

DENR Water Rights Program
523 E Capitol
Pierre, SD 57501
Phone: 605 773-3352
Fax: 605 773-4152

State of South Dakota

Fax

To: Sylvia Conrad **From:** Genny McMath
Fax: 605 348-9831 **Date:** May 20, 1999
Phone: 605 348-8808 **Pages:** 2
Re: Water Right No. 1576-2 **email:** genny.mcmath@state.sd.us

☐ Urgent ☒ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

•Comments:

The following page is a partially completed "Notice of Transfer of Ownership" form. I completed the form based on the information you supplied to us.

As we discussed, you may either sign the form and return it to us or you can stop into our office when you are in Pierre the first week in June and sign the original. You have already paid the necessary filing fee – additional fees are not required.

It is my understanding that you have purchased only a portion of the land described in the water right. The water right authorizes irrigation 30 acres in the NW ¼ NE ¼ and SW ¼ NE ¼ Section 8, T1N, R8E.

The following is a breakdown of how the water right will be divided and released:

NW ¼ NE ¼ Section 8, T1N, R8E (17 acres – .24 cubic feet of water per second) Open Bible Church	SW ¼ NE ¼ Section 8, T1N, R8E (13 acres – 0.19 cubic feet of water per second) Sylvia Conrad
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If the above information is not correct – please let me know.

I have not received the transfer of ownership material from the Open Bible Church. If you would, please forward me the name of the contact person for the church and I will give them a call to see if they need assistance with filing that transfer.

Thank you for your help – if you have any questions, please get in touch with me.

NOTICE OF TRANSFER OF OWNERSHIP

No. _____

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

Date: May 7, 1999



I/We request that Water Permit/Right No. 1576-2

Formerly owned by: Variety Sales

be transferred to (name & address): Sylvia Conrad 303 E. Jackson Street, Apt. #1, Rapid City, SD 57701
Telephone No. (605) 348-8808

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

N1/2 SW1/4 NE1/4 SEC8 T1N R8E Pennington County, SD

I/We understand that the validity of Water Permit/Right No. 1576-2 has not been determined by this transfer action. If I/We have 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 attached to cover the filing fees as required under SDCL 46-2-13.

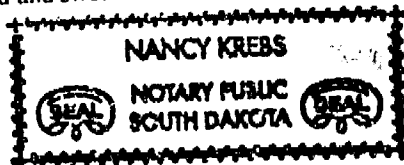
STATE OF SOUTH DAKOTA)

County: Pennington)

I/We, Hank Thompson, President of Variety Sales, Inc., 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.

Varisty Sales, Inc.
Hank Thompson pres.
(Signed)

Subscribed and sworn to before me this 19th day of May, 1999



Channing Krebs
(Notary Public)

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. 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

No 416128

Pierre, May 20, 1999

RECEIVED OF Sylvia Conrad, 303 E. Jackson, Suite 1, Rapid City, SD 57701-1485
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>Water Right No. 1576-2</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)		
Total	2	50

By

Ch. Engineer

[Signature]

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 1576-2

Date: _____

I/We request that Water Right No. 1576-2

formerly owned by: Variety Sales, Hank Thompson, President

be transferred to: (name & address) Sylvia Conrad, 303 E Jackson St, Apt #1, Rapid City, SD 57701

Telephone No. (605) 348-8808

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

N 1/2 SW 1/4 NE 1/4 Section 8, T1N, R8E, Pennington County

I/We understand that the validity of Water Right No. 1576-2 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 Hughes)

I/We Sylvia Conrad 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.

Sylvia Conrad
(Signed)

Subscribed and sworn to before me this 2nd day of June, 1999.

Patricia B. Bruckner
(Notary Public)

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. 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

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

AUG 5 1999

Sylvia Conrad
303 E Jackson Street
Apt #1
Rapid City SD 57701-1485

Dear Ms. Conrad:

Enclosed is Water License No. 1576A-2, receipt for payment of the transfer fee and a sample copy of an irrigation questionnaire. Water Right No. 1576-2 is being reissued to reflect separate ownership. The reissued water rights will be as follows:

No. 1576A-2, Sylvia Conrad: irrigation of 13 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8-T1N-R8E with diversion of 0.19 cfs from Rapid Creek.

No. 1576B-2, Open Bible Christian Center: irrigation of 17 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8-T1N-R8E with diversion of 0.24 cfs from Rapid Creek.

As long as you use the water beneficially, as stated in the water license, South Dakota Water Laws provide that you have a continuing right to the use of the water.

If you have any questions concerning the reissued license, please contact us.

Very truly yours,


JOHN HATCH, Chief Engineer
Water Rights Program
605 773-3352

enclosures

STATE OF SOUTH DAKOTA
REISSUED WATER LICENSE NO. 1576A-2
DIVISION OF NO. 1576-2 INTO 1576A-2 AND 1576B-2

(1) Valley Green Sod Farms, Rapid City SD was issued Water License No. 1576-2, February 2, 1978 for a water right to appropriate 0.43 cubic feet of water per second (cfs) from Rapid Creek, Pennington County, South Dakota for irrigation purposes. Water License No. 1576-2, with a priority date of March 22, 1977 was issued with construction of the described water supply system completed and the application to beneficial use of said water completed.

On January 31, 1991, Water Right No. 1576-2 was transferred to Variety Sales, Inc. On June 2 and 14, 1999, transfers of ownership were received, for portions of the water right. Water Right No. 1576-2 is being reissued to reflect separate ownership. The reissued water rights will be as follows:

No. 1576A-2, Sylvia Conrad: irrigation of 13 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8-T1N-R8E with diversion of 0.19 cfs from Rapid Creek.

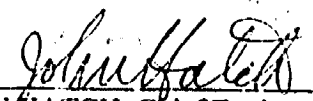
No. 1576B-2, Open Bible Christian Center: irrigation of 17 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8-T1N-R8E with diversion of 0.24 cfs from Rapid Creek.

(2) It is certified that the water right holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.19 cubic feet of water per second for beneficial use. The location of the diversion point is 1,150 feet south and 650 feet east of the north quarter corner of Section 8-T1N-R8E (NW $\frac{1}{4}$ NE $\frac{1}{4}$).

(3) The water 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:

13 acres - SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8-T1N-R8E

(4) Pursuant to South Dakota Water Law 46-5-30.1 Sylvia Conrad, 303 E Jackson, Apt #1, Rapid City SD 57701-1485 the holder and/or owner of Water Right No. 1576A-2 is issued a license to appropriate water, the right to use 0.19 cubic feet of water per second from Rapid Creek with a priority date of March 22, 1977 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Right No. 1576-2 and subject to South Dakota State Law.



JOHN HATCH, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

AUG 5 1999

date



NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

APR 23 2019

WATER RIGHTS
PROGRAM

PAID

APR 23 2019

Ck# 99518

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

No. 1576A-2

Date: 4/12/19

I/We request that Water Right No. 1576A-2

formerly owned by: Sylvia Conrad

be transferred to: (name & address) K Bar S Enterprises, LLC

2100 Sedivy Lane, Rapid City, SD 57701

Telephone No. _____

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

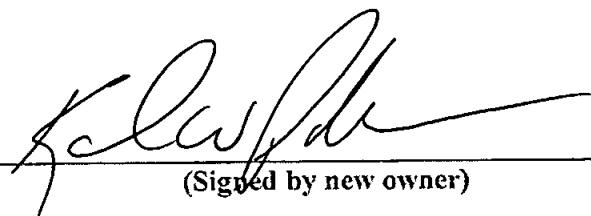
13 acres – SW ¼ NE ¼ Section 8, T1N, R8E

I/We understand that the validity of Water Right No. 1576A-2 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 K Bar S Enterprises, LLC, 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 April 23

, 2019

RECEIVED OF First American Title Co of SD 2100 Sedivy Lane Rapid City SD 57701
PO Box 8181

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>1576A-2</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. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No. **09127**

By

Jeanne Goodman
Chief Engineer
zm



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

April 24, 2019

1576A-2

Karl Paepke
K Bar S Enterprises LLC
2100 Sedivy Lane
Rapid City SD 57703

Dear Mr. Paepke:

I am writing to acknowledge receipt of the transfer form and filing fee submitted for transferring Water Right No. 1576A-2.

The ownership change has been completed. Water Right No. 1576A-2, formerly held by Sylvia Conrad is now listed under K Bar S Enterprises LLC.

Since you have other water rights I know you are probably aware of the requirement to submit the annual irrigation questionnaire. The form will be sent to you in October and is due back in our office by the first week in December.

Receipt No. 09127 in the amount of \$50 is being sent by copy of this letter to First American Title Company of SD. If you have any questions concerning the water right, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Genny McMath". The signature is fluid and cursive, with a large, stylized "G" and "M".

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

c: First American Title Company of SD w/Receipt No. 09127

File: Water Right Nos. 1576A-2, 1684-2, 2320-2, 2487A-2, & 2537-2

Water Rights Program

File Documentation

NAME: Karl Paepke

DATE: March 27, 2026

Operator, Open Bible Christian Center (2487A-2)

Owner, K Bar S Enterprises, LLC. (1576A-2, 1684-2, 2320-2 & 2537-2)

ADDRESS:

PHONE:

RE: Request to irrigate early (2487A-2)

COMMENTS:

Carl Paepke, on behalf of K Bar S Enterprises, LLC and Open Bible Christian Center, requested permission to start irrigating on April 1, before the April 15 period of use on the Water Right No. 2487A-2. All other water rights/permits have an annual period of use starting April 1. Mr. Paepke mentioned that he operates a sod farm and the Open Bible Christian Center irrigation system. Due to the very dry winter, there is no moisture, and he had concerns regarding losing his sod production and the center lawn. Mr. Paepke made this request based on a letter in the file for Water Permit No. 2537-2 dated March 21, 2007, from Water Rights Staff member Mark Rath. The letter provided to the previous permit holder for Water Permit No. 2537-2, Dave Snyder, approved the request to immediately begin Rapid Creek diversions.

I consulted with staff engineer Nakaila Steen who is our Rapid Creek expert. She explained some history of allowing some early water to use to clean the ditches and startup a couple of center pivots. Based on past practice and to prevent undue loss, I have approved the request for this year. I informed Mr. Paepke that it would probably be prudent to apply for an amendment to the permit to change the date to earlier in the year and that it may also be prudent to do that for all his water rights/permits.



Adam Mathiowetz

Acting Chief Engineer

DANR-Water Rights Program