

**WATER PERMIT NO. 1839A-2**

Name of Applicant: **Mark M & Pam I Kieffer**

Address: **13605 Neckyoke Rd, Rapid City SD 57702**

Phone: **605 341-1267**

Amount of Water Claimed: **no add'l**

Total Acres: **120**

Source of Water Supply: **Lone Tree Ditch**

Water to be used for: **irrigation**

County: **Pennington**

Type of Waste Disposal System:

Location: **2 miles southeast of Rapid City Airport**

**PRIORITY**

Date Received: **3-12-2002**

Fee: **\$50**

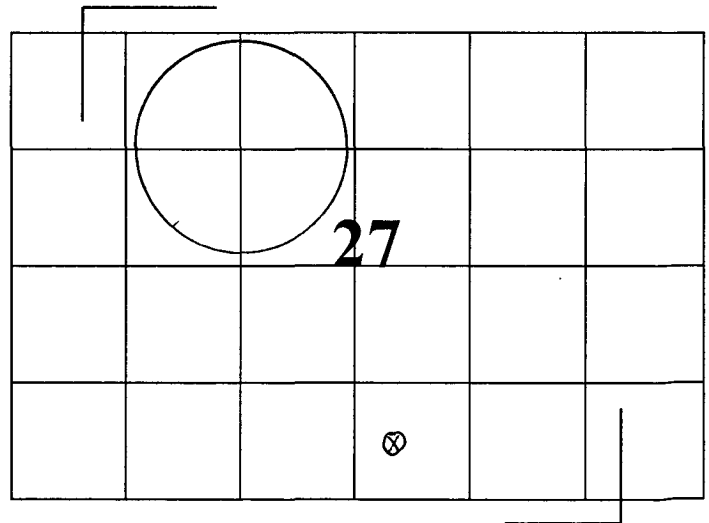
Corrected Application Received: **3-21-2002**

Period of Annual Use: **May 1 – September 30**

Remarks: **change the location of irrigated acreage authorized by No. 1839-2**

Diversion Point: **SW ¼ SE ¼ Sec 27-T1N-R9E**

Land to be Irrigated: **NW ¼ Sec 27-T1N-R9E**



Depth of Well: **NA**

Well Driller: : **NA**

Remarks:

Type of Map: **aerial**

Prepared by: **Gene Waterson, NRCS**

Reviewed and the Number Assigned on: **3-21-2002**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: \_\_\_\_\_

|                                                                                                                    |                                                 |
|--------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|
| Mail to:<br>Water Rights Program<br>Joe Foss Building<br>523 E. Capitol<br>Pierre, SD 57501-3181<br>(605) 773-3352 | No. <u>1839A-2</u> (office use only)            |
|                                                                                                                    | Hydrologic Unit <u>10/20110</u>                 |
|                                                                                                                    | Basin <u>Upper Cheyenne</u>                     |
|                                                                                                                    | Newspaper <u>Rapid City Journal, Rapid City</u> |

RECEIVED  
MAR 12 2002  
WATER RIGHTS  
PROGRAM

## Application For Permit To Appropriate Water For Irrigation

Type of Application: New Vested Right ☒ Amendment/Correction to Permit No. 1839-2  
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) 1839-2  
was in the SE 1/4 Section 27 IN 9E - proposed to  
NW 1/4 Sec 1N 9E

1. Name of Applicant MARK M PAME Kieffer Phone 341-1267  
(check one) ☒ Owner ☐ Tenant/lessee  
Mailing Address 13605 NECKYORK Rd Rapid City State SD 57702  
(Street, RR, or Box and City) (Zip Code)

2. Amount of water claimed None \*CFS or None \*\*GPM None \*\*\*AF Total Acreage 120  
(\*Cubic Feet per Second) (\*\*Gallons per Minute) (\*\*\*) Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Long tree ditch

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) Long tree ditch  
SW 1/4 SE 1/4 Sec 27-T1N-R9E

County Pennington

5. County or counties where water will be used Pennington

6. Annual period during which water is to be used May 1 - September 30

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.  
(Attach sheet if more space is needed)

| Land Description            | Acres | Land Description | Acres |
|-----------------------------|-------|------------------|-------|
| NE 1/4 NW 1/4 Sec 27 T1N    | 30    |                  |       |
| NW 1/4 NW 1/4 Sec 27 T1N 9E | 30    |                  |       |
| SW 1/4 NW 1/4 Sec 27 T1N 9E | 30    |                  |       |
| SE 1/4 NW 1/4 Sec 27 T1N 9E | 30    |                  |       |

8. Give a description of the project. (Attach sheet if more space is needed) The proposed change would not conflict with Basin Electric power line to be constructed. Soil type and topography also lends itself better to irrigation.

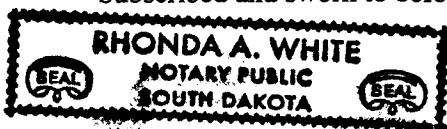
STATE OF SOUTH DAKOTA) SS  
County of Pennington

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, Mark M Kieffer, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature Mark M Kieffer

Subscribed and sworn to before me this 11 day of March 2002



Rhonda A. White  
Notary Public signature

April 30, 2007

**SOUTH DAKOTA**  
**WATER PERMIT NO. 1839A-2 FOR IRRIGATION**

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Date of first receipt of application March 12, 2002.

Date of return to applicant for corrections, amendments or changes March 12, 2002.

Date of receipt of corrected application March 21, 2002.

The Water Management Board approved Water Permit Application No. 1839A-2 on May 1, 2002 for Mark M & Pam I Kieffer, 13605 Neckyoke Rd, Rapid City SD 57702 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 1839A-2 amends existing Water Right No. 1839-2 by changing the location of 120 irrigated acres. Water Right No. 1839-2 authorizes the irrigation of 120 acres in the N ½ SE ¼ and S ½ NE ¼ Section 27, T1N, R9E from the existing Lone Tree Ditch diversion as allowed by shares held by Mr. Kieffer. There is no increase in the diversion rate above that authorized by the existing Lone Tree Ditch water rights. This permit changes the location of the irrigated acres to the NW ¼ Section 27, T1N, R9E.
2. The amount of the appropriation may not exceed 2 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: May 1 – September 30.
3. The date from which applicant may claim right is April 19, 1983.
4. One-fifth of the construction is to be completed on or before November 1, 2004.
5. All construction is to be completed on or before May 1, 2007.
6. Water is to be put to beneficial use on or before May 1, 2011.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

**QUALIFICATIONS**

1. Water diverted under Water Permit No. 1839A-2 bears a priority date of April 19, 1983 as established by Water Permit No. 1839-2. The source of water for this irrigation is from the existing diversion from Lone Tree Ditch as allowed by shares held by the water permit holder. There is no increase in the diversion rate from Lone Tree Ditch.
2. Water Permit No. 1839-2 and 1839A-2, combined, authorizes irrigation of a maximum of 120 acres. The system shall be configured to allow only the irrigation of 120 acres in the NW ¼ Section 27, T1N, R9E.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

**WATER MANAGEMENT BOARD**

By: Garland Erbele

Garland Erbele, Chief Engineer  
Water Rights Program  
Department of Environment and Natural Resources

MAY 31 2002

date



# RECEIPT

## Water Rights Program

South Dakota Department of Environment and Natural Resources

417119

Pierre, March 12, 2002

RECEIVED OF Mark R. Jaffer, 13605 Neck Yoke Rd., Rapid City SD 57701-8803

the following amount in fees for services rendered as provided for by law:

|                                                                                                                         |       |        |
|-------------------------------------------------------------------------------------------------------------------------|-------|--------|
| Fee for Application for Permit No. _____ to Appropriate Water, to construct<br>and to put water to beneficial use _____ | 50    | 00     |
| Fee for Application for Permit No. _____ to Appropriate Water, for Future<br>Use _____                                  |       |        |
| Fee to retain Future Use Permit No. _____ after period of seven years.                                                  |       |        |
| Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water<br>License No. _____                  | 50    | 00     |
| Fee for Filing Transfer Form _____                                                                                      |       |        |
| Fee for Filing Extension Request _____                                                                                  |       |        |
| Fee for _____                                                                                                           |       |        |
| _____                                                                                                                   |       |        |
| _____                                                                                                                   |       |        |
| (Any Other Work Provided by Law)                                                                                        | Total | 100 00 |

By

Chief Engineer

Darland Erbe

T 3608

T 3608

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NHÉ

RCS DC  
Full time  
3-18-88

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HEL 262

©

18.37A-2





**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 12, 2002

Mark M & Pam I Kieffer  
13605 Neckyoke Rd  
Rapid City SD 57702

Dear Mr. & Mrs. Kieffer:

Thank you for submitting the *Application for a Permit to Appropriate Water* for a change in location of irrigated acreage authorized by Water Right No. 1839-2.

Enclosed is the map submitted with the application. The map is being returned because it must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local NRCS office).

If you have any questions, please contact me.

Sincerely,

*Karen Schlaak*

Karen Schlaak  
Water Rights Program  
605 773-3352

enclosure

## REPORT ON WATER PERMIT APPLICATION NO. 1839A-2

Mark & Pam Kieffer

March 22, 2002

Application No. 1839A-2, Mark and Pam Kieffer, are requesting the authorization for changing the location of 120 irrigated acres from the N  $\frac{1}{2}$  SE  $\frac{1}{4}$  and the S  $\frac{1}{2}$  NE  $\frac{1}{4}$  of Section 27 to the NW  $\frac{1}{4}$  of Section 27; all in T1N-R9E. The current irrigation is authorized by Water Right No. 1839-2. This irrigation project is located approximately 8 miles southeast of the City of Rapid City in Pennington County.

### Review of the Proposed Project

The applicants hold Water Right No. 1839-2 bearing the priority date of April 19, 1983. This water right allows water to be taken from Lone Tree ditch to irrigate 120 acres in the E  $\frac{1}{2}$  of Section 27 T1N-R9E. The applicants hold shares in Lone Tree Ditch for irrigation. When applicants are not utilizing the water to irrigate their land under the Lone Tree Ditch, this water right allows them to use this water to irrigate the additional 120 acres which are separate from their ditch company irrigation.

The applicants are now requesting to move these irrigated acres to the NW  $\frac{1}{4}$  of Section 27 T1N-R9E. South Dakota Codified Laws (SDCL) 46-5-34 allows a change in acres if it becomes impracticable to use the water beneficially on the original acres. There cannot be an increase in the number of irrigated acres with this type of request. On the application requesting this change it is stated a Basin Electric power line is to be constructed across the original land which will hinder irrigation. The request also states the new land is better suited for irrigation due to topography and soil types.

The new land is to be irrigated utilizing center pivot sprinkler irrigation. The center pivot irrigator will need to be configured to allow only for the irrigation of 120 acres.

### Conclusions

1. This application is requesting the authorization for changing the location of 120 irrigated acres.
2. The applicants hold Water Right No. 1839-2, priority date of April 19, 1983 allowing water to be taken from Lone Tree ditch to irrigate 120 acres.
3. The applicants hold shares in Lone Tree Ditch. When they are not utilizing the water to irrigate their Lone Tree ditch land, No. 1839-2 allows them to use this water to irrigate the additional 120 acres which are separate from their ditch company irrigation.
4. SDCL 46-5-34 allows a change in acres if it becomes impracticable to use the water beneficially on the original acres.
5. SDCL 46-5-34 does not allow an increase in the number of irrigated acres with this type of request.

6. The new land is to be irrigated utilizing center pivot sprinkler irrigation. The center pivot irrigator will need to be configured to allow only for the irrigation of 120 acres.

A handwritten signature in black ink, appearing to read 'Mark D. Rath', written in a cursive style.

Mark D. Rath

Natural Resources Engineering Specialist



**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)

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT  
APPLICATION NO. 1839A-2, Mark and Pam Kieffer**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 1839A-2, Mark and Pam Kieffer, 13605 Neckyoke Road, Rapid City SD 57702.

The Chief Engineer is recommending APPROVAL of Application No. 1839A-2 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) it is in the public interest with the following qualifications:

1. Water diverted under Water Permit No. 1839A-2 bears a priority date of April 19, 1983 as established by Water Permit No. 1839-2. The source of water for this irrigation is from the existing diversion from Lone Tree Ditch as allow by shares held by the water permit holder. There is no increase in the diversion rate from Lone Tree Ditch
2. Water Permit No. 1839-2 and 1839A-2, combined, authorizes irrigation of a maximum of 120 acres. The system shall be configured to allow only the irrigation of 120 acres in the NW ¼ Section 27, T1N, R9E.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer  
March 27, 2002



**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 27, 2002

Keith Ham  
HCR 36 Box 34  
Caputa SD 57725

Dear Mr. Ham:

I am writing to make you aware of Water Permit Application No. 1839A-2 filed by Mark and Pam Kieffer. This application proposes to change the location of 120 irrigated acres authorized under existing rights.

Enclosed is a copy of the notice of hearing on this application. The notice will be published in the Rapid City Journal on April 3<sup>rd</sup> and 10th scheduling a May 1<sup>st</sup> hearing before the Water Management Board.

Please feel free to contact Mark Rath at (605) 773-3352 if you have any questions.

Sincerely,

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

March 27, 2002

Jerry Hammerquist  
Rapid Valley Conservancy District  
P.O. Box 26  
Caputa, SD 57725

Dear Mr. Hammerquist

I am writing to make you aware of Water Permit Application No. 1839A-2 filed by Mark and Pam Kieffer. This application proposes to change the location of 120 irrigated acres authorized under existing rights.

Enclosed is a copy of the notice of hearing on this application. The notice will be published in the Rapid City Journal on April 3<sup>rd</sup> and 10th scheduling a May 1<sup>st</sup> hearing before the Water Management Board.

Please feel free to contact Mark Rath at (605) 773-3352 if you have any questions.

Sincerely,

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

March 27, 2002

Dale Gossard  
RR 2 Box 5040  
Rapid City SD 57701

Dear Mr. Gossard:

I am writing to make you aware of Water Permit Application No. 1839A-2 filed by Mark and Pam Kieffer. This application proposes to change the location of 120 irrigated acres authorized under existing rights.

Enclosed is a copy of the notice of hearing on this application. The notice will be published in the Rapid City Journal on April 3<sup>rd</sup> and 10th scheduling a May 1<sup>st</sup><sup>nd</sup> hearing before the Water Management Board.

Please feel free to contact Mark Rath at (605) 773-3352 if you have any questions.

Sincerely,

Eric Gronlund  
Water Rights Program  
(605) 773-3352

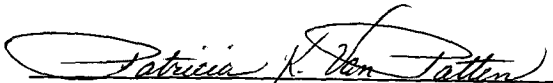
enclosure

## PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
) SS  
County of Pennington )I, Patricia K. Van Pattencertify that the attached printed Notice was  
takenfrom the Rapid City Journalprinted and published in Rapid CityCounty of Pennington and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

April 3, 2002April 10, 2002Cost of Printing One hundred thirty-three  
dollars and twelve cents (\$133.12)  
(Signature)Legal Advertising Representative  
(Title)4/10/02  
(Date Signed)RECEIVED  
APR 12 2002  
WATER RIGHTS  
PROGRAM

## WATER RIGHT NO. 1839-2

Notice is given that Mark and Pam Kieffer, 13605 Neck-yoke Road, Rapid City, SD 57702, have filed an application for a water permit to amend existing Water Right No. 1839-2 by changing the location of 120 irrigated acres. Water Right No. 1839-2 authorizes the irrigation of 120 acres in the NW $\frac{1}{4}$  and SW $\frac{1}{4}$  Section 27, T1N, R9E from the the exist-ing Lone Tree Ditch diversion as allowed by shares held by Mr. Kieffer. There is no in-crease in the diversion rate above that authorized by the existing Lone Tree Ditch wa-ter rights. This application proposes to change the loca-tion of the irrigated acres to the NW $\frac{1}{4}$  Section 27, T1N, R9E. This application, if ap-proved, shall retain a priority date of April 19, 1983.

Pursuant to SDCL 46-2A-2, the Chief Engineer recom-mends APPROVAL of Applica-tion No. 1839A-2 because 1) ex-isting rights will not be unlaw-fully impaired, 2) it is a bene-ficial use of water, and 3) it is in the public interest.

Any person interested in op-posing or supporting this ap-plication must file a written petition with BOTH the appli-cant and Chief Engineer. The applicant must also file a peti-tion if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605-773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 22, 2002. The petition may be informal, but must in-clude a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or sup-porting the application, and the signature and mailing ad-dress of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

The Water Management Board will consider this appli-cation at 10:00 a.m., May 1, 2002, in the Matthew Training Center, Foss Building, 523 E. Capitol Avenue, Pierre, S.D. The Chief Engineer's recom-mendation is not final or bind-ing upon the Board. The Board is authorized by state law to 1) approve, 2) approve with qual-ifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The May 1, 2002, hearing date will be automati-cally delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the applica-tion. The request for an auto-matic delay must be filed by April 22, 2002.

Any hearing will be an ad-versary proceeding. Any per-son filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be for-feited if not exercised. Deci-sions of the Board may be ap-pealed to the Circuit Court and State Supreme Court as pro-vided by law. Contact Eric Gronlund by April 22, 2002, at the above Water Rights Pro-gram address to request cop-ies of information pertaining to this application, to assure access to the hearing by the handicapped, or to obtain an interpreter for the hearing im-paired.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.  
Steven M. Pirner  
Secretary  
Department of Environment  
and Natural Resources

Instruction to Newspaper - Publish first Notice on April 3, 2002 with the second publication 7 days later. The applicant is responsible for payment.

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NOTICE OF HEARING on Application No. 1839A-2 to Amend Water Right No. 1839-2

Notice is hereby given that Mark and Pam Kieffer, 13605 Neckyoke Road, Rapid City SD 57702 have filed and application for a water permit to amend existing Water Right No. 1839-2 by changing the location of 120 irrigated acres. Water Right No. 1839-2 authorizes the irrigation of 120 acres in the N  $\frac{1}{2}$  SE  $\frac{1}{4}$  and S  $\frac{1}{2}$  NE  $\frac{1}{4}$  Section 27, T1N, R9E from the existing Lone Tree Ditch diversion as allowed by shares held by Mr. Kieffer. There is no increase in the diversion rate above that authorized by the existing Lone Tree Ditch water rights. This application proposes to change the location of the irrigated acres to the NW  $\frac{1}{4}$  Section 27, T1N, R9E. This application, if approved, shall retain a priority date of April 19, 1983.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1839A-2 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 22, 2002. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

The Water Management Board will consider this application at 10:00 A.M. May 1, 2002, in the Matthew Trainign center, Foss Building, 523 E. Capitol Ave., Pierre, SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The May 1, 2002 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by April 22, 2002.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. 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 April 22, 2002, at the above Water Rights Program address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



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 27, 2002

Rapid City Journal  
PO Box 450  
Rapid City, SD 57709-0450

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 1839A-2 to Appropriate Water to be published twice. Please publish the first notice on April 3, 2002 with the second publication 7 days later.

The applicant must verify to you that the notice is to be published, before you make the first publication **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Mark M and Pam I Kieffer, 13605 Neckyoke Rd., Rapid City, SD 57702 (Ph # 605-341-1267).

**Please send the Water Rights Program the first publication immediately.** The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures

-----CUT HERE-----

No. 1839A-2

TO: Eric Gronlund  
Water Rights Program  
Joe Foss Building  
Pierre SD 57501-3181

Date \_\_\_\_\_

We are in receipt of your letter of March 27, 2002 enclosing Notice of Hearing to Appropriate Water by Application No. 1839A-2 which was first published in our issue of \_\_\_\_\_. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Newspaper



**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)

**NOTE: TO BE SURE OF PUBLICATION ON  
THE CORRECT DATES, CONTACT  
THE NEWSPAPER RIGHT AWAY.**

March 27, 2002

Mark M. & Pam I Keiffer  
13605 Neckyoke Rd.  
Rapid City, SD 57702

Dear Mr. & Ms. Keiffer:

Water Permit Application No. 1839A-2 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Rapid City Journal printed at Rapid City, SD (Ph # 605-394-8300). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund  
Natural Resources Engineer  
(605) 773-3352

enclosures

**NOTE:** If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



**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)

April 25, 2002

**NOTICE**

TO: Mark and Pam Kieffer  
13605 Neckyoke Road  
Rapid City SD 57702

FROM: Garland Erbele, Chief Engineer  
Water Rights Program

SUBJECT: Water Management Board meeting to be held by teleconference call for  
consideration of Water Permit Application No. 1839A-2, Mark & Pam Kieffer

The May 1, 2002, Water Management Board meeting will be held by teleconference. The Board is scheduled to consider Water Permit Application No. 1839A-2 filed by Mr. And Mrs. Kieffer at this meeting. This application proposes to change the location of 120 irrigated acres. Applicable provisions of the notice published April 3 and 10, 2002 in the Rapid City Journal, will still apply during this teleconference call.

The teleconference will commence at 9:00 AM CDT (8:00 AM Rapid City time) on Wednesday, May 1, 2002, and agenda items will be taken in order as they appear on the enclosed amended agenda. If you wish to participate in the teleconference call, the following site at the Department's Rapid City Regional Office will be connected to the conference call:

Conference Room  
Rapid City Regional Office of DENR  
2050 West Main, Suite 1  
Rapid City SD 57702-2493

Please contact Eric Gronlund at (605) 773-3352 if you have any questions on arrangements for the teleconference Board meeting.

Enclosure

c: Diane Best, Assistant Attorney General

## CERTIFICATION

I hereby certify that on April 25, 2002, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated April 25, 2002, regarding notification of consideration by teleconference call of Water Permit Application No. 1839A-2, addressed as stated below.

Mark and Pam Kieffer  
13605 Neckyoke Road  
Rapid City SD 57702

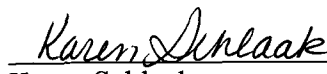
**A copy of the Notice was sent Inter-office to:**

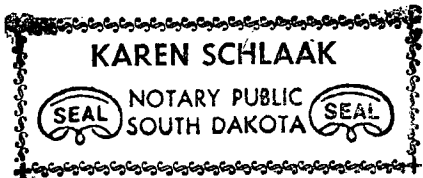
Diane Best, Assistant Attorney General

  
Eric Gronlund  
Natural Resource Engineer  
Water Rights Program

STATE OF SOUTH DAKOTA     )  
                                                  ) SS  
COUNTY OF HUGHES         )

Sworn to, before me, this 30<sup>th</sup> day of April, 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)

MAY 31 2002

Mark M. & Pam I Kieffer  
13605 Neckyoke Rd.  
Rapid City, SD 57702

Dear Mr. & Ms. Keiffer:

Enclosed is Water Permit No. 1839A-2 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

Garland Erbele, Chief Engineer  
Water Rights Program  
(605) 773-3352

enclosures



IN REPLY  
REFER TO:

United States Department of the Interior  
BUREAU OF RECLAMATION

Dakotas Area Office  
Rapid City Field Office  
515 9<sup>th</sup> St., Room 101  
Rapid City, South Dakota 57701



DK-700 (Anderson

JUL 26 2002

RECEIVED

JUL 29 2002

WATER RIGHTS  
PROGRAM

Mr. Gariand Erberle, Chief Engineer  
Division of Water Rights  
South Dakota Dept. of Environment  
and Natural Resources  
523 E Capital Ave  
Pierre, SD 57501-3181

Subject: Irrigated Acreage for Rapid Valley Water Conservancy  
District, Rapid Valley Unit, South Dakota

Dear Mr. Erberle:

This letter is in response to a request from Mark Rath for information regarding the requirements Reclamation would have for bringing new lands into the Rapid Valley Water Conservancy District (District).

It is our understanding an application will be made by a landowner on Lone Tree Ditch to move his irrigable acres to a new location, which is outside of the existing District boundaries. According to Mark these lands were classified during the 1999 Land Reclassification Survey on the District. This landowner is requesting to have project water be made available to these lands. The District is prohibited by the existing Deerfield contract from selling project water supplies outside the District boundary. In order to provide project water to these lands, the following requirements would have to be met:

1. Land classification would need to be completed or reviewed for the lands to be included. This requirement is to ensure the land being proposed for delivery of project water is both capable of sustaining irrigation and of repaying all costs associated with delivery of the water including appropriate construction costs and operation and maintenance costs. The cost of the land classification would be the responsibility of the landowner and would be paid in advance with no guarantee that the land would be classified as irrigable. In this case it appears we would only need to review the land classification against the legal description, as it appears these lands were included in the 1999 Land Reclassification Survey.

2. The State of South Dakota would have to approve the expansion of the District boundary to include the proposed lands.

3. Reclamation would need to address the overall water supply to ensure adequate supplies for any new lands.

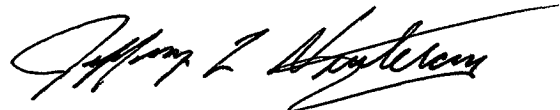
4. Compliance with the National Environmental Policy Act (NEPA) would require review and documentation of the proposed action. The cost of NEPA compliance would be paid in advance by the beneficiaries.

5. The Rapid Valley Water Conservancy District will have to submit a formal request to Reclamation requesting inclusion of these lands into the District.

6. These lands would fall under Reclamation Reform Act (RRA) requirements. Presently the only federal water available to the District is Deerfield water. The contract at Deerfield does not require RRA provisions, so no reporting is required. No landowner may apply federal waters to more than 160 acres as stipulated in the contract. However, since the District holds prior water rights and co-mingling of water would exist in Rapid Creek when federal water is ordered, the District has indicated the 160-acre limitation is not a problem at the present time. If the farm size changes dramatically, it may have to be looked at in the future.

If you have questions, please contact Curt Anderson at 605-394-9757.

Sincerely,



Jeffrey L. Nettleton  
Rapid City Office Manager

cc: Mr. Jerry Hammerquist, President  
Rapid Valley Water Conservancy District  
P.O. Box 26  
Caputa, SD 57725

Mr. Keith Ham  
Rapid Valley Water Conservancy District  
15565 Hammerquist Road  
Caputa, SD 57725

Mr. Duane Scott, Watermaster  
Rapid Valley Water Conservancy District  
RR 5 Box 750  
Rapid City, SD 57701



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3181

August 12, 2002

Mark Kieffer  
13605 Neckyoke Road  
Rapid City, SD 57702

Dear Mr. Kieffer:

Recently, Mark Rath from the Water Rights Program contacted us on your behalf regarding the process by which the Rapid City Water Conservancy District could revise its boundaries to add new irrigated land. The district was originally organized as a water user district and, as such, South Dakota Codified Laws 46A-9 address the process the district can utilize to change its boundaries.

Extension of District. The district may be extended by including additional land by filing a petition with the Department of Environment and Natural Resources. The petition must be signed by at least 25 percent of the landowners or entrymen in any area to be included. The petition must be approved by a resolution of the majority of the district's board. The petition must contain a list of the petitioner's names, mailing addresses, and lands owned or entered. The petition shall also include a map showing the lands to be added.

If the department determines the petition meets all statutory requirements, a notice to expand the district is published in the newspaper once each week for two successive weeks. The last date of publication must be at least 30 days prior to the Board of Water and Natural Resources (Board) meeting at which the petition will be acted upon. Any owner of land within the area to be included who did not sign the petition may file a written protest with the department.

If the Board determines that the expansion is feasible and conforms to the public convenience and welfare, it shall declare that the petition to expand the district is approved.

Exclusion of Lands from the District. If the district's board of directors determines that there are lands within the district that are not utilizing the water services and that it is not necessary or feasible to retain those lands within the district, the board can adopt a resolution stating its findings and declaring its intentions to exclude the lands. The district's board files the resolution with the Board of Water and Natural Resources. The Board then determines whether the resolution meets the requirements to exclude the lands

and, if so, sets a hearing date no later than 90 days from date of the filing of the resolution. After the hearing date has been set, the district's board must publish a copy of the resolution and the hearing notice in each county in which lands to be excluded lie. The resolution and hearing notice must be published at least once each week for two consecutive weeks before the date of the hearing. Any affected landowner within the area(s) to be excluded may file with the Board a written protest and may appear at the hearing. Following the hearing, the Board may approve or disapprove the action to exclude the lands.

As you proceed with this project, I would encourage you to send in drafts of the petitions and publications to our office for review and comment. I have enclosed copies of the South Dakota Codified Laws dealing with the expansion of a district and exclusion of lands. Please contact Keith Gestring of my staff at (605) 773-4216 if you have any questions.

Sincerely,

James Feeney, Administrator  
Water and Waste Funding Program

Attachments

CC: Jerry Hammerquist, Rapid Valley Water Conservancy District  
Max Main, Attorney

**Water Rights Program - DENR**

**File Documentation**

**File No.** 2479-2, 2038-2, 1839A-2

**County:** Pennington

**Name of Person:** Jerry Hammerquist, RVWCD

**Address:** Caputa SD

**Date:** July, 18 2003

**RE:** Mark Kieffer pumping water on a pivot away from Lone Tree Ditch Company

**Comments:**

*Mr. Hammerquist called and said that Mark Kieffer was pumping water through a centerpivot on land, NW¼ Sec27 T1N-R9E, not covered by the Lone Tree water right. He said that since Mr. Kieffer was not buying water but was pumping natural flow water, another Rapid Valley irrigator did not think he should have to buy water either.*

*I told Mr. Hammerquist because of the Water Management Board's ruling last year on No. 2479-2 which was based on an earlier Redwater Ditch Supreme Court ruling, Lone Tree's water right did not tie irrigation to specific acres but to diversion rate and shares in the ditch company. I suggested that Mr. Hammerquist look at the Findings-of Fact in the No. 2479-2 issue and he said id he had a copy I sent him last year.*

*Mr. Hammerquist said he would inform the other irrigator he would have to purchase water and why.*



Mark D Rath  
Natural Resources Engineering Specialist



1839A-2  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

January 16, 2015

NOTICE

TO: MARK M KIEFFER, 13605 NECK YOKE, RAPID CITY, SD 57702 7324

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

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaires

Our records indicate your 2014 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1831-2 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1839-2 & 1839A-2 qualification:

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

The hearing will be held at **10:00 am, March 4, 2015** 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:

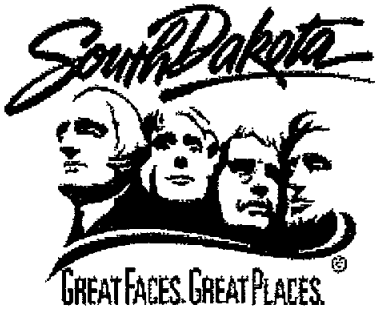
1. Suspend or cancel Permit No(s) 1839-2 & 1839A-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1831-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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 before the **March 4, 2015** hearing 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.

1839A-2



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
PMB 2020  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182

January 26, 2015

1831-2  
1839-2  
1839A-2

Mark Kieffer  
13605 Neck Yoke  
Rapid City SD 57702 7324

Dear Mr. Kieffer:

I am writing to acknowledge receipt of your 2014 irrigation questionnaires.

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Right Nos. 1831-2, 1839-2 and Permit No. 1839A-2. 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

1839A-2



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

May 12, 2021

1831-2  
1839-2  
1839A-2

Pam Kieffer  
13605 Neck Yoke  
Rapid City SD 57702-7324

Dear Mrs. Kieffer:

I am writing regarding ownership of the land described under Water Right Nos. 1831-2, 1839-2 and Water Permit No. 1839A-2. All are listed under Mark's name with No. 1839A-2 listed under both your names. These should be transferred to reflect current ownership.

Enclosed are partially completed "Notice of Transfer of Ownership" forms for use in filing the ownership changes. Please review and complete as needed. Upon completion, please return them to our office with a required filing fee of \$50 each (total of \$150). 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 let me know.

Sincerely,

Genny McMath  
Water Rights Program  
605 773-3352  
Genny.mcmath@state.sd.us

enclosures

1839A-2

**RECEIPT****WATER RIGHTS PROGRAM**

South Dakota Department of Agriculture and Natural Resources

Date May 21, 2021RECEIVED OF Mar./pam Kieffer 13605 Neck Yoke Road Rapid City SD 57702

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>1839A-2</u>                                                                    | <u>\$50.00</u> |
| Fee for _____                                                                                                  | \$ _____       |
| Fee for Issuing New Well Driller's License No. _____                                                           | \$ _____       |
| Fee for Renewal of Well Driller's License No. _____                                                            | \$ _____       |
| Fee for Issuing Well Pump Installer's License No. _____                                                        | \$ _____       |
| Fee for Renewal of Well Pump Installer's License No. _____                                                     | \$ _____       |
| (Any Other Work Provided by Law)                                                                               |                |
| TOTAL                                                                                                          | <u>\$50.00</u> |

By Eric Gronlund  
Chief Engineervm

PAID

MAY 21 2021

Ck# 4134

NOTICE OF TRANSFER OF OWNERSHIP  
RECEIVED

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

MAY 21 2021

WATER RIGHTS  
PROGRAM

No. 1839A-2

Date: \_\_\_\_\_

I/We request that Water Permit No. 1839A-2

formerly owned by: Mark M and Pam Kieffer

be transferred to: (name & address)

Pam Kieffer and Meagan Kieffer  
13605 New York Road, Rapid City, SD 57702

Telephone No. 605-341-1267

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

120 acres – NW ¼ Section 27, T1N, R9E

I/We understand that the validity of Water Permit No. 1839A-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 Pam & Meagan, the new owner, certify that the above information is true and correct.

Pam Kieffer Meagan Kieffer  
(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.

1839A-2



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

May 24, 2021

1831-2  
1839-2  
1839A-2

Pam & Meagan Kieffer  
13605 Neck Yoke  
Rapid City SD 57702-7324

Dear Mrs. Kieffer and Ms. Kieffer:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for Water Right Nos. 1831-2, 1839-2 and Water Permit No. 1839A-2.

The ownership changes have been completed. The above listed water rights and permit formerly held by Mark Kieffer are now listed under "Pam Kieffer and Meagan Kieffer."

Enclosed for your records are receipts for the filing fees you paid. If I can answer any questions for you, please let me know.

Sincerely,

Genny McMath  
Water Rights Program  
605 773-3352  
Genny.mcmath@state.sd.us

enclosures