Claim No. 947-1



*Timothy G. Schaal*  
Timothy G. Schaal, P.E. 3/28/02  
Natural Resources Engineer Specialist  
Water Rights Program



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

May 30, 2002

**NOTICE**

TO: Raymond Kieffer Mary Ellen Cammack  
20405 Hay Draw Road 14720 Home Place  
New Underwood SD 57761 Sturgis SD 57785

FROM: Garland Erbele, Chief Engineer  
Water Rights Program  
605 773-3352 *Garland Erbele*

SUBJECT: Hearing to Consider Validation of Recognized Vested Right Claim No. 947-1

Vested Right Claim No. 947-1 authorizes 0.61 cubic feet of water per second (cfs) from Lone Tree Draw to irrigate 43 acres located in portions of the NE ¼ Section 35 and NW ¼ Section 36; all in T5N-R8E. It is our understanding that Mr. Kieffer's owns 39 acres while Ms. Cammack owns the remaining 4 acres authorized for irrigation.

A Notice of Intent to validate Claim No. 947-1 was published on June 22 and 29, 1988 in the Meade County Times-Tribune. The Water Rights Program postponed validation of No. 947-1 for purposes of completing an on-site investigation of the claim. The investigation of Claim No. 947-1 was completed on August 29, 2001, by Tim Schaal, staff engineer. The investigation found this claim still exists as originally claimed and licensed. The water right will be spilt to reflect the separate ownership after validation.

The Water Management Board will consider validation of Claim No. 947-1 at 10:00 am, July 10, 2002, in the Floyd Matthews Training Center, Joe Foss Building, 523 E Capitol, Pierre SD. The agenda time is an estimate. The actual time of the hearing may be later than 10:00 am due to prior agenda items.

Pursuant to the findings of the on-site investigation, validation of Claim No. 947-1 is recommended for a diversion rate of 0.61 cfs from Lone Tree Draw to irrigate 43 acres. Following the hearing, the Board is authorized to 1) validate the claim as recommended for 43 acres and 0.61 cfs, 2) validate the claim based on evidence presented at the public hearing, or 3) defer validation of the claim. Applicable provisions of the published notice of intent to validate Claim No. 947-1 will still apply at this hearing. A copy of the June 22, 1988, publication is available upon request.

This hearing may be an adversarial proceeding. You have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by June 28, 2002 at the above Water Rights Program address to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

c:Diane Best, Assistant Attorney General

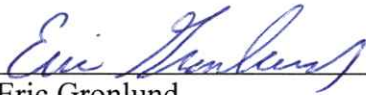
CERTIFICATION

I hereby certify that on May 30, 2002 , I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated May 30, 2002 regarding Hearing to Consider Validation of Recognized Vested Right Claim No. 947-1 addressed as stated below:

|                         |                    |
|-------------------------|--------------------|
| Raymond Kieffer         | Mary Ellen Cammack |
| 20405 Hay Draw Rd.      | 14720 Home Place   |
| New Underwood, SD 57761 | Sturgis, SD 57785  |

A copy of the above described Notice was sent Inter-office to:

Diane Best, Assistant Attorney General, Capitol Building



Eric Gronlund  
Natural Resource Engineer  
Water Rights

STATE OF SOUTH DAKOTA     )  
                                                  ) SS  
COUNTY OF HUGHES         )

Sworn to, before me, this 31<sup>st</sup> day of May, 2002.



Karen Schlaak  
Notary Public  
My Commission expires April 1, 2007





DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

March 29, 2002

No. 947-1

Raymond Kieffer  
20405 Hay Draw Road  
New Underwood SD 57761

Dear Mr. Kieffer:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Right No. 947-1. The water right is currently listed in the name of Cecil F. Henriks.

The transfer form should be checked over for accuracy and **signed by the new owner** in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

*Karen Schlaak*

Karen Schlaak  
Water Rights Program  
605 773-3352

enclosure

**RECEIPT**  
*Water Rights Program*  
South Dakota Department of Environment and Natural Resources

**Nº 417158**

Pierre, MAY 6, \_\_\_\_\_, 20 02

RECEIVED OF Raymond Kieffer, HC 81 Box 29, New Underwood, SD 57761  
the following amount in fees for services rendered as provided for by law: (Cecil F. Henriks)

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 947-1

Fee for Filing Extension Request \_\_\_\_\_

Fee for \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(Any Other Work Provided by Law)

**Total**

2 50

2 50

By Darland Erbe  
Chief Engineer *cm*

# NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

No. 947-1

RECEIVED  
MAY 06 2002

MAY 16 2002  
WATER RIGHTS  
PROGRAM

Date: 5-1-02

I/We request that Water Right No. **947-1** WATER RIGHTS PROGRAM

formerly owned by: Cecil F. Henriks

be transferred to: (name & address)

Raymond or Rose Kieffer  
20405 Hay Avenue Rd New Underwood, S. Dak Telephone No. 985-5952

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

39 acres - NE 1/4 NE 1/4, S 1/2 NE 1/4 Sec 35-T5N-R8E

I/We understand that the validity of Water Right No. **947-1** 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 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.**

STATE OF SOUTH DAKOTA )

County of Meade )

I/We Raymond or Rose Kieffer 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, and that I know of my own personal knowledge that the information herein stated is true.

Raymond S. Kieffer  
(Signed by new owner)

Subscribed and sworn to before me this 1 day of May, 2002



Viola Barry  
(Notary Public)

**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 AGRICULTURE  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 E. CAPITOL AVE  
PIERRE SD 57501-3182  
danr.sd.gov

March 27, 2024

VR 947-1

TO: Raymond Kieffer; 23927 Hart Ranch Rd W, Rapid City SD 57702  
Mary Ellen Cammack; 14720 Home Pl, Sturgis SD 57785

FROM: Amanda Dewell  
SD Water Rights Program  
523 E Capitol Ave, Pierre SD 57501

SUBJECT: Vested Water Right No. 947-1

Vested Water Right No. 947-1 was validated on July 10, 2022, and authorizes the diversion of 0.61 cubic feet of water per second (cfs) from Loan Tree Draw for the irrigation of 43 acres within the NE 1/3 Section 35 & NW 1/4 Section 36; all in T5N-R8E, Meade County.

An on-site inspection conducted in March 2002 found that Mr. Keieffer owned 39 acres located in the NE 1/4 Section 35, T5N-R8E, and Ms. Cammack owned the other 4 acres located in the SW 1/4 NW 1/4 Section 36, T5N-R8E. "Transfer of Ownership" forms and the appropriate fees were received from Mr. Kieffer and Ms. Cammack on May 6, 2002, and May 15, 2002, respectively.

The Vested Water Right was to be split and issued to each party in accordance with the ownership transfers. Unfortunately, the paperwork for the divided Vested Right was just recently located.

In checking the ownership of the above-described properties, it appears that you are still the owners. Please confirm that you still hold ownership of the properties authorized in Vested Water Right No. 947-1 and whether the self-spreading system is still operational.

Upon your confirmation, our office will proceed with issuance of split Vested Right Nos. 947A-1 & 947B-1.

April 9, 2024

To: Department of Agriculture and Natural Resources  
Joe Foss Building  
SD Water Rights Program  
523 E. Capitol Avenue, Pierre, SD 57501-3182

RECEIVED

APR 15 2024

OFFICE OF  
WATER

From: R. Kieffer, 23927 Hart Ranch Rd W, Rapid City, SD 57702

Subject: Response in regard to Vested Water Right No. 947-1

Dear Ms. Dewell;

This is to confirm that the estate of Raymond Kieffer still owns the 39 acres located in the NE ¼ Section 35, T5N-R8E and that the self-spreading system referred to in your letter dated March 27, 2024, is still operational.

Please let me know if you have any additional questions. I can be contacted at 605-341-7005.

Sincerely,

A handwritten signature in cursive script that reads "Rose Kieffer". The signature is written in dark ink and is positioned above a horizontal line.

Rose Kieffer

Court-appointed Personal Representative of the Estate of Raymond Kieffer



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 E CAPITOL AVE  
PIERRE SD 57501-3182  
danr.sd.gov

APR 29 2024

947A-1

Rose Kieffer  
23927 Hart Ranch Rd W  
Rapid City SD 57702

Dear Ms. Kieffer:

The Water Management Board validated Vested Water Right No. 947-1, giving legal status to the claim on July 10, 2002.

“Notice of transfer of Ownership” were filed on May 6<sup>th</sup> & 15<sup>th</sup>, 2002. Vested Right No. 947-1 has been divided and reissued to reflect the separate ownership as follows:

- Vested Right No. 947A-1, Raymond or Rose Kieffer, 23927 Hart Ranch Rd W, Rapid City SD 57702 authorizing the diversion of 0.55 cfs from Lone Tree Draw to irrigate 39 acres located in the NE ¼ NE ¼ & S ½ NE ¼ Section 35, T5N, R8E.
- Vested Right No. 947B-1, Mary Ellen or Randy Cammack, 14720 Home Pl, Sturgis SD 57785 authorizing the diversion of 0.06 cfs from Lone Tree Draw to irrigation 4 acres located in the SW ¼ NW ¼ Section 36, T5N, R8E.

Included with your vested right is a map prepared by the staff engineer who conducted the field investigation.

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

Sincerely,

Eric Gronlund, Chief Engineer  
Water Rights Program  
(605) 773-3352

**NOTE:** If you would like to have the vested right transferred to the Estate of Raymond Kieffer, a new “Notice of Transfer of Ownership” would need to be filed. A partially completed form has been enclosed for your convenience.

*enclosures*

**STATE OF SOUTH DAKOTA**  
**REISSUED VESTED WATER RIGHT NO. 947A-1**  
**DIVISION OF VESTED RIGHT NO. 947-1 INTO NOS. 947A-1 & 947B-1**

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(1) Cecil F Henriks of Sturgis SD, was issued Vested Water Right No. 947-1 to appropriate 0.61 cubic feet of water per second from (cfs) Lone Tree Draw, Meade County, South Dakota for irrigation purposes. Vested Water Right No. 947-1, with a priority date of January 1, 1953, was validated by the Water Management Board on July 10, 2002. Construction of the described water supply system and application of water to beneficial use has been completed and complies with application portions of South Dakota State Law.

“Notice of transfer of Ownership” were filed by Mary Ellen or Randy Cammack and Raymond or Rose Kieffer on May 15, 2002, and May 6, 2002, respectively. Vested Right No. 947-1 is being divided and reissued to reflect the separate ownership as follows:

- Vested Right No. 947A-1, Raymond or Rose Kieffer, 23927 Hart Ranch Rd W, Rapid City SD 57702 authorizing the diversion of 0.55 cfs from Lone Tree Draw to irrigate 39 acres located in the NE ¼ NE ¼ & S ½ NE ¼ Section 35, T5N, R8E.
- Vested Right No. 947B-1, Mary Ellen or Randy Cammack, 14720 Home Pl, Sturgis SD 57785 authorizing the diversion of 0.06 cfs from Lone Tree Draw to irrigation 4 acres located in the SW ¼ NW ¼ Section 36, T5N, R8E.

(2) It is certified that the vested right holders, Raymond or Rose Kieffer, are entitled to divert 0.55 cubic feet of water per second for beneficial use. The location of the diversion point is:

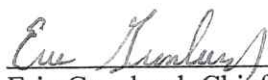
- Spreader Dam: NW ¼ SE ¼ Section 35, T5N, R8E (Latitude 44.34945 Longitude -103.11280)

(3) The amount of appropriation may not exceed 3 acre-feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: March 1 – September 30.

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

Section 35, T5N, R8E  
NE ¼ NE ¼    2 acres  
SW ¼ NE ¼    4 acres  
SE ¼ NE ¼    33 acres  
TOTAL: 39 acres

(5) Pursuant to South Dakota Water Law 46-5-30.1, Raymond or Rose Kieffer, the holders and/or owners of Vested Water Right No. 947A-1 are issued a license to appropriate water, the right to use 0.55 cubic feet of water per second from Lone Tree Draw, with a priority date of January 1, 1953, from the location specified in (2) of this license for irrigation purposes.



Eric Gronlund, Chief Engineer  
Water Rights Program  
Department of Agriculture and Natural Resources

APR 29 2024

date

