

Water Right Number 1619-3A

1. Considered JANUARY 31, 19 79
2. Name of Applicant HOLZBAUER BROS.
3. Post Office Address WAGNER, S.D. 13-96-63
4. Amount of water claimed 2.22 (No ADD'L - SAME 1619-3)
5. Source of water supply ONE - 180' WELL (NEW DIVERSION)
6. Water to be used for IRRIGATION
Acres to be irrigated 234.8 (SAME AS 1619-3)
7. Water to be diverted and used in CHARLES MIX County
about _____ Miles _____ of _____
8. Proof of Publication
Received 1-25-79
Not received _____
9. Application
Approved 1/31/79
Subject to Well Interference
Not approved _____
Action deferred _____

10. Remarks:

*Replacement well
not encountered*

Map No. 219-3 Water Division No. 3 MISSOURI VALLEY District 1
 (Blanks to be Filled by the Engineer for the W. R. C.)

Replacement Water
 1619-3

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

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

1. Name of Applicant Holzbauer Bros.
 Post-office address Wagner 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) contract
3. Name of diversion work ARENS IRRIGATION PROJECT #1
4. Amount of water claimed (cubic feet per second) same as existing permit 2.22
5. Source of water supply well
6. Location of point of diversion SE 1/4 of Section 3, T 96 - R 63
S 210° W, 1350' FROM THE E 1/4 CORNER, SEC 13
T 96 N, R 63 N County Charles Mix
7. Annual period or periods during which water is to be used seasonal APRIL THRU 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 same as existing permit

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.
same as existing permit			

Attach sheet if more space is needed

10. Time required to complete construction of water supply system same as existing permit years. Additional time required to complete application of water to the proposed beneficial use same as existing permit years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication same as existing permit
12. Principal Features of the Proposed Water Supply System.

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

same as existing permit

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

same as existing permit

C. Works proposed to apply water to beneficial use.

same as existing permitEstimated Total Cost \$ Same as existing permit

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 Charles Mix) ss.

I, Holzbauer Bros. 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 Holzbauer Bros. by [Signature]Subscribed and sworn to before me this 10 day of January 1924

Martha Thorne Bros. of [Signature]
 Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 1619-3AHOLZBAUER BROS.
(Applicant)WAGNER
(Post Office Address)SOUTH DAKOTA
(State)

With the following modifications

57580

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 irrigation withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in irrigation wells having prior water rights.

Date of first receipt of application JANUARY 12, 1979
 Date of return to applicant for correction, amendments or changes required _____, 19____
 Date of receipt of corrected application _____, 19____
 Approved JANUARY 31, 1979, Recorded in Book 10 Page 283A

WATER RIGHT PERMIT NO. 1619-3A

The Water Rights Commission hereby grants and issues this Water Right Permit No. _____ 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 SEPTEMBER 17, 1956
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JULY 31, 1979
3. The whole of said work is to be completed on or before JANUARY 31, 1980
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JANUARY 31, 1981
5. The water appropriated shall be used for the purpose of IRRIGATION
6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 2.22 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 31, 1981; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 6th day of FEBRUARY, 1979

WATER RIGHTS COMMISSION

By:

John Hallett
 Chief Engineer, Executive Officer

Certificate of Construction Issued SEPTEMBER 22, 1982Water License Issued SEPTEMBER 22, 1982



COOPERATIVE EXTENSION SERVICE

SOUTH DAKOTA STATE UNIVERSITY,
United States Department of Agriculture,
and County Cooperating.

Charles Mix County
Extension Office
Box 188
Lake Andes,
South Dakota 57356
(605) 487-7666

January 10, 1979

Dept. of Natural Resources
Joe Foss Building
Pierre, SD 57501
Attn: Burt Jones

Dear Burt:

Enclosed is the application for permit for Holzbauer Bros. for SE 1/4 of Section 3, T 96 - R 63 in Charles Mix County. This land and original permit is in the name of Charles or Glen Anrens, the owners of said land.

This application is to dig a new well to be located 3/8 mile south of original well. The old well is 21 years old, the casing fell in and it is not now suitable for irrigation. The new well will be immediately south at the other end of the underground pipe. Both fields, the NE 1/4 and SE 1/4 of Section 3 were irrigated from the existing well and will continue to be irrigated by the new well. The new well will be in the same aquifer as the original. Everything will remain the same except the point of diversion will be located approximately 3/8 mile south.

Sincerely,

Arnold Rieckman
County Extension Agent

AR/nms

enc

STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-6-3 AS AMENDED
(THIS FORM REQUIRED FOR PROPOSED GROUND WATER IRRIGATION ONLY)

NAME Holzbauer Bros.
ADDRESS Wagner, SD 57380
COUNTY Charles Mix

LEGAL DESCRIPTION

1. WELL LOCATION SE 1/4 Section 3, T 90, R 63
2. LOCATION OF AREA TO BE IRRIGATED same as existing permit

TYPE OF IRRIGATION

3. GRAVITY _____ TOWLINE _____ CENTER PIVOT x GUN _____
4. CROPS TO BE IRRIGATED corn and small grain

WATER QUALITY

5. SAMPLE NUMBER _____
6. SALINITY (EC X 10⁶) _____
7. SODIUM (SAR) _____
8. RESIDUAL SODIUM CARBONATE (meq/l.) _____

I do hereby certify that a chemical analysis of the ground water representative of that used to irrigate shall be acquired from South Dakota State University and: the soils information has been acquired from Charles Mix Conservation District, County Extension office or Soil Conservation Service.
and:
that the legal description for the location of the well and land to be irrigated is true and correct.

Holzbauer Bros. & Son
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS
10 DAY OF February 19 77.

Matthew Thomas Rapp
(TITLE OR SEAL)

APPROVED/DISAPPROVED

RECEIVED
(SOILS INFORMATION ON REVERSE SIDE)

INSTRUCTIONS FOR PREPARING F 1 W1 #1

LEGAL DESCRIPTION:

Line 1 - show legal description to nearest 40 acres.
Line 2 - show legal description to nearest 40 acres.

TYPE OF IRRIGATION:

Complete lines 3 and 4.

SOILS INFORMATION: (please see example on reverse side)

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

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

WATER QUALITY:

The applicant must send a sample of the ground water to be used for irrigation to the Water Quality Laboratory, Water Resources Research Institute, South Dakota State University, Brookings, South Dakota 57006.

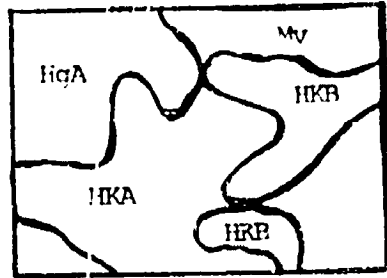
A report of the analysis will be mailed to the State Conservation Commission by the Water Quality Laboratory. The applicant will also receive an analysis report for his records.

Certification must be completed by applicant and notarized or attested to by Register of Deeds, Registered Professional Engineer, or Conservation District Official.

E X A M P L E

SOILS INFORMATION

SE 1/4, Section 23, T-2N, R-51E



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

Permit No. 1619-3A

Water Diversion No. 3 Missouri River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Holzbauer Bros.

_____ the holder _____ of
Permit No. 1619-3A, issued upon Application No. 1619-3A, bearing date of priority of September 17,
1956 authorizing the diversion of 2.22 cu. ft. per second of the waters of _____
groundwater (one well) County of Charles Mix, State of South Dakota at _____
point south 66° west 1450 feet from E4 corner of Section 3 - T26N - R63W

_____ 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 September 22, 1980


JOHN HATCH, Chief Engineer
Water Rights Division

WATER LICENSE NO. 1619-3A

(1) WHEREAS, On the 12th day of January A. D. 1979 Holzbauer Bros.

made Water Right Application No. 1619-3A for a permit to use 2.22 cubic feet per second of the waters of groundwater (one well) County of Charles Mix, State of South Dakota, for Irrigation purposes and

(2) WHEREAS, On the 31st day of January 11 A. D. 1979 Permit No. 1619-3A, with a date of priority of September 17, 1956 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 31st day of January 11 A. D. 1980 and for the application to beneficial use of said water on or before the 31st day of January 11 A. D. 1981

WHEREAS, on September 22, 1980 the applicable portions of Water Right No. 1619-3 have been incorporated into this Water License No. 1619-3A,

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, to irrigate the following lands all in Section 3 - T96N - R63W

	Acres
NW 1/4 NE 1/4	32.2
SE 1/4 NE 1/4	35.1
NE 1/4 NE 1/4	32.2
SW 1/4 NE 1/4	35.1
NW 1/4 SE 1/4	37.0
NE 1/4 SE 1/4	37.0
SW 1/4 SE 1/4	17.0
SE 1/4 SE 1/4	13.0
Total	234.6

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 Holzbauer Bros.

_____ of Wagner, South Dakota

the holder S and owner S of said permit No. 1619-3A a water right, dating from September 27, 1956

_____ to use of 2.22 cubic feet per second of the waters

of groundwater (one well)

in the County of Charles Mix and State of South Dakota, or so much thereof as may be necessary for the

purposes hereinbelow mentioned, to be diverted at a point south 66° west, 1450 feet from E1 Corner of

Section 3 - T96N - R63W

and conducted to and upon _____

portions of land all in Section 3 - T96N - R63W more fully

described on the face of this License.

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 1619-3A and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota

this 22 day of September A.D.

Nineteen Hundred and Eighty

WATER MANAGEMENT BOARD

By:

John Hatch

Chief Engineer, Executive Officer JOHN HATCH

No. 1619-3A

Publish first publication, on or before _____

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

January 18, 1979

Notice is hereby given that Holzhauser Brothers whose post office address is Wagner, 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 Commission Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to change the location of the point diversion to appropriate for beneficial use 2.22 cubic feet of water per second of time from ground water ^{new} through the Ahrens Irrigation Project #1 the ~~point~~ of diversion of which is ~~(xxx)~~ to be located in the NW 1/4 SE 1/4

of Section 5, Twp. 96N, Range 63W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

E 1/2 Section 3, T26N, R 63W

This Application No. 1619-3A will be considered by the Water Rights Commission at SDEA Auditorium, 411 E. Capitol, Pierre, ^{South Dakota} upon the 31st day of January, 1979

at 10 A.M. The Commission 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 Commission decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Commission 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 Commission may be appealed to the Courts as provided by law.

WATER RIGHTS COMMISSION

BURTON F. JONES
Water Rights Specialist

cc: Holzhauser Brothers, Wagner, SD 57380

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County Charles Mix) ss.

I, John Engländer hereby

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

Water was taken from the Wagner Pool

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 Wagner

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

January 18-1979

January 25-1979

John Engländer
(Signature)

Publisher
(Title)

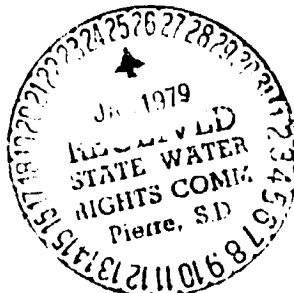
1-25-79
(Date Signed)

Public Notice

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501
January 18, 1979

Notice is hereby given that Holzbauer Brothers whose post office address is Wagner, 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 Commission Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to change the location of the point diversion to appropriate for beneficial use 2.22 cubic feet of water per second of time from ground water through the Ahrens Irrigation Project #1, the new point of diversion of which is to be located in the NW 1/4 SE 1/4 of Section 3, Twp. 96N, Range 63W. Said water to be used for the purpose of providing irrigation on portions of the following described land: E1/2



RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

N^o 4 6699

PIERRE, January 12, 1979

RECEIVED OF Helzlsouer Brothers, Wagner, SD 57380

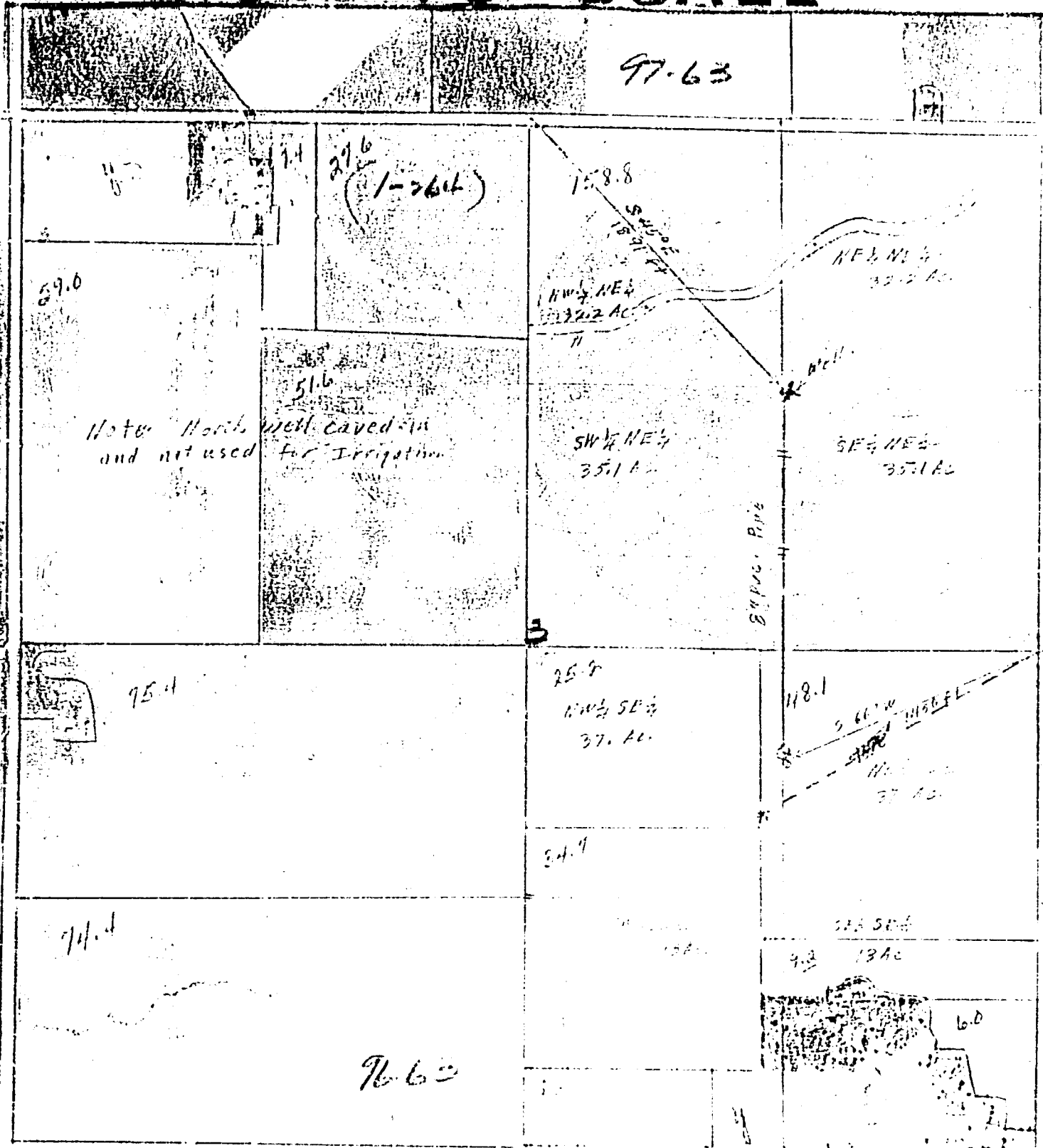
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. <u>14-12-3A</u> (examination, processing, recording and filing) -----	150	0
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 filing -----		
Fee for certified copy of -----		
Fee for Print copy of map -----		
Fee for Certifying -----		
Fee for ----- (any other work as provided by law)		
TOTAL	150	00

WATER RIGHTS COMMISSION

By (Signature)
Chief Engineer, Executive Officer
JOHN HATCH gy

NOT TO SCALE



MAP No 217-3 APPL. 1619-3A
1619-3

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 7666

PIERRE, August 29, 19

RECEIVED OF Holzbauer Bros. Water Co. 57380

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) _____		
Fee for inspecting Construction, and issuing Cert. of Construction No. <u>1619-3A</u>	50	00
Fee for inspecting Beneficial Use, and issuing Water License No. <u>1619-3A</u>		
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 John Baigh
Chief Engineer, Executive Officer
JOHN BAIGH kw

Permit No. 1619-3AWater Division 3 Missouri River Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

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

I have this day made a thorough examination of the water use system constructed by Holzbauer Bros. of Wagner, South Dakota 57352 holder of Permit No. 1619-3A, bearing date of priority of September 17, 1956 authorizing the diversion of 2.22 cu. ft. per second of the waters of One Well for Irrigation purposes, in Charles Mix 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:

Engine - Chrysler Industrial, V8 - Propane. Model H 440 - 353
Ser # E 278603
Pump - Western Band Roller - Ser # 757133, Head - SM-3-12C-14

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

1430 ft. 8" dia. PVC Pipe

C. Works used to apply water to beneficial use.

Valley Center Pivot, Model 1041, Ser # 3999.

The system is in the following condition: GoodThe point of diversion is located S 66° W 1430 ft. from E 1/4 Cor. of Sec 3
T96N R62WThe works are capable of diverting and conveying to the place of use 2.22
cu. ft. per second of water which is to be used for IrrigationWater has been put to beneficial use to the maximum extent as follows: All in Sec. 3, T96N R62W

NE 1/4 NE 1/4 - 32.2 Ac., NE 1/4 NE 1/4 - 32.2 Ac., SW 1/4 NE 1/4 - 35.1 Ac.
SE 1/4 NE 1/4 - 35.1 Ac., NW 1/4 SE 1/4 - 37.0 Ac., NE 1/4 SE 1/4 - 37.0 Ac.
SW 1/4 SE 1/4 - 13.0 Ac., SE 1/4 SE 1/4 - 13.0 Ac.

comprising a total of 234.6 acres of land.

Well data

Depth 204 ftPumping 1000 gpmcapacity 1100 + gpm

Note this permit includes all of the
relevant data of Permit 16193.

Permit 16193 will be cancelled.

Date

July 28, 1979

Leroy J. McManugh
(Signature)



Department of Water & Natural Resources

Joe Foss Building Water Rights Division
Pierre, South Dakota 57501

(605) 773-3352

September 23, 1980

Holzbauer Bros.
Wagner, SD 57380

Dear Mr. Holzbauer:

Enclosed herewith are, Water License No. 1619-3A and Certificate of Construction.

Water License No. 1619-3A is the final water right document completing your process of obtaining a water right.

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

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH: bt

enclosures

The applicable portions of Water Right #1619-3 have been incorporated into this Water License No. 1619-3A.

WNR-817-7/79
Transmittal of Water License



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

Water Rights Division
605 773-3352

February 5, 1986

293-3
1619-3A
2533-3
3700-3
3706-3
3707-3
3736-3

Leo Holzbauer
RR 1, Box 170
Wagner SD 57380

Dear Mr. Holzbauer:

Enclosed are partially completed transfer forms pertaining to Water Right Nos. 293-3, 1619-3A, 2533-3, 3700-3, 3706-3, 3707-3 and 3736-3. To complete the forms, they will need to be signed by the owner in the presence of a notary public. Upon completion of the transfer forms, please return them to this office with a required filing fee of \$2.50 each, a total of \$17.50.

Upon receipt of the forms and filing fees in our office, the above water right numbers will be transferred to the appropriate parties. You will then be notified that the transfers have been completed and receipts for filing fees you paid will be forwarded to you.

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

If you have any questions, please contact us.

Sincerely,

JENNY MCMAHON
Natural Resources Analyst

GM:ks

enclosures

NOTE: Thank you for stopping by our office to complete your irrigation questionnaires.

Water Rights Division - DWR
Conversation or File Documentation

File No. 293-3
1619-3A
2583-3
3700-3
3707-3
3736-3

NAME OF PERSON OR FILE: Leo & Gary Holzbauer
ADDRESS: Wagner, SD COUNTY
DATE: April 24, 1986 TELEPHONE
RE: ownership of permits under name of Holzbauer Brothers

COMMENTS:

Leo & Gary called to clear up a misunderstanding about transfer of water permits under the name of Holzbauer Brothers. They had previously indicated that certain questionnaires should be sent to them instead of Holzbauer Bros because they were buying the land on a contract for deed.

At this time, they want the permits left as is, with the yearly irrigation questionnaire sent in-care-of either Leo or Gary. They want the permits to remain this way until the actual title to the lands changes hands which will be when the contracts are paid off.

No. 293-3 (Lawrence Holzbauer):	SEND TO:
No. 2583-3 (Holzhauer Brothers):	Leo Holzbauer
No. 3700-3 (" "):	RR #1, Box 170, Wagner, SD 57380
No. 3707-3 (" "):	
No. 3736-3 (" "):	

No. 1619-3A (Holzbauer Bros):	SEND TO:	Gary Holzbauer
		RP #1 Box 89
		Wagner, SD 57380

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

NAME: Henry Imachi



Department of Water & Natural Resources

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

December 15, 1986

1619-3A

Gary Holzbauer
RR 1, Box 89
Wagner SD 57380

Dear Mr. Holzbauer:

In response to our telephone conversation, enclosed is a copy of Water License No. 1619-3A. The license is listed under Holzbaue: Brothers with you as the operator.

I have also enclosed a copy of the April, 1986 telephone conversation sheet which explains what transpired as far as the transfers of the water rights under Holzbauer Brothers. As you will note, Water Permit or Rights Nos. 293-3, 2583-3, 3790-3, 3707-3 and 3736-3 have Leo listed as the operator.

If I can answer any questions for you, please advise.

Sincerely,

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

GENNY MCMATH
Natural Resources Analyst

GM:ks

enclosure

 **Department of
Water & Natural Resources**

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

February 14, 1989

293-3
1619-3A
2583-3
3700-3
3706-3
3707-3
3736-3

Leo Holzbauer
RR #1 Box 170
Wagner, SD 57380

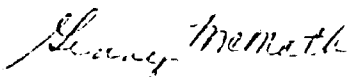
Dear Mr. Holzbauer:

In response to our telephone conversation, enclosed are partially completed "Notice of Transfer" forms for use in filing ownership changes on Water Right Nos. 293-3, 1619-3A, Water Permit Nos. 2583-3, 3700-3, 3706-3, 3707-3 and 3736-3. The permits, with the exception of No. 293-3 (Lawrence Holzbauer), are all listed in the name of Holzbauer Brothers.

Please complete the forms and have them signed and notarized. Upon completion, return them to our office with a required filing fee of \$2.50 each (total of \$17.50).

If you have any questions, please contact us.

Sincerely,



GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosure



1619-3A

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date December 3, 20 02

RECEIVED OF Gary Holzbauer, 39588 292nd st., Wagner SD 57380

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use		
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>1619-3A</u>	2	50
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. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No. 000000

By

Darland White

Chief Engineer

[Signature]

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1619-3A

Date: RECEIVED

DEC 03 2002

WATER RIGHTS
PROGRAM

I/We request that Water Right No. 1619-3A

formerly owned by: Holzbauer Brothers

be transferred to: (name & address) Gary Holzbauer, 39588 292nd St
Wagner SD 57380

Telephone No. 384-5896

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

234.6 acres - E 1/2 Section 3, T96N, R63W

I/We understand that the validity of Water Right No. 1619-3A 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 Two Dollars and Fifty Cents (\$2.50) 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 Gary Holzbauer, the new owner, certify that the above information is true and correct.

Gary Holzbauer
(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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 4, 2002

Gary Holzbauer
39588 292nd St
Wagner SD 57380

1619-3A

Dear Mr. Holzbauer:

I am writing in regard to the ownership change you filed for Water Right No. 1619-3A. The transfer has been completed. The water right formerly listed in the name of Holzbauer Brothers is now listed in your name.

Enclosed is your Receipt No. 000401 in the amount of \$2.50. If I can answer any questions for you, please contact me.

Sincerely,

Genny McMath

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

enclosure