

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.

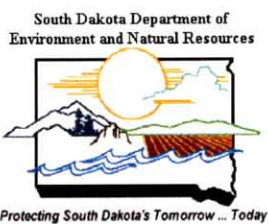
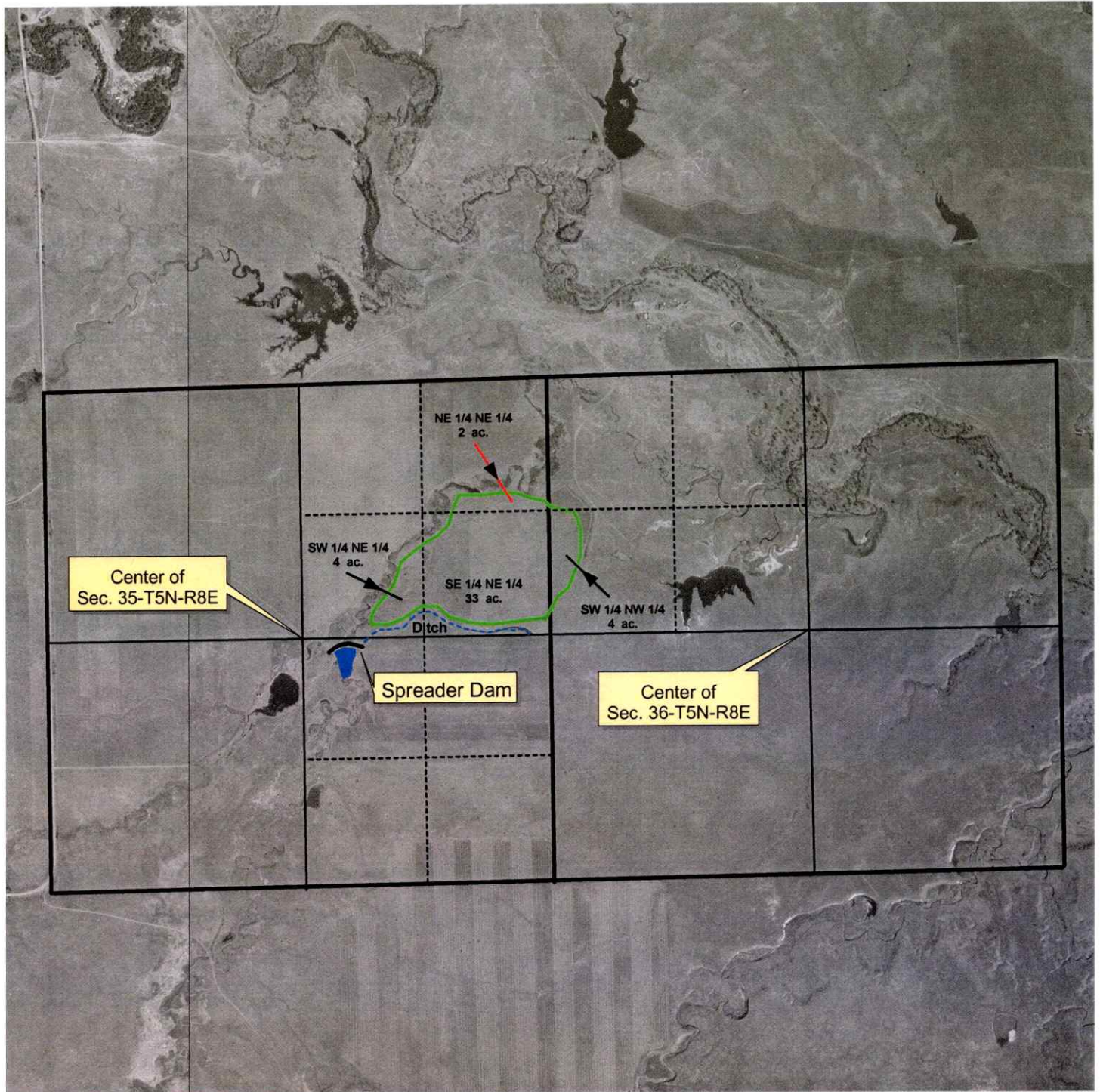
Raymond Kieffer
20405 Hay Draw Road
New Underwood, SD 57761

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



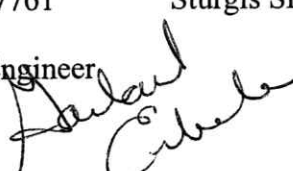
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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 

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

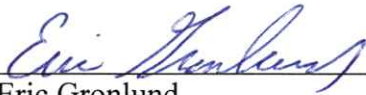
CERTIFICATION

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 31st 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

March 29, 2002

No. 947-1

Mary Ellen Cammack
HC 75, Box 278
Sturgis SD 57785

Dear Ms. Cammack:

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
Water Rights Program
605 773-3352

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 8, 2002

No. 947-1

Mary Ellen Cammack
HC 75, Box 278
Sturgis SD 57785

Dear Ms. Cammack:

I am writing to remind you that we have not yet received the transfer of ownership form from you for Water Right No. 947-1. The water right is still listed in Cecil F. Henriks name. We have received a transfer form from Raymont Kieffer for the portion of the water right that he owns.

In the event you no longer have the transfer form originally sent to you, I am forwarding an additional one. Please review the form and complete the portion titled "**be transferred to: (name & address)....**". Upon completion, please sign the form in the presence of a notary public and return it 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".

Failure to keep records current can mean a delay in receiving a notice or even no receipt of a notice that pertains to the water right. In some cases, a notice from our office includes an order which could result in up to one year suspension of a permit or other penalty if not complied with.

The statutes provide that a water permit or right for irrigation remains appurtenant to the land. If there is an ownership change, however, no assignment (transfer) shall be binding except upon the parties thereto, unless filed for record in this office.

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 417167

Pierre, May 15, 2002, 20

RECEIVED OF Mary Ellen Cammack, 14720 Home Place, Sturgis, SD 57785
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 No. 947-1

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

By

Garland Erbele

Chief Engineer

GARLAND ERBELE

JD

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 947-1

RECEIVED

MAY 15 2002

WATER RIGHTS
PROGRAM

Date: 24 April 2002

I/We request that Water Right No. 947-1

formerly owned by: Cecil F. Henriks

be transferred to: (name & address) Mary Ellen or Randy A. Cammack
14720 Home Place Sturgis SD 57785 Telephone No. 605-347-4197

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

4 acres - SW 1/4 NW 1/4 Section 36-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.

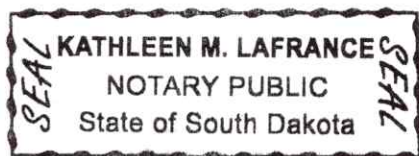
STATE OF SOUTH DAKOTA)

County of Pennington)

I/We MARY ELLEN CAMMACK 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.

Mary Ellen Cammack
(Signed by new owner)

Subscribed and sworn to before me this 24TH day of APRIL, 20 02



Kathleen M. LaFrance
(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.

MY COMMISSION EXPIRES 4-21-06

**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.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

APR 29 2024

947B-1

Mary Ellen or Randy Cammack
14720 Home Pl
Sturgis SD 57785

Dear Mr. & Ms. Cammack:

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 6th & 15th, 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: While Vested Water Right No. 941B-1 includes diversion from Lone Tree Draw, access to the spreader dam on private property is not afforded under the vested right. Access arrangements would need to be made with the adjacent landowner.

enclosures

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

(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, Mary Ellen or Randy Cammack, are entitled to divert 0.06 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 36, T5N, R8E
SW ¼ NW ¼ 4 acres

(5) Pursuant to South Dakota Water Law 46-5-30.1, Mary Ellen or Randy Cammack, the holders and/or owners of Vested Water Right No. 947B-1 are issued a license to appropriate water, the right to use 0.06 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
Eric Gronlund, Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources

APR 29 2024

date

