

Log for NW 1/4

Water Right No. 4.732-3

- 1. Considered 5-27 1981
- 2. Name of Applicant GERALD BENJAMIN
- 3. Post Office Address Box 5, ELK POINT 57025
- 4. Amount of Water Claimed 3.11
- 5. Source of Water Supply 102' DEEP WELL
- 6. Water to be used for IRR.
- 7. Acres to be irrigated 218 maximum acre feet
- 8. Water to be diverted and used in UNION County about 3N, 2W miles of ELK POINT
- 9. PROOF OF PUBLICATION Received 5-26-81

Not Received

APPLICATION Approved 5/27/81

Subject to WI-1Q

Not Approved

Action deferred

Priority Date Received 3-27-81 Application Complete yes no FEE 275.00

Remarks Log rec'd 5-4-81

Date information and/or fee or corrected Application received

Period of Annual use APRIL THRU OCTOBER

Received yes 4/10/81 no APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as application yes no Remarks

Disapproved

Returned

Diversion Point

NW 1/4 NE 1/4 3-91-50

Lands to be irrigated

NE 1/4 & N 1/2 NW 1/4

SEC. 3 - T9N-R50W

WELL LOG

Remarks

Driller Licensed yes no

Depth

MAP

Map No. 3941-3 Map located in Water Right ✓ Map file _____

Type of Map Aerial Prepared by Louie M. Smith

+++++

REVIEWED This Application was reviewed within 30 days of date received, accepted as complete, Number assigned and written up for advertisement before the Board or 5/4/81

Burton Jones
(Signed) Bo

+++++

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

REMARKS Date
F.F. & C Final Decision, including F.F. & C of Law were adopted _____
OF LAW, Date
FINAL Final Decision mailed to parties and/or parties notified that Final Decision
DECISIONS was adopted _____
ETC.

Remarks _____



No. 4732-3
 Map No. 3941-3 Water Division No. 3 MISSOURI RIVER 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 ☐ Additional Diversion ☐
 Change in Acreage ☐ Additional Acreage ☐

1. Name of Applicant Gerald Benjamin Phone No. 605-356-2074
 Post Office Address Box 5, Elk Point, State South Dakota 57025
 (Street, RR, or Box) (Town) (Zip Code)
 If a corporation show date and place of incorporation _____
 2. Method of accomplishing work (contract, employment of others, or by direct labor) contract
 3. Name of diversion work Benjamin #1
 4. Amount of water claimed (cubic feet per second) 3.11 C.F.S.
 5. Source of water supply Well
 6. Location of point of diversion NE 1/4 sec 3-91-50

County Union

7. Annual period or periods during which water is to be used April through 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 218

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.
NE 1/4 sec 3-91-50	150		
N 1/2 NW 1/4 sec 3-91-50	68		

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 3 years.
 11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Leader Courier
 12. Principal Features of the Proposed Water Supply System.

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

well

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

pipe

C. Works proposed to apply water to beneficial use.

sprinklers

Estimated Total Cost \$ 45,000.00

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)
) ss.
 County of Union)

I, Gerald Benjamin 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 Gerald Benjamin
Robert M. Macy, 1981
 Notary Public (or other qualified officer)

Subscribed and sworn to before me this 18th day of March, 1981.
 ROBERT M. MACY
 Notary Public
 My Comm. Exp. 7-19-87

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 4732-3

GERALD BENJAMIN
(Applicant)

Box 5, Elk Point
(Post Office Address)

SOUTH DAKOTA 57025
(State)

With the following qualifications.

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

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

Date of first receipt of application March 27, 19 81
Date of return to applicant for correction, amendments or changes required April 14, 19 81
Date of receipt of corrected application May 4, 19 81
Approved May 27, 19 81, Recorded in Book 22 Page 189

WATER RIGHT PERMIT NO. 4732-3

The Water Management Board hereby grants and issues this Water Right Permit No. 4732-3 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 March 27, 19 81
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before November 27, 19 83
3. The whole of said work is to be completed on or before May 27, 19 86
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is May 27, 19 39
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 3.11 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 May 27, 19 89; said water to be used during the following described annual period: April thru October

Witness my hand this 1st day of June, 19 89

THE WATER MANAGEMENT BOARD

By John Hatch
Chief Engineer, Water Rights
JOHN HATCH

Certificate of Construction Issued December 30, 19 81

Water License Issued December 23, 19 81

P.O. BOX 577 • ELK POINT, SOUTH DAKOTA 57025 • (605) 356-3272

April 24, 1981

Topsoil
clay
fine sand
coarse sand & gravel

James Wetmore
Wetmore Building



D. Well Information

- (1) Drill Hole, Diameter 24", Depth 110'
- (2) Casing, Type transite (wood, concrete, steel, etc.), Diameter 16", Thickness 1/2"
- (3) Screen, Type sawed slotted, Diameter 16", Length 40'
- (4) Gravel Pack, Thickness 8", Length of gravel pack 50'

E. Dugout Information or Estimates

- (1) Surface dimensions, _____, Depth _____

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

- (1) Water Bearing Materials. (Attach a copy of test well log)

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Depth to water (ground surface to water level) _____

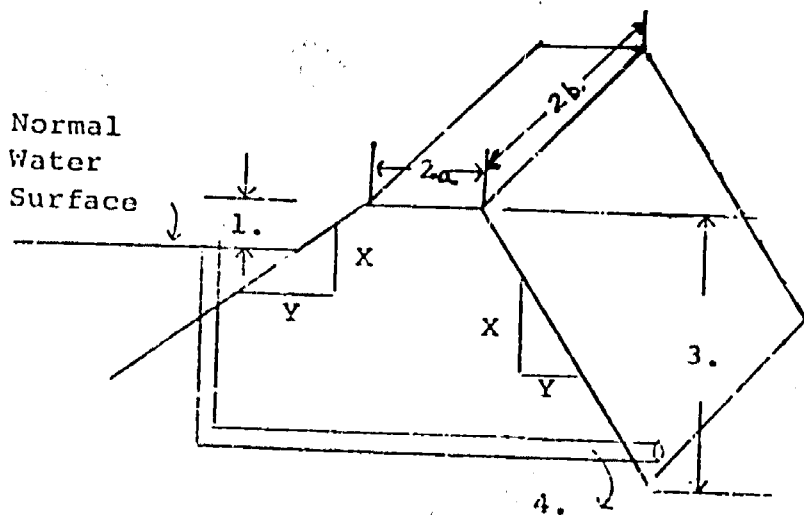
- (2) Distance to nearest existing household or livestock watering well.

On same owner's property 80 rds.

On property owned by others 80 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, length, maximum water depth, surface area, drainage area, storage capacity, dam slope, dimensions, location and size of outlet works, of each storage dam. The location of each water storage dam should be shown on the water right map.



1. Freeboard _____
- 2a Crest width _____, length _____
- 3 Height of Dam _____
4. Outlet dimensions:
 Pipe diameter _____
 Spillway width _____
- X & Y slope:
 Upstream _____
 Downstream _____
- Surface area of impoundment _____
- Drainage area above dam _____

Gerald Benjamin
 Signature of Applicant

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

Log

OWNERS NAME: Payroll B... OWNERS ADDRESS: Box 5

COUNTY LAID LOCATED IN: 112-00 PHONE: 751-2707

TENANT'S NAME AND ADDRESS: (If Other Than Owner) _____

In accordance with State Law SDCL 46-5-6.5, 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: 112-00 3 (1-50)
2. SURFACE WATER SOURCE: _____
3. LOCATION OF AREA TO BE IRRIGATED. NOTE: SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)

Legal Description	Acres	Legal Description	Acres
<u>1 1/2 N 1/4 Sec 2-91-50</u>	<u>1.5</u>		

RECEIVED
MAR 31 1981
South Dakota
Division of Conservation

4. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: ☒ GUN: _____ OTHER: _____ (Specify)
5. CROPS TO BE IRRIGATED: Corn Sorghum Alfalfa
6. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: _____
LEGAL DESCRIPTION: _____
IN WHAT NAME: _____

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

7. WATER SAMPLE NUMBER: 80-1063
8. SALINITY (EC X 10⁶): 1071
9. SODIUM (SAR): 1
10. ADJUSTED (SAR): 2.20

Water Sample NO
80-1063

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 a.m./p.m., on _____, 19____, at the following location: _____ by _____ (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

20th DAY OF _____, 1981.

(NOTARY PUBLIC)

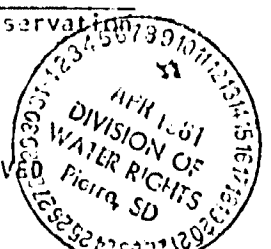
IMPORTANT

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

APPLICANT'S SIGNATURE

Director, Division of Conservation

APPROVED
DISAPPROVED
☒ CONDITIONALLY APPROVED



REC. MGMT/FORM
7/80

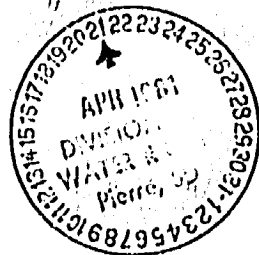
Conditional

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT Gerald Beniamin

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED



RECOMMENDED MANAGEMENT:

High levels of organic material should be maintained. Plotation tires,
circular farming or other unique methods of assuring trafficability may
be required.

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

OWNERS NAME: Robert D. Denny OWNERS ADDRESS: Box 133
Elk Point, S.D.
COUNTY LAND LOCATED IN: Lincoln PHONE: 356-2562 57025
TENANT'S NAME AND ADDRESS: (If Other Than Owner) _____
2643-UN

In accordance with State Law SDCL 46-5-6.5, 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)

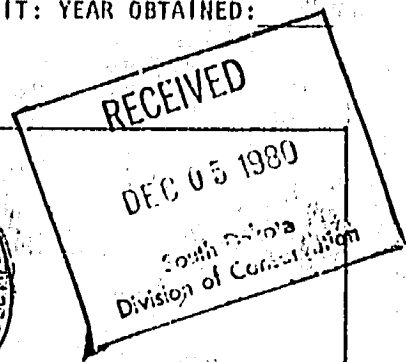
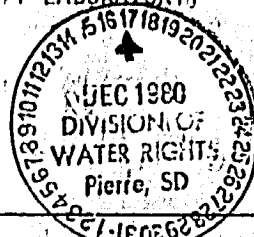
1. WELL LOCATION OR DIVERSION POINT: Center NE 1/4 Sec 3 T21N R50W
2. SURFACE WATER SOURCE: _____
3. LOCATION OF AREA TO BE IRRIGATED. NOTE: SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)

Legal Description	Acres	Legal Description	Acres
<u>NE 1/4 Sec 3 T21N R50W</u>	<u>16.0</u>		

4. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: ☒ GUN: _____ OTHER: _____ (Specify) _____
5. CROPS TO BE IRRIGATED: _____
6. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: _____
LEGAL DESCRIPTION: _____
IN WHAT NAME: _____

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

7. WATER SAMPLE NUMBER: 80-1063
8. SALINITY (EC X 10⁶): 10.71
9. SODIUM (SAR): 1.00
10. ADJUSTED (SAR): 2.70 1.89



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 a.m./p.m., on 11/12/80, 1980, at the following location: Center NE 1/4 Sec 3 T21N R50W by Robert M. Macy (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,

14 DAY OF Nov, 1980

Robert M. Macy
(NOTARY PUBLIC)

APPLICANT'S SIGNATURE

ROBERT M. MACY

NOTARY PUBLIC, Director, Division of Conservation

SOUTH DAKOTA

My Comm. Exp. 12-19-87

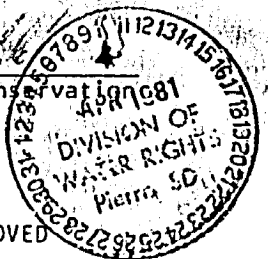
IMPORTANT

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

APPROVED

DISAPPROVED

CONDITIONALLY APPROVED



REC/MOHT/F-104
7/80

Conditional

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT Robert D. Donnelly

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED

RECOMMENDED MANAGEMENT:

Luton soils may be sprinkled with any system whose application rate is approximately
equal to the soils intake rate, which means the slowest application rate you can
achieve. Flotation tires may have to be used.

Your experience will dictate the use of deep tillage.

Your flat topography indicates there is little surface relief other than
the road ditches. It may be feasible to surface drain and/or alter the land
surface so that excess precipitation and/or irrigation runoff will accumulate
in a strategically located excavation area that in turn may be pumped back
through your system.

Permit No. 4732-3

Water Diversion No. 3 Missouri River Water District
10170101

CERTIFICATE OF CONSTRUCTION

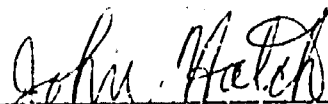
This is to Certify, That Gerald Benjamin

_____ the holder _____ of
Permit No. 4732-3, issued upon Application No. 4732-3, bearing date of priority of _____
March 27, 1981 authorizing the diversion of 3.11 cu. ft. per second of the waters of _____
groundwater (one well) County of Union, State of South Dakota at _____
a point 20' N of the center of the NE $\frac{1}{4}$ Section 3, T91N, R50W

_____ for irrigation

_____ purposes, has _____ complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 2.22 cu. ft. per second of water.

Date December 22, 1981


JOHN HATCH, Chief Engineer
Water Rights Division

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 4732-3

(1) WHEREAS, On the 27th day of March A. D. 19 81

Gerald Benjamin

made Water Right Application No. 4732-3 for a permit to use 3.11 cubic feet per second of the waters of groundwater (one well)

County of Union State of South Dakota, for

purposes; and

(2) WHEREAS, On the 27th day of May A. D. 19 81

Permit No. 4732-3 with date of priority of March 27, 1981

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 27th day of May A. D. 19 86 and for the application to beneficial use of said water on or before the 27th day of May A. D. 19 89

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 2.22 cubic feet per second of water for beneficial use and,

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

for irrigating the following land all in Section 3, T91N, R50W;

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 15 acres

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 38 "

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 36 "

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 33 "

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 33 "

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 33 "

189 Total Acres

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to Gerald Benjamin of Elk Point, South Dakota the holder _____ and owner _____ of said permit No. 4732-3 a water right, dating from March 27, 1981 to use of 2.22 cubic feet per second of the waters of groundwater (one well) in the County of Union and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point 20'N of the center of the NE 1/4, Section 3, T91N, R50W

and conducted to and upon _____ portions of Section 3, T91N, R50W more fully described on the face of this license.

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 4732-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 22nd day of December A. D.
Nineteen Hundred and Eighty-one

WATER MANAGEMENT BOARD

By.

John Hatch
Chief Engineer, Executive Officer
JOHN HATCH

No. 4732-3

Publish first publication, on or before May 14, 1981

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

May 4, 1981

Notice is hereby given that Gerald Benjamin whose post office address is Elk Point, 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; 46-6-3, 46-6-3.1, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 3.11 cubic feet of water per second of time from ground water (one well) through the Benjamin, the point ~~of~~ of diversion of which is ~~(xxx)~~ to be located in the NW 1/4 NE 1/4

of Section 3, Twp. 91N, Range 50W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NE 1/4 & N 1/4 NW 1/4, Section 3, T91N, R50W

This Application No. 4732-3 will be considered by the Water Management Board at Meeting Room #1, Knapp Building upon the 27th day of May, 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, DWMR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

cc: Gerald Benjamin
Box 5, Elk Point, SD 57025

~~XXXXXXXXXXXX~~ BURTON F JONES
BETTY WESTLUND
Water Rights Specialist

WNR-806A-7/79 Notice of Intent to Appropriate Water
GROUNDWATER

No. 4732-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA

County Union ss.

I, Lester E. Emerson hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the The Leader-Courier

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 Elk Point

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

Thursday, May 14, 1981

Thursday, May 21, 1981

Lester E. Emerson
(Signature)

Editor
(Title)

May 21, 1981
(Date Signed)

Cost of Printing: _____

NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER

Pierre, South Dakota 57501

May 4, 1981

Notice is hereby given that Gerald Benjamin whose post office address is Elk Point, South Dakota has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14, 46-2-1 thru 46-2-11, 46-2-13, 46-5-1 thru 46-5-3, 46-5-9 thru 46-5-22, 46-6-1, 46-6-3, 46-6-8, 1, 46-6-5, 46-6-6, 1, 46-6-10, 46-6-14, and Board Rules ARSD 52-01-01, 01 thru 52-01-0113, for a permit to appropriate for beneficial use 3.11 cubic feet of water per second of time from ground water (one well) through the Benjamin #1, the point of diversion of which is to be located in the NW 1/4 NE 1/4 of Section 3, Twp 91N, Range 50W. Said water to be used for the purpose of providing irrigation on portions of the following described land: NE 1/4 & NW 1/4 Section 9, T91N, R50W.

This Application No. 4732-3 will be considered by the Water Management Board at Meeting Room #1, Kneip Building, Church & Illinois, Pierre, SD, upon the 27th day of May, 1981 at 110 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, DWRN, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

Water Management Board
Burton F. Jones
Water Rights Specialist
Pub. May 14, 21. 5-20

Rec
5/26/81
Bm

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8597

December 18, 1981

PIERRE,

Gerald Benjamin, P.O. Box 5, Elk Point, SD 57025

RECEIVED OF

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

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)	4732-3	50.00
Fee for Inspecting Construction, and Issuing Cert. of Construction No.	4732-3	
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 map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL		50.00

WATER RIGHTS COMMISSION

By *(Signature)*
Chief Engineer, Executive Officer
JOHN HATCH / (60)

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8103

March 27, 1981

PIERRE,

Gerald Benjamin, Box 5, Elk Point, SD 57025

RECEIVED OF

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

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)	4732-3	275.00
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 map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL		275.00

WATER RIGHTS COMMISSION

By *(Signature)*
Chief Engineer, Executive Officer
JOHN HATCH / (60)

Permit No. 4732-3
 Water Division 3 Big Sioux River Water District

REPORT OF EXAMINATION OF WORKS
 AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / FOSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by GERALD
BENJAMIN of ELK POINT holder
 of Permit No. 4732-3, bearing date of priority of MARCH 27, 1981
 authorizing the diversion of 3.11 cu. ft. per second of the waters of GROUNDWATER
 for IRRIGATION purposes, in UNION County.

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

The Water Use System consists of,

A. Works used to divert the water:

102' DEEP WELL WITH 16" PLASTIC CASING - 40' SLOTTED SCREEN
 WESTERN LAND ROLLER 8" PUMP - 5 1/2 BHC
 POWERED BY 75HP GE ELECTRIC MOTOR @ 1765 RPM

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

20' OF 8" ALUMINUM LINE TO E PIVOT POINTS
 2110' OF 8" BURIED PVC BETWEEN PIVOT POINTS

C. Works used to apply water to beneficial use.

8 TOWER VALLEY ELECTRIC DRIVE CENTER PIVOT
 WITH NELSON #100 END GUN

The system is in the following condition. NEW

The point of diversion is located 20' N OF THE CENTER OF THE NE¹
SECTION 3, T91N, R50W

The works are capable of diverting and conveying to the place of use 2.22 (1000 GPM)
 cu. ft. per second of water which is to be used for IRRIGATION

Water has been put to beneficial use to the maximum extent as follows: ALL IN SECTION 3, T91N, R50W

<u>NW⁴NW⁴</u>	<u>16 AC.</u>	<u>SW⁴NE⁴</u>	<u>33 AC</u>
<u>NE⁴NW⁴</u>	<u>33 AC</u>	<u>SE⁴NE⁴</u>	<u>33 AC</u>
<u>NW⁴NE⁴</u>	<u>36 AC</u>		
<u>NE⁴NE⁴</u>	<u>33 AC</u>		

comprising a total of 189 acres of land

Date SEPTEMBER 30, 1981

Dustin Jones
 (Signature)



Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501
March 22, 1983

Water Rights Division
605 773-3352

4732-3
Gerald Benjamin
Box 5
Elk Point SD 57025

Dear Sir:

Water Permit No. 4732-3 was approved with the qualification that the irrigation questionnaire be submitted each year. To date we have not received the 1982 questionnaire from you.

Please complete the enclosed questionnaire and return to this office. Failure to return the questionnaire is in violation of the conditions under which the permit was approved.

Please advise, if you have any questions.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks
enclosure

Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

August 1, 1983

N O T I C E

4732-3

Gerald Benjamin
Box 5
Elk Point SD 57025

Dear Sir:

July 19, 1983, the Water Management Board passed a motion directing that those persons with water permits that have the qualification:

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

be notified of this requirement.

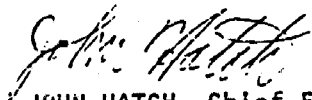
Our records do not show we have received the 1982 Irrigation Questionnaire for Permit No. 4732-3. The questionnaire was requested on the following dates:

1. September 1982 initial request
2. December 1982 followup request
3. March 22, 1983 Notice that submittal of questionnaire is a qualification to water permit

The Board has directed that owners of permits not in compliance with the Irrigation Questionnaire qualification be given until August 30, 1983 to submit the 1982 questionnaire. Any person not submitting the Questionnaire is to be noticed for hearing before the Board to consider disciplinary action including suspension of the permit.

Another questionnaire is enclosed. Please advise if there are any questions or if you believe our records are not correct.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

enclosure

South Dakota
Department of
Water & Natural Resources

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

NOTICE

September 13, 1983

TO: Gerald Benjamin
Box 5
Elk Point, South Dakota 57025

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

John Hatch

Re: Violation of Permit No. 4732-3
by Failure to Submit Required 1982 Irrigation Questionnaire

The Water Management Board has directed that hearings be held to determine what action the Board should take for violation of the Water Permit No. 4732-3 qualification that requires the Irrigation Water Use Questionnaire to be submitted each year.

The hearing will be at 2:30 p.m., October 5, 1983, Civil Defense Room, Basement, State Capitol Building, Pierre, South Dakota. Water Rights Division records do not show that the 1982 Irrigation Questionnaire for Permit No. 4732-3 has been received. The questionnaire was requested on the following dates:

1. September 1982 initial request
2. December 1982 follow-up request
3. March 22, 1983 Notice that submittal of questionnaire is a qualification to water permit.
4. August 1983 Notice that Board had directed owners of permits not in compliance with the Irrigation Questionnaire qualification be given until August 30, 1983 to submit the 1982 questionnaire with any permit owner in violation after August 30 to be given notice for hearing before the Board.

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.

Equal Opportunity Employer

Following the hearing, the Water Management Board can:

1. Suspend Permit No. 4732-3 until either the 1982 Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

These hearings are 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.
S512.MR



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

September 15, 1983

4732-3

Gerald Benjamin
Box 5
Elk Point SD 57025

Dear Mr. Benjamin:

This letter will acknowledge receipt of and thank you for the return of your 1982 Irrigation Questionnaire. A notice was sent to you September 13, 1983 regarding the Irrigation Questionnaire submittal violation of Permit No. 4732-3 and the date hearings are to be held before the Water Management Board to determine any action to be taken concerning the violation. Our records now show that you have returned the 1982 Irrigation Questionnaire and are no longer in violation of your permit.

Please disregard the notice sent to you dated September 13, 1983. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

4732-3

SOUTH DAKOTA Department of
Water & Natural Resources

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

January 29, 1988

GERALD BENJAMIN
BOX 5
ELK POINT, SD 57025

NOTICE

Re: Violation of Water Permit No(s). 4732-3

Our records indicate that the 1987 Irrigation Questionnaire has not been received for Permit No(s). 4732-3. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearings(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 4732-3 qualification:

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

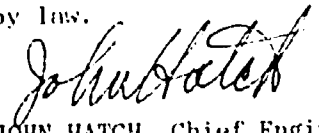
The hearing(s) will be at 9:00 am, March 2, 1988, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing(s) 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. Suspend Permit No(s). 4732-3 until either the 1987 Questionnaire is submitted or for a period of up to one 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.


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

NOTE: If the questionnaire(s) is received in this office before the March 2 hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.

South Dakota
Department of
Water & Natural Resources
Joe Foss Building
623 East Capitol
Pierre, South Dakota 57501-3181

March 14, 1988

NOTICE OF ONE YEAR SUSPENSION OF WATER PERMIT

TO: GERALD BENJAMIN
BOX 5
ELK POINT, SD 57025

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



SUBJECT: One Year Suspension Of Water Permit No(s). 4732-3

Pursuant to the provisions of the notice dated January 29, 1988, and following the hearing of March 2, 1988, the Water Management Board has ordered:

That Water Permit No(s). 4732-3 be **SUSPENDED** until December 31, 1988.

Suspension of a permit means water may not be pumped during the 1988 irrigation season. Decisions of the Board may be appealed to the Circuit Court and the Supreme Court as provided by law.

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. 2. ☐ Restricted Delivery (Extra charge)

GERALD BENJAMIN
BOX 5
ELK POINT, SD 57025

4. Article Number
P501 738 938

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

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

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

5. Signature - Addressee

X *Gerald Benjamin*

6. Signature - Agent

X *by Linda Benjamin*

7. Date of Delivery

3/6/88

PS Form 3811, Mar. 1987

• U.S.G.P.O. 1987-176-208

DOMESTIC RETURN RECEIPT



3/22/88

TO: John Hatch, Chief Engineer
Water Rights Division

FROM: Gerald Benjamin
Box 5
Elk Point, S.D.

SUBJECT: One Year Suspension of Water Permit No(s). 4732-3

Dear Mr. Hatch,

This letter is in response to the notice I recieved 3/14/88 notifying me of the suspension of my water permit. I recently called your office and discussed this matter with another gentleman who advised me to request time at the next Water Management Board meeting on 5/11/88 to discuss this issue.

I would greatly appreciate time to express my confusement over a letter I recieved earlier this year from the State telling me that my water permit for the 1988 season had been approved. I have since learned that this letter came from the Dept. of Agriculture and not from your department. I am now also aware that a letter was sent to me 1/29/88 warning me that the return of the questionnaire was mandatory by 2/2/88 or my permit would be suspended. I have no recollection of receiving this letter for what ever the reason. I am not trying to excuse myself for not returning your original request I recieved 10/8/87 and now realise that immediate action at that time would have definately illiminated the problems I am now facing. I underestimated the seriousness of this questionnaire and regret the complications arising from not returning it on time. Thank you for your time in listening to my position concerning this serious matter and would appreciate time to express my views to the Water Management Board.

Sincerely,

Gerald Benjamin

Gerald Benjamin

Box 5

Elk Point SD 57025

Phone 605-356-2074



Department of Water & Natural Resources

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

April 14, 1988

NOTICE

TO: Gerald Benjamin, Box 5, Elk Point, SD 57025

FROM: JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352 *John Hatch*

SUBJECT: Notice of Hearing to Consider Request for
Reconsideration of Suspended Water Right No. 4732-3

The hearing on your March 22, 1988, request to the Water Management Board to reconsider suspension of Water Right No. 4732-3 has been scheduled for 9:15 am, May 11, 1988, in Room 216, Joe Foss Building, 523 E Capitol, Pierre, SD.

As stated in the notice to you dated January 29, 1988, 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 permits, defer action or taken 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: Harold Deering, Assistant Attorney General

CERTIFICATION

I hereby certify that on April 14, 1988 I have personally deposited with the U.S. Mail, a postage prepaid envelope containing Notice of Hearing to Consider Request for Reconsideration of Suspended Permit addressed as follows:

Gerald Benjamin
Box 5
Elk Point SD 57025

Karen Schlaak

KAREN SCHLAAK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 15th day of April, 1988.



John H. H. H.
Notary Public

Gerald Benjamin
Water Right No. 4732-3

GENERAL

Application submitted by: Gerald Benjamin
Box 5
Elk Point, SD 57025

Permit Approved: May 27, 1981

Permit Licensed: December 22, 1981

Permit was approved with the "irrigation questionnaire" qualification.

SIX YEAR HISTORY OF IRRIGATION QUESTIONNAIRE RETURNS

<u>Year</u>	<u>Date Request Mailed</u>	<u>Date Irrigation Questionnaire Returned</u>	<u>Date of Any Board Action</u>
1982	September, 1982	September 15, 1983	none
1983	November, 1983	December 14, 1983	none
1984	October, 1984	November 15, 1984	none
1985	November, 1985	February 7, 1986	none
1986	November, 1986	November 12, 1986	none
1987	October, 1987	March 17, 1988	March 2, 1988

PAST VIOLATIONS

1. 1982 Irrigation Questionnaire Violation:

December, 1982, a follow-up request was sent to Mr. Benjamin indicating his 1982 questionnaire had not been received.

March 22, 1983, Mr. Benjamin was notified that we still had not received his questionnaire and that submission of the questionnaire was a qualification of his permit and failure to return the form was a violation of the conditions under which the permit was approved.

July 19, 1983, the Board directed owners of permits not in compliance with the irrigation questionnaire qualification be given until August 30, 1983 to submit the 1982 questionnaire. (Another blank questionnaire was sent along with this notice.)

September 13, 1983, Mr. Benjamin was given notice of permit violation for non-return of his 1982 irrigation questionnaire and of the hearing scheduled before the Water Management Board to be held October 5, 1983.

September 15, 1983, the irrigation questionnaire was submitted, Mr. Benjamin was notified that he was no longer in violation of his permit.

2. 1987 Irrigation Questionnaire Violation

January 29, 1988, Mr. Benjamin was given notice of permit violation for non-return of his 1987 irrigation questionnaire and of the hearing scheduled before the Water Management Board to be held March 2, 1988.

March 2, 1988, The Water Management Board suspended Water Right No. 4732-3 until December 31, 1988.

March 14, 1988, Mr. Benjamin was notified of the Board action to suspend his water right.

March 17, 1988, the 1987 irrigation questionnaire was received.

March 24, 1988, A letter was received from Mr. Benjamin requesting time on the Board's May 11, 1988 agenda to explain his position concerning the suspension of his water right.

April 14, 1988, Mr. Benjamin was sent Notice of Hearing to Consider Request for Reconsideration of Suspended Water Right No. 4732-3.



Department of Water & Natural Resources

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

May 13, 1988

NOTICE

TO: Gerald Benjamin
Box 5
Elk Point SD 57025

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

SUBJECT. Reinstatement of Suspended Water Permits and Notice of
One Year Suspension Without Reinstatement for Future
Irrigation Questionnaire Violations

The Water Management Board, following the May 11, 1988, hearing
passed the following motion:

"That the owners of Water Permits No. 1372-2 (Earl Sonnenschein & Sons); 1731-2 (Buckles Ranch); 235-3 (Russell Doolittle); 2171-3, 2497-3, 3229-3 (Harlan Stadheim); 2174-3, 2175-3, 2413-3, 3223-3, 4353-3, 5026-3, 5038-3 (Poinsett Hutterian Brethern); 3264-3 (John Heber); 3479-3, 4237-3 (Bob Kohnen) 3825-3 (Rod Page, operator); 4017-3 (Martin Ronning); 4257-3 (Patricia Ronning & Jeanette Hurrell); 4521-3 (Tom/William Maher & Harvey Buhl); 4564-3, 4611-3 (Wendell Bishop); 4660-3 (Dihl Grohs); 4732-3 (Gerald Benjamin); 4741-3 (Lois J Elsinger); 4827-3 (Gary Smith); 4844-3 (Gerald Goetsch); 4966-3 (Delano Hofer); 4985-3, 4992-3, 5043-3, 5044-3 (Ray & David Hanson); 4754-3 (Richard Beare); and 375-2 (Rhea Brill), have now submitted the 1987 irrigation questionnaires for these permits, that a 60 day suspension period has been completed and that these permits are reinstated effective immediately. The owners of the permits are also NOTIFIED that failure to submit future required irrigation questionnaires will result in a one year suspension without reinstatement."

If you have any questions, please contact us.

cc: Water Management Board



1 1 4

9 4

Box 5

KAREN SCHLAAX

) SS

16 + 4

Notary Public



JOHN HATCH

NOTARY PUBLIC

SOUTH DAKOTA

SEAL

My Commission Expires Apr. 1, 1993

**South Dakota Department of
Water & Natural Resources**

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

February 17, 1989

Gerald Benjamin
Box 5
Elk Point, SD 57025

Dear Mr. Benjamin:

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

NOT TO SCALE

77.8 (6-1388)

92.50

92.6

73.2

(6-342)
10.2

61.1

(6-1388)

80.0

(6-231)

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WELL
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3

153.9

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(6-145)

North

Prepared by
Harris & DeMott
Union Co. Egypt
Mar 16-81

77.3

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MAR 16 1881 APR 18 1881

NOT TO SCALE 4732

