

1001-1

1. Considered MARCH 20, 1974.
2. Name of Applicant BEN ARNOLD
3. Post Office Address MC INISH
4. Amount of water claimed 1.96
5. Source of water supply GRAND RIVER & DRY DRAWS
6. Water to be used for IRRIGATION  
Acres to be irrigated 137.5
7. Water to be diverted and used in CORSON County  
about 7.0 miles N of TIMBER LAKE
8. Proof of Publication Received 3-20-74  
Not Received \_\_\_\_\_
9. Application Approved \_\_\_\_\_  
Subject to \_\_\_\_\_  
Not Approved \_\_\_\_\_  
Action deferred \_\_\_\_\_
10. Remarks:

No. 1001-1  
 Map No. B28-1 Water Division No. 1 GRAND RIVER District \_\_\_\_\_  
 (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 Ben Arnold  
 Post-office address McIntosh 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 ARNOLD IRRIGATION PROJECT
4. Amount of water claimed (cubic feet per second) 2.0 1.96 MAXIMUM ALLOWABLE
5. Source of water supply GRAND RIVER & DRY DRAINS
6. Location of point of diversion PD#1 1650' N49°11' SE Cor. Sec. 7 T 20 N R 25 E  
PD#2 1780' N61°W SE Cor. Sec. 7 T 20 N R 25 E  
PD#3 1240' N86°W SE Cor. Sec. 7 T 20 N R 25 E County Corson
7. Annual period or periods during which water is to be used When Available
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 137.5

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. |
|---------------------------|----------------|------------------|----------------|
| NW SE Sec 7 T 20 N R 25 E | 36             |                  |                |
| NE SE Sec 7 T 20 N R 25 E | 27             |                  |                |
| SW SE Sec 7 T 20 N R 25 E | 34.5           |                  |                |
| SE SE Sec 7 T 20 N R 25 E | 40             |                  |                |

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 4 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Corson County News
12. Principal Features of the Proposed Water Supply System.

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

Diversion Dam

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

Pipes - Ditches

C. Works proposed to apply water to beneficial use.

DikesEstimated Total Cost \$ 15,000./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 Corson )

I, Ben Arnold 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 Ben ArnoldSubscribed and sworn to before me this 11th day of January 1974

Notary Public (or other qualified officer)

$T = 20 \text{ N}$

NE-SE SEC 7 T20N R 25E  
27 ACRES

DRY

DRY DRAW

SW-SE SEC 7 T20N R25E  
34.5 Acres

SE-SE SEC 7 T20N R25E  
40 Acres

① PD#3 1240' N 86°W SG COR SEC 7 T20N R35E

|    |    |
|----|----|
| 7  | 8  |
| 18 | 17 |

U. S. DEPARTMENT OF AGRICULTURE  
SOIL CONSERVATION SERVICE

|          |  |      |             |            |
|----------|--|------|-------------|------------|
|          |  | Date | Approved by |            |
| Designed |  |      | Title       |            |
| Drawn    |  |      | Title       |            |
| Traced   |  |      | Sheet       | Drawing No |
| Checked  |  |      | No          |            |

MAP NO 828-1 (APPL NO 1001) -E G-313-B Rev. 7-69

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 1001-1

BEN ARNOLD  
(Applicant)

MCINTOSH  
(Post Office Address)

SOUTH DAKOTA  
(State) With the following modifications:

~~THE~~ FLOWS AS NEEDED FOR DOWNSTREAM DOMESTIC USE, INCLUDING LIVESTOCK WATERING, AND PRIOR WATER RIGHTS MUST BE BY PASSED.

THIS WATER PERMIT COVERS UNAPPROPRIATED WATER ~~WHICH~~ <sup>WHICH</sup> EXISTS AT THIS LOCATION ONLY IN INTERMITTENT SEASONAL OR FLOOD CONTROL FLOWS IN THE GRAND RIVER. THIS WATER SUPPLY MAY NOT BE A DEPENDABLE SOURCE OF WATER FOR IRRIGATION. A CONTRACT FOR WATER SERVICE FROM SHADEHILL RESERVOIR MAY BE OBTAINED FROM THE BUREAU OF RECLAMATION.

Date of first receipt of application JANUARY 15 19 74

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

Date of receipt of corrected application — 19 —

Approved MARCH 20 19 74 Recorded in Book 12 Page 310

WATER RIGHT PERMIT NO. 1001-1

The Water Resources Commission hereby grants and issues this Water Right Permit No. 1001-1 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 JANUARY 15 19 74
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPTEMBER 20 19 76
3. The whole of said work is to be completed on or before MARCH 20 19 79
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 20 19 83
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 1.96 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 MARCH 20 19 83; said water to be used during the following described annual period: WHEN AVAILABLE

Witness my hand this 21<sup>ST</sup> day of MARCH 19 74

WATER RESOURCES COMMISSION

By: Donald D. Merrill  
Chief Engineer, Executive Officer

Certificate of Construction Issued — 19 —

Water License Issued — 19 —

$T = 20 \text{ N}$

NE-SE SEC 7 T20N R 25E  
27 ACRES

DRY

DRY DRAW

SW-SE SEC 7 T20N R25E  
34.5 Acres

SE-SE SEC 7 T20N R25E  
40 Acres

① PD#3 1240' N 86°W SG COR SEC 7 T20N R35E

20-1 1620N WYOW ST COE SEC 7 T20N R25E

|    |    |
|----|----|
| 7  | 8  |
| 18 | 17 |

U. S. DEPARTMENT OF AGRICULTURE  
SOIL CONSERVATION SERVICE

|          |  |      |             |            |
|----------|--|------|-------------|------------|
|          |  | Date | Approved by |            |
| Designed |  |      | Title       |            |
| Drawn    |  |      | Title       |            |
| Traced   |  |      | Sheet       | Drawing No |
| Checked  |  |      | No          |            |

MAP NO 828-1 (APPL NO 1001) -E G-313-B Rev. 7-69

AFFADAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA) )SS  
COUNTY OF CORSON )

Merle E. Lofgren of said county and state, being first duly sworn, on his oath says that the Corson County News is a weekly newspaper of general circulation, printed and published in McIntosh, in said county and within the County of Corson for more than fifty-two successive weeks prior after mention and that I, Merle E. Lofgren, the undersigned, am editor of said newspaper, in charge of the advertising department thereof, and have personal knowledge of the facts stated in the affidavit and that the advertisement headed

*Notice of Intent*

Office of Intent to Appropriate  
Water  
Pierre, South Dakota 57501  
January 23, 1974

Notice is hereby given that Ben Arnold whose post office address is McIntosh, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for permit to appropriate for beneficial use 1.6 cubic feet of water per second of time from the Grand River and Dry Draws through the Arnold Irrigation Project, the point of diversion from the Grand River is to be

located in the NE 1/4 SE 1/4 and from dry draws in the SW 1/4 SE 1/4 of Section 7, Twp. 20N, Range 25E. Said water to be used for the purpose of providing irrigation on a portion of the following described land:

SE 1/4, Section 7, T20N, R25E.

This application No. 1001-J will be considered by the Water Rights Commission at their office at Pierre upon the 7th day of March 1974, at 2:30 P. M. All interested persons may appear and be heard.

By WATER RIGHTS COMMISS  
By: Water Rights Commission  
Water Rights Commission

Corson County News  
Page Seven

Thurs., March 7, 1974

By: Burton F. Jones  
Water Rights Specialist

|                                           |         |
|-------------------------------------------|---------|
| publication on the ____ day of ____       | 19 ____ |
| publication on the ____ day of ____       | 19 ____ |
| publication on the ____ day of ____       | 19 ____ |
| publication on the ____ day of ____       | 19 ____ |
| publication being on the ____ day of ____ | 19 ____ |
| publication being on the ____ day of ____ | 19 ____ |
| publication being on the ____ day of ____ | 19 ____ |
| publication on the ____ day of ____       | 19 ____ |

Said newspaper is a legal newspaper, and has a bonafide circulation of more than two hundred copies weekly, and has been published within the County of Corson for more than fifty-two successive weeks prior to the first publication of said notice and is printed in English in an office maintained at McIntosh, S. Dak., the place of publication of said newspaper. That the full amount

of the fee for the publication of the annexed notice is \$ 2.53 and inures solely to the benefit of said publisher, that no agreement or understanding of a division thereof has been made with any other person whomsoever.

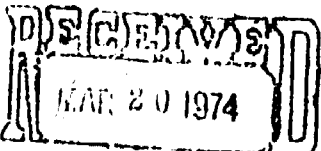
*Merle E. Lofgren*

Subscribed and sworn to before me this 14 day of

*March* 1974

*Notary Public*

My Commission Expires *Jan 12*



STATE WATER RIGHTS COMM.  
PIERRE, SOUTH DAKOTA

Form 6 - Notice of Intent to Appropriate Water

1001-1

Publish first publication, on or before March 7, 1974

NOTICE  
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

January 23, 1974

Notice is hereby given that Ben Arnold

whose post office address is Mc Intosh, 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

1.95 cubic feet of water per second of time from the Grand River & Dry Draws through the

Arnold Irrigation Project, the point of diversion from the Grand River

NE 1/4 and from dry draws in the SE 1/4 SE 1/4

of Section 7, Twp. 20N, Range 25E. Said water to be used for the purpose of providing irrigation of a portion of the following describe land:

SE 1/4, Section 7, T20N, R25E

This application No. 1001-1 will be considered by the Water ~~Resources~~ <sup>Rights</sup> Commission at their office at Pierre upon the 20th day of March, 1974, at 2:30 P. M. All interested persons may appear and be heard.

~~WATER RESOURCES COMMISSION~~  
WATER RIGHTS COMMISSION

By:

**BURTON F. JONES, Water Rights Specialist**

DWJ/bw

cc: Ben Arnold, McIntosh, S.D. 57641

WATER RIGHTS DIVISION  
(605) 773-3352

January 13, 1984

Ben Arnold  
PO Box 386  
McIntosh, South Dakota 57641

Dear Mr. Arnold:

Enclosed is your 1983 Irrigation Questionnaire pertaining to Water Permit No. 1001-1. The form was mis-sent to Prairie City instead of your McIntosh address.

Please complete the data sheet for our records. If you have not kept accurate records, estimations will be satisfactory.

If you have any questions, contact this office.

Sincerely,

Genny McMath  
Water Resources Analyst

GM:ms  
Enc.

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

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

May 26, 1988

Ben Arnold  
P O Box 386  
McIntosh, SD 57641

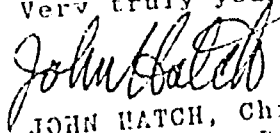
Dear Mr. Arnold:

I am writing in regard of our review of irrigation questionnaire records. No irrigation has been reported for the last five irrigation seasons under Permit No(s). 1001-1.

South Dakota Codified Laws state that when any person fails to use water for the purpose for which it was appropriated for a period of three years, or abandons the use of the water, such unused water shall revert to the public. An exception to the law is when there is legal excuse for nonuse of water. Examples of legal excuse for nonuse of water are when water is not available or legal proceedings which prevent the use of water.

Since your permit(s) has (have) not been used for five years, the permit(s) may be subject to cancellation by the Water Management Board unless there is a legal reason for not using water. Please advise by June 17, 1988 if you still want to keep your water right and if there is a reason why water has not been used. Let us know, if you have any questions.

Very truly yours,



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



REPRODUCTION OF ORIGINAL



**DEPARTMENT of ENVIRONMENT  
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October 29, 2004

1001-1

Ben Arnold  
1304 S 6<sup>th</sup> St  
Aberdeen SD 57401-6814

Dear Mr. Arnold:

Enclosed is a "Notice" dated October 22, 2004 concerning the 2004 irrigation questionnaire. The notice was originally mailed to PO Box 386, McIntosh, SD. The post office notified us that your address has changed and I will update our records accordingly.

A review of your water right file found that you have not irrigated in about 20 years. Water must be placed to beneficial use for the purpose it was appropriated at least once every three years in order to maintain a water right. Legal excuse for not irrigating would suspend the three year period of nonuse. Enclosed are excerpts of our Water Management Board Rules and Water Rights Laws pertaining to these issues.

If you have decided to discontinue irrigation on the land, we could go ahead and schedule the water right for cancellation and you would no longer need to complete annual irrigation questionnaires.

Please let me know when returning your questionnaire what you wish to do with the water right. If I can answer any questions for you, give me a call. Thank you in advance for your help.

Sincerely,



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

enclosures

## Water Rights Program - DENR

### Conversation or File Documentation

**Name of Person:** *Richard Lauinger for Ben Arnold*      **File No.** *1001-1*

**Address:** *1304-1 S 6<sup>th</sup> St Aberdeen SD*      **County:** *Corson*

**Date:** *8/29/2005*      **Telephone:** *605-229-4470*

**RE:** *Cancellation of No. 1001-1*

#### **Comments:**

*I talked to Richard Lauinger who said he is Ben Arnolds nephew and representative. I told him I was calling concerning the lack of irrigation for several years and about the possibly canceling the water right. I explained the use it or lose it doctrine with water rights and he said that we could go a head and cancel this water right. Mr. Lauinger did inquire about the possibility of applying for a new water right in the future. I told him we would consider it and look at what the proposal would be at that time.*



Mark D Rath

Natural Resources Engineering Specialist



August 29, 2005

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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1001-1

Richard Lauinger  
1304 S 6<sup>th</sup> St  
Aberdeen SD 57401-6814

Dear Mr. Lauinger:

I am writing to you in regard to Water Permit No. 1001-1, currently listed in the name of Ben Arnold. Mark Rath, with our program, spoke with you today concerning possible cancellation consideration of the permit due to abandonment and/or forfeiture.

The permit authorized diversion of water from the Grand River and dry draws to be used for irrigation of 137.5 acres in the SE ¼ Section 7, T20N, R25E. Enclosed is a copy for your review. Currently, our records show the land has been enrolled in the Conservation Reserve Program through 2008.

In South Dakota, water must be placed to beneficial use for the purpose it was appropriated, at least once every three years unless legal excuse exists for the period of nonuse. An exception to forfeiture for nonuse would be if the land was enrolled in an acreage reserve program. Legal excuse as defined in Water Management Board Rules includes, but is not limited to, the following: 1) unavailability of water to satisfy a permit or right; 2) legal proceedings which prevent the use of water; or 3) water use under existing climatic conditions would result in a waste of water. Enclosed is a brief summary of the laws and rules dealing with these issues.

Prior to doing anything with the water permit, we need to obtain more information from you. If you would, please answer the questions on the attachment and return the information to our office as soon as possible. I am including a postage paid envelope for your reply.

Thank you in advance for your help.

Sincerely,

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

Information for Water Permit No. 1001-1

RECEIVED

SEP 07 2005

WATER RIGHTS  
PROGRAM

1. Does Ben Arnold still own the land? *No*  
If so, do we mail correspondence to him or are you acting as his sole representative?  
*Ben Arnold died 5/22/04. Gloria Lauinger inherited the land and irrigation rights.*
2. Was an irrigation system ever constructed? *No*
3. The original water permit talked about a diversion dam with dikes and ditches. If the system was constructed, does the diversion dam or any of the dikes and ditches still exist? *No*
4. If a system was constructed and the lands irrigated at one time, what is the reason(s) the land has not been irrigated for so many years? *The system was not constructed because no water was available for irrigation.*

If there is other information you would like us to know about the water permit, please write the information below.

*We would like to keep the permit so that in 2008, if there is available water, we could consider irrigation again.*

*Gloria Lauinger*  
*Sept. 2, 2005*

File No. 1001-1

**WATER RIGHTS PROGRAM -- FILE DOCUMENTATION**

NAME & ADDRESS: Richard Lauinger

DATE: August, 2008

RE: status of CRP for 1001-1

**COMMENTS:**

I called and left a message for Mr. Lauinger concerning whether or not the land described in Water Permit No. 1001-1 was still in CRP.

He called back and spoke with the secretary and indicated he wished to continue the permit. I was unable to get a hold of him again for follow-up.

*Genny McMath*

Genny McMath  
Environmental Scientist

8-15-08  
10:30  
Genny  
Lauingers  
called  
re- Ben Arnold  
they want to  
continue water  
rights



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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[www.state.sd.us/denr](http://www.state.sd.us/denr)

July 28, 2009

1001-1

Richard & Gloria Lauinger  
1304 S 6<sup>th</sup> St  
Aberdeen SD 57401-6814

Dear Mr. & Mrs. Lauinger:

I am writing to you in regard to Water Permit No. 1001-1, currently listed in the name of Ben Arnold. The permit authorized diversion of water from the Grand River and dry draws to be used for irrigation of 137.5 acres in the SE ¼ Section 7, T20N, R25E.

In reviewing the file I found that we had correspondence with you in 2005 and again in 2008 but to my knowledge nothing was resolved. My last notes in the file indicate that you wished to maintain the water right. Currently, our records show the land has been enrolled in the Conservation Reserve Program through 2008.

If you intend to try and maintain the water right, it needs to be transferred to reflect current ownership. Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

You have indicated that you have not had water to use and so no irrigation has taken place. Under South Dakota Water Law, water must be placed to beneficial use for the purpose it was appropriated at least once every three years in order to maintain a water right however the three year period may be waived if legal excuse exists. Legal excuse as defined in Water Management Board rules includes climatic conditions. However, a system must be in place and ready to be used if conditions warrant. Enclosed are excerpts of the water laws and board rules dealing with these issues.

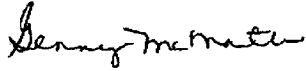
The Water Management Board is the entity who makes determinations on whether or not a water permit or right has legal standing. If you feel the permit has been maintained, we will need to schedule an inspection to view the works and issue a water license for what was developed for irrigation. A fee for inspection and licensing will be assessed after the inspection is conducted. If no system exists, the water permit will be subject to cancellation consideration.

continued

**Page 2**  
**July 28, 2009**  
**Richard & Gloria Lauinger**

If you have any questions, please contact me.

Sincerely,



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

enclosures:   Excerpts of Water Laws & Water Management Board Rules  
                  Notice of Transfer of Ownership



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October 5, 2009

1001-1

Richard & Gloria Lauinger  
1304 S 6<sup>th</sup> St  
Aberdeen SD 57401-6814

Dear Mr. & Mrs. Lauinger:

I am writing to you once again in regard to Water Permit No. 1001-1, currently listed in the name of Ben Arnold.

You have indicated in the past that you wish to retain the water permit. If you intend to try and maintain the water right, it needs to be transferred to reflect current ownership. I forwarded a "Notice of Transfer of Ownership" form to you on July 28<sup>th</sup>; to date we have not received anything back from you. In the event you do not have the original form, I am sending along another copy. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

If you feel the permit has been maintained, we will need to schedule an inspection to view the works and issue a water license for what was developed for irrigation. A fee for inspection and licensing will be assessed after the inspection is conducted. If no system exists, the water permit will be subject to cancellation consideration.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

denr.sd.gov

February 11, 2015

1001-1

Bryce Lindskov  
PO Box 24  
Isabel SD 57633

Dear Mr. Lindskov:

Thank you for taking the time to visit with me about Water Permit No. 1001-1, listed in the name of Ben Arnold. The permit, obtained in 1974, authorized diversion of water from the Grand River and dry draws for irrigation of land in the SE ¼ Section 7, T20N, R25E (copy enclosed).

Mark Rath, a staff engineer with our program contacted Richard Lauinger in 2005 in preparation for a routine field inspection needed for licensing the water permit. At that time, the land was not being irrigated and was enrolled in the Conservation Reserve Program. Letters were written to the Lauinger's requesting information on the time frame for enrollment in the program and their intent towards the water permit. At the very least, the water permit should have been transferred to their name but they did not follow through with that process.

Under South Dakota Water Law, water must be placed to beneficial use for the purpose it was appropriated at least once every three years in order to maintain a water permit. This three year period may be waived if legal excuse exists for the years of nonuse. Enclosed are excerpts of the water right laws and Water Management Board Rules dealing with these issues.

New ownership of the property does not re-start the three year period. If after looking at the map and reviewing the water permit you feel legal excuse has existed and you wish to maintain the water permit, it will need to be transferred to your name. If this is the case, we will need to send someone back out to look at whatever type of system exists and work towards issuing a water license for those acres. If nothing exists allowing irrigation from either the Grand River or the dry draws, the permit would be subject to cancellation due to abandonment and/or forfeiture.

Please review the enclosed information and then contact me with your intent towards the water permit.

Sincerely,

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

enclosures



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

August 5, 2015

1001-1

Bryce Lindskov  
PO Box 24  
Isabel SD 57633

Dear Mr. Lindskov:

I am writing in regard to Water Permit No. 1001-1 listed in the name of Ben Arnold. In February, 2015 we spoke on the phone about the water right and I forwarded you an informational letter (copy enclosed) requesting a response as to whether or not it was your intent to maintain the water right. To date we have not received anything back from you.

Please contact us as to whether or not you feel a system exists and irrigation is taking place. If it is your intent to maintain the water right, it should be transferred to your name. At that point we can send someone back out to look at the system for licensing purposes.

Thank you in advance for helping update the water permit. I can be reached at the phone number and email listed below.

Sincerely,

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

enclosure



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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PIERRE SOUTH DAKOTA 57501-3182  
[www.denr.sd.gov](http://www.denr.sd.gov)

October 12, 2018

1001-1

Bryce Lindskov  
Lindskov Ranch General Partnership  
PO Box 24  
Isabel SD 57633 0024

Dear Mr. Lindskov:

I am writing in follow-up to our email communications and your request to have Water Permit No. 1001-1 transferred to your name.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

The annual irrigation questionnaire for this permit will be mailed to you towards the end of October. If you have any questions concerning the form when it arrives, please give me a call.

Sincerely,

A handwritten signature in black ink, appearing to read "Genny McMath". The signature is fluid and cursive, with the first name "Genny" and last name "McMath" clearly distinguishable.

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

enclosure

1001-1

## McMath, Genny

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**From:** Bryce Lindskov <brycelindskov@hotmail.com>  
**Sent:** Thursday, October 11, 2018 11:02 AM  
**To:** McMath, Genny  
**Subject:** Re: [EXT] Water Permit No. 1001-1

Please start the paperwork to Lindskov Ranch Gen. Partnership PO Box 24, Isabel, SD 57633. Please send the paperwork. Thanks Bryce

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**From:** McMath, Genny <[Genny.McMath@state.sd.us](mailto:Genny.McMath@state.sd.us)>  
**Sent:** Wednesday, October 10, 2018 7:47 AM  
**To:** [bryce@lindskovranches.com](mailto:bryce@lindskovranches.com)  
**Subject:** FW: Water Permit No. 1001-1

I didn't hear back from you last week. Do you want to move forward with transferring the permit to your name (or ranch name) and begin submitting irrigation questionnaires? I can certainly get the paperwork to you for that. Let me know!

Thank you,  
Genny

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**From:** McMath, Genny  
**Sent:** Thursday, October 04, 2018 9:07 AM  
**To:** 'Bryce Lindskov'  
**Subject:** RE: [EXT] Water Permit No. 1001-1

thank you for the quick response. If you would like to maintain it, we will need to stop out and do a licensing investigation for what was developed and is being irrigated. At the very least for the moment, transfer the permit to you name or your ranch name. Since it is already fall, I am fairly certain we couldn't get out there yet before the snow flies but maybe by next season. You would also have to start submitting annual irrigation questionnaires to report how much is being irrigated. All irrigators in SD are required to do this.

For now, I can forward you a partially completed transfer form. Also, I would add the permit back into mailing for annual questionnaires, which coincidentally will be mailed October 19<sup>th</sup>. Filing an ownership change is \$50. There are no annual fees for the irrigation questionnaires. Is this something you would like me to move forward with?

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**From:** Bryce Lindskov [<mailto:brycelindskov@hotmail.com>]  
**Sent:** Thursday, October 04, 2018 8:59 AM  
**To:** McMath, Genny  
**Subject:** Re: [EXT] Water Permit No. 1001-1

I am the owner of the land and the water right. Please let me know what we need to do to keep our water right. Thanks Bryce

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**From:** McMath, Genny <[Genny.McMath@state.sd.us](mailto:Genny.McMath@state.sd.us)>  
**Sent:** Thursday, October 4, 2018 8:55 AM

To: 'bryce@lindskovranches.com'  
Subject: Water Permit No. 1001-1

Bryce,

Back in 2015, I spoke with you on the phone and then wrote to you a couple times about a water permit on file for Ben Arnold. It is our understanding you own the land located in the SE ¼ Section 7, T20N, R25E.

The water permit authorized diversion of water from the Grand River and dry draws for irrigation of 137.5 acres in the above the description.

An inspection was conducted for licensing purposes in 2005 and found no irrigation taking place. At that time, we were in contact with Richard Lauinger trying to at the very least get an ownership change filed and then to seek information on CRP enrollment.

In 2015, when I contacted you, the issues were still the same. Ownership needs to be determined and whether or not a system is in place to irrigate. If a system is in place, we will send someone back out to take a look at it and then license it for what exists and is being used. If nothing is in place, the permit would be subject to cancellation.

Please take a few minutes to call or write and let us know what you would like to do with the permit. I can resend the correspondence to you that was mailed in 2015 if needed. If you do not own the land, let me know that as well. Thank you in advance for your help.

**Genny McMath**  
**DENR - Water Rights Program**

605.773.5455 (desk)  
605.773.3352 (main phone)  
605.773.4068 (fax)

NOTICE OF TRANSFER OF OWNERSHIP

PAID

OCT 24 2018

Ck# 13142

RECEIVED

OCT 24 2018

WATER RIGHTS  
PROGRAM

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

No. 1001-1

Date: \_\_\_\_\_

I/We request that Water Permit No. 1001-1

formerly owned by: Ben Arnold

be transferred to: (name & address) Lindskov Ranch General Partnership  
PO Box 24, Isabel SD 57633-0024

Telephone No. \_\_\_\_\_

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

137.5 acres – SE ¼ Section 7, T20N, R25E

I/We understand that the validity of Water Permit No. 1001-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

**A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.**

I/We Bryce Lindskov, the new owner, certify that the above information is true and correct.

  
(Signed by new owner)

**NOTE:** Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date October 24, 20 18

RECEIVED OF Lindskov Ranch Po Box 24 Isabel SD 57633-0024

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 | 50    | 00 |
| Fee for Application for Permit No. _____ to Appropriate Water for Future use                                   |       |    |
| Fee to retain Future Use Permit No. _____ after period of seven years.                                         |       |    |
| Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____            |       |    |
| Fee for Filing Transfer Form <u>1001-1</u>                                                                     |       |    |
| Fee for _____                                                                                                  |       |    |
| Fee for Issuing New Well Driller's License No. _____ for C.Y. _____                                            |       |    |
| Fee for Renewal of Well Driller's License No. _____ for C.Y. _____                                             |       |    |
| Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____                                         | 50    | 00 |
| Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____                                      |       |    |
| (Any Other Work Provided by Law)                                                                               | TOTAL |    |

No. **08786**

By Janne Goodman  
Chief Engineer

2411



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

denr.sd.gov

October 24, 2018

1001-1

Bryce Lindskov  
Lindskov Ranch General Partnership  
PO Box 24  
Isabel SD 57633-0024

Dear Mr. Lindskov:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Permit No. 1001-1.

The ownership change has been completed. The water permit formerly listed in the name of Ben Arnold is now listed under "Lindskov Ranch General Partnership".

With the ownership change now updated you will begin receiving annual irrigation questionnaires to report water use. Those will be mailed out at the end of this week or possibly next week.

Enclosed is your Receipt No. 08786 in the amount of \$50 which you paid for filing the ownership change. If you have any questions, please contact me.

Sincerely,

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

enclosure



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.denr.sd.gov](http://www.denr.sd.gov)

November 14, 2018

1001-1

Bryce Lindskov  
Lindskov Ranch General Partnership  
PO Box 24  
Isabel SD 57633-0024

Dear Mr. Lindskov:

Thank you for the prompt return of your 2018 irrigation questionnaire.

It is my understanding from the notation made on your questionnaire that the land has been enrolled in CRP through 2026. Under SDCL 46-5-37.2, no water right or permit may be forfeited for nonuse if land authorized for irrigation by a permit or right is placed under an acreage reserve or production quota program or otherwise withdrawn from use as required for participation in any federal program, if:

- the water source is not fully appropriated
- if the withdrawal from use does not prevent approval of new permits from the same source, and
- if the appropriated water has been applied to beneficial irrigation use prior to participation in a federal program.

The annual irrigation questionnaire for Water Right No. 1001-1 will not be mailed to you until the land comes out of CRP. If the land is sold or other changes occur prior to the land coming out of the program, please notify us so that appropriate changes can be made to the water right.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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