

WATER PERMIT NO. 1694-1

Name of Applicant: Dan C. Kessler

Address: P.O. Box 123, Sturgis SD 57785

Phone: 787-9377

Amount of Water Claimed: 30 gpm

Total Acres: n/a

Source of Water Supply: ground water

Water to be used for: commercial/domestic

County: Meade

Type of Waste Disposal System: Septic tank

Location: near Black Hawk

PRIORITY

Date Received: 6/29/99

Fee: \$100 (\$50 for appl. & \$50 for licensing)

Corrected Application Received: 7/2/99

Period of Annual Use: June 1 – Sept. 30 –

commercial use & January 1 – December 31 for domestic use

Remarks: XX

Diversion Point: NW ¼ SE ¼ Section 9, T3N, R6E

Land to be Irrigated: n/a

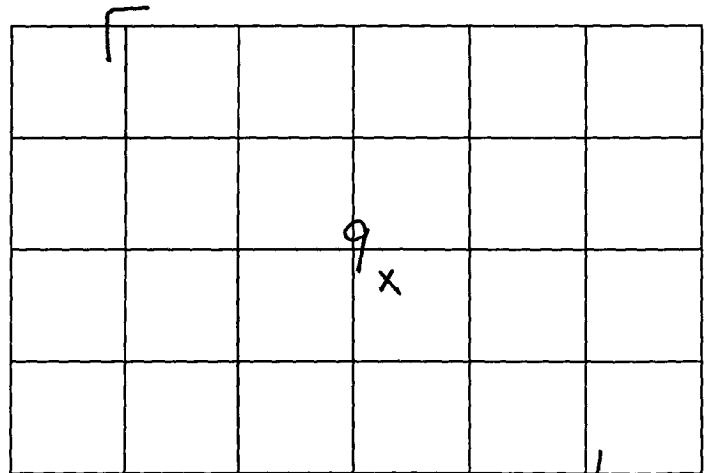
Depth of Well: 320 feet

Well Driller: drilled in 1972

Remarks: XX

Type of Map: plat & topo

Prepared by: Norman Hale



Reviewed and the Number Assigned on: 7/2/99

By: Eric Gronlund

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 1694-1**

Date of first receipt of application June 29, 1999.

Date of return to applicant for corrections, amendments or changes June 29, 1999.

Date of receipt of corrected application July 2, 1999.

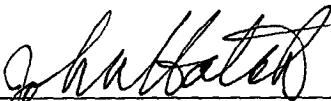
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1694-1 to Dan C Kessler, PO Box 123, Sturgis SD 57785 authorizing the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 1694-1 appropriates 0.067 cubic feet of water per second (30 gallons per minute) from one well (Minnelusa Formation) 320 feet deep located in the NW ¼ SE ¼ Section 9-T3N-R6E.
2. The water appropriated shall be used for the purpose of supplying water domestic and commercial use and may not exceed the amount of water needed for beneficial use for the campground.
3. The water is to be used during the following described annual period: (commercial use) June 1 – September 30 and (domestic use) January 1 – December 31.
4. The date of approval of Permit No. 1694-1 is August 2, 1999.
5. The date from which applicant may claim right is June 29, 1999.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

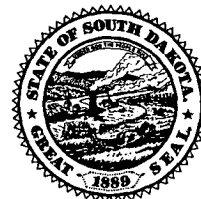
The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

WATER MANAGEMENT BOARD

By: 
John Hatch, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

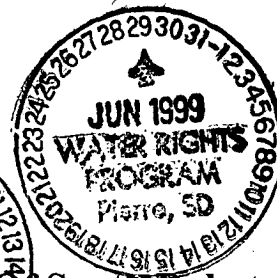
AUG 10 1999

date



FORM 2: Application for uses other than irrigation
(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>1694-1</u>	(office use only) Hydrologic Unit <u>10/20/11</u>
	Basin <u>Upper Cheyenne</u>	
	Newspaper <u>Meade Co. Times Tribune,</u>	
	<u>Sturgis, SD</u>	



Application For Permit To Appropriate Water Within State of South Dakota

Check use(s) of water:

☐ Municipal	☐ Suburban Housing	☐ Recreational	☐ Institutional
☐ Rural Water System	☒ Commercial	☐ Fish & Wildlife	☐ Geothermal Heat
☐ Domestic (over 18 gpm)	☐ Industrial	☒ Other <u>To meet Meade County</u>	

Type of Application: ☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
(check one) ☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____
☐ Amendment/Correction to Permit No. _____

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) _____

- Name of Applicant Dan C. Kessler Phone 605-787-9377
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address P.O. Box 123 Sturgis State SD 57785
(Street, RR. or Box) (Zip Code)
- Amount of water claimed 0.067 *CFS or 30 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Private Well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) NW 1/4 SE 1/4
Lot 5 in Block 1 of Mountain Shadow Ranch Estates PLAT No. 1, located
in E 1/2 of Section 9, Township 3 N, Range 6 East of County Meade County,
Black Hills Meridian
- County or counties where water will be used Meade County
- Annual period during which water is to be used Jan 1 - Dec 31 - domestic June 1 - Sept. 30 - Commercial
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed) Private Residence/ Private Well

STATE OF SOUTH DAKOTA)

County of Meade) SS

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, Dan Kessler, 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.

Signed Dan Kessler Virginia Jensen
Subscribed and sworn to before me this 30 day of June 19 99

VIRGINIA JENSEN
NOTARY PUBLIC
SOUTH DAKOTA
Notary Public
9.26.2003

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction Well was drilled in 1972 by Harvey Buxton
Copy of info. attached.

- a) Drill Hole Diameter 6 1/4" Depth 320'
- b) Casing Type Steel Diameter 5" Thickness 1/4"
- c) Screen Type None Diameter _____ Thickness _____
- d) Gravel Pack None Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 300'
- f) Depth to Water (ground surface to water level) 80'
- g) Distance to nearest existing domestic well:

On applicants property _____

On property owned by others 200 yds.

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) septic tank
- b) System Capacity (gallons) 1500 Year Constructed 1972
- c) Connected to the City of _____ Sanitary System

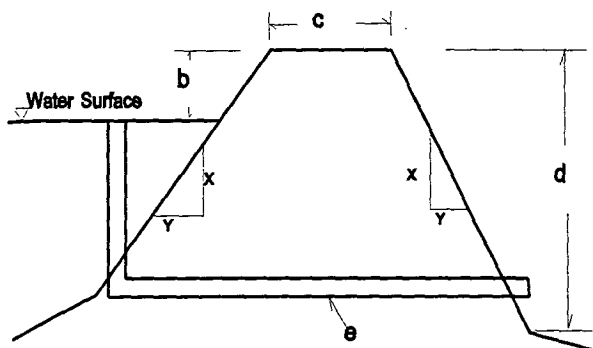
3. Dugout Information

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:



- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope _____
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres



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

N2 416155

Pierre, July 2, 1999

RECEIVED OF Don & Carol Kessler, PO Box 123, Sturgis, SD 57785
the following amount in fees for services rendered as provided for by law:

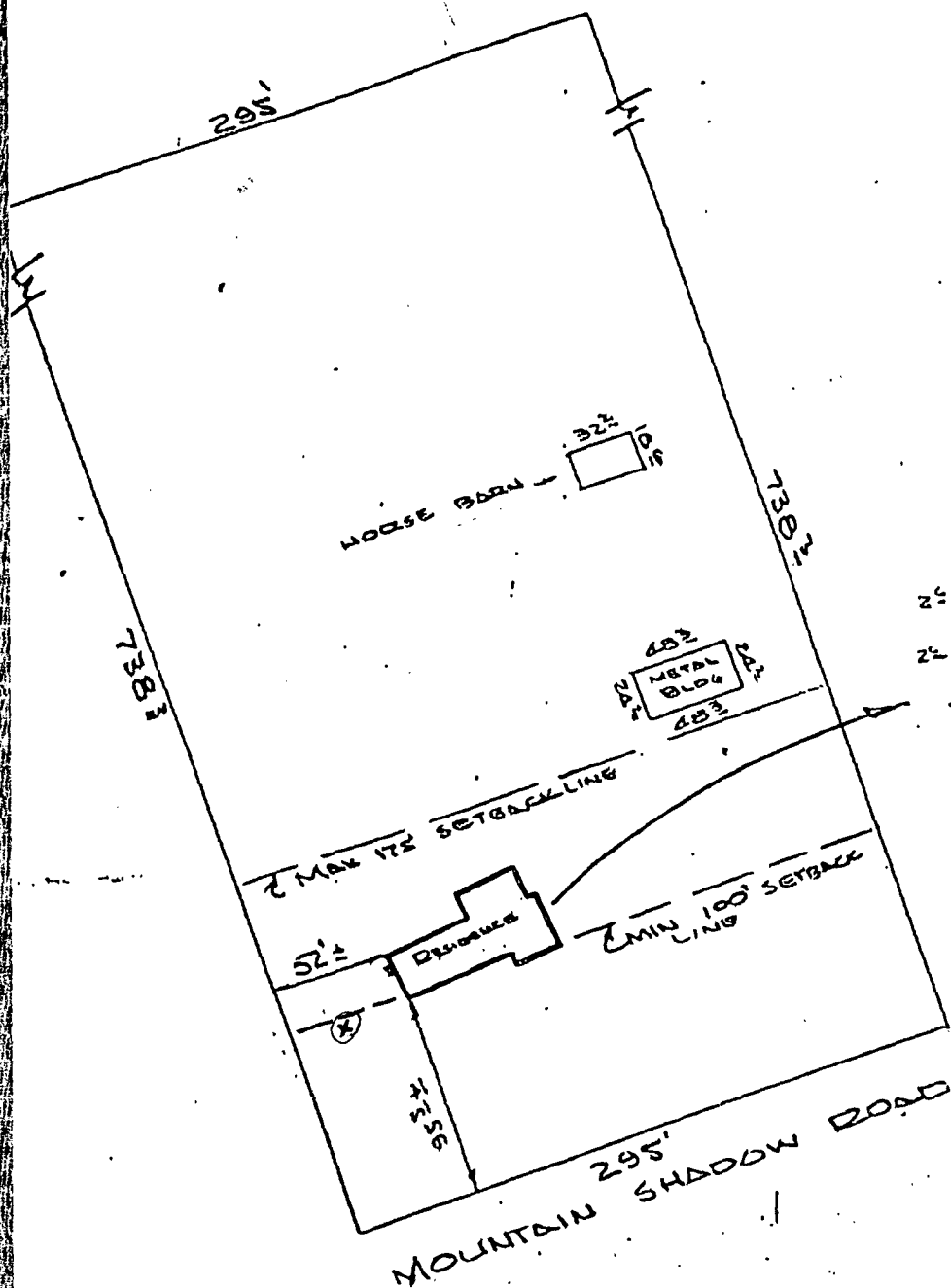
Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____	50	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	100 00

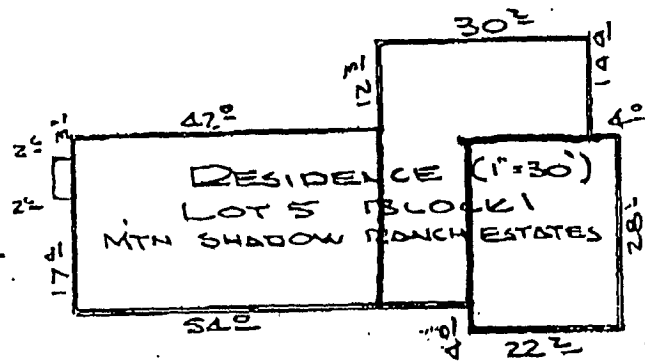
By John Hatch
Chief Engineer

HOUSE LOCATION SURVEY

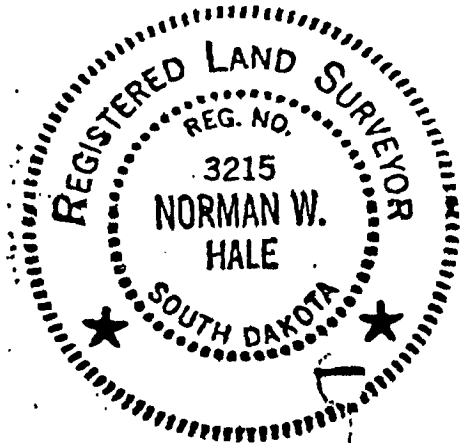
LOT 5 IN BLOCK 1
MOUNTAIN SHADOW RANCH ESTATES
SEC. 9, T3N, R6E, BHM
MEADE COUNTY, SOUTH DAKOTA



N
SCALE 1"=100'
NOV. 1990



I, NORMAN W. HALE, REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT I HAVE LOCATED THE BUILDING/BUILDINGS ON THE ABOVE DESCRIBED PROPERTY AS SHOWN HEREON. THIS SURVEY WAS COMPLETED TO SATISFY THE REQUIREMENTS OF THE LENDER OR INSURER AND IS NOT TO BE USED AS A LEGAL BOUNDARY SURVEY.



Norman W. Hale
NORMAN W. HALE
REGISTERED LAND SURVEYOR #3215
1444 CEDAR STREET, STURGIS, S.D. 5778
PHONE 605/ 347-5741

Don C Kessler 2-14-96
Carol M. Kessler 2-14-96

Milton E. Schott and Claudette C. Schott, husband and wife, as joint tenants with rights of survivorship and not as tenants in common, of Edgemont, Fall River County, South Dakota, Grantor, for and in consideration of One Dollar and other good and valuable consideration, GRANTS, CONVEYS AND WARRANTS to Dan C.

Kessler and Carol M. Kessler, as joint tenants with rights of survivorship and not as tenants in common, of address: 3048 Mountain Shadow Rd., Piedmont Sd 57769 Piedmont, Meade County, South Dakota, Grantee, the following described real estate in the County of Meade, in the State of South Dakota:

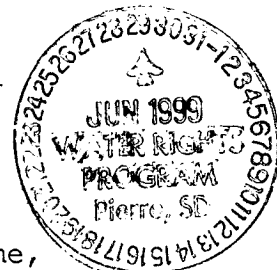
LOT 5 IN BLOCK 1 OF MOUNTAIN SHADOW RANCH ESTATES PLAT NO. 1, LOCATED IN E1/2 OF SECTION 9, TOWNSHIP 3 NORTH, RANGE 6 EAST OF THE BLACK HILLS MERIDIAN, MEADE COUNTY, SOUTH DAKOTA, AS SHOWN BY THE PLAT RECORDED IN PLAT BOOK 5 ON PAGE 294.

cb # 1879
☒ TRANSFER FEE PAID \$ 110.00
☐ EXEMPT FROM TRANSFER FEE

x Milton E. Schott
 Milton E. Schott

x Claudette C. Schott
 Claudette C. Schott

State of South Dakota)
) ss
 County of Pennington)



On this the 5 day of Feb, 1996, before me, the undersigned officer, personally appeared Milton E and Claudette C. Schott, known to me or satisfactorily proven to be the person who executed the foregoing instrument and acknowledged that they signed same for the purposes therein contained.

In Witness Whereof, I hereunto set my hand and official seal.

PAUL K. WELLS
 (SEAL)
 Notary Public
 Prepared by:
 Bihmeyer Law Office
 429 Quince St.
 PO Box 8274
 Rapid City, SD 57709 (605) 348-7750

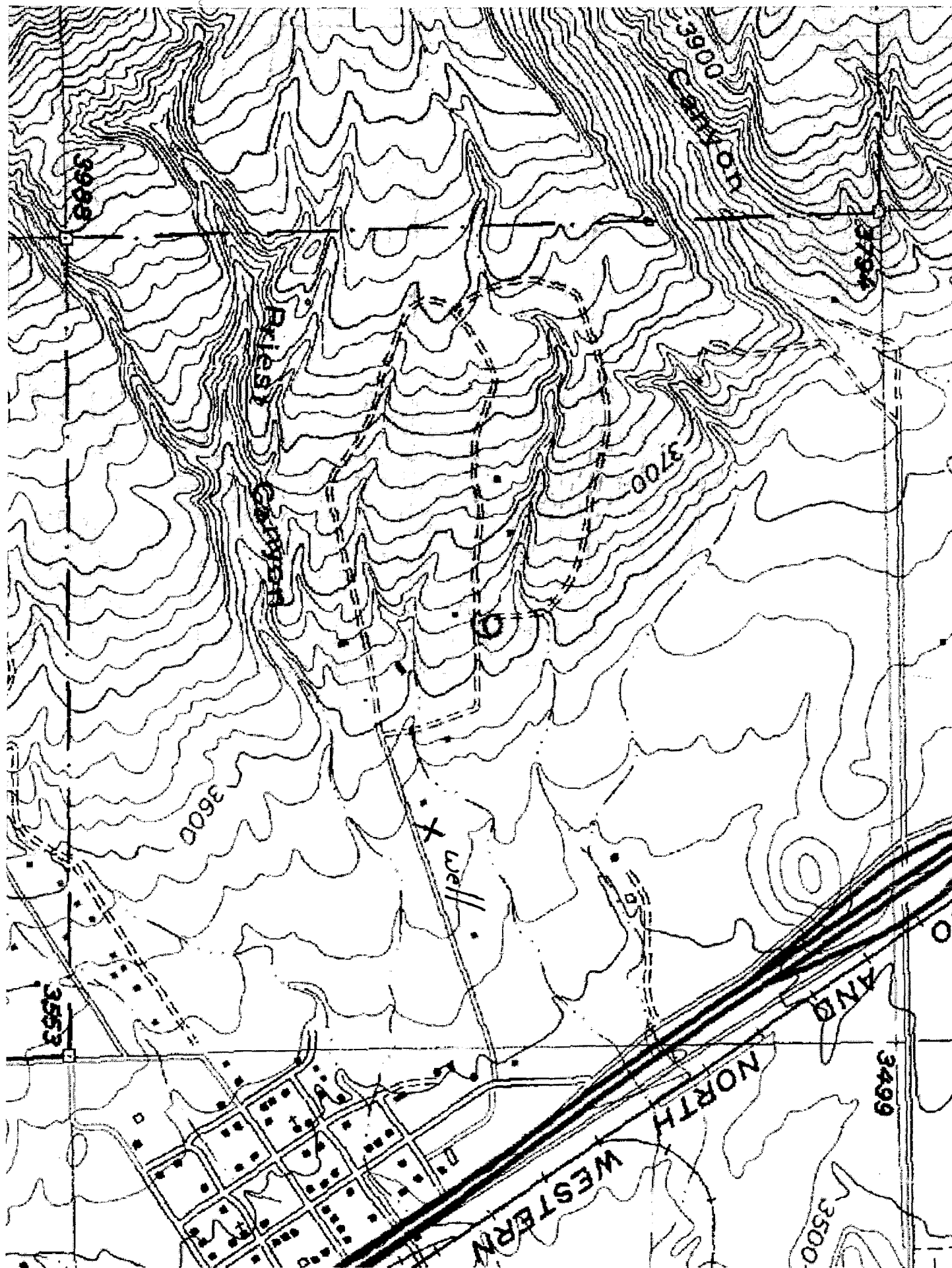
Paula K. Wells
 Notary Public
 My Commission Expires: 9-8-99



DOC. NO. 00501-CY
 BOOK 485 PAGE 614
 FEE 5.00 PL. CK # 1879
 DATE FEB 14 1996
 TIME 4:02 PM.
 ANGELA M. ROSS
 MEADE COUNTY
 REGISTER OF DEEDS

000867 FEB-0%

MCTC 15222



DAN KESLER

Mr. Buxton
Mountain Shadows.
Piedmont, S. Dak.

320' drilling
240' 5" casing
1-5" well seal

Well log:
0-15' dirt & rocks
15-90' red shale
90-130' limestone
130-240' red shale
240-300' red limestone
300-320' yellow sandstone
Water level 80' from top
Test 30 gal. per min.

(Thank you for calling us.)

Dan Kesler

SW $\frac{1}{4}$ Sec 9

T3N - R6E,

Harney Buxton Property

Harney Buxton





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 29, 1999

Dan C Kessler
PO Box 123
Sturgis SD 57785

Dear Mr. Kessler:

Thank you for submitting the *Application for a Permit to Appropriate Water* for commercial use. We are returning the application. The bottom portion of the application needs to be signed and notarized. In order to complete the application, the following is also required.

On the enclosed topographic map of Section 9, please mark the location of your well with an "X". For purposes of the public notice, we need to list the legal description of the well location that includes the quarter-quarter of Section 9-T3N-R6E.

The application filing fee will be \$50. In addition to the application filing fee, the Water Rights Program collects the \$50 licensing fee at the time of filing. Please submit \$100.

Upon receipt of the above, further processing of the application will proceed. If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

enclosures

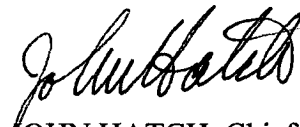
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1694-1, Dan C. Kessler**

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. 1694-1, Dan C. Kessler, P.O. Box 123, Sturgis SD 57785.

The Chief Engineer is recommending APPROVAL of Application No. 1694-1 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualification:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

See report on application for additional information.

A handwritten signature in cursive script, appearing to read "John Hatch".

JOHN HATCH, Chief Engineer
July 8, 1999

WATER PERMIT APPLICATION NO. 1694-1

DAN C. KESSLER

JULY 8, 1999

Water Permit Application No. 1694-1 proposes to appropriate 0.067 cubic feet of water per second (30 gallons per minute) from one existing well 320 feet deep (Minnelusa Formation) located in the NW ¼ SE ¼ Section 9, T3N-R6E. The water is for domestic use and commercial use at a campground.

AQUIFER: Minnelusa Aquifer (MNLS)

GENERAL:

The Minnelusa Aquifer is an assemblage of alternating beds of sandstone and dolomitic limestone with lesser amounts of red and black shale and chert approximately 450 feet thick in this area (Water Rights, 1999). Because the lithology of the Minnelusa is so variable, the porosity of the formation is also variable and difficult to determine. Well sorted sand lenses have porosity's approaching 25%, but generally the sands have porosity's of 10%. The average porosity of the Minnelusa is estimated to be 10% and the effective porosity is assumed to be 5% (Rahn, 1979). The Minnelusa formation underlies approximately 2,172,800 acres of Meade County and contains an estimated 81,480,000 acre-feet of recoverable water in storage (Allen, 1984). The aquifer is areally extensive around the Black Hills and is hydraulically connected into the counties surrounding Meade County. Ground water movement is probably toward the north and east. There is no aquifer-test data available for the Minnelusa Aquifer at this site; therefore, the aquifer transmissivity and storage coefficient values are unknown. Estimates from regional studies of the aquifer indicate the aquifer transmissivity may range from 30 to 1000 ft²/d, and the storage coefficient ranges from 6.6×10^{-5} to 2×10^{-4} (Kyllonen, 1987). The well log that accompanies this application reports the top of the Minnelusa is 240 feet below ground surface at this well site. The log reports a static water level of 80 feet below grade and that the well produced 30 gallons per minute.

WATER AVAILABILITY:

The Water Rights Program monitors 23 observation wells completed into the Minnelusa aquifer in the Black Hills area. Water Rights Observation Well MD-84A is located less than one-half mile south east of this well site. The hydrograph for the well (see figure 1), is fairly typical for the Minnelusa Aquifer. That is, the water levels reach their peak in the early summer each year and gradually decline until spring. The majority of the recharge to the system occurs between March and July.

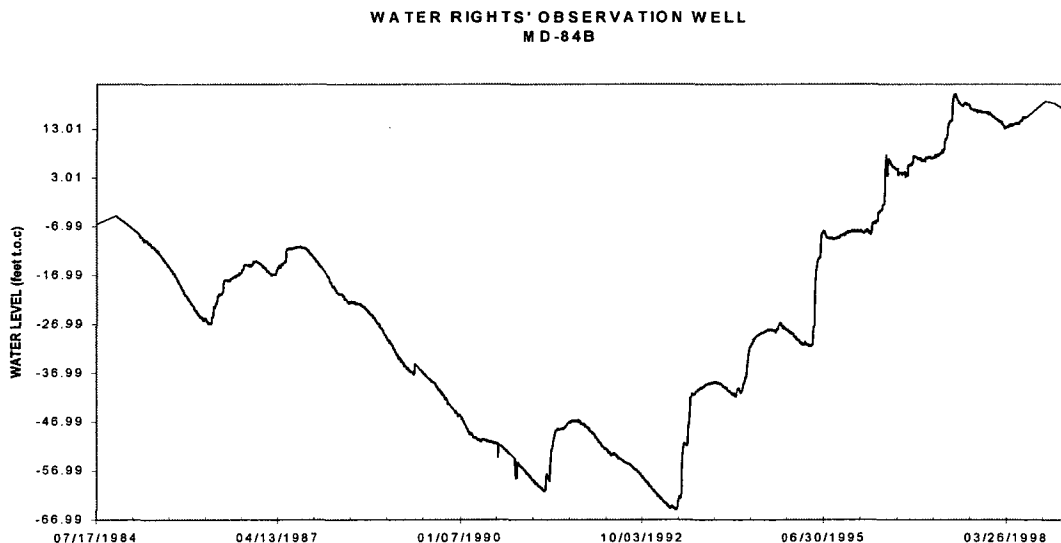


Figure 1. Minnelusa Aquifer Observation Well, (one-half mile southeast of 1694-1)

The hydrograph also shows the magnitude of fluctuation in the water levels in the area, more than 83 feet, with the lowest water level on record occurring in 1993 and the highest occurring in 1997. It is interesting to note on this hydrograph two brief periods in November 1990 when 3-5' of drawdown was measured on this well while the Minnelusa was essentially "being pumped" while drilling a Madison Observation well approximately 20' away.

It is obvious from the hydrograph that withdrawals have not exceeded recharge for the period of record. The observation well data suggests that at the existing level of development, the aquifer is capable of sustaining additional withdrawals.

AFFECTS ON EXISTING RIGHTS:

There are 159 Water Rights/Permits that appropriate water from the aquifer in South Dakota (Water Rights, 1999). There are 46 permits/rights appropriating water from the Minnelusa aquifer in Meade County (Water Rights, 1999), where the aquifer is used primarily for suburban housing development, commercial, municipal and irrigation use. There are a number of domestic wells completed into the Minnelusa Aquifer on file with the Water Rights Program (Water Rights, 1999).

There are four Water Rights/Permits appropriating groundwater from the Minnelusa Aquifer within one-half mile of this well site. They include 843-1 Lavern E. Wilbur, 1155-1 Donald Witting, 1682-1 Stanley Scheuer, and 1902-2 Carol's Slash J Bar. Any well interference this proposed use would have on these or other water rights/permits is not expected to be adverse due to the distance between wells, and the relatively low diversion rate requested by this application.

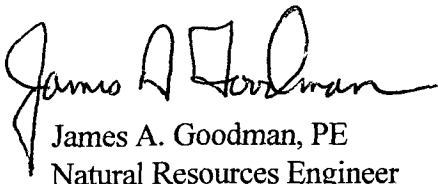
CONCLUSIONS:

1. The Minnelusa Aquifer is a viable aquifer in this area, and water is available for this appropriation.
2. The Minnelusa is under artesian conditions and drawdown due to this diversion can be expected. This drawdown is not expected to adversely affect adequate wells in the area.
3. The effluent from this campground will be disposed of through a septic tank.
4. The well log submitted with this application does not contain sufficient information to determine if the well was constructed in accordance with the SD Well Construction Standards.



Ken Buhler
Natural Resources Engineer

Approved by



James A. Goodman, PE
Natural Resources Engineer

REFERENCES:

- Allen, J.C., D.Iles, A.Petres, 1984, Analysis of Groundwater and Streamflow Data, Western Dakotas Region of South Dakota, Task 3 & 4: Groundwater Resources Inventory, US Army Corps of Engineers Contract DAWC 45-82-C-015, SD DENR-Division of Geological Survey, Vermillion SD
- Kyllonen, D.P., K. Peter, 1987, GeoHydrology and Water Quality of the Inyan Kara, Minnelusa, and Madison Aquifers of the Northern Black Hills, South Dakota and Wyoming, and Bear Lodge Mountains, Wyoming, U.S. Geological Survey, Water Resources Investigations Report 86-4158, Rapid City, SD
- Rahn, P.H., 1979, Ground Water Resources of Western South Dakota, US Army Corps of Engineers, Draft Report-Final
- Water Rights Program₁, 1999, "Observation Well Files" DENR-Water Rights Program, Joe Foss Building, Pierre, SD
- Water Rights Program₂, 1999, "Water Permit Files" DENR-Water Rights Program, Joe Foss Building, Pierre, SD
- Water Rights Program₃, 1999, "Domestic Well Log Files" DENR-Water Rights Program, Joe Foss Building, Pierre, SD



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 9, 1999

Dan C. Kessler
P.O. Box 123
Sturgis SD 57785

Dear Mr. Kessler:

Enclosed is a copy of the report and recommendation prepared on your Water Right Permit Application No. 1694-1. The application is currently being public noticed.

If you have any questions, please feel free to contact me.

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 57501-3181
www.state.sd.us/denr

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

July 8, 1999

Dan C. Kessler
P.O. Box 123
Sturgis, SD 57785

Dear Mr. Kessler:

Water Permit Application No. 1694-1 for domestic and commercial use at a campground 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 Meade Co. Times Tribune printed at Sturgis, SD (Ph # (605) 347-2503). For your information, a copy of the notice is enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions. A copy of the recommendation of the Chief Engineer and a report on the application will be sent to you at a later date.

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. 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 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 57501-3181
www.state.sd.us/denr

July 8, 1999

Meade Co. Times Tribune
Box 69
Sturgis, SD 57785-0069

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 1694-1 to Appropriate Water to be published twice. Please publish the first notice on July 14, 1999, 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 Dan C. Kessler, P.O. Box 123, Sturgis, SD 57785 (Ph # (605) 787-9377).

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

-----CU T HERE-----

No. 1694-1

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

Date _____

We are in receipt of your letter of July 8, 1999, enclosing Notice of Hearing to Appropriate Water by Application No. 1694-1 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper - Publish first Notice on July 14, 1999, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 1694-1 to Appropriate Water

Notice is given that Dan C. Kessler, P.O. Box 123, Sturgis SD 57785 has filed an application for a water permit to appropriate 0.067 cubic feet of water per second (30 gallons per minute) from one well (Minnelusa Formation) 320 feet deep located in the NW ¼ SE ¼ Section 9-T3N-R6E. The water is for domestic use and commercial use at a campground.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1694-1 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting 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 August 2, 1999.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County of Meade) SS

I, Joan M. Lewis

certify that the attached printed Notice was taken

from the Meade County Times

printed and published in Sturgis

County of Meade and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

July 14, 1999

July 21, 1999

Cost of Printing \$35.03

Joan M. Lewis
 (Signature)

Bookkeeper
 (Title)

7/21/99
 (Date Signed)

**Water application****NOTICE OF APPLICATION****NO. 1694-1 to Appropriate Water**

Notice is given that Dan C. Kessler, P.O. Box 123, Sturgis SD 57785 has filed an application for a water permit to appropriate 0.067 cubic feet of water per second (30 gallons per minute) from one well (Minnelusa Formation) 320 feet deep located in the NW 1/4 SE 1/4 Section 9-T3N-R6E. The water is for domestic use and commercial use at a campground.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1694-1 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting 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 August 2, 1999.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

Publ July 14 and 21, 1999
 Meade County Times-Tribune



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Sent via FAX (605) 347-6830

August 3, 1999

Rhea Crane, CAA
Deputy Director of Equalization and Meade County Planning
1425 Sherman Street
Sturgis SD 57785

Dear Ms. Crane:

I am writing regarding Dan Kessler's Water Right Permit Application No. 1694-1. This application has been public noticed and the date for filing petitions expired August 2, 1999. No petitions of opposition were filed in response to this application.

The water right permit is approved and will be issued. However, due to statutory requirements we can not formally issue the permit until August 10th. The Chief Engineer will sign the water right permit next Tuesday.

This letter is intended to document that Mr. Kessler has gone through the state water right permitting process and will be issued a water right permit for his temporary campground.

Please feel free to contact me if you have any questions.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

c: Dan Kessler, P.O. Box 123, Sturgis SD 57785



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 10 1999

Dan C. Kessler
P.O. Box 123
Sturgis, SD 57785

Dear Mr. Kessler:

Enclosed is Water Permit No. 1694-1 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.

Very truly yours,

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

enclosures

Permit No. 1694-1
Upper Cheyenne River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, **10 December 2007**, made a thorough examination of the water use system constructed by **Dan Kessler** of **10716 Mountain Shadow Rd, Piedmont, SD. 57769** holder of Permit No. **1694-1**, bearing the priority of **29 June 1999** authorizing the diversion of **0.067** cu. ft. per second of the waters of **the Minnelusa formation** for **domestic and commercial** purposes, in **Meade** County.

Inspection contact & relationship **Dan Kessler**
to permit holder, if applicable: **605-716-9377**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Harvey Buxton**
- 2) No. of Wells: **1**
- 3) Depth(s) **320** feet
- 4) Well log is available **Y**
- 5) Comment:

Casing:

- 1) Diameter **5** inches
- 2) Length **240** feet
- 3) Type **unknown**

Screen:

- 1) Type **unknown**
- 2) Length **unknown** feet
- 3) Static water level **80** feet

Pump:

- 1) Make **Goulds**
- 2) Model **10GS07**
- 3) Capacity **10** GPM

Motor:

- 1) Make **Franklin**

- 2) Horsepower rating 3/4 hp

B. Works used to transport water to place of use:

- 1) Type PVC 2) Size 1 inches 3) Length 200 feet

C. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period N
- 3) Exceptions to compliance are: none

The system is in good condition with the point(s) of diversion located as follows: NW ¼ SE ¼ Sec 9-T3N-R6E, approximately 1436 feet west and 2323 feet north of the south east corner of section 9, N 44.23391 Latitude and W -103.39819 Longitude. The works are capable of diverting and conveying to the place of use 0.022 cu. ft. per second of water which is to be used for domestic and commercial.

The license should be issued for 0.022 cfs.

All structures, wells and lands on map Y

Comments or other permit(s) associated with the project: **Pump information provided by well owner**



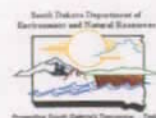
Mark Costello
Natural Resources Engineer
DENR, Water Rights Program

Date report completed: 17 January 2008



1694-1

Dan Kessler
10716 Mountain Shadow Rd.
Piedmont, SD. 57769



Mark Costello

Mark Costello
Natural Resources Engineer
DENR, Water Rights
17 January 2008

0 500 1,000 2,000 3,000
Feet





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

FEB 12 2000

1694-1

Dan Kessler
10716 Mountain Shadow Rd
Piedmont SD 57769

Dear Mr. Kessler:

Enclosed is Water License No. 1694-1. This is the final water right document completing your process of obtaining a Water Right. Also, included with your license is a map prepared by the staff engineer who conducted the investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 1694-1, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1694-1

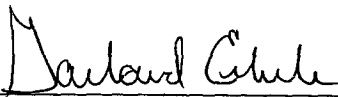
(1) Dan Kessler, 10716 Mountain Shadow Rd, Piedmont SD 57769 made Application No. 1694-1, June 29, 1999 for a water permit to divert 0.067 cubic feet of water per second from groundwater (one well), Meade County, South Dakota for commercial and domestic purposes. Permit No. 1694-1, with a priority date of June 29, 1999 was approved August 2, 1999 and issued to the applicant for diversion of water with construction of the described water supply system and the application to beneficial use of water completed.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 1694-1 is issued a license, bearing a priority date of June 29, 1999 to appropriate 0.022 cubic feet of water per second from groundwater (one well) for commercial and domestic use purposes.

The diversion point is located: 1,436 feet west and 2,323 feet north of the southeast corner of Section 9-T3N-R6E (NW ¼ SE ¼).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 1694-1 including the following now applicable qualifications:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.



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

FEB 12 2000

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

May 3, 2013

1694-1

Jeremy Reeve
10716 Mountain Shadows
Piedmont SD 57769

Dear Mr. Reeve

I am writing in follow-up to your phone conversation with Eric Gronlund in our program concerning an ownership change needed for Water Right No. 1694-1 (copy enclosed).

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please contact me.

Sincerely,

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

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

enclosure

RECEIVED

MAY 13 2013

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1694-1

Date: 11 May 2013

I/We request that Water Right No. 1694-1

formerly owned by: Dan C Kessler

be transferred to: (name & address) Jeremy J. Reeve
10716 Mtn Shadow Rd
Piedmont SD 57769 Telephone No. 605 716 7377

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

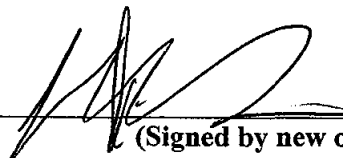
Diversion point location: NW ¼ SE ¼ Section 9, T3N, R6E

I/We understand that the validity of Water Right No. 1694-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Jeremy J. Reeve, 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 5/13, 20 13

RECEIVED OF Jeremy J Reeve 1708 Wellesley Court Norman OK 73071

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>1694-1</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. 06334

By Jeanne Goodman 29
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

May 13, 2013

1694-1

Jeremy Reeve
10716 Mountain Shadow Rd
Piedmont SD 57769

Dear Mr. Reeve

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Right No. 1694-1.

The ownership change has been completed. The water right formerly held by Dan C Kessler is now listed in your name.

Enclosed for your records is Receipt No. 06334 in the amount of \$50. If you have any questions, please contact me.

Sincerely,

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

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

enclosure