

Water Right No. 1740-2

Considered January 28 19 31

2. Name of Applicant Walter Hanson

2. Name of Applicant Clearfield, S.D. 57501
3. Post Office Address

3. Post Office Address _____
4. Amount of Water Claimed _____ No additional (Add'g acreage on 1458-A) _____

5. Source of Water Supply Willow Creek drainage area

6. Water to be used for Irrigation

6. Water to be used for _____ maximum
7. Acres to be irrigated _____ 44 add'l _____ acre feet

8. Water to be diverted and used in Tripp County

about 38.1 miles EAST of CLEARFIELD

9. PROOF OF PUBLICATION Received (H#) 1-7-81

Not Received

APPLICATION

Approved 1/28/81

Subject to Gen. Hout

Not Approved

Action deferred

Priority Date 12/3/80 Application Complete: yes xx no FEE 150.00
Received

12.3-80

Received _____

Remarks 1958-2 approved w/ 686 acct of writer annually Donation

Rate of 6.0 CFS to drain 420 acres. With this additional acreage will not increase total acreage being irrigated.

Date information and/or

Date Information and/or
fee or corrected Application received

Period of Annual use March - November

WATER
QUALITY

Received yes 12/17/80 no. APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as application <u>(yes)</u> no _____ Remarks _____
--

Disapproved

Returned

Diversion Point

SE¹/₄ Section 18 and NE¹/₄ Section

19, both in T96N, R77W

Lands to be irrigated

N₄ 1W₄, Section 20, NE₄ NE₄,

and SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 19, all in

T96N-R77W

Said dam is estimated at 35' to 55', water depth 30' to 40',

WELL
LOG

surface area 100 to 140 acres, storage capacity is estimated from 750 to 2,750 acre feet.

Driller

Licensed yes 0 no 0

Depth

MAP

Map No. 1001-2 Map located In Water Right _____ Map file _____

Type of Map _____ Prepared by _____

+++++

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 _____

(Signed) _____

+++++

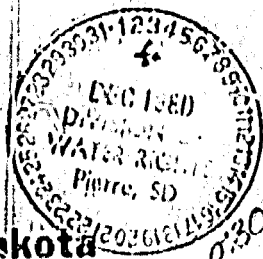
PROTESTS

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

REMARKS
F.F. & C
OF LAW
FINAL
DECISIONS
ETC.

Date _____
Final Decision, Including F.F. & C of Law were adopted _____
Date _____
Final Decision mailed to parties and/or parties notified that Final Decision was adopted _____

Remarks _____

No. 1740-2Map No. 1001-2 Water Division No. 2 NIOBRARA TRIBUTARY DistrictAbove for Office Use 10150006

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

Check one of the following:

Now _____ Vested Right _____ Future Use _____

Change in Diversion _____ Additional Diversion _____

Change in Acreage _____ Additional Acreage X on 1458-2

Dale Benson 775 2656

1. Name of Applicant Walter BensonPhone No. 557-3231Post Office Address ClearfieldState SD57581

(Street, Rf, 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) contract3. Name of diversion work Benson Irrigation Project✓ 4. Amount of water claimed (cubic feet per second) no add'l5. Source of water supply Willow Creek drainage area6. Location of point of diversion SE 1/4 of Section 18 and NE 1/4 Section 19 both in T96N, R77WCounty Tripp7. Annual period or periods during which water is to be used March - November8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation9. For irrigation use, Total number of acres to be irrigated 44 add'l acres

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.
<u>NW 1/4 NW 20-96-77</u>	<u>25</u>
<u>NE 1/4 NW 20-96-77</u>	<u>2</u>
<u>NE 1/4 NE 19-96-77</u>	<u>10</u>
<u>SW 1/4 NE 19-96-77</u>	<u>7</u>

Land Description	No. Acres Irr.

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 4 years.11. Choice of county newspaper for publication of Notice of Intent to Appropriately Water Winner Advocate

12. Principal Features of the Proposed Water Supply System.

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

Willow Creek drainage area subject to any nat. low-flow bypass requirements for domestic usages

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

pipeline and pump or pumps

C. Works proposed to apply water to beneficial use.

center pivot

*There should be no additional cost to change the location of these pivots, as they were previously contemplated in the prior application. 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 Tripp) ss.✓ I, Walter Benson,

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 Dale BensonSubscribed and sworn to before me this 31st day of November, 1980

Notary Public (or other qualified officer)

WNR-502-7/79

My Commission Expires: 11-15-87

R 78 W
CLEARFIELD

R 77 W

T
96
N

Scale = 1" = Approx 2000'

13

18

17

#3
130 Ac.
complete

#5
120 Ac.

#4
140 Ac.

#2
170 Ac.
1980

#1
130 Ac.
completed

24

19

20

3.00

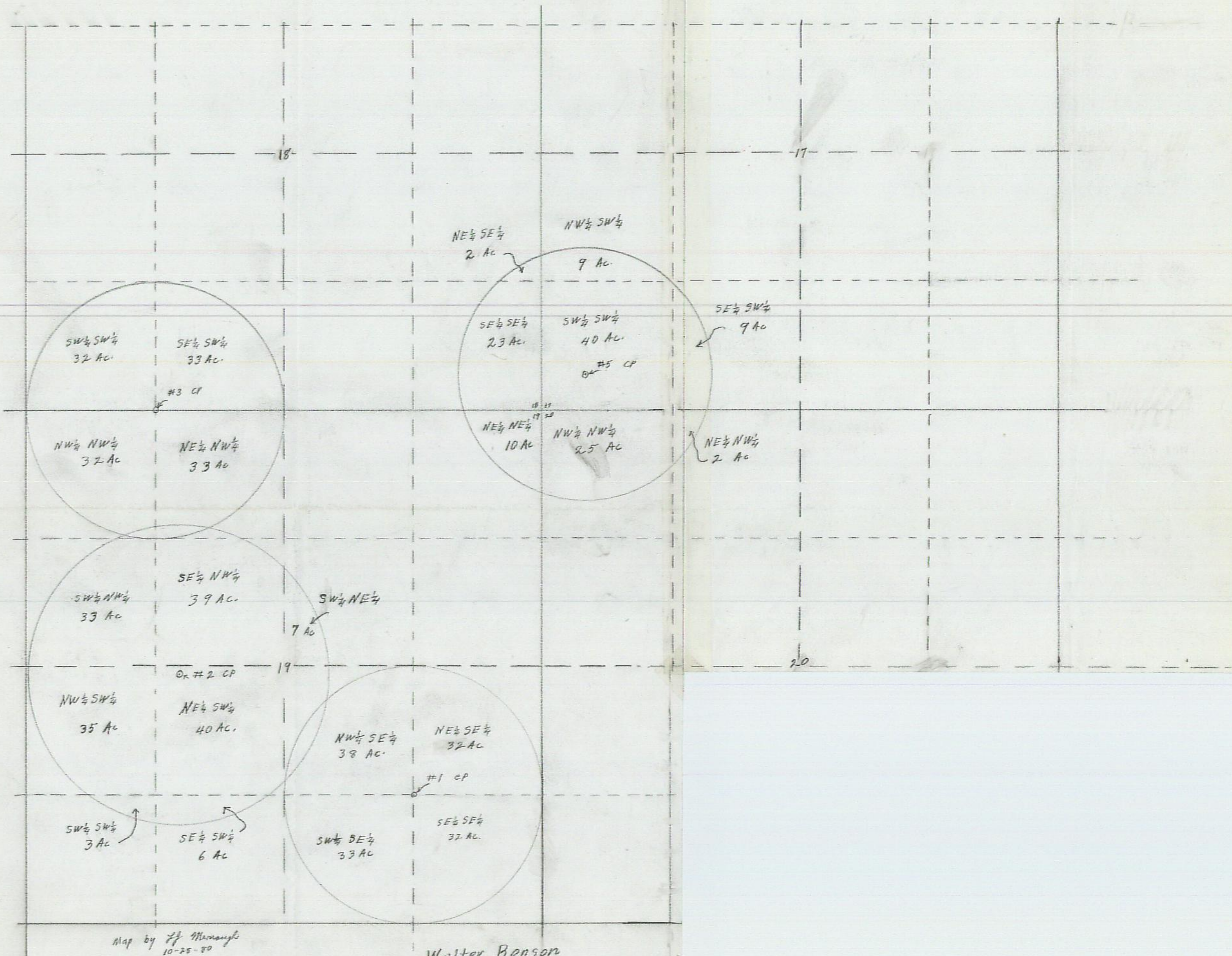
29

25

RIVER

MILLBORO

Map No. 1001-2 (app 1740-2)



Map by J. H. Munnigh
10-25-80

Walter Benson
Tripp Co.

Map No. 1001-2 (Cppl 1740-2) 8" to 1 mile

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 1740-2
Walter Benson Clearfield

South Dakota 57581 (Applicant) (Post Office Address)
 (State) With the following qualifications

Low flows as needed for downstream domestic use, including livestock watering must be by-passed.

This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

Date of first receipt of application December 3, 19 80
 Date of return to applicant for correction, amendments or changes required , 19
 Date of receipt of corrected application NO December 17, 19 80
 Approved January 28, 19 81 Recorded in Book 21 Page 330

WATER RIGHT PERMIT NO. 1740-2

The Water Management Board hereby grants and issues this Water Right Permit No. 1740-2 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 December 3, 19 80
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before July 28, 19 83
3. The whole of said work is to be completed on or before January 28, 19 86
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is January 28, 19 90
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 no additional 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 January 28, 19 90; said water to be used during the following described annual period: March - November

Witness my hand this 4th day of February, 19 81

THE WATER MANAGEMENT BOARD

By:

John Hatch
 Chief Engineer, Water Rights JOHN HATCH

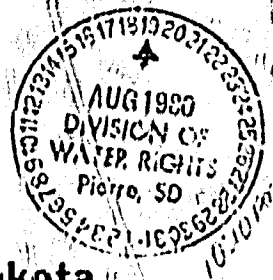
Certificate of Construction Issued , 19

Water License Issued , 19

No. _____

Map No. _____ Water Division No. _____ District _____

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 X _____ Additional Diversion _____

Change in Acreage _____ Additional Acreage _____

1. Name of Applicant Walter Benson Phone No. 557-3232
 Post Office Address Clearfield State South Dakota 57581
 (Street, R.R., or Box) (Town) (Zip Code)

If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or direct labor) Contract3. Name of diversion work Benson Irrigation Project4. Amount of water claimed (cubic feet per second) Permit calls for 5 cfs5. Source of water supply Willow Creek Drainage Area6. Location of point of diversion SE 1/4 of 18, & NE 1/4 of 19, T96N, R77.County Tripp, Co, S.D.7. Annual period or periods during which water is to be used Jan. 1st to Jan. 1st8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation9. For irrigation use, Total number of acres to be irrigated, see original application

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.	Land Description	No. Acres Irr.
see new map attached for the proposed change on diversion #5		NE 1/4 19-96-77	
SW 1/4 17-96-77		N 1/2 NW 1/4 20-96-77	
E 1/2 SE 1/4 18-96-77			

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years Additional time required to complete application of water to the proposed beneficial use 5 years.

11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Winner Advocate, Winner, SD

12. Principal Features of the Proposed Water Supply System. See original application and original map of location.

A. Works proposed to divert water from its natural source.
 see original application

B. Works proposed to transport water to place of use. This application is submitted for the sole purpose of more precisely describing the acres which the applicant proposes to irrigate at pivot #5 of the original application. Applicant has purchased the N 1/2 NW 1/4 20-96-77 from Mrs. Jessie Zeigler and because of the lay of the land it would be more feasible to move the center pivot #5 further south & west of its original location. The water would still be transported by pipeline and pump.

C. Works proposed to apply water to beneficial use. Pipeline and pump. Applicant has built the dam, placed a system at pivot #1 and #3, and engineers have measured system #5 which applicant proposes to purchase this fall. Applicant is aware of the 6cfs limitation and intends to apply this water to several pivots by rotating corn, alfalfa, & oats crops all of which are designated on the original application except for this proposed change of location of #5.

Estimated Total Cost \$ 60,000.00 for the completion of system #5

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 GregoryI, Walter Benson

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 Walter BensonSubscribed and sworn to before me this 15th day of August, 1980

(SEAL)

My Commission Expires: 11-15-87

Notary Public (qualified officer)

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM
STATE CONSERVATION COMMISSION
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

OWNERS NAME: Walter Benson OWNERS ADDRESS: Clearfield, South Dakota 57561

COUNTY LAND LOCATED IN: Tioga PHONE: (605) 557-5434

TENANT'S NAME AND ADDRESS: (If Other Than Owner) None

In accordance with State Law SDCL 46-5-6.4, if a water permit is granted with a conditional Soil/Water Compatibility permit, a copy of such conditional soil/water compatibility permit must be filed with the County Register of Deeds. This action must be taken by the holder of a water permit within 6 months of receipt of such water permit.

LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres)

1. WELL LOCATION OR DIVERSION POINT: SW 1/4-18-96-77; NE 1/4-19-96-77, Tioga County, SD

2. SURFACE WATER SOURCE: Dam

3. LOCATION OF TO BE IRRIGATED. (NOTE: SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See Instruction sheet))

Legal Description	Acres	Legal Description	Acres
NW 1/4 20-96-77	25	(See map attached for location of dam and other center pivots, as well as sketch setting forth the 17 acres in the NE 1/4 of 19-96-77 which were not previously studied for soil and water compatibility.)	
NE 1/4 20-96-77	2		
NE 1/4 19-96-77	10		
SW 1/4 19-96-77	7		

4. TYPE OF IRRIGATION: GRAVITY: TOWLINE: CENTER PIVOT: X GUN: OTHER: (Specify)

5. CROPS TO BE IRRIGATED: Corn, Alfalfa and Small Grain

6. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED:
LEGAL DESCRIPTION: See map attached for location of dam and other center pivots; applicant purchased the Joseph Ziegler 80 and desires to move the location of pivot #8 to include a portion of the Ziegler land in section 20-96-77; the center pivot #8
IN WHAT NAME: Walter Benson

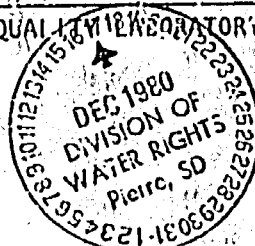
WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

7. WATER SAMPLE NUMBER: 881-613

8. SALINITY (EC x 10⁶): 4.54

9. SODIUM (SAR): .20

10. ADJUSTED (SAR): .40 - .28



RECEIVED

DEC 03 1980

South Dakota
Division of Conservation

*SW 1/4-19-96-77 has been enlarged to include 7 acres in the SW 1/4-19-96-77.

I hereby certify that I personally obtained or that I personally observed the taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see instruction sheet) were followed, and that the sample was taken at 11:30 a.m./p.m., on September 13, 1980, at the following location: SW 1/4-18-96-77 and NE 1/4-19-96-77 from the dam by Walter Benson (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

I understand that the Division of Conservation or agents thereof may obtain another water sample for the purpose of validating the water sample analysis taken at the time of application (SDCL 46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS

23rd DAY OF November, 19 80.

(NOTARY PUBLIC)
My Commission Expires: 11-16-87
I M P O R T A N T

Walter Benson
APPLICANT'S SIGNATURE

Jack H. Hall
Director, Division of Conservation

X APPROVED
 DISAPPROVED
 CONDITIONALLY APPROVED

Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application... in all cases a WATER PERMIT must be obtained from the Board of Water Management.

NAME OF APPLICANT Walter Benson

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED

Soil Blowing and low organic matter content, especially on your steeper slopes, are your main concerns.

Generally, slopes that exceed 6% should be utilized by tame grass or legumes, rather than row crops.

779

2601-TR

SOIL/WATER COMPATIBILITY APPLICATION FORM

STATE CONSERVATION COMMISSION
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

OWNER'S NAME: Walter Benson OWNERS ADDRESS: Clearfield, South Dakota 57501
COUNTY LAND IS LOCATED IN: Tripp PHONE NUMBER: (605) 557-3232
TENANT'S NAME AND ADDRESS: (If Other Than Owner) N/A

In accordance with State Law (SDCL 46-5-6.5) If a water right is granted with a conditional permit (Soil/Water Compatibility), a copy of such conditional permit must be filed with the County Register of Deeds.

This action must be taken by the holder of a water right within 6 months of receipt of such water right.

LEGAL DESCRIPTION: (Show Legal Description To Nearest 10 Acres)

1. WELL LOCATION OR DIVERSION POINT SE 1/4-18-96-77, Tripp County, South Dakota
2. SURFACE WATER SOURCE Dam
3. LOCATION OF AREA TO BE IRRIGATED Approximately 80 Acres in NW 1/4-20-96-77, Tripp Co., S.D.
4. INDICATE NON-IRRIGATED AREAS AND (APPROX.) ACRES ON MAP (farmstead, shelterbelt, wetlands, etc.)
(See photostatic copy of irrigation project in Willow Creek Township, Tripp Co., S.D. attached)

TYPE OF IRRIGATION: (Show approximate acres under each type of system)

5. GRAVITY TOWLINE CENTER PIVOT X GUN
OTHER (Specify)

6. CROPS TO BE IRRIGATED Corn, Alfalfa & Small Grain

7. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT; YEAR OBTAINED
IN WHAT NAME: Walter Benson (See map attached for location of dam and other center pivots, applicant purchased the Jessie Ziegler 80 and desires to move the location of pivot #5 to include a portion of the Ziegler land in Section 20-96-77)

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

8. SAMPLE NUMBER: 80-8130
9. SALINITY (EC X 10⁶) 454
10. SODIUM (SAR) 0.20 ADJUSTED (SAR) 0.40
11. RESIDUAL SODIUM CARBONATE (meq/l.) 0

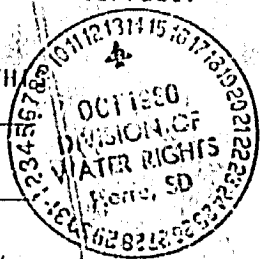
RECEIVED

OCT 06 1980

South Dakota

I do hereby certify that a chemical analysis of the irrigation water representative of that used to irrigate shall be acquired from South Dakota State University and the soils information has been acquired from Clearfield-Keya Paha Conservation District, County Extension Office or Soil Conservation Service; and further, that the legal description for the location of the well and land to be irrigated is true and correct.

SUBSCRIBED AND SWORN BEFORE ME THIS 16th DAY OF September 19 80



Walter Benson
APPLICANT'S SIGNATURE
Keith L. Hanson
DIRECTOR

X APPROVED
 DISAPPROVED
 CONDITIONALLY APPROVED

(TITLE OR SEAL)
NOTARY PUBLIC

IMPORTANT

Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application. In all cases a Water Right must be obtained from the State Water Rights Commission.

South Dakota State University
Brookings, South Dakota 57007

Submitted by: Walter Benson
Address: Clearfield, SD 57581

Date Rec'd: September 18, 1980
Sample No.: 80-813
Identification: Dom
SE 1/4, Sec. 18, T 96N, R 77W

WATER ANALYSIS

Calcium (Ca)	54	ppm	2.72	me/l**
Magnesium (Mg)	16	ppm	1.30	me/l
Sodium (Na)	7	ppm	0.30	me/l
Potassium (K)	10	ppm	0.26	me/l
Sulfate (SO ₄)	6	ppm	0.12	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)		ppm		me/l
Bicarbonate (HCO ₃)	254	ppm	4.00	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.**
Alkalinity (Methyl Orange)	200	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	454	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.20	Adjusted SAR	0.40	
Sodium	6.55	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.36			

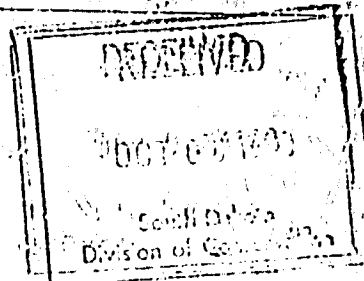
Others:

*ppm=parts per million

**me/l=millequivalents per liter

***g.p.g.=grains per gallon

COMMENTS: Total cations 4.58 me/l
Total anions 4.12 me/l



By: Shirley Mattan

Service Performed

Amount Due

Irrigation analysis

\$15.00

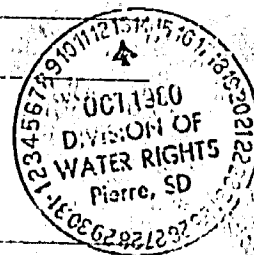
Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 80-813

Amount Enclosed \$

Signed



TRIPP County

REC. MGMT/FOR 4
7/80

Approved _____

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

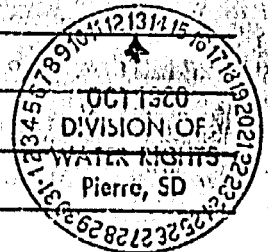
NAME OF APPLICANT Walter Benson

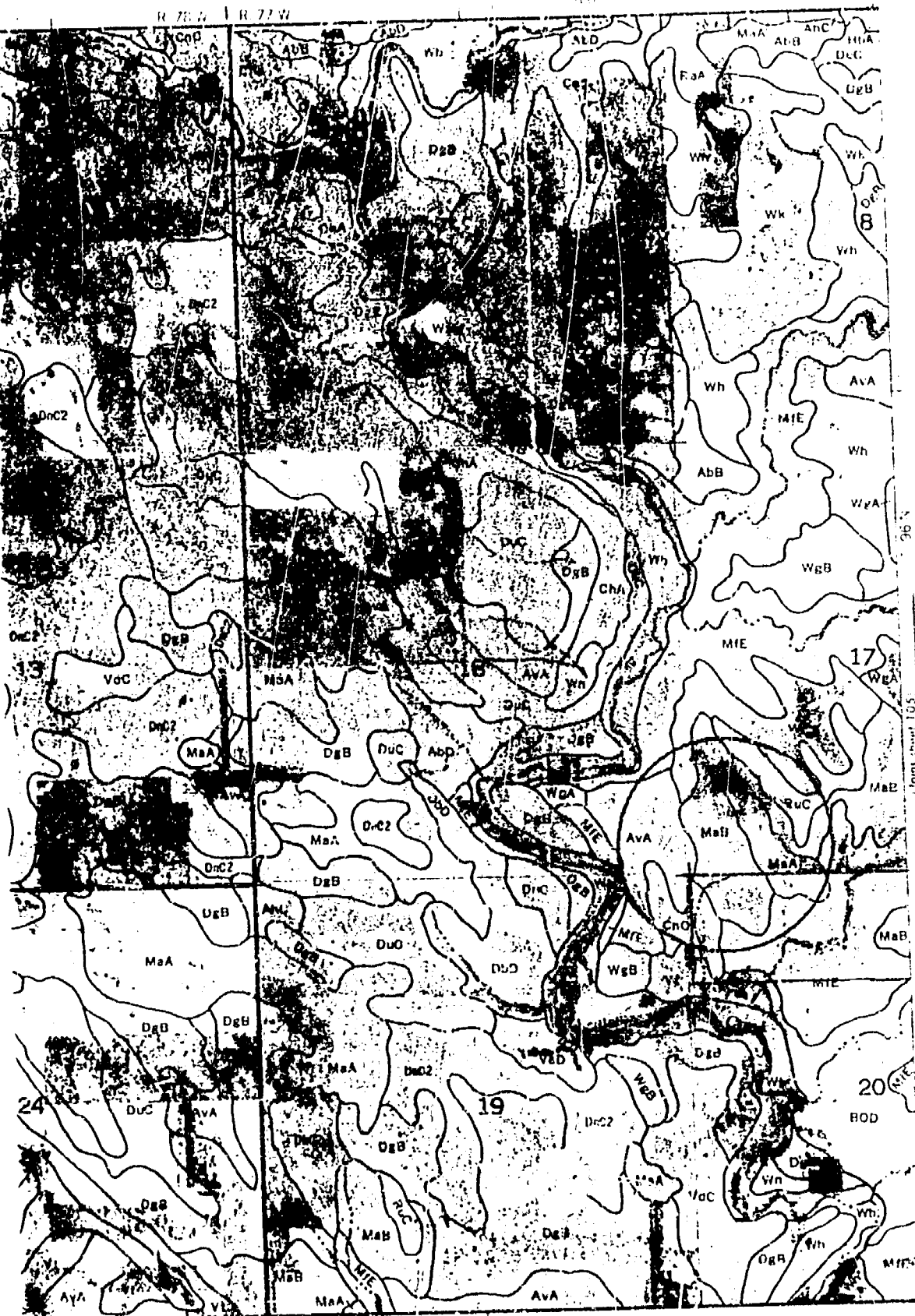
SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED

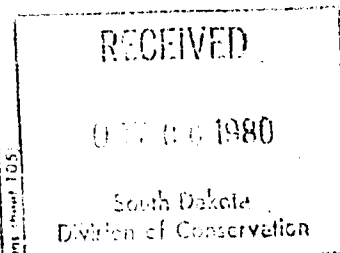
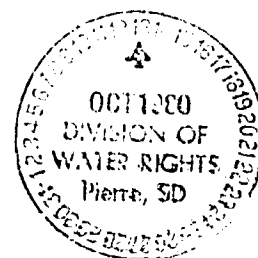
RECOMMENDED MANAGEMENT:

Soil blowing and slope should be part of your management concerns.





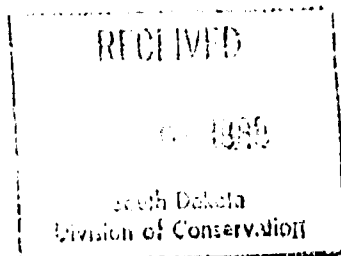
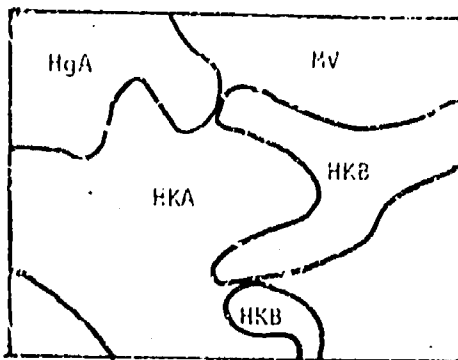
COPY



N $\frac{1}{2}$ NW 420-
in 96-77
Tripp Co., S.D.

SOILS INFORMATION

E X A M P L E



- HgA - Highmore - DeGrey silt loams - 0-2% slopes
DeGrey soils have a shallow clay-pan and have slow to very slow permeability generally not suitable for irrigation.
- HKA - Highmore - Eakin silt loams - 0-2% slopes
Soils have a high available water capacity and moderate permeability.
- HKB - Highmore - Eakin silt loams - 2-5% slopes
Same physical composition as HKA - moderate erosion problems.
- Mv - Munjor fine sandy loam - 0-2% slopes
Moderately rapid permeability, moderate or high available water capacity.

Residents of counties with published or up-to-date soil surveys shall contact their local Conservation District for a copy of the soils map for the area to be irrigated and the narrative explanation of the map.

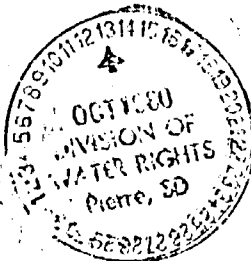
Residents of counties with no up-to-date soil survey information shall contact the Soil Conservation Service or their local Conservation District to obtain the best information available. If soil survey information is not available, the applicant is requested to obtain this information from a private consultant or professional soil classifier.

NOTE: If at all possible, provide information concerning subsoil physical conditions

MAP

PLEASE READ LEGAL DESCRIPTION #1 THROUGH #4 ON FRONT SHEET BEFORE COMPLETING THIS SECTION.

See Clearfield-Keya Paha Conservation District
updated soil survey map attached, indicating
piegler 80 involved and new location of pivot
5)



PLEASE USE BACK OF THIS SHEET FOR NARRATIVE
OR ATTACH SEPARATE SHEET

No. 1740-2

Publish first publication, on or before December 31, 1980

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

December 19, 1980

Notice is hereby given Walter Benson

whose post office

address is Clearfield, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use no add'l cubic feet of

water per second of time from ~~xxx~~ Willow Creek drainage area-dam through the Benson Irrigation Project, the point(s) of diversion of which ~~xxx~~(are) ~~xxxxxx~~ located in the SE $\frac{1}{4}$, Section 18 and NE $\frac{1}{4}$ Section 19, both in

~~XXXXXX~~, Twp. 96N, Range 77W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

N $\frac{1}{2}$ NW $\frac{1}{4}$, Section 20; NE $\frac{1}{4}$ NE $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 19, all in T96N, R77W, to add additional acreage on existing Permit No. 1458-2.

This Application No. 1740-2 will be considered by the Water Management Board at Meeting Room 91, Knisp Building upon the 25th day of January, 1981
Church & Illinois, Pierre, SD

at 10 A.M. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Board may be appealed to the Courts as provided by law.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWR, Joe Ross Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

cc: Walter Benson, Clearfield, SD 57581

BETTY WESTLUND
Water Rights Specialist

WNR-806B-7/79 Notice of Intent to Appropriate Water
SURFACE WATER

No. 1740-2

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Tripp) ss.

I, A. L. Johnson hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Winner Advocate

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the

city of Winner

County of Tripp and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

December 24, 1980

December 31, 1980

A. L. Johnson
(Signature)

Publisher
(Title)

December 31, 1980
(Date Signed)

No. 1740-2
NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501
December 19, 1980

Notice is hereby given
Walter Benson whose post office address is Clearfield, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru; 46-5-22, 46-5-41, and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 6.0 add'l cubic feet of water per second of time from Willow Creek drainage area-dam through the Benson Irrigation Project, the point(s) of diversion of which (are) located in the SE¹/₄, Section 18 and NE¹/₄, Section 19, both in Twp. 56N, Range 77W. Said water to be used for the purpose of providing irrigation on portions of the following described land: N¹/₂ NW¹/₄, Section 20; NE¹/₄, NE¹/₄, and SW¹/₄, NE¹/₄, Section 19, all in T96N, R77W, to add additional acreage on existing Permit No. 1458-2.

This Application No. 1740-2 will be considered by the Water Management Board at Meeting Room #1, Kneip Building Church & Illinois, Pierre, SD upon the 28th day of January, 1981 at 10 A.M. The Board is authorized to make a determination on this application at the hearing. All interested person may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person 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 at the hearing.

Decisions of the Board may be appealed to the Courts as provided by law.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.
WATER MANAGEMENT BOARD

s. Betty Westlund
BETTY WESTLUND
Water Rights Specialist

652 510



RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7801

PIERRE, December 3, 1980

RECEIVED OF Walter Benson, Clearfield, SD 57581

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

Fee for Application for Permit to Appropriate Water No. 1740-2 (examination, processing, recording and filing)	150.00
Fee for Inspecting Construction, and Issuing Cert. of Construction No.	
Fee for Inspecting Beneficial Use, and Issuing Water License No.	
Fee for Issuing Location Certificate-Dry Draw, No.	
Fee for filling	
Fee for certified copy of	
Fee for Print copy of m	
Fee for Certifying	
Fee for	
(any other work as provided by law)	
TOTAL	150.00

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer
JOHN HATCH / *et*

WILLOUGHBY & BENSON

Attorneys At Law
Burke, South Dakota 57523

Harvey Willoughby
Dale Benson

November 25, 1980

P. O. Box 331
Telephone Number 775-2666
Area Code 605

State Conservation Commission
Anderson Building
Pierre, South Dakota 57501

COPY

RE: Walter Benson - Change in Location of
Center Pivot, Pivots #2 and #5

Gentlemen:

Enclosed please find the following relative to the above entitled matter:

1. Conservation Form W1#1 with attached maps and sketches.
2. Letter which I received from the Water Rights Commission dated November 6, 1980, which is self-explanatory.
3. Photostatic copy of the water analysis which my father previously received from the water quality laboratory at Brookings.

As you will note from the letter from the Water and Natural Resources Department, the 17 acres in the NE $\frac{1}{4}$ of Section 19 were not previously studied for soil and water compatibility for irrigation purposes, and the soils report is required in regard to the change in the location of these two pivots.

The soils in the NW $\frac{1}{4}$ of Section 20-96-77, Tripp County, South Dakota, were previously approved for irrigation purposes; however, we did not previously ask for approval on the 17 acres as shown in Section 19.

I would therefore ask that you submit a report to the Water Rights and Water Management Division of the South Dakota Department of Water and Natural Resources in regard to the change in the location of these pivots.

I wish to advise that I have by separate application asked for the change in the location of these pivots to include these additional acreages and have paid the appropriate fee to the water rights people. If you have any charges for the analysis of the compatibility of the soil and water, please advise and I will promptly remit the same.

Thank you.

Yours very truly,

Dale Benson

DB:cmr
Enc.

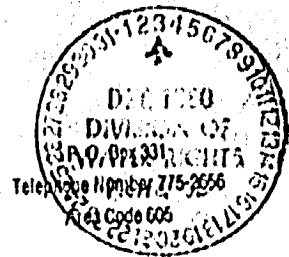
cc: LeRoy Merndigh, Water Resources Engineer
Walter Benson

WILLOUGHBY & BENSON

Attorneys At Law
Burke, South Dakota 57523

Harvey Willoughby
Dale Benson

November 25, 1980



South Dakota Department of
Water & Natural Resources
Water Rights Division
Joe Foss Building
Pierre, South Dakota 57501

Attention: Leroy Mernaugh, Water Resources Engineer

RE: Permit #1458-2

Walter Benson, Clearfield, South Dakota

Dear Mr. Mernaugh:

Enclosed please find an original and a duplicate copy of an application to change the diversion point for Pivots #2 and #5 as previously disclosed on the original permit.

I also wish to advise that I have by separate letter sent the appropriate conservation form, WI#1, to the State Conservation Commission, with the understanding that they may make a report to your office as to the compatibility of the soil and the water previously tested by the water quality laboratory at Brookings.

The previous water sample was taken from the same irrigation dam, and as I understand it, the water will not have to be again analyzed in order for the State Conservation Commission to issue its recommendation to the Water Rights Commission.

If you have any questions or require any further information or data, please feel free to contact this office at any time.

Thank you.

Yours very truly,

Dale Benson
Dale Benson

DB:cmr

Enc.

cc: State Conservation Commission
Walter Benson

NOTICE OF COMPLETION OF WORKS AND/OR
APPLICATION OF WATER TO BENEFICIAL USEPost Office CLEARFIELD, SD 57541Date 27 MAR 81TO: Water Rights Commission
Joe Foss Building
Pierre, South Dakota 57501

Dear Sirs:

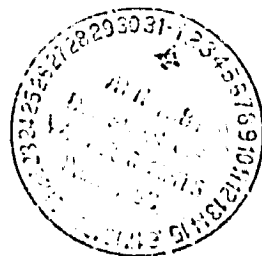
This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to maximum extent it is going to be used, not exceeding the amounts as specified in Water Right No. 1740-2.

Water Right Permit No. 1740-2 states that the diversion system is to be constructed by CONTRACT, and that the water is put to beneficial use by CENTER PLOTS.

The diversion system was completed on NOV 77 ~~24 MAR 81~~. Applying the water to beneficial use was completed on 26 MAR 81.

You may schedule an inspection so that the Certificate of Construction and/or the Water License may be issued, thus completing my acquisition of a water right.

Chatter Burton
(Signature)



10-28-80

Betty = I made up an 8" to
the mile map of Center point #5.
from the best maps that
Benson sent in. (Soil map)
Then with a 120 ft cp. you
can see the aerology I came up
with. Also you will note that
cp #2 has 7 acres also in the
NE $\frac{1}{4}$ of #9.

For all practical purposes we
now use the map for aerology.
You may want to send him a
copy of my map for corrections.
He should send in 8 acres after
the setting up of the aerology.

If I am around, I will visit
with you on it.

~~1740-2~~
1458-2

WATER RIGHTS DIVISION
(605) 773-3352

January 11, 1984

Walter Benson
RR#5, Box 120
Clearfield, South Dakota 57581

Dear Mr. Benson:

Enclosed is your 1983 Irrigation Questionnaires pertaining to Water Permit Nos. 1458-2 and 1740-2. The data sheet was missent to Kadoka instead of your Clearfield address.

Please excuse the delay in receiving your questionnaire. If you have any questions, contact this office.

Sincerely,

Genny McMath
Water Resources Analyst

GM:ms
Enc.

1740-2

Gentlemen:

WE ARE SORRY WE CAUSED YOU
AN INCONVENIENCE BY GETTING THIS QUESTIONNAIRE
TO YOU SO LATE. HOWEVER, TO OUR
RECOLLECTION WE DON'T BELIEVE WE RECEIVED
YOUR QUESTIONNAIRE IN THE FALL AS WE
HAVE EACH PREVIOUS YEAR.

IF YOU HAVE ANY FURTHER QUESTIONS
PLEASE CONTACT US

WALTER BENSON

RR05 Box 109

CHESTERFIELD, SD 57581

tel: 605-557-3232

BOB BENSON

RR05 Box 109

CHESTERFIELD, SD 57581

tel: 605-557-3450



DATE MICROFILMED

CHERRY CREEK

 **Department of
Water & Natural Resources**

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

February 17, 1989

Walter Benson
RR 5, Box 109
Clearfield, SD 57581

Dear Mr. Benson:

On October 6, 1988, the Water Management Board adopted rules to implement a 1988 law for application of chemicals through irrigation systems. The rules establish equipment standards, performance standards and installation requirements for irrigation systems that apply chemicals (fertilizers, insecticides, or herbicides) with irrigation water.

You have indicated on your 1988 Water Management Board Irrigation Questionnaire that you do apply chemicals with irrigation water. A copy of the new rules for chemigation are enclosed for your information.

The new standards include:

- * a check valve between the irrigation pump and the point of chemical injection;
- * a vacuum relief valve on top of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a low-pressure drain on the bottom of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a chemical injection line check valve between the chemical injection pump and the point at which the chemical is injected into the irrigation line; a second check valve is required if the chemical injection pump is not a positive displacement pump;
- * an interlock system which ensures that the chemical injection pump will stop whenever the irrigation pump stops;
- * an inspection port between the irrigation pump and the check valve on the irrigation line;



Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

The equipment must be installed according to the manufacturer's specifications, calibrated, and maintained in good working condition. All chemical product labels must be followed and warning signs must be posted. These rules also require reporting of all spills, accidents, and system malfunctions. A 24-hour telephone number is provided.

The chemigation rules contain notification and record keeping requirements. Prior to using chemigation, notification must be given to the Chief Engineer on the enclosed Form 1C. Information that must be provided in this notification includes the water permit or right number, the name, address, and telephone number of the water permit or right holder and of the system operator, and the legal description of the lands on which the system is located. A record of the name, quantity, dates and hours of each chemical applied must be provided to the Chief Engineer on Form 2C. A copy of this form is also enclosed for your information. It will be mailed with the annual irrigation questionnaire and must be returned with the questionnaire by the date specified. If you have any questions regarding these rules or need additional copies of the forms, please contact Susan Bowar, Water Rights Engineer (605-773-3352).

Very truly yours,

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Division

J. M. GROSSENBURG
ATTORNEY AT LAW
FIFTH & MAIN STREETS
P.O. BOX 271
WINNER, SOUTH DAKOTA 57590-0271



TELEPHONES
605 842-1676
605 842-1684

May 8, 1991

1740-2

Chief Engineer
Water Rights Division, DWNR
523 East Capitol
Pierre SD 57501-3181

RE: Benson Water Permit No. (1740-2)
Benson Water Permit No. 1458-2
Benson Water Permit No. 1084-2

Dear Chief Engineer:

Enclosed please find a Notice of Transfer of Ownership for each of the above-captioned three permits. The permits should be transferred from Walt Benson to Robert and Judy Benson as joint tenants with the right of survivorship. Robert is Walt's son and Judy is his daughter-in-law. They have purchased the property and Walt desires to transfer the Water Permits and Water Rights to them.

You will note that each Notice of Transfer of Ownership has attached to it a Power of Attorney. Judy Benson has signed the Notice of Transfer on her own behalf and on behalf of her husband, Robert Benson, by right of Power of Attorney. Robert is in Saudi Arabia.

Will you please confirm that the Water Permits and Water Rights have been transferred?

Also enclosed please find a check for \$7.50 made payable to "Water Rights Div., DWNR" to cover the filing fees.

Thank you.

Sincerely,

Mick Grossenburg
Mick Grossenburg

JMG: (lh)

Enclosures

cc: Mrs. Judy Benson
(w/enclosures)
Mr. and Mrs. Walter Benson

NOTICE OF TRANSFER OF OWNERSHIP

No. _____

TO: Chief Engineer
Water Rights Division, DWR
523 East Capitol
Pierre, SD 57501-3181

Date: 5-7-91

WC
request that Water Permit/Right No. 1740-2

formerly owned by: Walt Benson

be transferred to: (name & address) Robert & Judy Benson JRS

(telephone No.) 557-3450

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

NW 1/4 NW 1/4, NE 1/4 NW 1/4 Sec 20, NE 1/4 NE 1/4, SW 1/4 NE 1/4 Sec 19

all in T96N-R77W

WC
We understand that the validity of Water Permit/Right No. 1740-2 has not been determined by this transfer action. If ~~we~~ have any questions on validity, ~~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 at the Division of Water Rights, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

County of Tripoli)

WC Robert Benson by POA & Judy Benson

WC ~~Robert Benson~~ being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Judy Benson for herself & for Robert Benson
her husband by virtue of a POA

Judy Benson
(Signed)

Subscribed and sworn to before me this 7 day of May, 1991

M. M. E. P. H. S.

4-18-91

J. M. Grossenbury

(Notary Public)

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a water 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.

DATE MICROFILMED

CAMERA OPERATOR

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS that I, ROBERT M. BENSON, of R.R. 5, Box 109, Clearfield, County of Tripp and State of South Dakota 57501, have made, constituted and appointed, and by these presents do make, constitute and appoint JUDITH E. BENSON, to be my true and lawful attorney in fact.

I do hereby authorize, direct and give the authority to my attorney in fact to have the power in my name, place and stead, to ask, demand, sue for, collect and receive all sums of money, dividends, interest, payments on account of debts and legacies and all property now due or which may hereafter become due and owing to me, and to give good and valid receipts and discharges for such payments; to sell, assign and transfer stocks and bonds and securities standing in my name and belonging to me; to buy and sell securities of all kinds in my name and for my account and at such prices as shall seem good to said attorney in fact; to sign, execute, acknowledge and deliver in my name all transfers and assignments of securities; to borrow money and pledge securities for such loan if in the judgment of my attorney such actions should be necessary; to consent in my name to reorganizations and mergers, and to the exchange of securities for new securities; to manage real property, sell, convey and mortgage realty, and to foreclose mortgages and take title to property in my name if said attorney thinks proper; to execute, acknowledge and deliver deeds of real property, mortgages, releases, satisfactions and other instruments relating to realty which said attorney considers necessary; to place and effect insurance; to do business with banks and, particularly, to endorse all checks and drafts made payable to my order and collect the proceeds; to sign, in my name, checks on all accounts standing in my name and to withdraw funds from said accounts; to open accounts in my name or in the name of my attorney as attorney in fact for me; to make such payments and expenditures as may be necessary in connection with any of the foregoing matters or with the administration of my affairs; to retain counsel and attorneys on my behalf; to appear for me in all actions and proceedings to which I may be party in the courts of any state in the United States; to commence actions and proceedings in my name, if necessary; to sign and verify in my name all complaints, petitions, answers and other pleadings of every description; to represent me in all income tax matters before all officers of the income tax bureau; to make and verify income tax returns, claims for refund, requests for extension of time, and consents in my name; to execute petitions to the Board of Tax Appeals and to cause me to be represented in such proceedings, hereby giving and granting to my said attorney full power and authority to do and perform all and every act and thing whatsoever necessary to be done in the premises, as fully as to all intents and purposes I might or could do if personally present, with full power of substitution and revocation, hereby ratifying and confirming all that my said attorney may do pursuant to this power.

POWER OF ATTORNEY OF
ROBERT M. BENSON

Page 2

IN WITNESS WHEREOF I hereunto set my hand this 18th day of
November, 1990.

Robert M. Benson
ROBERT M. BENSON

STATE OF SOUTH DAKOTA)
 (SS
COUNTY OF TRIPP)

On this 18th day of November, 1990, before me, the undersigned officer, personally appeared Robert M. Benson, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained, and he specifically acknowledged to me that he was executing this power of attorney to Judith E. Benson, and that she shall have the full power to do all acts on behalf of said Robert M. Benson the same as if said Robert M. Benson was performing on his own.

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

J. M. Croasberry
Notary Public

(SEAL)

My commission expires: 3-18-94

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412576

Pierre, _____ May 15, 1901

RECEIVED OF Grossenburg Law Office, 4th & Main Streets, Winner, SD 57580

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 Water Permit No. 1740-2	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 H. H. H. H.
Chief Engineer



June 26, 1991

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

No. 1458-2

(1740-2)
2084-2

Grossenburg Law Office
4th & Main Streets
Winner, SD 57580

Dear Sirs:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Permit Nos. 1458-2, 1740-2, and 2084-2.

Our records now show Robert and Judy Benson, RR 5, Box 109, Clearfield, SD 57581 as the owner of Water Permit Nos. 1458-2, 1740-2, and 2084-2.

Sincerely,

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

enclosure

cc: Robert and Judy Benson



1740-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

APR 23 1998

1458-2
1740-2
2084-2

Robert & Judy Benson
HCR 88 Box 109
Clearfield, SD 57580-8843

Dear Mr. & Mrs. Benson:

Enclosed is your Water License No. 2084-2. The water license incorporated the applicable portions of Water Permit Nos. 1458-2 and 1740-2. Also enclosed is a receipt for \$50.00 which was paid in 1984 to cover the cost of a water license.

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

During the November, 1997, investigation of your water use system, you indicated you would like to irrigate another quarter of land. Enclosed is a set of water permit application forms and an instruction sheet.

If you have any questions concerning the enclosed water license or with completion of the new water application forms, please contact us.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Program
(605) 773-3352

gm

RANGE - 77 - WEST

CODE - WC

TWSP —



map 1001-2
corp 1740-2