



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 25 2012

508A-1

Jeff & Jeril Kessel
2115 Mustang Lane
Spearfish SD 57783

Dear Mr. & Mrs. Kessel:

Enclosed is your Reissued Water License No. 508A-1. Based on the ownership change you filed January 18, 2012, Water Right No. 508-1 was divided and reissued as follows:

- **No. 508A-1, Jeff & Jeril Kessel** – authorizing diversion of 1.16 cfs from Willow Creek to irrigate 82 acres in Sections 1 and 12, T9N, R6E.
- **No. 508B-1, Terry Bonnet** – authorizing diversion of 0.54 cfs from Knuteson Draw to irrigate 38 acres in Section 13, T9N, R6E (*issuance of No. 508B-1 is being withheld pending action by the Water Management Board*).

Also enclosed for your records is Receipt No 05255 in the amount of \$50.00 which you paid for filing the ownership change. As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

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

enclosures

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/18/2012

RECEIVED OF Jerry Kessel 2114 Mustang Lane Spearfish SD 57783

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>508-1</u>	50	00
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. **0525**

By

Salud White
Chief Engineer

RECEIVED

JAN 18 2012

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 508-1

Date: 1/12/12

I/We request that Water Right No. 508-1

formerly owned by: Clinton and Mary Anderson

be transferred to: (name & address) Jeff and Terri Kessel
2114 Mustang Lane, Spearfish SD 57783

Telephone No. _____

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

sect 1 + 12 T9N, R6E Butte Co

I/We understand that the validity of Water Right No. 508-1 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 Jeff and Terri Kessel, the new owner, certify that the above information is true and correct.

Jeff Kessel Terri Kessel
(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.

**STATE OF SOUTH DAKOTA
REISSUED WATER LICENSE NO. 508A-1
DIVISION OF NO. 508-1 INTO 508A-1 AND 508B-1**

(1) Harvey Knuteson was issued Water License No. 508-1, October 17, 1969 for a water right to divert 1.70 cubic feet of water per second (cfs) from Willow Creek and Knuteson Draw, Butte County, South Dakota for irrigation purposes. Water License No. 508-1, with a priority date of August 23, 1960 was issued to the permit holder for diversion of water with construction of the water supply system and the application to beneficial use of water completed.

Water Right No. 508-1 authorizes irrigation of land in Sections 1, 12 and 13, T9N, R6E. An ownership change was filed on January 18, 2012 for portions of the water right in Sections 1 and 12, T9N, R6E. The water license is being divided and reissued to reflect separate ownership as follows.

- **No. 508A-1, Jeff & Jeril Kessel, 2114 Mustang Lane, Spearfish SD 57783** – authorizing diversion of 1.16 cfs from Willow Creek to irrigate 82 acres in Sections 1 and 12, T9N, R6E.
- **No. 508B-1, Terry Bonnet, 18397 Knutson Rd., Newell SD 57760** – authorizing diversion of 0.54 cfs from Knuteson Draw to irrigate 38 acres in Section 13, T9N, R6E (*issuance of No. 508B-1 is being withheld pending action by the Water Management Board*).

(2) It is certified that the water right holders have complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.16 cubic feet of water per second for beneficial use.

The location of the diversion points are on Willow Creek between points in the SW ¼ SE ¼ Section 1 and NE ¼ SE ¼ Section 12, all in T9N, R6E.

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

T9N, R6E Section 1	SW ¼ SE ¼	7 acres
T9N, R6E Section 12	E ½ NE ¼	51 acres
	NE ¼ SE ¼	24 acres
	Total	82 acres

4) Pursuant to South Dakota Water Law 46-5-30.1 Jeff & Jeril Kessel, 2114 Mustang Lane, Spearfish SD 57783 the holders and/or owners of Water Right No. 508A-1 are issued a license to appropriate water, the right to use 1.16 cubic feet of water per second from Willow Creek with a priority date of August 23, 1960 from the locations specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 508-1 and subject to the following qualifications:

- The use of water under this water right is contingent upon water supplies being available to prior water rights.
- This water right is subject to the irrigation water use questionnaire being submitted each year.



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

APR 25 2012

date





508A-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2013

NOTICE

TO: JEFF & JERIL KESSEL, 2114 MUSTANG LANE, SPEARFISH, SD 57783

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

SUBJECT: Reporting Requirement for 2012 Irrigation Questionnaire(s)

Our records indicate that the 2012 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 508A-1. The request for the Questionnaire was dated October 12, 2012. The Water Management Board has directed that owners of water permits who have not submitted the 2012 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 508A-1 qualification:

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

The hearing will be held at **8:30 am, March 7, 2013** 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) 508A-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. 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 on/or before **March 4, 2013**, 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. 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.

English

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Status: Delivered

Your item was delivered at 12:29 pm on January 22, 2013 in SPEARFISH, SD 57783. The item was signed for by C GUSTAFSON. Additional information for this item is stored in files offline.

You may request that the additional information be retrieved from the archives, and that we send you an e-mail when this retrieval is complete. Requests to retrieve additional information are generally processed momentarily.

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SIGNATURE CONFIRMATION NUMBER: 2303216000008017737

JEFF & JERIL KESSEL
2114 MUSTANG LANE
SPEARFISH SD 57783

Waiver of Signature ☐ YES ☐ NO

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1-22-13

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US Form 150, May 2002

(See Reverse)



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

March 8, 2013

NOTICE OF ONE YEAR SUSPENSION OF WATER RIGHT

TO: JEFF & JERIL KESSEL, 2114 MUSTANG LANE, SPEARFISH, SD 57783

FROM: Garland Erbele Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: One Year Suspension of Water Right No. 508A-1

On March 7, 2013, the Water Management Board ordered:

Effective April 7, 2013, Water Right No. 508A-1 be suspended for the 2013 irrigation season for failure to submit the 2012 irrigation questionnaire.

If the 2012 irrigation questionnaire is received prior to April 7, 2013 the suspension will not take effect.

Suspension of a water permit or right means water may not be pumped during the 2013 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2013 unless the irrigation questionnaire is submitted by April 7th.

After April 7th, you may petition the Water Management Board to rescind the suspension. You will need to submit the 2012 irrigation questionnaire and a letter to our office requesting time on the agenda for the next Water Management Board meeting scheduled for May 1 and 2, 2013 in Pierre, SD. The letter should include your reasons for not completing the 2012 irrigation questionnaire. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Water Rights Staff will conduct compliance checks of suspended water rights this summer to determine if irrigation is taking place.

Please contact Genny McMath (605) 773-3352, if you have any questions.

CERTIFICATION

I hereby certify that on March 8, 2013, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated March 8, 2013 regarding cancellations addressed as stated below:

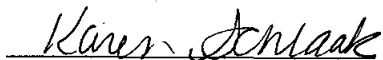
Edward Patrick Henry, PO Box 11, White Clay NE 69365 #672-2
 Richard Will, 1104 Vista Dr, Milbank SD 57252 #4084A-3
 Lane Tekrony, 47840 180th St, Clear Lake SD 57226 #2954-3
 Jeff & Jeril Kessel, 2114 Mustang Lane, Spearfish SD 57783 # 508A-1
 Robert Hattum, 21744 W Bend Rd, Harrold SD 57536 #6168-3
 Cabbage Patch Ranch, Pete Reinert, 19153 Vista Pl, Howes SD 57748 #'s 1921-1 & 1922-1
 Wendell Schubloom, 20608 Hwy 25, DeSmet SD 57231 #3937-3
 Duane Rogers, 13575 383rd Ave, Aberdeen SD 57401 #2943-3
 Donald Schmidt, 19053 427th Ave, Willow Lake SD 57278 #'s 2696-3A & 4414-3
 Bruce Weyrich, 20080 145th Ave, Sturgis SD 57785 #996-1
 Burnell & Helen Gaskins, 821 Fox Run Rd, #124, Rapid City SD 57701 #953-1
 Samuel & Angela Fousek, 29972 396th Ave, Wagner SD 57380 #2323A-3
 Brink Bros, Todd Brink, 5825 7th Ave SW, Watertown SD 57201 #2717-3A



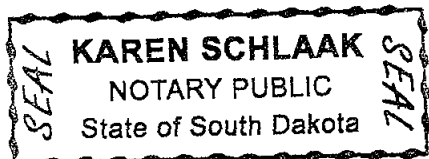
Gail Jacobson
 Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
 COUNTY OF HUGHES)

Sworn to, before me, this 8th day of March, 2013.



Karen Schlaak
 Notary Public
 My Commission expires April 1, 2013





**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



October 28, 2014

508A-1

Jeff & Jeril Kessel
18240 Knutson Cutoff Rd
Newell SD 57760 5727

Dear Mr. & Mrs. Kessel:

Enclosed is a "Notice" dated October 17, 2014 concerning the 2014 irrigation questionnaire.

The notice was originally mailed to 2114 Mustang Lane, Spearfish SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures



508A-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 25, 2019

NOTICE

TO: JEFF & JERIL KESSEL, 18240 KNUTSON CUTOFF RD, NEWELL, SD 57760 5727

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaire(s)

Our records indicate your 2018 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 508A-1. The request for the Questionnaire was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 508A-1 qualification:

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

The hearing will be held at **Wednesday, March 6, 2019 at 10:30 am (Central Time)** 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) 508A-1 in accordance with applicable provisions of SDCL 46-1-12; **Due to a past violation, the Water Rights Staff will recommend Water Right No. 508A-1 be suspended for a period of up to three years.**
2. Postpone any action; or
3. 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 6, 2019** 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. 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.

ALERT: PAYMENT TRANSACTIONS ON SOME APPLICATIONS WILL BE TEMPORARILY...

USPS Tracking® FAQs > (<https://www.usps.com/faqs/uspstracking-faqs.htm>)**Track Another Package +****Tracking Number:** 70173380000059185805

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NEWELL, SD 57760

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PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	



508A-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

March 7, 2019

NOTICE OF ENTRY OF ORDER OF THREE YEAR SUSPENSION OF WATER RIGHT

TO: Jeff & Jeril Kessel, 18240 Knutson Cutoff Rd, Newell SD 57760-5727

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Three Year Suspension of Water Right No. 508A-1

On March 6, 2019, the Water Management Board ordered:

That effective April 6, 2019, Water Right No. 508A-1 is suspended for the 2019, 2020 and 2021 irrigation seasons for failure to submit your 2018 irrigation questionnaire.

If the 2018 irrigation questionnaire is received prior to April 6, 2019, the suspension will not take effect.

Suspension means water may not be pumped during the 2019, 2020 and 2021 irrigation seasons. Consistent with the Board's order, you are not permitted to irrigate for three years unless the irrigation questionnaire is submitted by April 6th.

After April 6th, you may petition the Water Management Board to rescind the suspensions. You will need to submit the 2018 irrigation questionnaire and a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 8-9, 2019 in Pierre, SD. The letter should include your reasons for not completing the 2018 irrigation questionnaires. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Water Rights Staff will conduct compliance checks of suspended water rights this summer to determine if irrigation is taking place.

Please contact Genny McMath at (605) 773-3352, if you have any questions.

508A-1

USPS Tracking® FAQs > (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

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Feedback

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Go to our FAQs section to find answers to your tracking questions.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 20, 2019

508A-1

Jeff & Jeril Kessel
18240 Knutson Cutoff Rd
Newell SD 57760-5727

Dear Mr. & Mrs. Kessel:

On March 6th the Water Management Board ordered Water Right No. 508A-1 suspended if the 2018 irrigation questionnaire was not received prior to April 6, 2019. The questionnaire information for your water right was received March 19, 2019.

Since the irrigation questionnaire is on file, no violation has occurred and no suspension will take place. You may irrigate during the 2019 irrigation season.

The questionnaire you submitted indicated no irrigation was done in 2018. There is no reason you could not have submitted the form last fall prior to the deadline. If you ever have questions on completing the form or would rather call us with the information, we would be happy to help you with that.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352