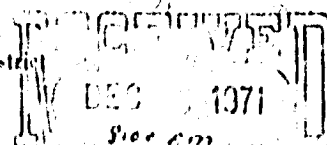


Water Right Number 1907-3

1. Considered JANUARY 19, 19 72
2. Name of Applicant OLANDER M. BENSON
3. Post Office Address SIOUX FALLS
4. Amount of water claimed 1.35
5. Source of water supply GROUND WATER
6. Water to be used for IRRIGATION
Acres to be irrigated 95.02
7. Water to be diverted and used in MINNEHAHA County
about 7 E Miles of SIOUX FALLS
8. Proof of Publication Received ~~ES~~ OK
Not received _____
9. Application Approved _____
Subject to _____
Not approved _____
Action deferred _____
10. Remarks:

Map No. 1350-3 Water Division No. 3 BIG SIOUX RIVER District 1
 (Blanks to be Filled by the Engineer for the W. R. C.)


APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE--Draw a line through items not applicable)

1. Name of Applicant Olander M. Benson
 Postoffice address 3809 No. Cliff Sioux Falls, State South Dakota
 If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) employment of others
3. Name of diversion work Benson Irrigation Project
4. Amount of water claimed (cubic feet per second) 1.35 cubic feet/sec
5. Source of water supply Well
6. Location of point of diversion 695' north & 940' west of the southeast corner of
N $\frac{1}{2}$, NE $\frac{1}{4}$, Sec. 10, 101-48 at an angle of 35 $\frac{1}{2}$ degrees with the south line of the
above mentioned ground through the southeast corner County Hinnebaha
7. Annual period or periods during which water is to be used March - October
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
9. For irrigation use, Total number of acres to be irrigated 95.02

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.
<u>N$\frac{1}{2}$, NE$\frac{1}{4}$, Sec. 10, 101-48</u>	<u>95.02</u>		
<u>(unplatted)</u>			

Attach sheet if more space is needed

10. Time required to complete construction of water supply system (3) three years. Additional time required to complete application of water to the proposed beneficial use none years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Dell Rapids Tribune
12. Principal Features of the Proposed Water Supply System.

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

well, and diversion point on Split Rock Creek shown on map, point 'A' on map

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

aluminum pipe

C. Works proposed to apply water to beneficial use.

volume gun (sprinkler)Estimated Total Cost \$ 9,000
 Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water is proposed. Attach map.
 (See instructions concerning preparation.)

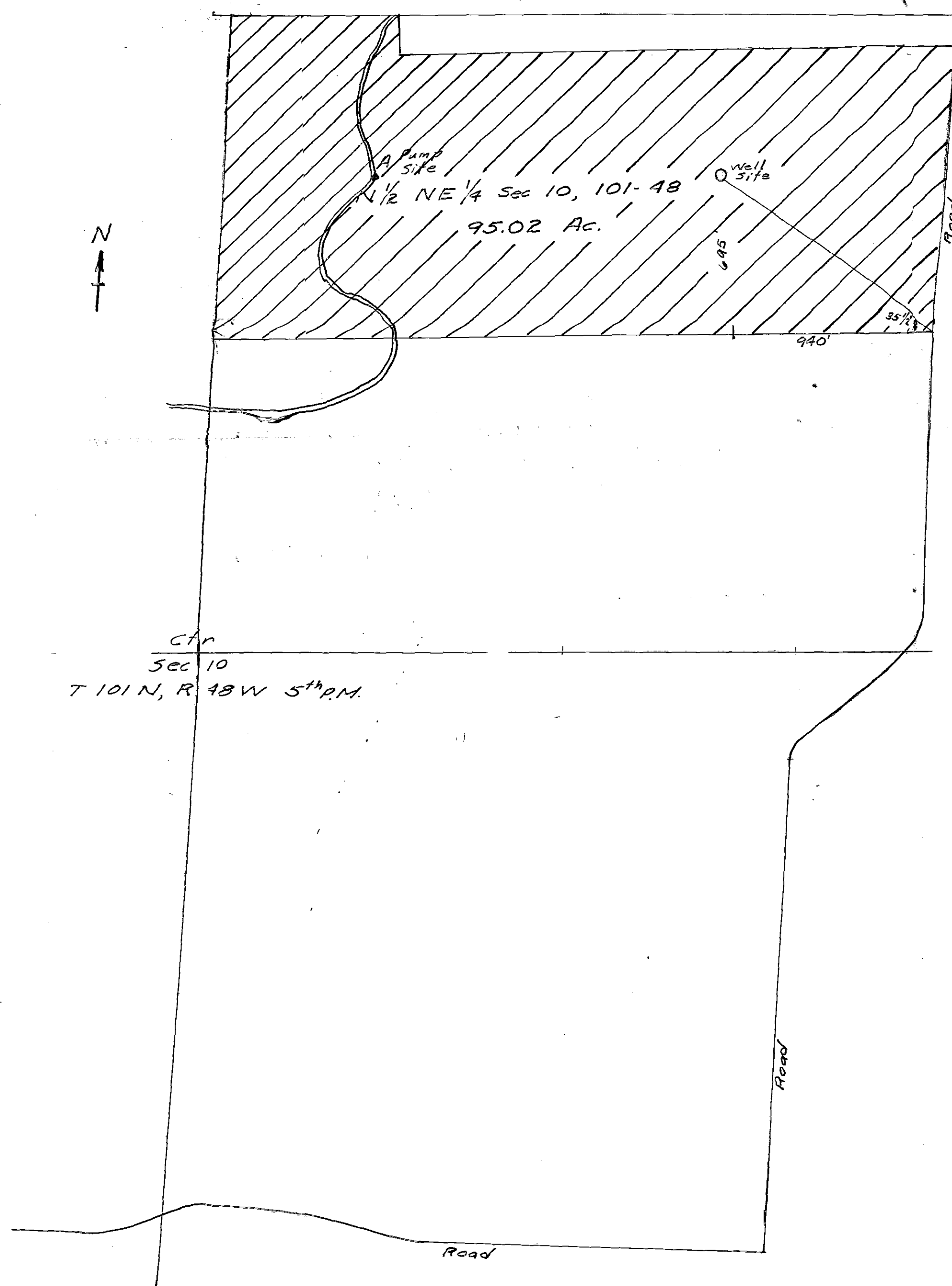
STATE OF SOUTH DAKOTA

County of MINNEHAHA
 I, OLANDER M. 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

Subscribed and sworn to before me this 27 day of NOVEMBER 19 71

Notary Public (or other qualified officer)



SURVEYOR'S CERTIFICATE

STATE OF SOUTH DAKOTA } ss
COUNTY OF BROOKINGS }
I, Emory E. Johnson, a registered engineer and land surveyor do certify that at the request of the owner, I prepared this map showing irrigable land in the property of the owner for which application for water right is being made and this map is a true representation thereof.

In witness whereof I have hereunto set my hand and seal this 6th day of November, 1971.
Emory E. Johnson
Registered Engineer and
Land Surveyor

STATE OF SOUTH DAKOTA } ss
COUNTY OF BROOKINGS }
On this 8th day of November, 1971 before me, L.J. Larson, the undersigned officer, personally appeared Emory E. Johnson, known to me to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purpose therein contained.

In witness whereof I hereunto set my hand and official seal.
L.J. Larson
Notary Public

My commission expires Feb. 10, 1972.

MAP
SHOWING AREA AND PUMP SITE
FOR PERMIT TO APPROPRIATE WATER
OLANDER M. BENSON OWNER

Scale 1"=400'

Nov. 6, 1971
Emory E. Johnson
Registered Engineer
and Land Surveyor

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 1907-3
OLANDER M. BENSON 3809 N. CLIFF, SIOUX FALLS
 (Applicant) (Post Office Address)
SOUTH DAKOTA With the following modifications
 (State)

The irrigation well approved under this Permit is located near domestic wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in existing domestic wells.

Date of first receipt of application DECEMBER 3, 19 71
 Date of return to applicant for correction, amendments or changes required ---, 19 ---
 Date of receipt of corrected application ---, 19 ---
 Approved JANUARY 19, 19 72, Recorded in Book 12 Page 61

WATER RIGHT PERMIT NO. 1907-3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 1907-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified 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 71
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JULY 19, 19 73
3. The whole of said work is to be completed on or before JANUARY 19, 19 75
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JANUARY 19, 19 75
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 1.35 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 the irrigation purposes said appropriation must be limited to not more than 3 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 19, 19 75; said water to be used during the following described annual period: MARCH - OCTOBER

Witness my hand this 24TH day of JANUARY, 19 72

WATER RESOURCES COMMISSION

By:

[Signature]
 Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 _____

Water License Issued _____, 19 _____

12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates

(1) Drill Hole, Diameter 6", Depth 30'

(2) Casing, Type (wood, concrete, steel, etc) Diameter 4" 10" Thickness 2"

(3) Perforated Screen.

Type cypress, Diameter 10", Length 7'

(4) Gravel Pack, Thickness 6", Length of gravel pack 22'

E. Dugout Information or Estimates.

(1) Surface dimensions _____, Depth _____

F. Fill out for Either a Well or a Dugout.

(1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials coarse clean gravel

Depth to top of water bearing material 7'

Depth to bottom of water bearing material 30'

Thickness of water bearing material 25'

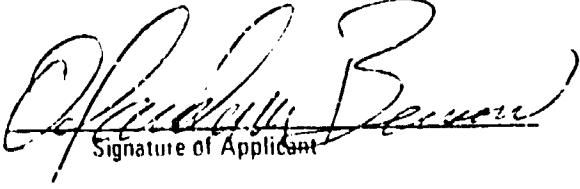
Depth to water (ground surface to water level) 7'

(2) Distance to nearest existing household or livestock watering wells.

On same owner's property 70 rds. On property owned by others 25 rds.

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.


Signature of Applicant

Publish first publication, on or before December 23, 1971NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

December 27, 1971Notice is hereby given that Olander M. Bensonwhose post office address is Sioux Falls, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use ground water and Split1.35 cubic feet of water per second of time from ~~the~~ Rock Creek through the Benson Irrigation Project, the point of diversion of which ^{are} ~~is~~ to be located in the _____NW 1/4 NE 1/4 and in the NE 1/4 NE 1/4of Section 10, Twp. 101N, Range 48W. Said water to be used for the purpose of providing irrigation on the following described land:N 1/2 NE 1/4, Section 10, T101N, R48WThis application No. 1907-5 will be considered by the Water Resources Commission at their office at Pierre upon the 19th day of January, 1972, at 2:00 P. M. All interested persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

cc: Olander M. Benson, 3809 N. Cliff, Sioux Falls, S.D. 57104

Form 8 - Proof of Publication - Notice of
Intent to Appropriate Water

No. 1907-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Minnehaha) ss.

I, Ungert M. Benson hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Beck Rapids Tribune

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

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

Dec 16, 1971

Dec 23, 1971

Dec 30, 1971

Jan 6, 1972

Ungert M. Benson
(Signature)

Published
(Title)

1/4/72
(Date Signed)

NOTICE OF INTENT TO APPROPRIATE WATER
Pierre, South Dakota 57501
December 7, 1971
Notice is hereby given that Olander
M. Benson whose post office address is
Strom Falls, South Dakota, has made an
application in accordance with the pro-
visions of the water laws of South Da-
kota for a permit to appropriate for
beneficial use 1.35 cubic feet of water
per second of time from ground water
and Split Rock Creek through the Ben-
son Irrigation Project, the points of di-
version of which are to be located in
the NW-1/4 NE-1/4 and in the NE-1/4
NE-1/4 of Section 10, Twp. 101N, Range
48W. Said water to be used for the pur-
pose of providing irrigation on the fol-
lowing described land:
N-1/2 NE-1/4, Section 10, T101N, R48W
This application No. 1907-3 will be
considered by the Water Resources
Commission at their office at Pierre
upon the 10th day of January, 1972 at
2:00 P.M. All interested persons may
appear and be heard.
Water Resources Commission
By Burton F. Jones
Water Rights Specialist
T-Dec. 16, 23, 30, Jan. 6

JAN 24 1972

No. 1907-3

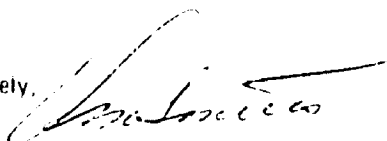
Date 12-17 1971

TO: Water Resources Commission
State Office Building No. 2
Pierre, South Dakota 57501

Dear Sirs:

We are in receipt of your letter of 12-7 1971, enclosing Notice of Proposed Appropriation of Water, as proposed in Application No. 1427-3, which was first published in our issue of December 1971.
Enclosed is a copy of this first publication.

Sincerely,





Department of Water & Natural Resources

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

April 15, 1985

Olander M Benson
RR 1 Box 65
Brandon SD 57005

Notice

Re: Violation of Requirement To Submit 1984 Irrigation Questionnaire

Our records indicate that the 1984 Irrigation Questionnaire has not been submitted for Permit No(s). (1907-3). The request for the Questionnaire was dated October 17, 1984. The Water Management Board has directed that owners of water permits who have not submitted 1984 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

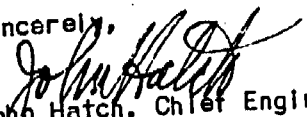
The hearings will be held at 10:30 a.m., May 15, 1985 in the Civil Defense Room, State Capitol Building, Pierre, South Dakota.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11, and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 1907-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;

3. Take no action.
The hearing(s) 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.

Sincerely,


John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 773-3352

NOTE: If the questionnaire(s) is received in this office before the May 15th hearing date, your name will be deleted from the agenda for the hearings.



Department of Water & Natural Resources

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

June 12, 1985

Notice of Amendment to Water Permit(s)

To: Olander M. Benson
RR #1, Box 65
Brandon, SD 57005

FROM: John Hatch, Chief Engineer
Water Rights Division 773-3352 *John Hatch*

SUBJECT: Amendment to Water Permit No(s). 1907-3.

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 1907-3 to add the following qualification:

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

The addition of this qualification to your Permit means that failure to submit the required irrigation questionnaire in the future could result in suspension of the water permit and no use of water for up to one year for the first violation. Please include the enclosed attachment with your permit.



Department of Water & Natural Resources

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

Attachment to Water Permit No(s). 1907-3

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 1907-3 to add the following qualification:

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



Department of Water & Natural Resources

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



February 9, 1990

OLANDER M BENSON
RR #1 BOX 995
BRANDON, SD 57005

NOTICE

RE: Violation of Water Permit No(s). 1907-3

Our records indicate that the 1989 Irrigation Questionnaire has not been submitted for Permit No(s). 1907-3. The request for the Questionnaire was dated October 13, 1989. The Water Management Board had directed that owners of water permits who have not submitted the 1988 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s). 1907-3 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, 1990 at the Howard Johnson's, Roosevelt-Jefferson Room, I-90 at LaCrosse, Rapid City SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Suspend Permit No(s). 1907-3 until the 1989 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
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 is received in this office before the March 7th hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Division
605 773-2352

*I think that the Questionnaire was returned.
The irrigator about 2 1/2 acres of flowers, garden, lawn - large etc. We needed about 1 1/2" / acre and were from middle of way to middle of Sect. 44 (11) Broom.*

BENDER: Complete items 1 and 2 when additional services are desired, and state items 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will send to you the card to be signed and returned to send the date of delivery. For additional fees and instructions, contact your postmaster for fees and check box(es) for additional services requested.

1. ☒ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery

3. Article Addressed to: **OLANDER M BENSON**
RN #1 BOX 995
BRANDON, SD 57005

4. ☒ Registered Mail ☐ Signature Required ☐ Return Receipt for Merchandise

5. Signature of Addressee: *[Signature]*

6. Signature of Agent: *[Signature]*

7. Date of Delivery: **2-10-91**

8. Address of Addressee: **Rt. 1 Box 995**
Brandon, SD 57005

DOMESTIC RETURN RECEIPT

PS Form 3811, Feb. 1986



Department of Water & Natural Resources

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

March 14, 1990

NOTICE OF ONE YEAR SUSPENSION OF WATER PERMIT

TO: OLANDER M BENSON
RR #1 BOX 995
BRANDON, SD 57005

FROM: John Hatch, Chief Engineer
Water Rights Division
(605) 773-3352

A handwritten signature in black ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

SUBJECT: One Year Suspension of Water Permit No(s). 1907-3

Pursuant to the provisions of the notice dated February 9, 1990, and following the hearing of March 7, 1990, the Water Management Board has ordered:

That Water Permit No(s). 1907-3 be **SUSPENDED** until December 31, 1990.

Suspension of a permit means water may not be pumped during the 1990 irrigation season. Decisions of the Board may be appealed to the Circuit Court and the Supreme Court as provided by law.

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

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.
Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☒ Show to whom delivered, date, and addressee's address. ☐ Restricted Delivery
 (Extra charge) (Extra charge)

3. Article Addressed to:

OLANDER M BENSON
 RR #1 BOX 995
 BRANDON, SD 57005

4. Article Number
 P 178 878 318

Type of Service:
☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail

Always obtain signature of addressee or agent and **DATE DELIVERED**.

5. Signature - Addressee
 X *Olander M Benson*

6. Signature - Agent
 X

7. Date of Delivery
 3-15-90

8. Addressee's Address (ONLY if requested and fee paid)

PS Form 3811, Mar. 1987 U.S.G.P.O. 1987-178-264 DOMESTIC RETURN RECEIPT



Department of Water & Natural Resources

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

March 20, 1990

1907-3

Olander Benson
RR #1 Box 995
Brandon, SD 57005

Dear Mr. Benson:

I am writing to acknowledge receipt of the data for your 1989 irrigation questionnaire. The Water Management Board took action to suspend your water permit at their March 7, 1990 meeting. This action was taken since the questionnaire data was not in our office prior to the hearing.

The questionnaire has been received, however, it does not change the Board's action to suspend your permit. If you want to petition the Water Management Board to rescind the suspension, you will need to submit a letter to our office requesting time on the agenda for the Water Management Board Meeting to be held May 23-24, 1990 in Watertown. The letter should include your reasons for not returning your irrigation questionnaire prior to the March Board Meeting.

If you have any questions, please contact Genny McMath, (605) 773-3352.

Very truly yours,

A handwritten signature in dark ink, appearing to read "John Hatch".

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



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

April 5, 1990

NOTICE

TO: Olander M Benson, RR #1 Box 995, Brandon, SD 57005

FROM: Ron Duvall, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division *R. Duvall*
(605) 773-3352

SUBJECT: Notice of Hearing to Consider Request for
Reconsideration of Suspended Water Permit No. 1907-3

The hearing on your March 27, 1990, request to the Water Management Board to reconsider suspension of Water Permit No. 1907-3 has been scheduled for 8:45 am, May 23, 1990 in the Pelican Room, Ramkota Inn, Hwy 212, Watertown, SD.

As stated in the notice to you dated February 9, 1990, the hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11, and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

After all evidence is taken at the hearing, the Board may issue a decision to rescind the suspension of your water permit, defer action or take no action. The hearing is an adversary proceeding and any party 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. Any decision rendered by the Board may be appealed to the Circuit Court or to the State Supreme Court as provided by law.

cc: John Haak, Assistant Attorney General

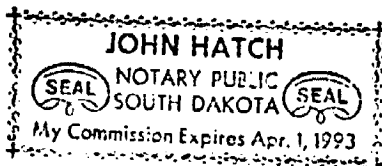
CERTIFICATION

I hereby certify that on April 5, 1990 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice concerning the 1989 Irrigation Questionnaire for Water Permit No. 1907-3 addressed as stated on the notice:

Karen Schlaak
KAREN SCHLAAK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 6th day of April, 1990.



John H. H. H.
Notary Public



Dear Sir:

I would like to request time on the agenda of the Water Management Board meeting in May.

Thereason the questionnaire was not sent in on time was because I thought that it had been. I work for the U.S.D.A. and am out of town for two-three weeks at a time. It is possible that my wife discarded the letter or it was lost. The registered letter was answered as soon as it was brought to my attention but it arrived there too late.

the steps that I will take to prevent this from happening again are to inform my wife to open all letters from the Dept of Water & Natural Resources immediately and not save them for my return home. I will answer in a prompt manner.

We raise flowers for the retail & wholesale markets. Some of them are perennials which I may not get to seeing for through a very long summer.

I thank you for your consideration.

R Benson

1990 SUSPENDED WATER PERMIT REPORT
MAY 16, 1990

The 1989 irrigation questionnaires were sent by First Class Mail October 13, 1989 to 3,368 permit holders. The permit holders were given until December 15, 1989 to return the questionnaires.

On February 8, 1990, 220 notices were mailed to those irrigators who had not returned their irrigation questionnaires. The follow-up notice advised that the Board could take action to amend or suspend the permits if the questionnaires were not returned March 7, 1990.

On March 7, 1990, the Water Management Board passed a motion to:

"suspend those permits with the irrigation questionnaire qualification, for the 1990 irrigation season which have not returned the 1989 irrigation questionnaire."

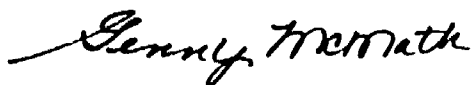
This action resulted in the suspension of 30 water permits and/or water rights until December 31, 1990.

From the 30 water permits and/or water rights suspended at the March meeting, the following permit holder has requested the Water Management Board to reconsider the suspension:

Water Permit No. 1907-3, Olander Benson
RR #1 Box 995
Brandon, SD 57005

The attached report for Olander Benson lists some general information concerning Water Permit No. 1907-3, covers a six year history of his irrigation questionnaire returns and reviews past violations.

NOTE: The questionnaire mailed (October 13, 1989 - First Class Mail) to Olander Benson was not returned by the Post Office. The "Return-Receipt" card sent with the February 9, 1990 notice was delivered by the post office February 10th, signed by Mr. Benson and returned to our office.



Genny McMath
Natural Resources Analyst

Olander M Benson
Water Permit No. 1907-3

GENERAL

Application submitted by: Olander M Benson
RR #1 Box 995
Brandon, SD 57005

Permit Approved: January 19, 1972

The Permit authorizes irrigation of 95.02 acres from groundwater and Split Rock Creek in Minnehaha County.

Water Permit was Amended May 15, 1985 to include the Irrigation Questionnaire Qualification for violation of the requirement to submit the 1984 irrigation questionnaire

SIX YEAR HISTORY OF IRRIGATION QUESTIONNAIRE RETURNS

<u>Year</u>	<u>Request Mailed</u>	<u>Date of Irrigation Questionnaire Returned</u>	<u>Date of Any Board Action</u>
1984	October, 1984	NONE	May 15, 1985
1985	November, 1985	January 30, 1986	none
1986	November, 1986	November 13, 1986	none
1987	October, 1987	October 13, 1987	none
1988	October, 1988	November 9, 1988	none
1989	October, 1989	March 14, 1990	March 7, 1990

PAST VIOLATIONS

1. Violation of Requirement to Submit the 1984 Irrigation Questionnaire

April 15, 1985, Olander Benson was given notice of violation of the requirement to submit the 1984 irrigation questionnaire and of the hearing scheduled before the Water Management Board to be held May 15, 1985.

May 15, 1985, The Water Management Board amended Water Permit No. 1907-3 to add the Irrigation Questionnaire Qualification.

June 12, 1985, Mr. Benson was notified of the Board action to amend Water Permit No. 1907-3.

2. 1989 Irrigation Questionnaire Violation

February 9, 1990, Mr. Benson was given notice of permit violation for non-return of the 1989 irrigation questionnaire and of the hearing scheduled before the Water Management Board to be held March 7, 1990.

Page 2
Olander M Benson
Water Permit No. 1907-3

1989 Irrigation Questionnaire Violation (continued)

March 7, 1990, the Water Management Board suspended Water Permit No. 1907-3 for the 1990 irrigation season.

March 14, 1990, Mr. Benson was notified of the Board action to suspend Water Permit No. 1907-3.

March 14, 1990, a letter was received from Mr. Benson which included irrigation data for the 1989 irrigation season.

March 20, 1990, Mr. Benson was notified that although data for the 1989 irrigation questionnaire had been received, it did not change the Board's action to suspend his permit. He was advised to submit a letter requesting time on the agenda to meet with the Water Management Board to appeal the suspension.

March 27, 1990, a letter was received from Mr. Benson requesting time on the agenda to meet with the Water Management Board.

April 5, 1990, Mr. Benson was notified of the Hearing to Consider his request for reconsideration of suspended Water Permit No. 1907-3.



Department of Water & Natural Resources

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

May 31, 1990

NOTICE

TO: Olander Benson
RR #1 Box 995
Brandon, SD 57005

FROM: John Hatch, Chief Engineer
Water Rights Division
(605) 773-3352

A handwritten signature in cursive script, appearing to read "John Hatch", written over the typed name and title.

SUBJECT: Reinstatement of Suspended Water Permit No. 1907-3

Pursuant to provisions of the Notice dated April 5, 1990, the Water Management Board reinstated Water Permit No. 1907-3, effective immediately. This action, taken at the May 23, 1990 hearing, allows you to irrigate during the 1990 irrigation season.

You should be aware that failure to submit future required irrigation questionnaires may result in a one year suspension without reinstatement. If you have any questions regarding the Board's action, please contact Genny McMath (605) 773-3352.

CERTIFICATION

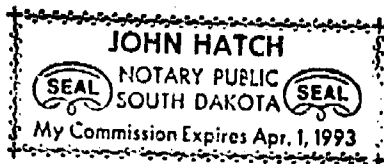
I hereby certify that on May 31, 1990 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice to Reinstate Suspended Water Permit No. 1907-3 addressed as stated on the notice.

Karen Schlack

KAREN SCHLAAK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 1st day of June, 1930.



John A. [Signature]
Notary Public

1907-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 1995

OLANDER M BENSON
RR #1 BOX 995
BRANDON SD 57605

NOTICE

RE: Violation of Water Permit No 1907-3.

Our records indicate that the 1994 Irrigation Questionnaire has not been submitted for Permit No 1907-3. The request for the Questionnaire was dated November 3, 1994. The Water Management Board has directed that owners of water permits who have not submitted the 1994 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No 1907-3 qualification:

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

The hearing will be held at 9:30 am, March 8, 1995 in the Crown Room, 3rd Floor, Kings Inn Best Western Convention Center, 200 S 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 SDCL 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 1907-3 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 is received in this office on/or before March 3, 1995, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

OLANDER M BENSON
RR #1 BOX 995
BRANDON, SD 57005

1907-3

4a. Article Number

757 566 350

4b. Service Type

☐ Registered ☐ Insured

☒ Certified ☐ COD

☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

2-9-95

5. Signature (Addressee)

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)



1907-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

February 16, 1995

1907-3

Olander M Benson
26309 McHardy Road
Brandon, SD 57005

Dear Mr. Benson:

I am writing to acknowledge receipt of your 1994 irrigation questionnaire. You may disregard the February 7, 1995, Notice of Violation of Water Permit No. 1907-3.

The questionnaire was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Division
(605) 773-3352

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1907-3

(1) Olander Benson, 25309 McHardy Road, Brandon SD 57005 made Application No. 1907-3, December 3, 1971 for a water permit to divert 1.35 cubic feet of water per second from groundwater (one well) and Split Rock Creek, Minnehaha County, South Dakota for irrigation purposes. Permit No. 1907-3, with a priority date of December 3, 1971 was approved January 19, 1972 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before January 19, 1975 and for the application to beneficial use of said water on or before January 19, 1975.

(2) It is certified that the applicant has 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 0.35 cubic feet of water per second for beneficial use. The location of the diversion point is 2,150 feet west and 1,319 feet south from the northeast corner of Section 10-T101N-R48W (NW 1/4 NE 1/4)

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

Section 10-T101N-R48W	NW 1/4 NE 1/4	12 acres
	NE 1/4 NE 1/4	24 acres
Total		36 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Olander M. Benson, 26309 McHardy Road, Brandon SD 57005 the holder and/or owner of Water Permit No. 1907-3 is issued a license to appropriate water, the right to use 0.35 cubic feet of water per second from Split Rock Creek with a priority date of December 3, 1971 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 1907-3 and subject to South Dakota State Law.

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

APR 3 1996
date



Permit No. 1907-3
Big Sioux - Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

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

I have this day, June 26, 1995, made a thorough examination of the water use system constructed by Olander M. Benson of 26309 McHardy Road, Brandon, SD 57005 holder of Permit No. 1907-3, bearing the priority of December 3, 1971 authorizing the diversion of 1.35 cu. ft. of water per second from surface water (Split Rock Creek) for irrigation purposes, in Minnehaha County.

I have to report on the conditions of the same as follows:

A. Works used to divert the water:

A 32 HP Buda gasoline motor with a 160 GPM Berkeley pump.

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

1,000 feet of 6" aluminum.

660 feet of 4" aluminum.

C. Works used to apply water to beneficial use:

Hand move sprinklers.

The system is in the following condition good. The point of diversion is located 2150 feet W and 1319 feet S from the NE corner of Section 10; T101N R48W (NW1/4 NE1/4). The works are capable of diverting and conveying to the place of use 0.35 cu. ft. of water per second which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

T101N R48W

SECTION 10

NW1/4 NE1/4

12 acres

NE1/4 NE1/4

24 acres

comprising a total of 36 acres of land and the license should be issued for 0.35 cfs.

Applicable permit qualifications have been complied with: Yes ☒ No

Exceptions to compliance are: None Date Report Completed: February 22, 1996


 Barry A. McLaury

Natural Resources Scientist
 DENR, Water Rights Program

REPORT ON INSPECTION OF PERMIT NO. 1907-3

Other permit(s) associated with the project: None

DATE OF INSPECTION: June 26, 1995

NAME OF INSPECTION CONTACT: Olander M. Benson, owner.

NAME/ADDRESS OF PERMIT HOLDER: Olander M. Benson, 26309 McHardy Road, Brandon, SD 57005

DIVERSION POINT LEGAL LOCATION: 2150 feet W and 1319 feet S from the NE corner of Section 10; T101N R48W (NW1/4 NE1/4).

AT THE CREEK:

Motor:

- 1) Make Buda
- 2) Model No. 4B-153
- 3) Horsepower rating 32 HP

Pump:

- 1) Make Berkeley
- 2) Model No. B1-1727RMCM
- 3) Capacity 160 GPM

DISTRIBUTION LINES OR CANALS:

- | | | |
|--------------------|-------------------------|----------------------------|
| 1) Type <u>ALU</u> | 2) Size <u>4</u> inches | 3) Length <u>660</u> feet |
| 1) Type <u>ALU</u> | 2) Size <u>6</u> inches | 3) Length <u>1000</u> feet |

SYSTEM TYPE:

Hand Move Sprinklers:

- 1) Make Rainbird
- 2) Number of sprinklers 50
- 3) High or low pressure high
- 4) Capacity 160 GPM

CHEMIGATION EQUIPMENT:

- 1) Does chemigate N

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by Y
- 2) All structures, wells and lands on map Y
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y

COMMENTS:

Mr. Benson never developed the well under this permit. Irrigation water comes from Split Rock Creek only. Mr. Benson said it has been so wet the past three years that he hasn't been able to get down to the irrigated acreage (flooding problem).



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

March 6, 1996

1907-3

Olander M. Benson
26309 McHardy Road
Brandon, SD 57005

Dear Mr. Benson:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 1907-3, has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

Please remit fee to:
Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Program
(605) 773-3352

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 3 1996

1907-3

Olander M. Benson
26309 McHardy Road
Brandon, SD 57005

Dear Mr. Benson

Enclosed is Water License No 1907-3 and Receipt No 414878 for \$50.00 which was assessed for an inspection and issuance of the license. Water License No 1907-3 is the final document which completes the process of obtaining a water right.

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.

Very truly yours,

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

ks
enclosures

RECEIPT

7707-3
414878

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ March 29, 1996

RECEIVED OF Olander M Benson, 26303 Mc Hardy Road, Brandon, SD 57005

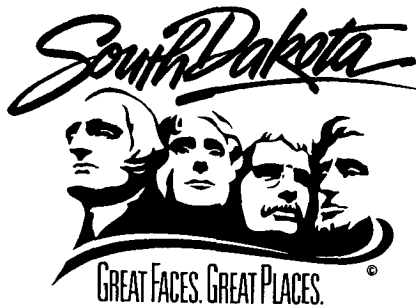
the following amount in fees for services rendered as provided for by law:

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. <u>1207-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer

JOHN HATCH



1907-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2005

NOTICE

TO: OLANDER M BENSON, 26309 McHARDY ROAD, BRANDON, SD 57005

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

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaire(s)

Our records indicate that the 2004 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1907-3. The request for the Questionnaire was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 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) 1907-3 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 2, 2005 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) 1907-3 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 **February 25, 2005**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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.



1907-3

Track & Confirm

Current Status

You entered 2301 3460 0000 8516 0162

Your item was delivered at 2:14 pm on January 21, 2005 in BRANDON, SD 57005. The item was signed for by O BENSON.

[Shipment Details >](#)

Notification Options

- ▶ Track & Confirm by email [What is this?](#) [Go >](#)
▶ Request Proof of Delivery [What is this?](#) [Go >](#)



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Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8516 0162

OLANDER M BENSON
26309 McHARDY ROAD
BRANDON SD 57005

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:

Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com
or call 1-800-222-1811

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(See Reverse)

PS Form 153, July 2001



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 2, 2005

1907-3

Olander M Benson
26309 McHardy Rd
Brandon SD 57005

Dear Mr. Benson:

I am writing to acknowledge receipt of your 2004 irrigation questionnaire. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right No. 1907-3.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

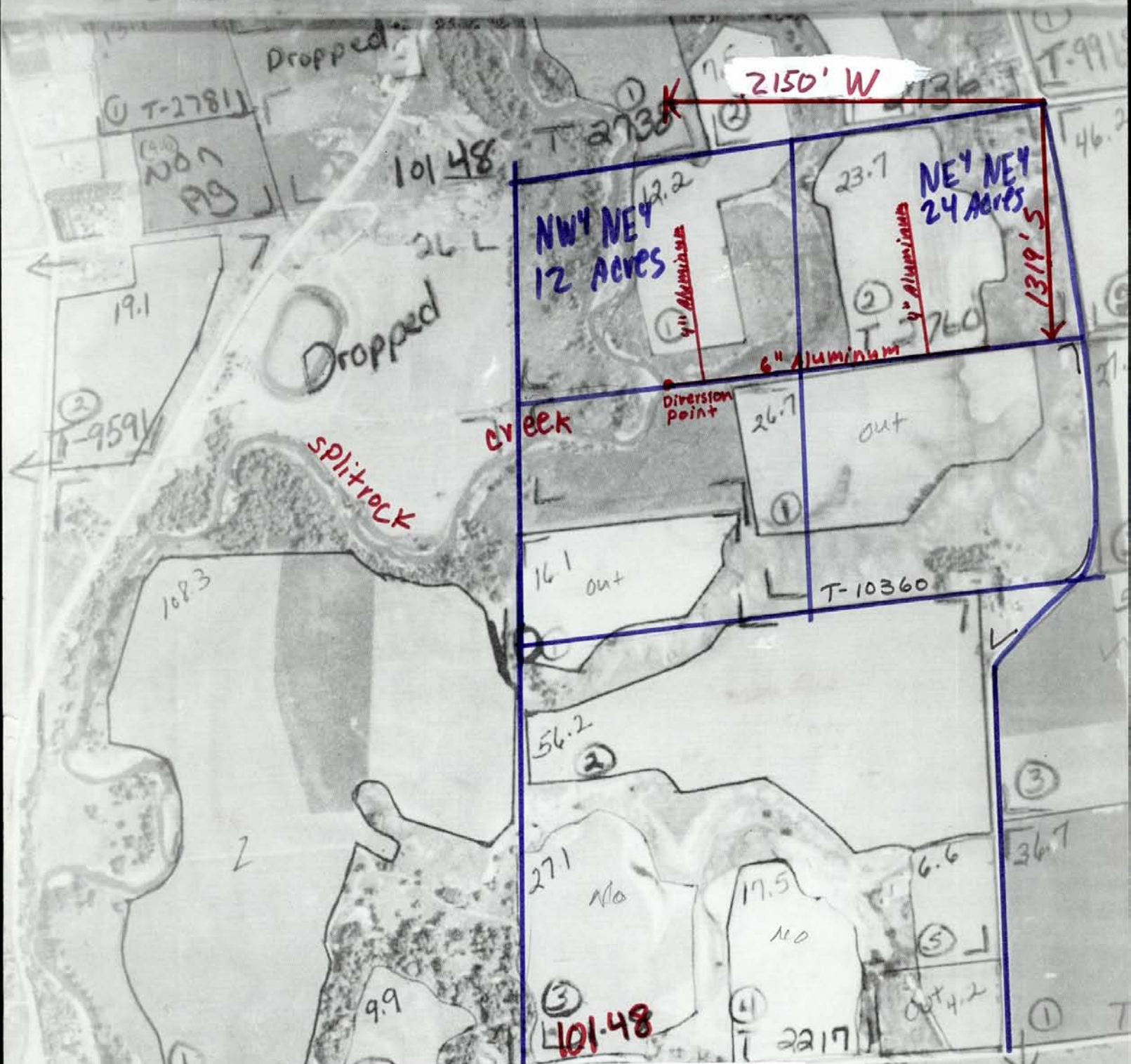
Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352



M 1350-3

1907-3

NOT TO SCALE



Barry A. McLaury *Barry A. McLaury*
 Environmental Scientist
 Water Rights Program
 Date February 22, 1996

1" = 754'

1907-3

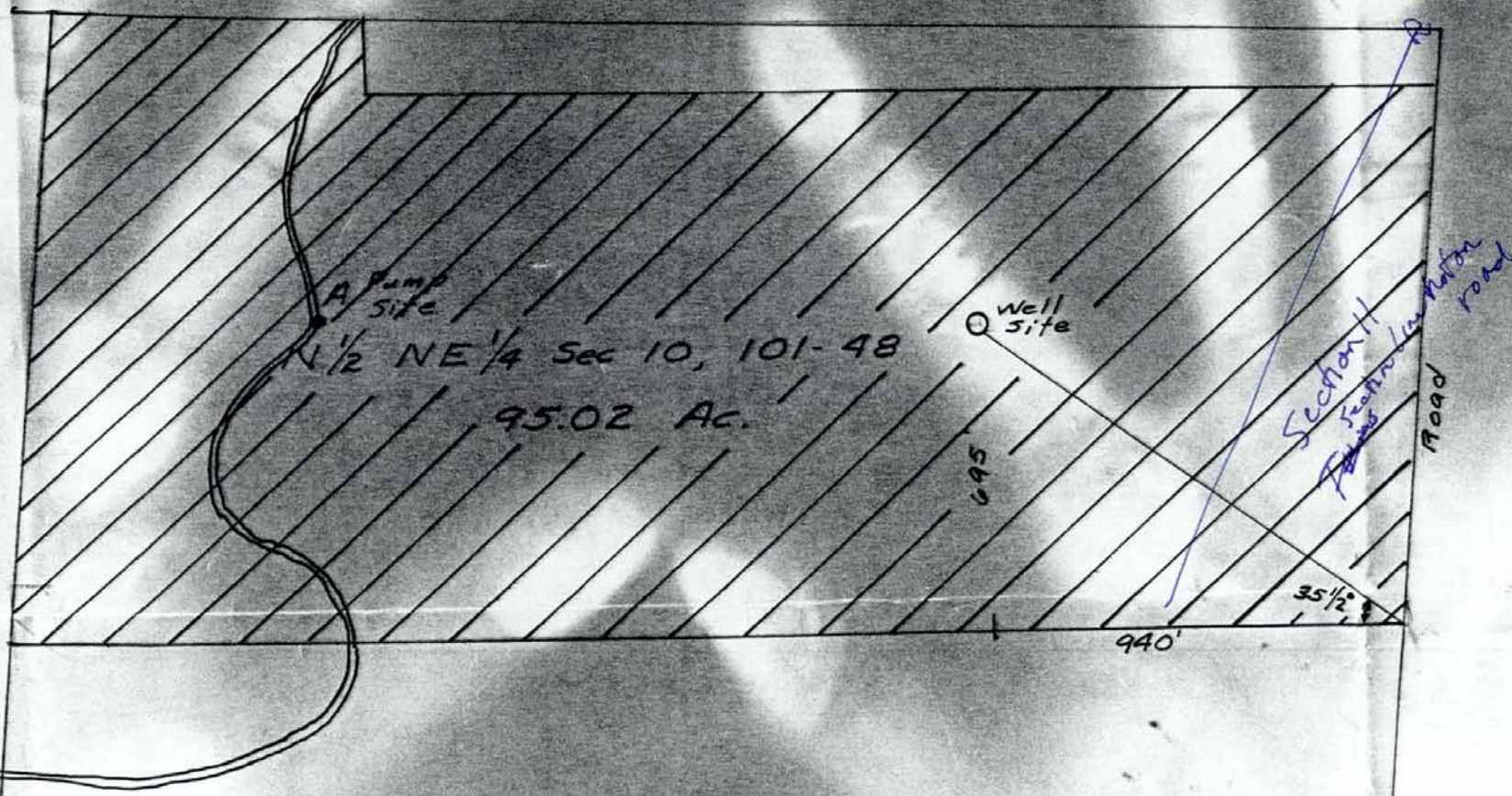
MAP
SHOWING AREA AND PUMP SITE
FOR PERMIT TO APPROPRIATE WATER
OLANDER M. BENSON OWNER

Scale 1"=400'

Nov. 6, 1971

Emory E. Johnson
Registered Engineer
and Land Surveyor

1907-3



1907-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

April 23, 2026

Dear Split Rock Creek Water Right Holder:

I am writing to the water right holders and operators who use water from Split Rock Creek regarding below normal streamflow for this time of year.

South Dakota law gives the highest priority to domestic use, including livestock watering. There is generally adequate water available to meet both domestic use and other needs. However, once water availability reaches critically low levels, water use may begin to interfere with domestic use and senior water rights. If water levels become critically low, the Department may be forced to issue shutoff orders to protect domestic use, including livestock watering, and those water rights that are most senior.

This not a shutoff order. We are only speculating that shutoff orders may become necessary, if severe drought conditions persist. This letter is intended to give you advanced notice shutoff orders may be necessary this year. If shutoff orders are issued, you will receive another letter from the Department. In the meantime, water right holders can help by closely monitoring water usage to minimize use when possible and avoid any waste of water.

If you are interested, the US Geological Survey has an Internet site showing current flows at stream gauging stations across the state, including a station on Split Rock Creek near Corson, SD. To view the latest real-time stream flow, go to:

<https://waterdata.usgs.gov/state/south-dakota/>

Thank you for your cooperation. If you have any questions, please contact either Whitney Kilts, Adam Mathiowetz, or Amanda Dewell, with the Water Rights Program, at (605) 773-3352.

Sincerely,

Adam Mathiowetz, Acting Chief Engineer
Water Rights Program