

WATER
RIGHT

Water Right No. 1717-2

"VESTED RIGHT"
CLAIMED

1. Considered JULY 24 1980
 2. Name of Applicant EDWIN BENTON
 3. Post Office Address EDGEMONT, S.D.
 4. Amount of Water Claimed 2.63
 5. Source of Water Supply DRY CREEK THRU LAKE NETTLETON
 6. Water to be used for IRR.
 7. Acres to be irrigated 184 maximum acre feet
 8. Water to be diverted and used in FALL RIVER County
about _____ miles _____ of _____
 9. PROOF OF PUBLICATION Received N/A
Not Received _____
- APPLICATION Approved 7-24-80
Subject to _____
Not Approved _____
Action deferred _____

Priority

1908

Date Received 6-10-80 Application Complete yes no _____ FEE 13.00

Remarks _____

Date information and/or
fee or corrected Application received _____
Period of Annual use MARCH TO NOVEMBER

WATER
QUALITY

N/A

Received yes _____ no _____ APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as application yes _____ no _____ Remarks _____

Disapproved _____

Returned _____

Diversion Point _____

SW^{1/4} NE⁴ - 28 - 2, 3 - 2E

Lands to be irrigated _____

SE^{1/4} W^{1/2} NE⁴ & NE⁴ NE⁴

SEC 28 - T8S - 2E

WELL
LOG

Remarks _____

Driller _____ Licensed yes _____ no _____

Depth _____

MAP

Map No. 1476-2 Map located in Water Right X Map file _____

Type of Map Arroyo Prepared by J. J. Mernagh

+++++

REVIEWED

This Application was reviewed within 30 days of date received, accepted as complete. Number assigned and written up for advertisement before the Board on July 24, 1980

Billy Whitland
(Signed)

+++++

PROTESTS

Letters/Petitions in File - yes _____ no _____ Remarks _____

REMARKS

Date

F.F. & C

Final Decision, including F.F. & C of Law were adopted _____

OF LAW,

Date

FINAL

Final Decision mailed to parties and/or parties notified that Final Decision

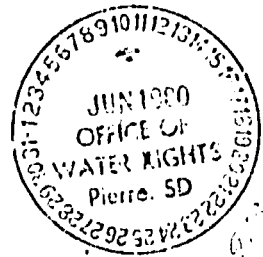
DECISIONS

EFC.

was adopted _____

Remarks _____

No. 1717-2
UPPER CHEYENNE
South Cheyenne River District
 Map No. 1476-2 Water Division No. 21
 Above for Office Use



APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

Check one of the following

New ☐ Vested Right ☒ Future Use ☐Change in Diversion ☐ Additional Diversion ☐Change in Acreage ☐ Additional Acreage ☐Name of Applicant Edwin Benton Phone No. _____Post Office Address Edgemont State South Dakota 57735
 (Street, RR, or Box) (Town) (Zip Code)

If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) completed3. Name of diversion work BENTON IRRIGATION PROJECT4. Amount of water claimed (cubic feet per second) 2.535. Source of water supply dry creek thru old Lake Nettleton6. Location of point of diversion 1.50'S and 500'E of the NE corner of Section 28, T8S, R2ECounty Fall River7. Annual period or periods during which water is to be used March to November8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation9. For irrigation use, Total number of acres to be irrigated 184

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
NW $\frac{1}{4}$ SE $\frac{1}{4}$ - 21, T8S, R2E	40
NE $\frac{1}{4}$ SE $\frac{1}{4}$ - 21	25
SW $\frac{1}{4}$ SE $\frac{1}{4}$ - 21	40
SE $\frac{1}{4}$ SE $\frac{1}{4}$ - 21	40

Land Description	No. Acres Irr.
NE $\frac{1}{4}$ - 28, T8S, R2E	22
NE $\frac{1}{4}$ NE $\frac{1}{4}$ - 28	17

Attach sheet if more space is needed

10. Time required to complete construction of water supply system completed years. Additional time required to complete application of water to the proposed beneficial use _____ years.11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water N/A

12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

B. Works proposed to transport water to place of use.

C. Works proposed to apply water to beneficial use.

Estimated Total Cost \$ _____

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map. (see instructions concerning preparation.)

STATE OF SOUTH DAKOTA)

County of Fall River) ss.I, Edwin Benton the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.Signed Edwin BentonSubscribed and sworn to before me this 9th day of June, 1980Kirk E. Willard
Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 1717-2

EDWIN BENTON
(Applicant)

EDGEMONT
(Post Office Address)

SOUTH DAKOTA 57735
(State)

With the following qualifications

"VESTED RIGHT" CLAIMED

Date of first receipt of application JUNE 10, 1980

Date of return to applicant for correction, amendments or changes required _____, 19____

Date of receipt of corrected application _____, 19____

Approved JULY 24, 1980, Recorded in Book 21 Page 308

WATER RIGHT PERMIT NO. 1717-2

The Water Management Board hereby grants and issues this Water Right Permit No. 1717-2 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is 1908, 19____
2. The equivalent of at least one-fifth of the work above specified is ~~to be~~ completed ~~on or before~~ TO
3. The whole of said work is ~~to be~~ completed ~~on or before~~ TO
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is COMPLETED, 19____
5. The water appropriated shall be used for the purpose of IRRIGATION

6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

7. The amount of the appropriation herein granted shall not exceed 2.63 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied

for irrigation on or before THIS DATE, 19____; said water to be used during the following described annual period: MARCH TO NOVEMBER

Witness my hand this 28th day of JULY, 1980

THE WATER MANAGEMENT BOARD

By

John Hatch
Chief Engineer Water Rights

Certificate of Construction Issued JULY 24, 1980

Water License Issued JULY 24, 1980

NOTE

This Form is supplemental to Form 2, and is to be used when an affidavit pertaining to construction and water use, already completed, is needed.

AFFIDAVIT OF CONSTRUCTION OF WATER USE SYSTEM AND APPLICATION OF WATER TO BENEFICIAL USE

Name of Applicant (Same as Form 2) Edwin BentonPast Office Address Edgemont, State South Dakota 57735

If a Corporation show date and place of incorporation _____

13. Notice of Appropriation (if available) *(see back of sheet also)*Date of Posting December 12, 1907 Date of Recording May 5, 1908Recording Data Recorded in Book 4, Miscellaneous Record on page 300, Register of14. Date of start of construction of water supply system Deeds, Fall River County SD

15. Date that water was first applied to beneficial use _____

16. Name of owner of original water supply system H. S. & D. D. Truhs (Permit No. 0566-2) BW
1/9/8017. Amount of water originally applied to beneficial use 4.0 c. f. s.

18. Present Use of Water

Amount of water now being used 2.63 c. f. s.Date that this amount of water was first used about 1908

19. Chronological History of Water Use *The use of water on these lands has been continuous since about 1908. Utilizing runoff water from dry creek then old lake utilization first by J. C. Lindquist and George T. Paine then Artemus C. Petty and then myself since 1962 when I purchased the land from Artemus and Mabel Petty. The use has been continuous whenever there is runoff water.*

Attach to this Form 2B, any copies of notices, postings, filings, publications, affidavits, or other records that apply. You may also attach any written statement by you, or by others, that you deem pertinent.

STATE OF SOUTH DAKOTA)

County of Faith) ss.I, Edwin Benton, the applicant, certify that I have read the foregoing and that the matters therein stated are true.Signed Edwin BentonSubscribed and sworn to before me this 9th day of June, 19 80
Keith E. Willard
(Notary Public or other qualified Officer)

I, the undersigned, do hereby certify that I know about the water use system described above that I have read the foregoing and that the matters therein stated are true.

The following Water Rights apply to this Vested Right Application:

Name of Owner of Original Water Supply System: J.C. Birdsell and Geo. T. Paine
(see O.R. Holdmen Permit No. 0634-2)

Date of Filing: February 29, 1988

Recording Data: Recorded in Book 4, Miscellaneous Record, Page 264, Register of Deeds,
Fall River County, South Dakota

Amount of water originally applied to beneficial use 10,000 inches (200 cfs)

Permit No. 1717-2

Water Diversion No. 2 Upper Cheyenne Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Edwin Benton

Vested Right 1717-2 the holder 1717-2 of
Permit No. 1717-2, issued upon Application No. 1717-2 bearing date of priority of 1908
1908 authorizing the diversion of 2.63 cu. ft. per second of the waters of

Dry Creek thru Lake Mettieton County of Fall River State of South Dakota at
a point 1450'S and 500'E of the NE corner of Section 28, T8S, R2E

for Irrigation

purposes, has S complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit, that said works are **recognized as** ~~XXXXXX~~ satisfactory
~~XXXXXX~~ for diverting and conveying to the place of intended use 2.63 cu. ft. per second of water.

Date July 28, 1980

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Division

WATER LICENSE NO. 1717-2.

(1) WHEREAS, On the 10th day of June A. D. 1980Edwin Bentonmade Water Right Application No. 1717-2 for ~~a~~ ^{vested right} permit to use 2.63 cubic feet per second of the waters of Dry Creek thru Lake NettletonCounty of Fall River, State of South Dakota, for Irrigation

purposes; and

(2) WHEREAS, On the 24th day of July A. D. 1980vested right 1717-2 Permit No. 1717-2, with a date of priority of 1908was issued to said applicant recognizing for the diversion of said water, and ~~providing for~~ the completion of construction of the water supply system therein described ~~xxxxxx~~ ~~xxxxxx~~ ~~xxxxxx~~ and for the application to beneficial use of said water ~~xxxxxx~~ ~~xxxxxx~~ ~~xxxxxx~~

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 2.63 cubic feet per second of water for beneficial use and:

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent,

to irrigate the following lands all in T8S, R2E**Section 21 NW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres****NE $\frac{1}{4}$ SE $\frac{1}{4}$ 25 "****SW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 "****SE $\frac{1}{4}$ SE $\frac{1}{4}$ 40 "****Section 28 NW $\frac{1}{4}$ NE $\frac{1}{4}$ 22 "****NE $\frac{1}{4}$ NE $\frac{1}{4}$ 17 "****TOTAL 184 acres**

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to Edwin Denton

_____ of Edgemont, SD
the holder _____ and owner _____ of said ^{vested right} permit No. 1717-2 a water right, dating from 1908

_____ to use of 2.63 cubic feet per second of the waters of Dry Creek, thru Lake Hettleton

in the County of Fall River and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point 1450' S and 500' E of the NE corner of
Section 28, T8S, R2E

and conducted to and upon portions of land in Section 21 and 28, T8S, R2E more fully
described on the face of this License

for the purpose of Irrigation

This Water License No. 1717-2 is based on a Vested Right claim recorded and filed by the Water Management Board.

Subject to any limitations listed in Water Right Permit No. 1717-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 28th day of July _____ A. D.
Nineteen Hundred and Eighty

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer **JOHN HATCH**

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 7533

PIERRE, June 13, 1922

RECEIVED OF Ed Benton, Edgemont, SD 57735

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

Fee for Application for Permit to appropriate Water No. (examination, processing, recording and filing)	3	00
Fee for inspecting Construction, and issuing Cert. of Construction No.	2	50
Fee for inspecting Beneficial Use, and issuing Water License No.	2	50
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filling		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for (any other work as provided by law)		
TOTAL	13	00

WATER RIGHTS COMMISSION

By (John Hatch)
Chief Engineer, Executive Officer
JOHN HATCH / CH

Water Rights Division - DWR
Conversation or File Documentation

File No. 0566-2

NAME OF PERSON OR FILE: N.S. F. D.D. Tubbs

ADDRESS: _____ COUNTY Fall River

DATE: June 26, 1984 TELEPHONE _____

RE: Water Right Filing 0566-2

COMMENTS:

This water right filing was ^{used} for priority dates
on vested rights: 1717-2 - Ed Borden
1814-2 - Robert & Mark Tubbs

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

4/82

NAME:

Delwin D. Bury, P.E.
Hydrologist

Incorporated

R. M. Tubbs

5/27/84

2566-2

Filed for Record May 27, 1907

John G. ... and ...
... of ...
... of ...

1717-2 - Ed Benton
priority date
M. Tubbs
R. Tubbs

2566-2E. (COR. B. 1907)

This is to certify that we, L. B. Tubbs and O. D. Tubbs, whose postoffice address is Edgmont, Fall River County, So. Dak., have this 18th day of December, 1907, filed a water right on what is known as Dry Creek and its tributaries which is located in Sec. 28 and 29 in T. 8 N. R. 2 E. S. 2 N. D. M. for the amount of four cubic feet of water per second of time. The location of the dam and reservoir which is as follows: from the quarter Sec. Cor. between Secs. 28 and 29 bearing east 1916 feet to the initial point of the dam, thence the dam runs 5 degrees W. 200 feet, thence from the initial point of the dam N. 5 degrees W. 975 feet. The area of said reservoir is 75 3/4 acres, and the capacity of said reservoir when full, is 600 acre feet. The diversion point of which is located as follows: bearing east from the quarter Sec. Cor. between Sec. 28 and 29 1916 feet and north 380 feet. The head gate of which shall be 2 feet square. The said water to be used for the irrigation of the N.E. 1/4 of the S.E. 1/4 of Sec. 28 and the S.W. 1/4 and the N.E. 1/4 of the N.W. 1/4 and the S.E. 1/4 of the N.W. 1/4 and the S.W. 1/4 of the N.E. 1/4 of Sec. 27 and the N.E. 1/4 of the S.W. 1/4 and the N.E. 1/4 of the N.W. 1/4 of Sec. 28 and the N.E. 1/4 of the S.W. 1/4 and the S.E. 1/4 of the S.W. 1/4 of Sec. 21, in T. 8 N. R. 2 E. S. 2 N. D. M. Said water to be used for the irrigation of the said tracts of land when it is needed on the land.

Applicants.

Subscribed and sworn to before me this 18th day of Dec. 1907.

Notary Public

Water Rights Division - DWR
Conversation or File Documentation

File No. 1717-2
1789-2

NAME OF PERSON OR FILE: Edwin Benton

ADDRESS: RR Box 19, Edgemont, SD 57735 COUNTY Fall River

DATE: October 21, 1987 TELEPHONE 662-7370

RE: Irrigation Questionnaires for Water Right Nos. 1717-2 & 1789-2

COMMENTS:

Mr. Benton inquired when returning an irrigation questionnaire for 422-2 why he had not received questionnaires for 1717-2 and 1789-2. I called him to explain why. The two systems under these water rights are classified as waterspreading systems. Waterspreading systems have no way to measure the water they use and therefore, we do not require questionnaires to be filed on these.

He wanted to make sure that if he did not file questionnaires on these that he would not lose them. I indicated to him that not submitting questionnaires for these would in no way affect his water rights. I told him he would still receive a questionnaire each year for 422-2.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

4/82

NAME: Henry McMath



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

September 21, 1988

NOTICE

Edwin Benton
RR, Box 19
Edgemont SD 57735

Dear Mr. Benton:

I am writing to notify you that pursuant to the Notice of Intent to Validate Vested Water Right Claims dated June 20, 1988 that I intend to oppose validation of your water right claim No(s). 1717-2 until a field inspection has been completed. The claim has either never been inspected or an inspection was conducted so long ago that a new inspection is needed. An inspection is needed to determine the current state of your vested water right claim.

A staff member from the Division of Water Rights will be contacting you and scheduling an inspection of your water project. If we can answer any questions, please contact us.

Very truly yours,

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



 **Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

December 14, 1988

Vested Water Right
Claim No. 1717-2

Edwin Benton
Rt 1, Box 94
Custer SD 57730

Dear Mr. Benton:

Enclosed is a copy of a letter received from the U.S. Department of Interior, Bureau of Reclamation. The Bureau of Reclamation is opposing those vested water right claims in Pennington, Perkins, Butte and Fall River counties which have never been investigated by the Division of Water Rights. Earlier, you received a letter stating that I was opposing your claim until an investigation can be completed.

After the investigation has been completed, you and the Bureau of Reclamation will be notified as to the date, place and time of the hearing on your vested water right claim. At that time all parties of record will have an opportunity to testify on the validation.

If we can answer any questions, please contact us.

Very truly yours,



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

cc: Bruce Laymon, Bureau of Reclamation



Water Rights Division - DWNR

File No. 1717-2

Conversation or File Documentation

NAME OF PERSON OR FILE: Edwin BentonADDRESS: Rt. 1, Box 98, Custer, SD 57730 COUNTY Fall RiverDATE: June 8, 1989 TELEPHONE 673-4315RE: Validation of Vested Right Claim No. 1717-2

COMMENTS:

I discussed this claim with Mr. Benton on May 31, 1989. I also look over the system from the road and farmstead. Rainy weather prevented driving in the field. The system is operating as outlined on the claim application. LeRoy Merrinugh, Division of Water Rights Engineer prepared the map for the claim when it was filed in 1980.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

4/82

NAME:

Edwin W. Bragg, P.E.
Hydrologist

FARRELL, FARRELL & GINSBACH

LAWYERS

441 NORTH RIVER STREET
HOT SPRINGS, SOUTH DAKOTA 57747

Martin F. Farrell
Jana M. Farrell
Patrick M. Ginsbach

(605) 745-5161

September 27, 1988

Dept. of Water and Natural
Resources
523 East Capitol
Pierre, SD 57501

Attn: John Hatch, Chief Engineer

Dear Mr. Hatch:

This office represents Ed Benton, who received a letter from you dated September 21, 1988, stating that a staff member from the Division of Water Rights would be contacting Mr. Benton in the near future concerning scheduling an inspection of his water right.

This letter is to request that when this occurs be certain to contact Mr. Benton personally and not any of his neighbors or anyone else concerning this particular water right.

It is my understanding that this inspection concerns Water Right 1717-2.

Thank you very much for instructing your people to contact the owner of this Water Right himself. If Mr. Denton is not at his ranch, he can perhaps be contacted at Rt. 1, Box 94, Custer, SD 57730; or by telephone at (605) 673-4315.

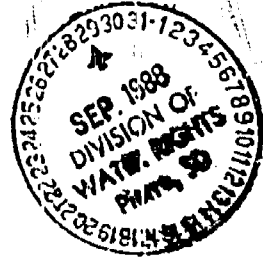
Sincerely,

Martin P. Farrell

MARTIN P. FARRELL

NPF/bji

cc: Ed Benton



L

SOUTH DAKOTA
Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

March 23, 1990

1717-2

NOTICE

TO: Edwin Benton
RR 1 BOX 94
CUSTER, SD 57730

FROM: *John Hatch* JOHN HATCH, CHIEF ENGINEER
Water Rights Division
(605)773-3352

SUBJECT: Low Water Levels in Angostura Reservoir

The water level in Angostura Reservoir on March 6, 1990 was at 3171.1 feet above mean sea level (msl). This is approximately 16 feet below the full elevation of 3187.2 msl. The present estimates are that the Angostura Irrigation District will be able to deliver less than 50% of full service water to project lands during the 1990 irrigation season. We are contacting you to advise you of the actions we have taken due to the low water situation in Angostura Reservoir. Junior Water Right owners above Angostura have been ordered not to use water until Angostura fills.

Since your Water Right No. 1717-2 has a priority date that is senior to the April 11, 1941 priority for Angostura Irrigation Water Right No. 579-2, your permit is not directly affected by the Junior Priority Order. However, I am requesting that all Senior Water Right holders comply with any qualifications and limitations as stated on their water right. With the existing low runoff conditions, we expect to monitor all water rights above Angostura Reservoir.

I want to thank all Water Right Holders above Angostura for the cooperation that we have received up to this time. If you have any questions, please contact Del Brosz (605 773-3352).

FARRELL, FARRELL & GINSBACH

LAWYERS

441 NORTH RIVER STREET

HOT SPRINGS, SOUTH DAKOTA 57747

Martin P. Farrell

Jane M. Farrell

Patrick M. Ginsbach

(605) 745-5161

Beverly J. Irwin
Certified Legal Assistant

December 4, 1991



Jenny McMath
S.D. Dept. Water & Natural Resources
Water Rights Division
Joe Foss Building
Pierre, SD 57501

Re: Transfer of Water Right #1717-2

Gentlemen:

Edwin Benton, owner of the above water right on his land in Fall River County, South Dakota, wishes to transfer this water right to his son and daughter-in-law, E. Wesley Benton and Elizabeth A. Benton, husband and wife, as joint tenants, whose address is R.R., Edgemont, SD 57735.

Please send me the necessary Assignment form so Mr. Benton can transfer this water right to his son and daughter-in-law.

Thank you very much.

Sincerely,

Martin P. Farrell

MARTIN P. FARRELL

MPF/jc



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 6, 1991

1717-2

Martin P Farrell
FARRELL, FARRELL & GINSBACH
441 N River Street
Hot Springs, SD 57747

Dear Mr. Farrell:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Vested Water Right Claim No. 1717-2. The vested water right claim is currently listed in the name of Edwin Benton.

The transfer form should be checked over for accuracy and signed by the new owner in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosure

149

181 DEC 1991
2025 WATER RIGHTS
Water Right Claim

Date: December 10, 1991

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.

FARRELL, FARRELL & GINSBACH

LAWYERS

441 NORTH RIVER STREET
HOT SPRINGS, SOUTH DAKOTA 57747

(605) 745-5161

Martin P. Farrell
Jane M. Farrell
Patrick M. Ginsbach

Beverly J. Irwin
Certified Legal Assistant



December 27, 1991

Chief Engineer
Water Rights Division, DENR
523 East Capitol
Pierre, SD 57501

Re: Vested Water Right 1717-2

Dear Sir:

Thank you for sending me the ^{PARTIAL} completed NOTICE OF TRANSFER OF OWNERSHIP in Water Right No. 1717-2.

The Buyers, namely E. Wesley Benton and Elizabeth A. Benton, Husband and wife, as joint tenants, have purchased this land from the previous owner who is their father and whose name is Edwin Benton.

In comparing the description on the Notice of Transfer of Ownership 1717-2 that you forwarded to this office with the original Application for Permit Appropriate Water Within the State of South Dakota, a copy of which I am enclosing, I noticed that not all of the land was included.

Was this because the land that was not included cannot be benefited by the water right?

Please let me know so that I can advise Mr. and Mrs. Benton.

Thanks for your help.

Also enclosed is a filing fee payable to the South Dakota Water Rights Division in the amount of \$2.50.

Sincerely,

Martin P. Farrell

MARTIN P. FARRELL
MPG/bji

*1-2-92 spoke with Martin Farrell and explained
that the legal description on transfer form were
the same as permit - just grouped together & not
described down to the quarter - quarter. But*

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412989

Pierre, December 31, 19 91

RECEIVED OF Farrell, Farrell & Ginsbach, 441 N. River St., Hot Springs, SD 57747

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works 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>Vested Water Right No. 1717-2</u>	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By John Hatch (F)
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 3, 1992

No. 1717-2

Farrell, Farrell & Ginsbach
441 N. River St.
Hot Springs, SD 57747

Dear Sirs:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water right No. 1717-2.

Our records now show E. Wesley and Elizabeth A. Benton as the owner of Water Right No. 1717-2.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Division
605 773-3352

enclosure

cc: E. Wesley and Elizabeth A. Benton

SOUTH DAKOTA

VESTED WATER RIGHT NO. 1717-2 FOR IRRIGATION

Date of Receipt of Claim June 10, 1980.

Date of Validation May 6, 1992.

The Water Management Board validated Vested Water Right Claim No. 1717-2 for irrigation purposes for E. Wesley and Elizabeth Benton, Box 765, Edgemont SD 57735 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1717-2 appropriates 2.63 cubic feet of water per second from Dry Creek thru Lake Nettleton located in the SW 1/4 NE 1/4 Section 28 to irrigate 184 acres located in the SE 1/4 Section 21, N 1/2 NE 1/4 Section 28; all in T8S-R2E.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. Water is to be used during the following annual period: March 1 - November 1.
3. The priority date of the Vested Water Right is January 1, 1908.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: John H. Felt JUL 1 1992
Chief Engineer date

Division of Water Rights
Dept. of Environment and Natural Resources



JUL 1 1992

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

1717-2

E. Wesley and Elizabeth Benton
Box 765
Edgemont SD 57735

Dear Mr. & Mrs. Benton:

The Water Management Board has validated the enclosed Vested Water Right No. 1717-2. This validation gives legal status to the claim and is the final document for your vested right.

As long as you use the water beneficially, as stated in the validation, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

A handwritten signature in cursive script that reads "John Hatch".

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

enclosure



U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

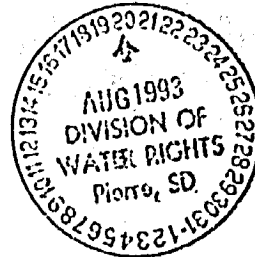
WTR 4.10
BF-430

United States Department of the Interior

BUREAU OF RECLAMATION

Great Plains Region
Belle Fourche Projects Office
P.O. Box 226
Newell, South Dakota 57760-0226

AUG 18 1993



Mr. John Hatch, Chief Engineer
Water Rights Division
South Dakota Department of Water and Natural Resources
523 E. Capitol
Pierre SD 57501-3181

Subject: Vested Water Right Claims in Western South Dakota (Your Letter
Dated April 20, 1993) (Water Rights)

Dear Mr. Hatch,

We have reviewed the vested water right claims located in Perkins, Pennington, Fall River, and Butte Counties as listed in your letter dated April 20, 1993. We have also discussed these rights with contract water users. We appreciate the assistance of your staff in providing documentation of inspections and validation proceedings for specific claims as we requested.

We are satisfied with all of the actions taken by the board. Our intent in opposing validation of the water rights was to assure that all of the rights were reviewed prior to validation. That review has been completed by your staff. Thank you for notifying us of the board's actions and extending the opportunity to reconsider the actions if it would have been deemed necessary. We understand that future notification will be made in advance of board actions.

If we can be of further assistance, please contact Craig Kjar or me at (605) 456-2695.

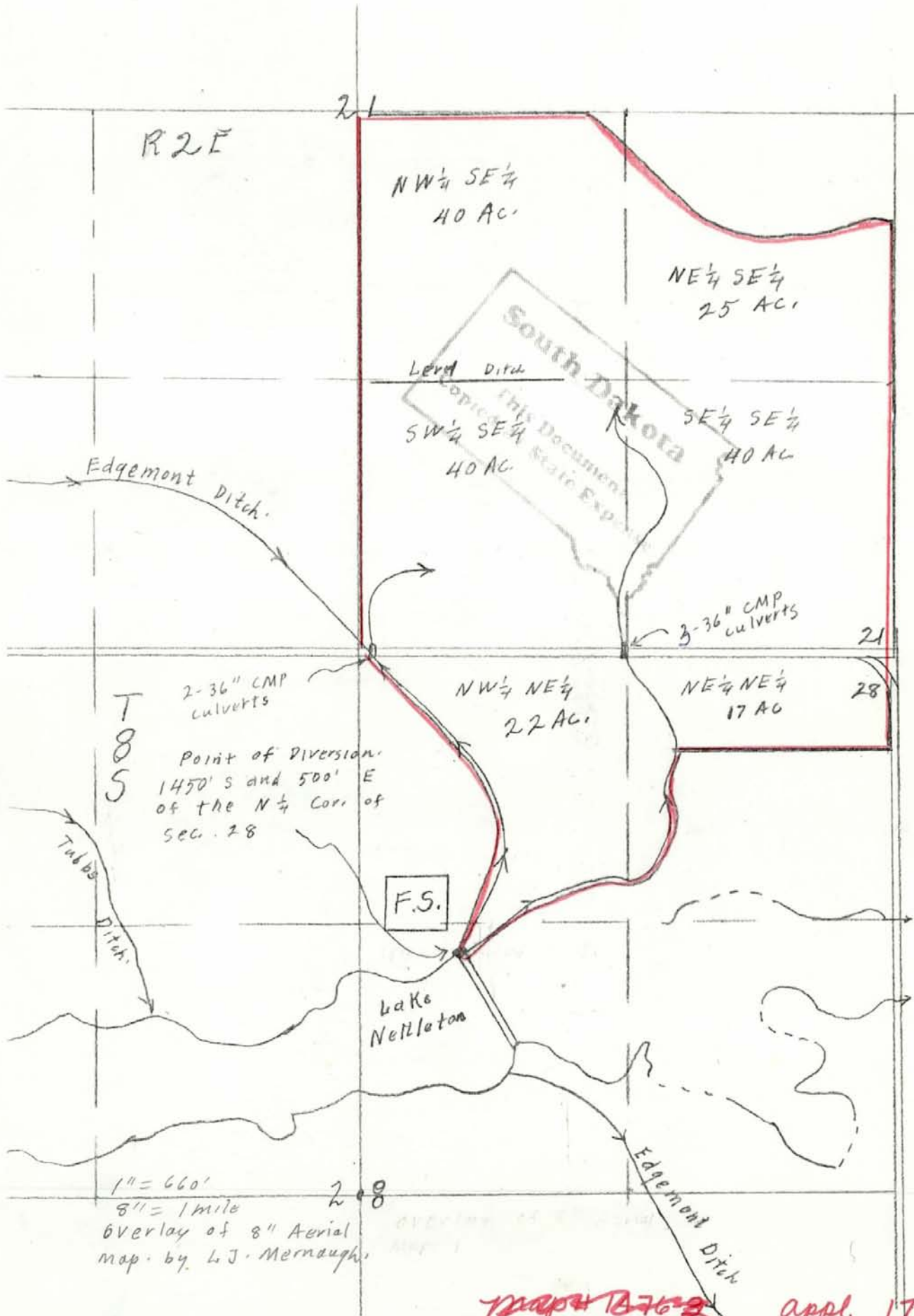
Sincerely,

Bruce M. Laymon
Project Manager

cc: Mr. Joe Kramer, Manager
Angostura Irrigation District
PO Box 346
Oral SD 57766

Mr. James E. Winterton, Project Manager
Belle Fourche Irrigation District
PO Box 225
Newell SD 57760

Ed. Benton.



map # 1376-2

appl. 1717-2

Map # 1376-2

appl. 1717-2

1717-2

RECEIPT

WATER RIGHTS PROGRAM
South Dakota Department of Agriculture and Natural Resources

Date December 2, 2022

RECEIVED OF Linda Koopman/Alan Benton PO Box 776 Edgemont SD 57735

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>1717-2</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 Engineer
vm

PAID

DEC 2 2022

Ck# 1010

Rec't#

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

DEC 02 2022

OFFICE OF
WATER

No. 1717-2

Date: October 27, 2022

I/We request that Water Right No. 1717-2

formerly owned by: E. Wesley and Elizabeth Benton of Edgemont, South Dakota 57735

be transferred to: (name & address) Jointly to Linda Koopman of 1006 E St Edgemont, SD 57735 and
Alan Benton of 10533 Cherrywood Lane, Cheyenne, WY 82009

Telephone No. 605-440-2882

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

**2.63 cubic feet of water per second from Dry Creek thru Lake Nettleton located in the SW ¼ NE ¼
Section 28 to irrigate 184 acres located in the SE ¼ Section 21, N ½ NE ¼ Section 28; all in T8S-R2E.**

I/We understand that the validity of Water Right No. 1717-2 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 Linda Koopman and Alan Benton, the new owner, certify that the above information is true and correct.

DATE: 11-08-2022

Linda Koopman
Linda Koopman

DATE: _____

Alan Benton

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.

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

DEC 02 2022

OFFICE OF
WATER

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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 Linda Koopman and Alan Benton, the new owner, certify that the above information is true and correct.

DATE: _____

Linda Koopman

DATE: 9 November 2022

Alan W Benton
Alan Benton

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.

CERTIFICATE OF REAL ESTATE VALUE [SDCL 7-9-7(4)]

COURTHOUSE USE ONLY

STATE OF SOUTH DAKOTA, COUNTY OF Fall River ☒

Book _____ Page _____

Ratio Card No _____

Seller(s) Linda Koopman and Alan Benton

(605) 440-2882

Name

Phone No.

Mailing Address P.O. Box 776Edgemont☒ SD ☒ 57735

Street/Box No

City

State

Zip Code

Buyer(s): Linda Koopman and Alan Benton

Name

Phone No.

Mailing Address: P.O. Box 776Edgemont☒ SD ☒ 57735

Street/Box No

City

State

Zip Code

NEW

Address:

Street/Box No

City

State

Zip Code

OWNER-OCCUPIED - THIS BOX TO BE COMPLETED BY BUYER ONLY

Property is currently classified as owner-occupied

Property will be occupied by buyer on 01/11/2022 (date)

Property will be principal residence of buyer on the above stated date

Do you own any other residential property in the United States?

YES	☒	NO	☐
YES	☒	NO	☒
YES	☒	NO	☐
YES	☒	NO	☐

These items are important to complete for property to continue to be classified as owner occupied for a lower property tax rate.
(If yes - state location _____)

Signature (BUYER ONLY)

Linda S. Koopman

Legal Description (Please include the number of acres for unplatted properties)

Northeast Quarter (NE ¼) of Section Twenty-Eight (28) in Township Eight (8)
South Range Two (2) East of the Black Hills Meridian

(1) Date of Instrument November 9, 2022

(2) Type of Instrument:

Contract for Deed ☐
Quit Claim Deed ☐
Other (specify) ☐

Warranty Deed ☐
Trustee's Deed ☐

Executor's Deed ☒
Administrator's Deed ☐

Mineral Deed ☐
Gift ☐

(a) Was this property offered for sale to the general public

(b) Relationship between buyer and seller?

(c) Was this property sold by owner

Agent ☐

YES ☐ NO ☒
YES ☐ NO ☐

(d) Actual Consideration Exchanged: \$ 0

(e) Adjusted price paid for real estate: \$ N/A
(actual consideration less amount paid for major items of personal property which are listed below)

List any major items of personal property and their value which were included in the total purchase price (i.e. furniture, inventory, crops, leases, franchises):

NONE

(4) Was there Buyer Financing

YES ☐NO ☒

If yes - items (a) below MUST be completed

(a) Type of Buyer Financing - check where applicable

Conventional Bank Loan ☐
Cash Sale ☐
FHA, FmHA, SDHA Loan ☐
Contract for Deed ☐

Like Kind Exchange ☐
Assumed mortgage ☐
Farm Credit Service ☐

Down Payment _____ Monthly/Yearly Payment _____ Interest Rate _____
No. of Payments _____ Balloon Payment _____

(Signature of Seller, Buyer or agent of Buyer)(Date) 11/29/2022

RECEIVED

DEC 02 2022

OFFICE OF
WATER

Prepared By:
Hansen Law Office, PLLC
David R. Hansen
1506 Mountain View Rd #101
Rapid City, SD 57702
(605) 863-1176

PERSONAL REPRESENTATIVE'S DEED

Linda Koopman and **Alan Benton** were appointed co-personal representatives by the Clerk of the Circuit Court of Fall River County, South Dakota, on March 29, 2022, and Letters of Personal Representative were issued on March 29, 2022, which Letters are unrevoked and remain in full force and effect, a copy of which are attached hereto and incorporated by this reference.

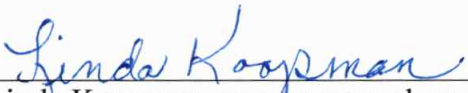
Linda Koopman and **Alan Benton**, as the duly appointed, qualified and acting co-personal representative of the Estate of Elizabeth Ann Benton, **Grantor**, for valuable consideration, sell, convey, transfer, assign and release to **Linda Koopman**, a married individual, of P.O. Box 776 Edgemont, SD 57735 and **Alan Benton**, a married individual, of 10533 Cherrywood Lane Cheyenne, WY 82009, as joint tenants with right of survivorship and not as tenants in common, **Grantees**, all interest of Elizabeth Ann Benton in the following described real estate in the County of Fall River, State of South Dakota:

**Northeast Quarter (NE ¼) of Section Twenty-Eight (28) in Township Eight
(8) South Range Two (2) East of the Black Hills Meridian,**

Subject to easements, restrictions, covenants and reservations of record, if any.

EXEMPT FROM TRANSFER FEE PURSUANT TO SDCL § 43-4-22(15).

Dated this 08 day of November, 2022


Linda Koopman, as co-personal representative
of the Estate of Elizabeth Ann Benton

STATE OF South Dakota)
)SS.
COUNTY OF Fall River)

RECEIVED

DEC 02 2022

OFFICE OF
WATER

On this the 08 day of November, 2022, before me, the undersigned officer, personally appeared **Linda Koopman**, known to me or satisfactorily proven to be the persons described in the foregoing document, and acknowledged that they executed the same for the purposes therein contained.

IN WITNESS WHEREOF I hereunto set my hand and official seal.

(SEAL)

Brenda Lackey
Notary Public
My Commission Expires:

My Commission Expires
August 15, 2028

[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

[SIGNATURE FOLLOWS ON NEXT PAGE]



RECEIVED

DEC 02 2022

OFFICE OF
WATER

Dated this 9TH day of November, 2022

Alan W Benton

Alan Benton, co-personal representative
of the Estate of Elizabeth Ann Benton

STATE OF Wyoming)
)SS.
COUNTY OF Laramie)

On this the 9th day of November, 2022, before me, the undersigned officer,
personally appeared **Alan Benton**, known to me or satisfactorily proven to be the persons
described in the foregoing document, and acknowledged that they executed the same for the
purposes therein contained.

IN WITNESS WHEREOF I hereunto set my hand and official seal.



(SEAL)

Dionne Roccaforte
Notary Public
My Commission Expires:

RECEIVED
DEC 02 2022
OFFICE OF
WATER



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

December 19, 2022

1717-2

Linda Koopman
1006 E St
Edgemont SD 57735

Alan Benton
10533 Cherrywood Ln
Cheyenne WY 82009

Dear Ms. Koopman and Mr. Benton:

I am writing to acknowledge receipt of the transfer form and filing fee for changing ownership on Water Right No. 1717-2.

The ownership change has been completed. The water right formerly held by E. Wesley and Elizabeth Benton is now listed under both of your names.

Enclosed is your receipt for the filing fee that was paid. I made a copy of it so both of you would have one. 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

enclosure