

WATER PERMIT NO. 1619B-3

Name of Applicant: Gary Holzbauer

Address: 39588 292nd St, Wagner SD 57380

Phone: 605 384-5296

Amount of Water Claimed: no add'l

Total Acres: no add'l

Source of Water Supply: groundwater (one additional well)

Water to be used for: irrigation

County: Charles Mix

Type of Waste Disposal System:

Location: 5 miles north of Wagner

PRIORITY Date Received: 12-3-02

Application/License Fee: \$100

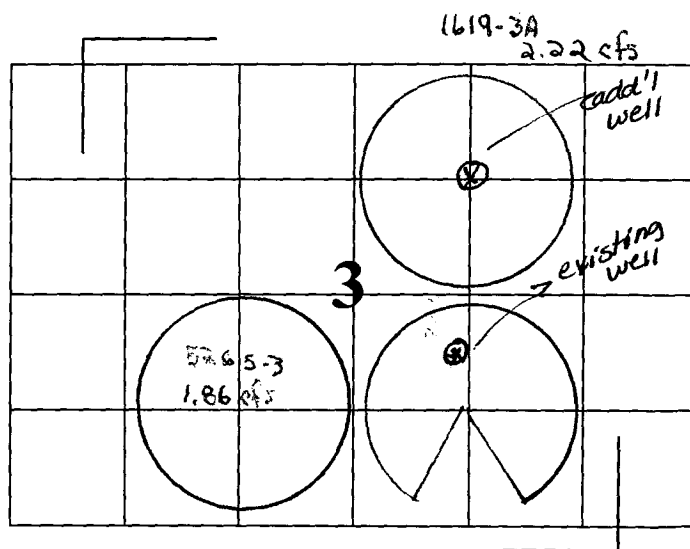
Corrected Application Received: 1-27-03

Period of Annual Use: April 1 – October 31

Remarks: plan to drill additional well with no increase in the authorized diversion rate of 4.08 cfs under Permit Nos. 1619-3A & 5265-3

Diversion Point: center of NE ¼ Sec 3-T6N-R63W

Land to be Irrigated: E½, SW ¼ Sec 3-T96N-R63W



Depth of Well: 211 feet deep

Well Driller:

Remarks:

Type of Map: aerial photo

Prepared by: Jeff Schafer

Reviewed and the Number Assigned on: 1-22-03

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 1619B-3

Date of first receipt of application December 3, 2002.

Date of return to applicant for corrections, amendments or changes December 16, 2002.

Date of receipt of corrected application January 21, 2003.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1619B-3 to Gary Holzbauer, 39588 292nd St, Wagner SD 57380 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 1619B-3 authorizes an additional diversion point to Water Right Nos. 1619-3A and 5265-3. Water Right Nos. 1619-3A and 5265-3, combined, appropriate a total of 4.08 cubic feet of water per second (cfs) from one well located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3 to irrigate 364.6 acres located in the E $\frac{1}{2}$, SW $\frac{1}{4}$ Section 3; all in T96N-R63W. This permit authorizes an additional well (Choteau: West Aquifer) 211 feet deep located in the approximate center of the NE $\frac{1}{4}$ Section 3-T96N-R63W. No increase in the diversion rate or number of acres irrigated is authorized by this permit.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The dates from which applicant may claim right are September 17, 1956 for 2.22 cfs (established by Water Right No. 1619-3A) and January 19, 1989 for 1.86 cfs (established by Water Right No. 5265-3).
4. The date of approval of Permit No. 1619B-3 is April 7, 2003.
5. One-fifth of the construction is to be completed on or before October 7, 2005.
6. All construction is to be completed on or before April 7, 2008.
7. Water is to be put to beneficial use on or before April 7, 2012.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Water Permit No. 1619B-3 incorporates Water Right Nos. 1619-3A and 5265-3 for the purpose of defining the irrigation project as one water use system. The priority dates of September 17, 1956 (2.22 cfs to irrigate 234.6 acres) and January 19, 1989 (1.86 cfs to irrigate 130 acres) established by Water Right Nos. 1619-3A and 5265-3 are retained.
2. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

(continued)

3. The new well authorized by Permit No. 1619B-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:28.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Garland Erbele
Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

APR 17 2003

date



Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>1619B-3</u>	(office use only) Hydrologic Unit <u>10170101</u>	RECEIVED DEC 03 2002 WATER RIGHTS PROGRAM
	Basin <u>Missouri River</u>		
	Newspaper <u>Wagner Post, Wagner</u>		

Application For Permit To Appropriate Water For Irrigation

Type of Application: New Vested Right Amendment/Correction to Permit No.
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)
add additional div. point to Water Right No. 1619-3A & 5265-3

1. Name of Applicant Gary Holzbauer Phone 384-5296
(check one) Owner Tenant/lessee
Mailing Address 39588 292nd St Wagner SD State 57380
(Street, RR, or Box and City) (Zip Code)

2. Amount of water claimed no add'l CFS or **GPM ***AF Total Acreage no add'l
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply additional well

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) approximate center of the
NE 1/4 Section 3, T96N R63W
County Charles Mix

5. County or counties where water will be used Charles Mix

6. Annual period during which water is to be used April 1 - Oct. 31

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
SE 1/4 Sec 3 T96 R63W			
NE 1/4 " " "		see Nos. 1619-3A & 5265-3	
SW 1/4 " " "			

8. Give a description of the project. (Attach sheet if more space is needed)

Plan to drill additional well with no increase in the authorized
div. rate of 4.08 cfs under Nos. 1619-3A & 5265-3

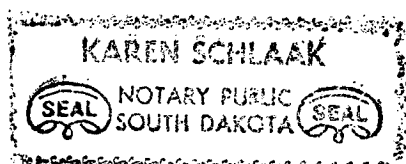
STATE OF SOUTH DAKOTA) SS
County of Hughes

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, Gary Holzbauer, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature Gary Holzbauer

Subscribed and sworn to before me this 3rd day of December 20 02



Karen Schlaak
Notary Public signature
my commission expires 4/1/07

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 16" Depth 211 ft
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others _____

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System _____

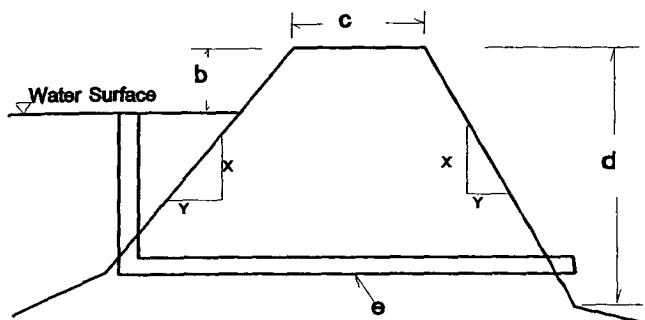
3. Dugout Information

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

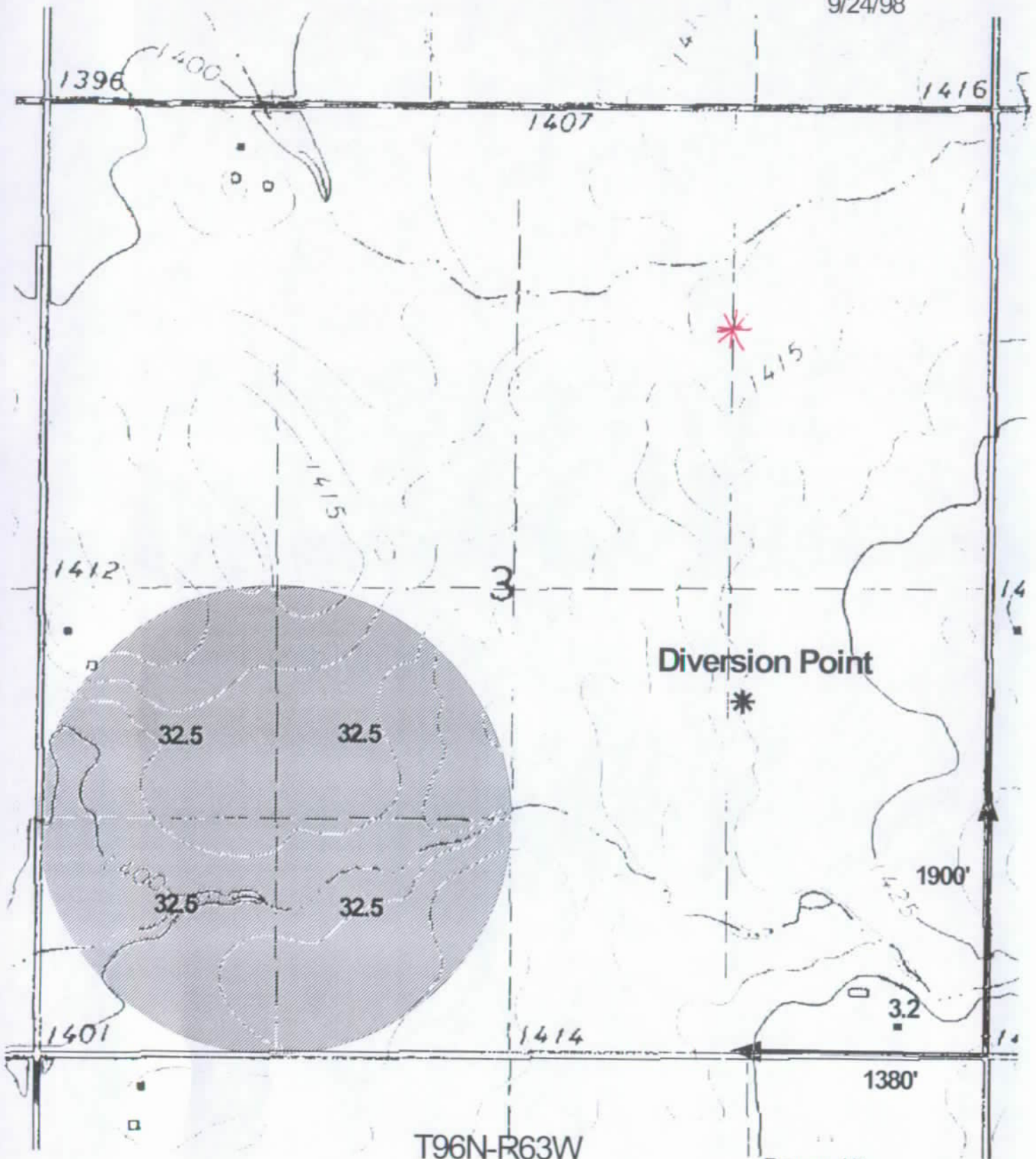
- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:



- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope _____
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

Inspection Map Water Permit No. 5265-3

9/24/98



Prepared By:

Jeff Shafer

Jeff Shafer
Natural Resources Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 16, 2002

Gary Holzbauer
39588 292nd Street
Wagner SD 57380

Dear Mr. Holzbauer:

I have had an opportunity to further review the request you filed to drill an additional well in the approximate center of NE ¼ of Section 3, T96N, R63W. Currently, one well is used on an alternating basis to operate pivots placed on three quarters in Section 3. Specifically, Water Rights Nos. 1619-3A and 5265-3 authorize:

Water Right	Diversion Rate (gpm)	Acres	Location
1619-3A	1,000	234.6	NE ¼ and SE ¼ Section 3
5265-3	835	130	SW ¼ Section 3

Since both water rights utilize the same well the amount of water is not necessarily the total of both water rights (1,835 gpm) but instead to the actual production capability of the well. A licensing investigation of the water rights in August of 1998 found the well capable of diverting 1,000 gpm.

You indicated a desire to put in the new well so that two pivots could operate at the same time. If this is the case, I believe you would increase the diversion rate above the 1000 gpm historically diverted. This would then require a new permit for the additional diversion rate. On the enclosed sheet, please complete the blanks and return to me in the self addressed stamped envelope. Also, for this application a filing fee of \$200 will need to be submitted.

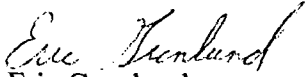
When you were in the office, you indicated that you needed around 1,800 gpm to operate two pivots at a time. This would require an additional diversion rate of 800 gpm. However, we also talked about you getting enough production from the wells to be able to operate all three pivot at the same time. To operate all three pivot, I recall you saying it would take 2,400 to 2,500 gpm. This would require an additional diversion rate of approximately 1,500 gpm.

If I am not correct and the existing well does produce 1,800 gpm, please let me know. Also provide information on the type of pump and motor installed in this well.

In talking to Jim Goodman, our groundwater expert, regarding water appropriations in this area. This area was very controversial back in the late 1970's early 1980's. Because of this it is unlikely we would proceed under the administrative method to allow the additional well. Instead, we'd require the more formal process which includes public notice. My thought is since your going through the public notice process you might as well also apply for the diversion rate that would optimize your irrigation system.

I realize this may be somewhat confusing, please contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Eric Gronlund".

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosure

January 4, 2003

Eric Gronlund
Water Rights Program, DENR
523 E. Capitol Avenue
Pierre, SD 57501

Dear Mr. Gronlund,

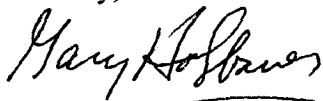
After receiving and reviewing your letter wrote on December 16 and talking to you on the phone, I feel that I must inform you on some of the happenings within my life that pertain to the question of my water rights and an additional diversion point.

In 1970 I started a farming partnership. Together we obtained two farms that we worked on jointly. In 1985 my partner decided that he no longer wanted to be in partnership. The land was split half and half. My partner kept the farm that he was living on and I kept the land that I was living on. However, the lending agencies, Federal Land Bank and FHA, would not divide the loans on the land. My partner's name was still on my farm. This caused a problem when I tried to acquire money for irrigation equipment to use the 1835 gpm allotted to me. My partner's finances were tied to mine, and the land that was mortgage to back the remaining land loans for my partner and myself consisted of only my farm ground. When lending agencies saw these twisted financial factors, I could not receive funding.

Within the last year my partner sold his farm, and he paid off his share of the loans. His name was then cleared from my land. With his name off the deed my lender agreed to proceed with the purchase of irrigation equipment, only to find that you have questions about not using my total 1835 gpm.

The separation of the partnership and its results were beyond my control. Due to the legal proceedings of the broken partnership, I was unable to use all of my allotted water. I believe that I made every attempt to use the allotted water, but do to legal practicalities could not. Because of this I believe that I should not loose my water rights or my seniority to the additional 835 gpm. The original well was and is capable of producing 1835 gpm, but I was unable to acquire the equipment to make this happen. Now that things are cleared up I wish to continue with my plans of using the entire 1835 gpm allotted for my original well, but through two diversion points because I believe that it would be more economical and efficient.

Sincerely,



Gary Holzbauer
(605) 384-5296

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JAN 09 2003
WATER RIGHTS
PROGRAM



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 15, 2003

Gary Holzbauer
39588 292nd Street
Wagner SD 57380

Dear Mr. Holzbauer:

As I discussed with you on the phone, in order to process your application for one additional well to Water Right Nos. 1619-3A and 5265-3 you will need to submit a filing fee of \$100 to the Water Rights Program.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosure

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date January 21, 20 03

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. <u>Amendment to 1619-3A & (1417E-3) 565265-3</u> 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. <u>1417E-3</u>	50	00
Fee for Filing Transfer Form _____		
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	100	00

No.

0005E7

By

Darland Erbe
Chief Engineer *gm*

REPORT ON WATER PERMIT APPLICATION NO. 1619B-3
For Gary Holzbauer
February 11, 2003

Application No. 1619B-3 is an application for an additional point of diversion to Water Right Nos. 1619-3A and 5265-3. Water Right Nos. 1619-3A and 5265-3 combined, appropriate a total of 4.08 cfs from one well located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of section 3 to irrigate 364.6 acres located in the E $\frac{1}{2}$, SW $\frac{1}{4}$ of section 3; all in T96N R63W in Charles Mix County. This application proposes to drill an additional well approximately 211 feet deep located in the approximate center of the NE $\frac{1}{4}$ of section 3, T96N R63W. No increase in the diversion rate or number of acres irrigated is authorized by this application. This application, if approved, will retain the 1956 and 1989 priority dates established by Water Right Nos. 1619-3A and 5265-3.

AQUIFER – CHOTEAU WEST (CH-W)

The Choteau West is a buried outwash (sand and gravel) and western origin stream deposits (Kume, 1977). The aquifer is overlain by glacial till and is under confined or artesian conditions. The Choteau West underlies 169,600 acres and contains an estimated 1.225 million acre-feet of recoverable water in storage in Charles Mix County (Hedges, 1982). The aquifer extends into Hutchinson and Douglas Counties to the north and east and into Bon Homme County to the southeast. The aquifer is also hydraulically connected to the Niobrara Formation and the Codell Sandstone in the subsurface.

No test well information was supplied with the application; however, existing irrigation well data (in the same section, also an abandoned irrigation well drilled at the same location), county study information and water right observation well data all indicate that the aquifer is present at this site.

The Water Rights Program monitors six observation wells within a three mile radius of this application. Four of these observation wells are completed into the Choteau aquifer and the other two are completed into the Delmont aquifer. Water levels for these wells show good response to pumping and to climatic conditions. Area irrigation pumping creates fluctuation of 20 to 40 feet annually in the Choteau aquifer. Recharge is indicated by the gradual upward trend during the 1990's. The water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2003).

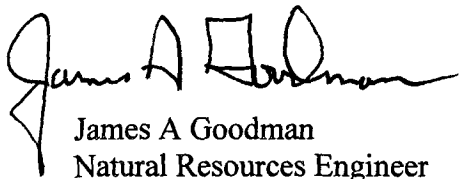
REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing water rights are Nos. 311-3, 1619-3A and 5265-3. The well for this application is located about one-half mile southeast of the well for Water Right No. 311-3 and less than one-half mile north of the well for 1619-3A and 5265-3. Interference will occur. That is, drawdown created by pumping will overlap among the wells. This is not expected to be adverse nor cause impairment of any other existing rights. The two existing irrigation wells have been in use for many years with the water levels well documented by the observation well records. Adding another well will increase the

amount of drawdown but this not expected to significantly alter the hydrologic conditions in the area. The observation well records reinforce this concept (Water Rights, 2003).

CONCLUSIONS

1. Water is available from the Choteau West aquifer.
2. Interference is not expected to be a concern. Drawdown will increase as a result of this withdrawal, first because this well will be closer to existing wells and second because there will be a diversion rate increase. However, this is not expected to adversely affect existing water rights.
3. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.
4. Water from the Choteau aquifer can be of marginal quality for irrigation use. The applicant needs to be aware of the potential for soil water compatibility problems.
5. There was an irrigation well in the same area as this application many years ago. If the old well has not been properly abandoned then it should be plugged pursuant to SD Well Construction Standards.
6. After reviewing these two Water Right Nos. 1619-3A and 5265-3, it seems that the license for 5265-3 is issued in error. Both of these water rights used the same well as a water source and the well did not produce 4.08 cfs. In simple terms, the well and pump did not produce enough water to run both systems at the same time. This application now asks to use an additional diversion point with no additional water. Based upon the licenses, I do not think there is the additional water.
7. If the license for Water Right No. 5265-3 is determined to be valid for 1.86 cfs , then this new well could be used to supply this land, however, this new well is not being placed in the quarter authorized by No. 5265-3 nor will the new well supply water to this land. The new well will be place upon lands already irrigated by the existing well with a licensed diversion of 2.22 cfs. This new well could be pumped at a rate of 2.22 cfs on the E $\frac{1}{2}$ of section 3 (license 1619-3A) and the old well could be used to supply the SW $\frac{1}{4}$ of section 3 (license 5265-3) at a rate of 1.86 cfs. However, there would not be permitted water to water both pivots in the E $\frac{1}{2}$ of section 3 at the same time.
8. This application should request additional water, and then the system as built can be licensed to reflect what is actually used. Leaving the water rights in this confused state is not justified since new permits are being granted in this area. The applicant needs to be assured that his permits and rights can not be challenged on some obscure legal grounds at some later date.



James A Goodman
Natural Resources Engineer

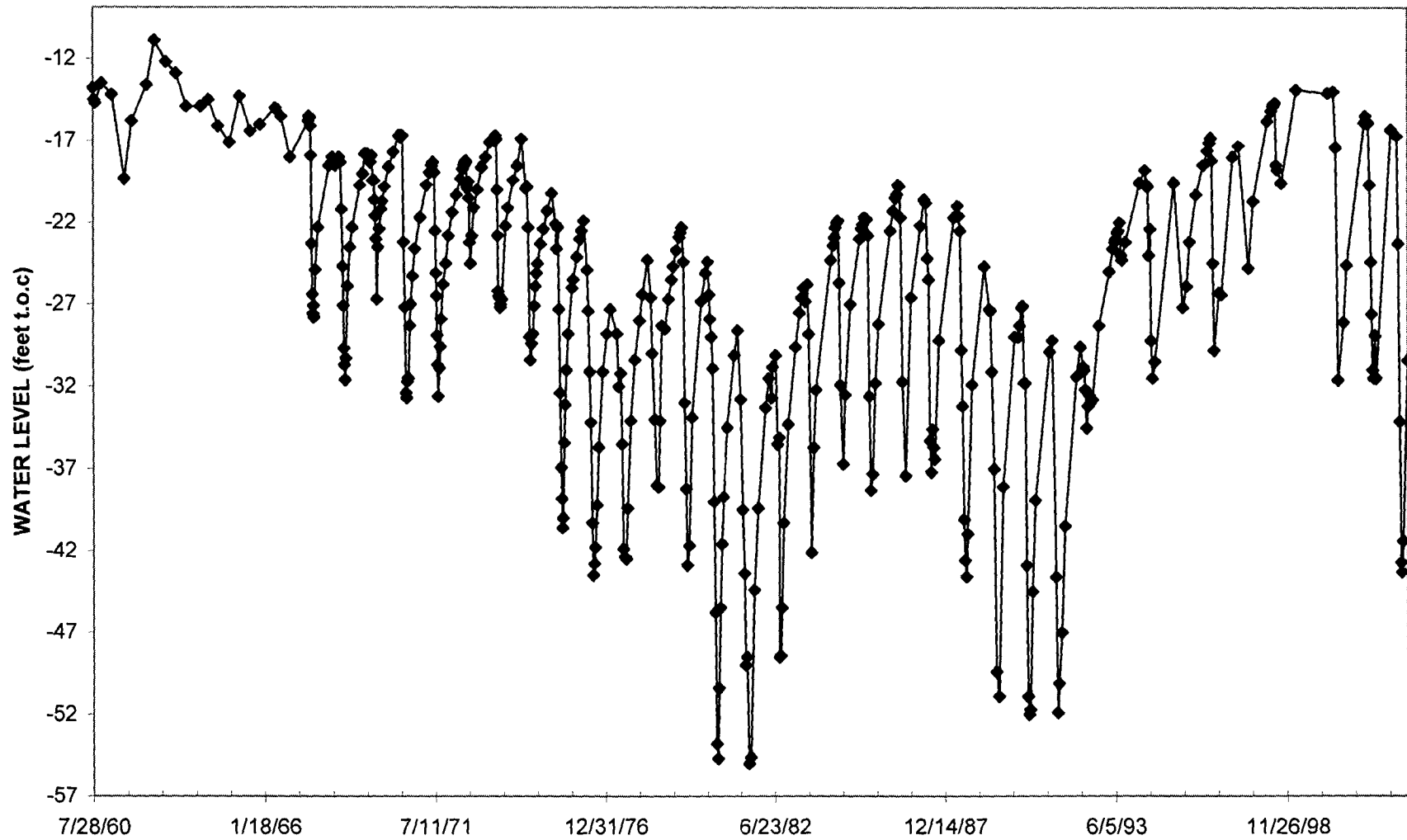
BIBLIOGRAPHY

Hedges, L.S., 1982, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD. 57069.

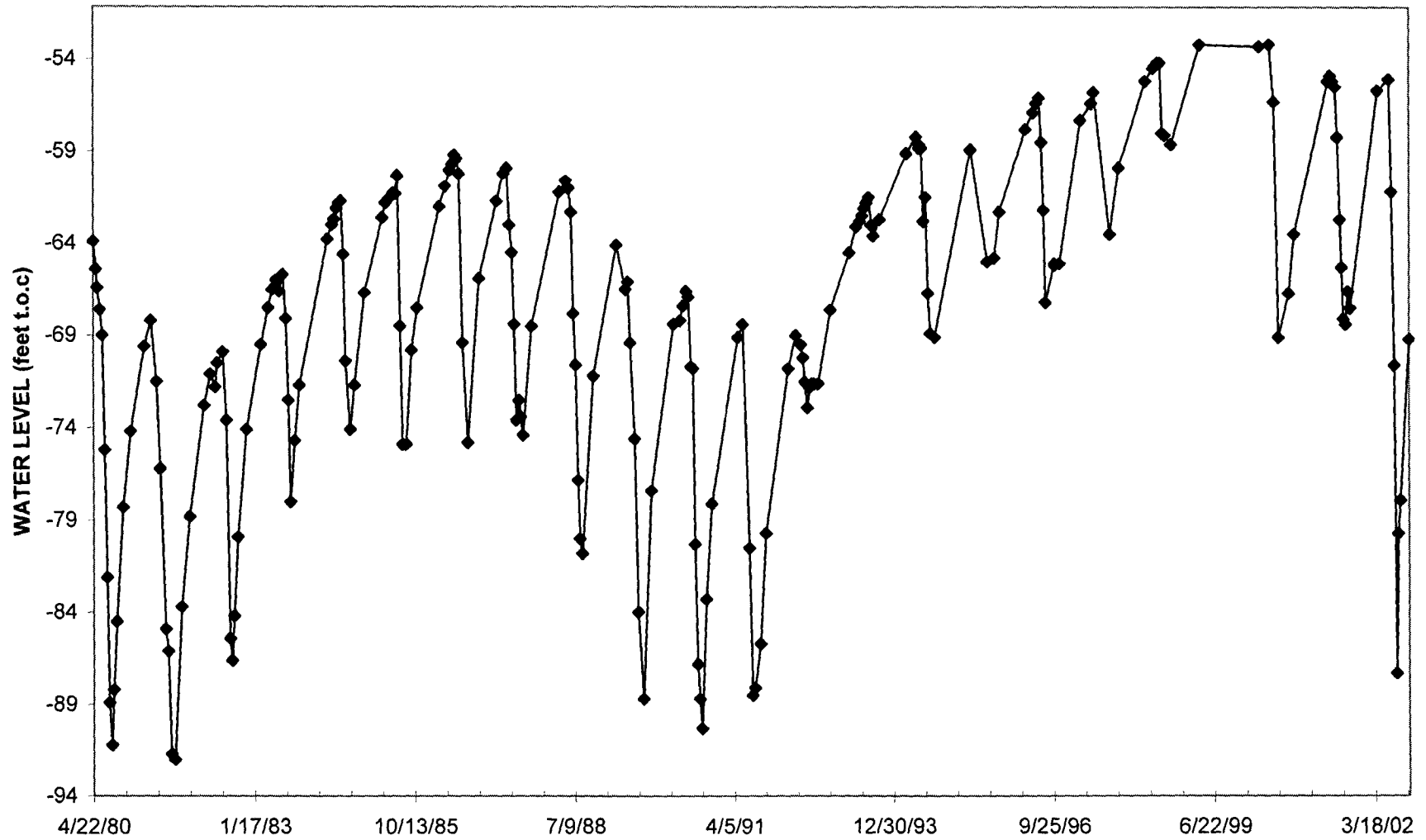
Kume, J., 1977, Geology and Water Resources of Charles Mix and Douglas Counties, South Dakota, Part II: Water Resources, Bulletin 22, SD DENR, SDGS, Vermillion, SD, 57069.

Water Rights, 2003, Unpublished Observation Well Data for Charles Mix County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

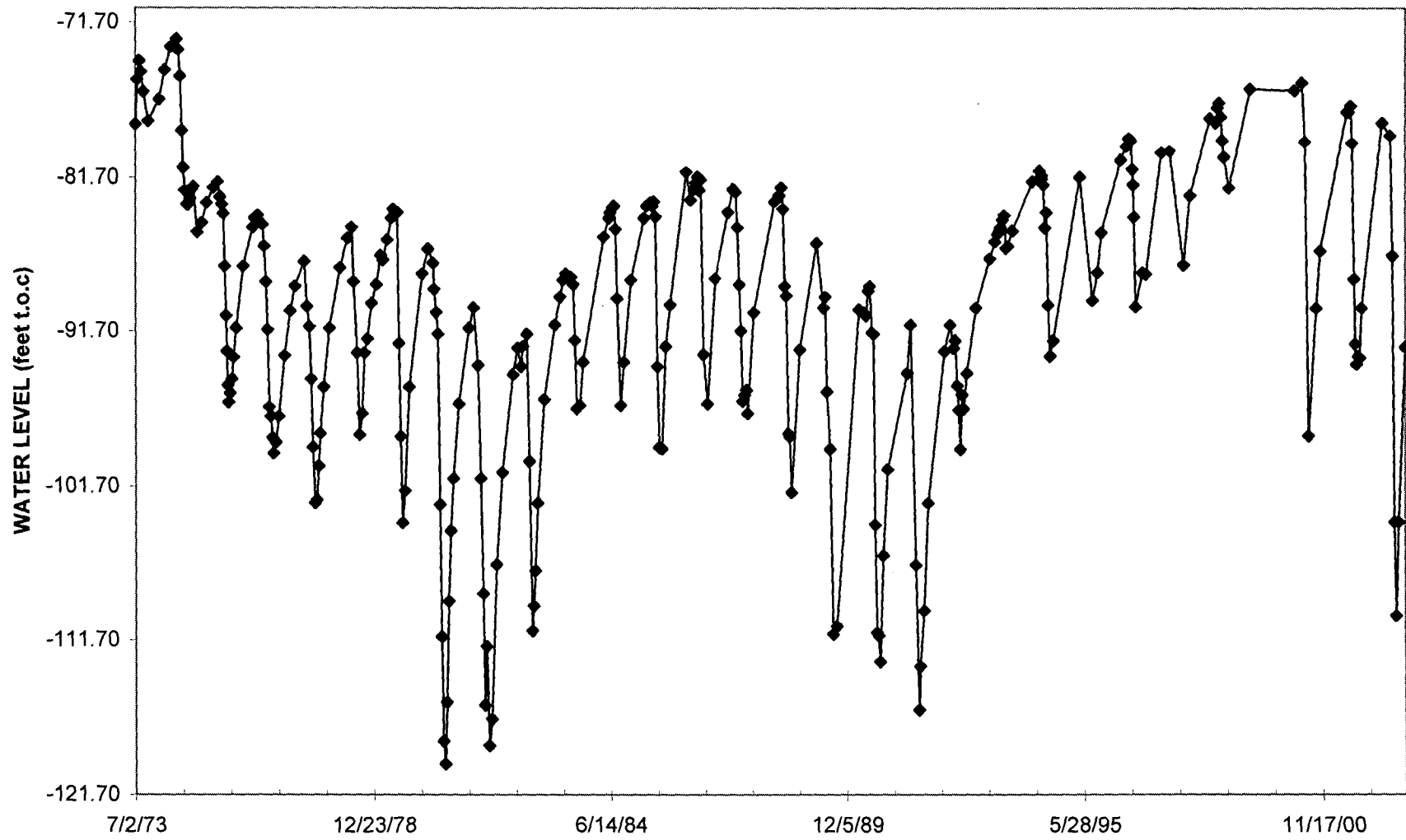
WATER RIGHTS' OBSERVATION WELL
CM-80C



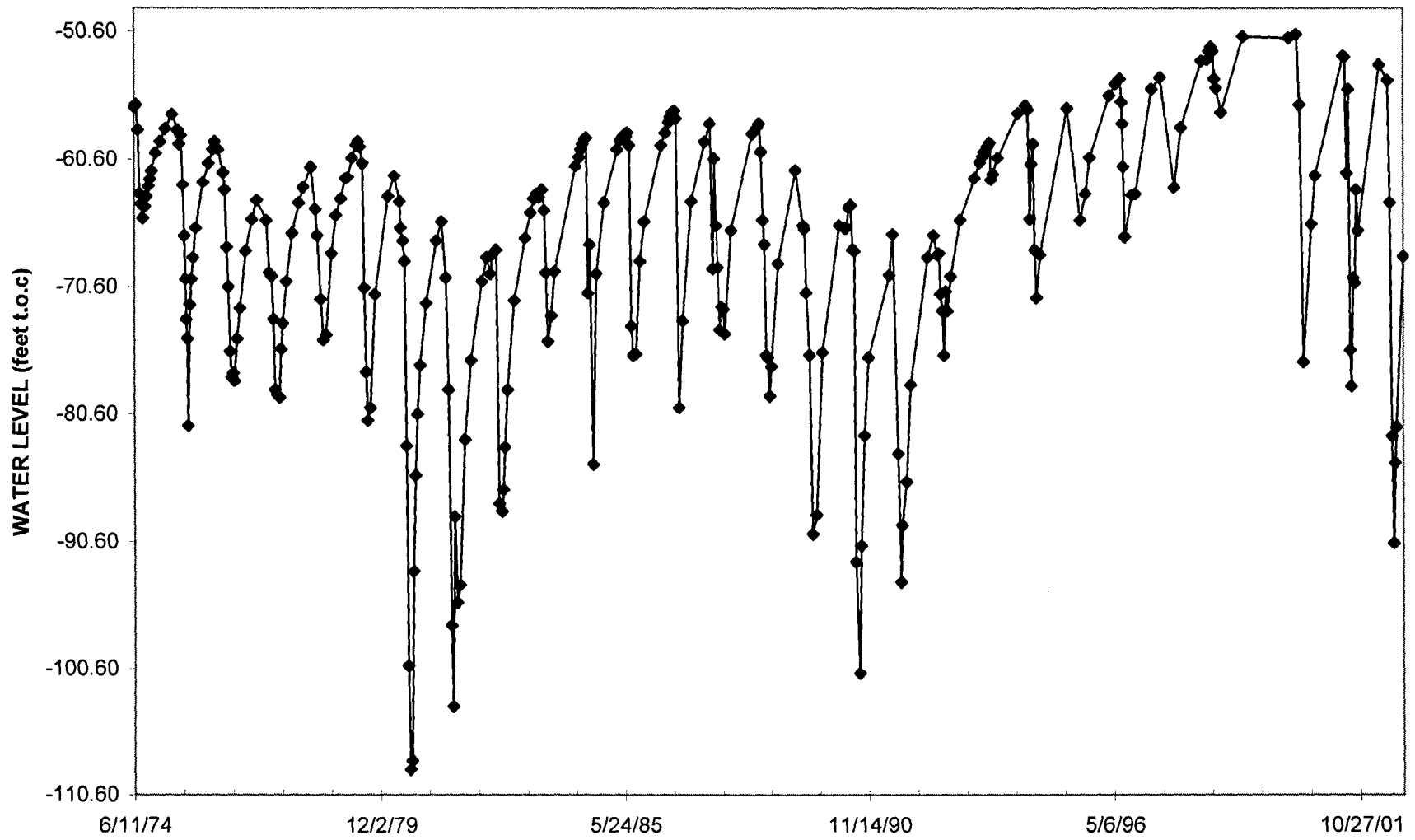
**WATER RIGHTS' OBSERVATION WELL
CM-80A**



WATER RIGHTS' OBSERVATION WELL
CM-72C



**WATER RIGHTS' OBSERVATION WELL
CM-72B**





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

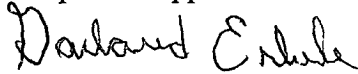
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1619B-3, Gary Holzbauer**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 1619B-3, Gary Holzbauer, 39588 292nd Street, Wagner SD 57380.

The Chief Engineer is recommending APPROVAL of Application No. 1619B-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) it is in the public interest with the following qualifications:

1. Water Permit No. 1619B-3 incorporates Water Right Nos. 1619-3A and 5265-3 for the purpose of defining the irrigation project as one water use system. The priority dates of September 17, 1956 (2.22 cfs to irrigate 234.6 acres) and January 19, 1989 (1.86 cfs to irrigate 130 acres) established by Water Right Nos. 1619-3A and 5265-3 are retained.
2. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
3. The new well authorized by Permit No. 1619B-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:28.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.


Garland Erbele, Chief Engineer
March 13, 2003

NOTE: If an old irrigation well exists in the NE ¼ of Section 3, T96N, R63W that has been abandoned it must be plugged in accordance with the South Dakota Well Construction Standards.

Affidavit of Publication

STATE OF SOUTH DAKOTA)

) SS

COUNTY OF CHARLES MIX)

Peggy Nedved, of said County and State being first duly sworn on her oath says: That *The Wagner Post* is a legal newspaper of general circulation, printed and published in Wagner, in said County and State, by Peggy Nedved, and has been such newspaper during the time herein mentioned; and that I, Peggy Nedved, the undersigned, am office manager of said newspaper in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit; a printed copy of which is hereunto attached, was printed and published in the regular and entire issue of said newspaper and not in supplement, once each week for 2 successive weeks.

1st publication made on 19 day of Mar, 2003

2nd publication made on 26 day of Mar, 2003

3rd publication made on ____ day of _____, 2003

4th publication made on ____ day of _____, 2003

5th publication made on ____ day of _____, 2003

That 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 Charles Mix for more than fifty-two successive weeks prior to the first publication of said notice, and is printed in an office maintained in Wagner, South Dakota, the place of publication of said newspaper. That the full amount of the fee for the publication of the annexed notice is

\$ 41¹³

Peggy Nedved

Subscribed and sworn to before me this 26 day of Mar, 2003.

Jan Woods

Notary Public

My commission expires 4/17/2007

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APR - 1 2003

WATER RIGHTS
PROGRAM

Public Notice

NOTICE OF APPLICATION NO. 1619B-3 TO AMEND WATER RIGHT NO. 1619-3A AND 5265-3

Notice is given that Gary Holzbauer, 39588 292nd St., Wagner, SD 57380, has filed an application for a water permit for an additional diversion point to Water Right Nos. 1619-3A and 5265-3. Water Right Nos. 1619-3A and 5265-3, combined, appropriate a total of 4.08 cubic feet of water per second (cfs) from one well located in the NW 1/4 SE 1/4 Section 3 to irrigate 364.6 acres located in the E1/2, SW1/4 Section 3; all in T96N-R63W. This application proposes to drill an additional well (Choteau: West Aquifer) 211 feet deep located in the approximate center of the NE1/4 Section 3-T96N-R63W. No increase in the diversion rate or number of acres irrigated is authorized by this application. The priority dates of September 17, 1956 for Water Right No. 1619-3A and January 19, 1956 for Water Right No. 5265-3 will be retained.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1619B-3 for an additional well with the applicable portions of Water Right Nos. 1619-3A and 5265-3 being incorporated into No. 1619B-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the applica-

tion or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre, SD 57501, (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 7, 2003.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application.

Steven M. Pirner, Secretary
Department of Environment
and Natural Resources.

Pub: March 19, 26, 2003

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Chas. Mix) SSI, Peggy Nedved

certify that the attached printed Notice was taken

from the Wagner Postprinted and published in WagnerCounty of Chas. Mix and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

March 19, 2003March 24, 2003Cost of Printing 41¹³for 2 wks.Peggy Nedved
(Signature)

(Title)

3/19/03

(Date Signed)

RECEIVED

MAR 20 2003

WATER RIGHTS
PROGRAM

Public Notice

NOTICE OF APPLICATION NO. 1619B-3 TO AMEND WATER RIGHT NO. 1619-3A AND 5265-3

Notice is given that Gary Holzbauer, 39588 292nd St. Wagner, SD 57380, has filed an application for a water permit for an additional diversion point to Water Right Nos. 1619-3A and 5265-3. Water Right Nos. 1619-3A and 5265-3, combined, appropriate a total of 4.08 cubic feet of water per second (cfs) from one well located in the NW 1/4 SE 1/4 Section 3 to irrigate 364.6 acres located in the E1/2, SW1/4 Section 3; all in T96N-R63W. This application proposes to drill an additional well (Choteau: West Aquifer) 211 feet deep located in the approximate center of the NE1/4 Section 3-T96N-R63W. No increase in the diversion rate or number of acres irrigated is authorized by this application. The priority dates of September 17, 1956 for Water Right No. 1619-3A and January 19, 1956 for Water Right No. 5265-3 will be retained.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1619B-3 for an additional well with the applicable portions of Water Right Nos. 1619-3A and 5265-3 being incorporated into No. 1619B-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the applica-

tion or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre, SD 57501, (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 7, 2003.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application.

Steven M. Pirner, Secretary
Department of Environment
and Natural Resources.

Pub: March 19, 26, 2003

We will send you

Application will be published

Instruction to Newspaper - Publish first Notice on March 19, 2003 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 1619B-3
to Amend Water Right No. 1619-3A and 5265-3

Notice is given that Gary Holzbauer, 39588 292nd St, Wagner SD 57380 has filed an application for a water permit for an additional diversion point to Water Right Nos. 1619-3A and 5265-3. Water Right Nos. 1619-3A and 5265-3, combined, appropriate a total of 4.08 cubic feet of water per second (cfs) from one well located in the NW ¼ SE ¼ Section 3 to irrigate 364.6 acres located in the E ½, SW ¼ Section 3; all in T96N-R63W. This application proposes to drill an additional well (Choteau:West Aquifer) 211 feet deep located in the approximate center of the NE ¼ Section 3-T96N-R63W. No increase in the diversion rate or number of acres irrigated is authorized by this application. The priority dates of September 17, 1956 for Water Right No. 1619-3A and January 19, 1956 for Water Right No. 5265-3 will be retained.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1619B-3 for an additional well with the applicable portions of Water Right Nos. 1619-3A and 5265-3 being incorporated into No. 1619B-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 7, 2003.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 13, 2003

Wagner Post
PO Box 187
Wagner SD 57380-0187

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 1619B-3 to Appropriate Water to be published twice. Please publish the first notice on March 19, 2003 with the second publication 7 days later.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Gary Holzbauer, 39588 292nd St., Wagner SD 57380 (Ph # 605-384-5296).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund /kes
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

No. 1619B-3

Date _____

We are in receipt of your letter of March 13, 2003 enclosing Notice of Hearing to Appropriate Water by Application No. 1619B-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

www.state.sd.us/denr

**NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.**

March 13, 2003

Gary Holzbauer
39588 292nd St
Wagner SD 57380

Dear Mr. Holzbauer:

Water Permit Application No. 1619B-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Wagner Post printed at Wagner, SD (Ph # 605-384-5955). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund /KS

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 17 2003

Gary Holzbauer
39588 292nd St.
Wagner SD 57380

Dear Mr. Holzbauer:

Enclosed is Water Permit No. 1619B-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

1619 B-3

Location SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 3 Twp 96 Rg 63

County

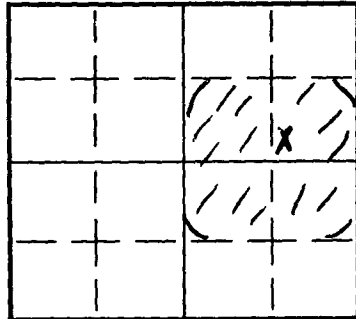
North

Charles Mix

Please mark well location with an "X"

W

E



Well Completion Date

7-21-2004

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? _____ ft. from _____ (identify source).

PROPOSED USE:

- ☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Reverse RotaryCASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>37</u> LB/FT	<u>16</u> IN	<u>0</u> FT	<u>145</u> FT	<u>30</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Bentonite</u>	_____	<u>12-16</u> lb./gal	<u>20</u> ft.	<u>145</u> ft.
_____	_____	_____ lb./gal	_____ ft.	_____ ft.

Describe grouting procedure TremmieSCREEN: ☒ Perforated pipe ☐ ManufacturedDiameter 16 IN Length 60 FEETMaterial 26 SDR PVC CasingSlot Size .085 Set From 145 Feet to 205 FeetOther information GravelWAS A PACKER OR SEAL USED? ☒ YES ☐ NOIf so, what material? ConcreteDescribe packer(s) and location? 20' to Surface

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: HTH

Laboratory sent to for water quality analysis

_____ NO, Why Not? _____

Well Owner: Gary Holzbauer

Business Name: _____

Address: R.R. 1, Box 89Wagner, SD 57380

WELL LOG:

DEPTH

FORMATION

FROM

TO

0	to	126	Clay, blue clay & clay, rocks
126	to	202	Sand & gravel
202	to	205	Shale & trace of fine sand

STATIC WATER LEVEL 48 Feet

If flowing: closed in pressure _____ PSI

GPM flow 925 through 8 inch pipeControlled by ☐ Valve ☐ Reducers ☒ Other Sprinkler

Reduced Flowrate _____ System _____ GPM

Can well be completely shut in? Yes

WELL TEST DATA:

☒ Pumped

Describe: _____

☐ Bailed☐ Other

Pumping Level Below Land Surface

72 ft. After 1 Hrs. pumped 700 GPM93 ft. After 1 Hrs. pumped 1433 GPMIf pump installed, pump rate 925 GPM

REMARKS

RECEIVED

AUG 26 2004

WATER RIGHTS PROGRAM

This well was drilled under license # 273

And this report is true and accurate.

Drilling firm Sargent Irrigation Co.

Signature of License Representative:

Dale Schindler

Signature of Well Owner or Equitable Property Holder:

Gary HolzbauerDate: 8-16-2004

Permit No. 1619B-3
Missouri River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

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

I have this day, August 23, 2004, made a thorough examination of the water use system constructed by Gary Holzbauer of 39588 292nd St, Wagner SD 57380 holder of Permit No. 1619B-3, bearing the priority of September 17, 1956 (No. 1619-3A -- 2.22 cfs); January 19, 1989 (No. 5265-3 -- 1.86 cfs) authorizing the diversion of 4.08 cu. ft. per second of the waters of ground water (Choteau West aquifer) for irrigation purposes, in Charles Mix County.

Inspection contact & relationship to permit holder, if applicable: **Gary Holzbauer and son**

A. Works used to divert the water:

Well Information (South well):

- 1) Well Drilling Firm: Sargent Irrigation
- 2) No. of Wells 1
- 3) Depth(s) 211 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 16 inches
- 2) Length ? feet
- 3) Type steel

Screen:

- 1) Type steel
- 2) Length ? feet
- 3) Static water level 43 feet

Pump (South well):

- 1) Make Western Land Roller
- 2) Size 8 inch
- 3) Capacity 1000 GPM

Motor:

- 1) Make General Electric
- 2) Horsepower rating 100 hp

Well Information (North well):

- 5) Well Drilling Firm: Sargent Irrigation
- 6) No. of Wells 1
- 7) Depth(s) 205 feet
- 8) Well log is available Y

Casing:

- 4) Diameter 16 inches
- 5) Length 145 feet
- 6) Type plastic

Screen:

- 4) Type plastic
- 5) Length 60 feet
- 6) Static water level 48 feet

Pump (North well):

- 4) Make Sargent
- 5) Capacity 1000 GPM

Motor:

- 3) Make Allis Chalmers
- 4) Serial No. 51-355-427
- 5) Horsepower rating 100 hp

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

- 1) Type PVC
- 2) Size 8 inches
- 3) Length 4,660 feet

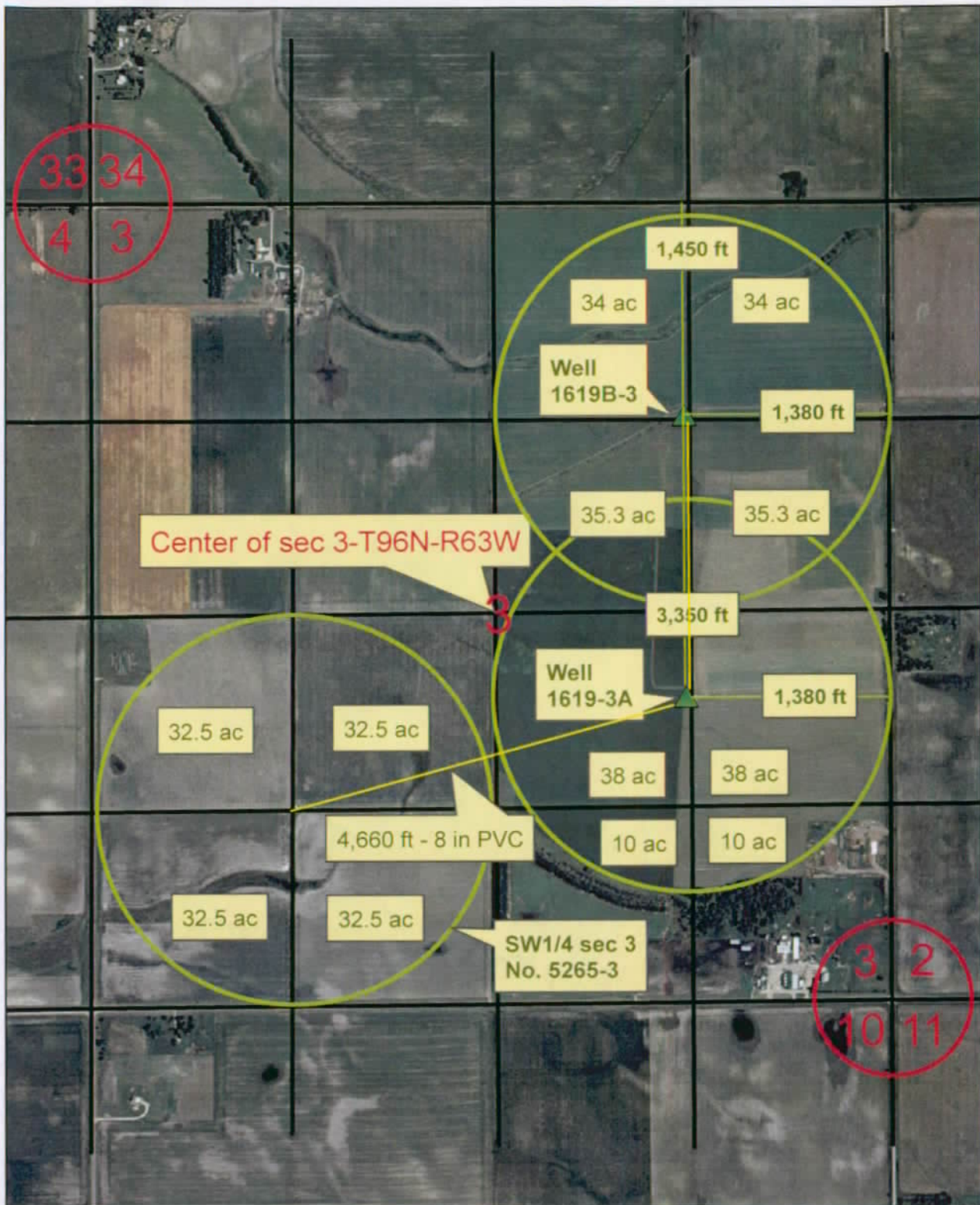
Permit No. 1619B-3

Page 2 of 2

Scale: 1 inch equals 1,002 feet

1,400

Feet



South Dakota
Department of Environment
& Natural Resources
Water Rights

Completed by:

Ron Duvall, Natural Resources Engineer
Water Rights Program

Date: Sep 13, 2004

Water Right No. 1619B-3

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 1619B-3**

(1) Gary Holzbauer, 39588 292nd St, Wagner SD 57380 made Application No. 1619B-3, December 3, 2002 for a water permit to divert 4.08 cubic feet of water per second from ground water (two wells – Choteau:West Aquifer), Charles Mix County, South Dakota for irrigation purposes. Permit No. 1619B-3, with priority dates of September 17, 1956 and January 19, 1989 was approved April 7, 2003 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before April 7, 2008 and for the application to beneficial use of water on or before April 7, 2012.

Water Permit No. 1619B-3 authorized an additional diversion point to Water Right Nos. 1619-3A & 5265-3. Upon approval, Permit No. 1619B-3 incorporated Water Right Nos. 1619-3A & 5265-3 for the purpose of defining the irrigation project as one water use system. Priority dates of September 17, 1956 as established under No. 1619-3A and January 19, 1989, as established by No. 5265-3 were retained.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, Gary Holzbauer the holder and/or owner of Water Right No. 1619B-3 is issued a license, bearing priority dates of September 17, 1956 (2.22 cfs) and January 19, 1989 (1.86 cfs) to appropriate a total of 4.08 cubic feet of water per second from ground water (two wells – Choteau:West Aquifer) for irrigation purposes.

The diversion points are located as follows:

- South well – 3,350 feet S and 1,380 feet W of the NE corner of Section 3, T96N, R63W (NW ¼ SE ¼)
- North well – 1,450 feet S and 1,380 feet W of the NE corner of Section 3, T96N, R63W (NW ¼ NE ¼)

The following 364.6 acres in Section 3, T96N, R63W are authorized for irrigation:

Priority date: September 17, 1956				Priority date: January 19, 1989	
NE ¼ NE ¼	34.0 acres	NE ¼ SE ¼	38.0 acres	NE ¼ SW ¼	32.5 acres
NW ¼ NE ¼	34.0 acres	NW ¼ SE ¼	38.0 acres	NW ¼ SW ¼	32.5 acres
SW ¼ NE ¼	35.3 acres	SW ¼ SE ¼	10.0 acres	SW ¼ SW ¼	32.5 acres
SE ¼ NE ¼	35.3 acres	SE ¼ SE ¼	10.0 acres	SE ¼ SW ¼	32.5 acres

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 1619B-3 including the following now applicable qualifications:

- The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The new well authorized by Permit No. 1619B-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:28. *(This was completed)*
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

NOV 30 2004

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 30 2004

1619B-3

Gary Holzbauer
39588 292nd St
Wagner SD 57380

Dear Mr. Holzbauer:

Enclosed is Water License No. 1619B-3. This is the final water right document completing your process of obtaining a Water Right. Also enclosed is a map prepared by the staff engineer who conducted the investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by Water Right No. 1619B-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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. If you have any questions, please contact our office.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures



1619B-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 30, 2007

Gary Holzbauer
39588 282nd Street
Wagner SD 57380

Dear Mr. Holzbauer:

I am writing as a follow-up to our phone conversation regarding a replacement well for Water Permit No. 1619B-3 in Section 3, T96N, R63W. You indicated that the one of the existing wells failed and you wanted to drill a replacement well in close proximity to the existing well. You are allowed to drill a replacement well without any permitting as long as the well is in the same quarter-quarter section, in the same water source and the diversion authority granted by Water Permit No. 1619B-3 is not increased. In addition, the well that failed needs to be plugged in accordance with SD well construction standards.

I hope this information is helpful, please feel free to contact me if you have any questions.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

1619 B-3

Location NE 1/4 SE 1/4 Sec 3 Twp 96 Rg 63

County

Charles Mix Co.

North

Please mark well
location with an "X"

W

E

Well Completion Date

7/24/2007

1 Mile

Distance to nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)

? ft. from (identify source)

PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Reverse Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
37.0 LB/FT	16.00 IN	0.0 FT	160.0 FT	30.00 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
Bentonite		14.0 Lb/gal	20.0 Ft	160.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

Tremmie

SCREEN:

☒ Perforated pipe ☐ Manufactured
Diameter 16.00 Inches Length 60.0 FeetMaterial 26 SDR PVC CasingSlot Size .085 Set From 160.0 Feet to 220.0 Feet

Other information

Gravel

WAS A PACKER OR SEAL USED?

☒ Yes ☐ No
If so, what material? Concrete

Describe packer(s) and location

20' to Surface

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? HTH
☐ No, Why Not?
 Lab sample sent to for water quality analysis
Well Owner: Gary Holzbaurer

Business Name:

Address: 39588 292 St.City, State, Zip: Wagner SD 57380

WELL LOG:

DEPTH

FORMATION

FROM

TO

0-15	clay		
15-60	blue clay		
60-75	blue clay, some "coal"		
75-90	blue clay, some small rocks		
90-120	blue clay, small rocks		
120-140	blue clay		
140-150	coarse sand to fine gravel		
150-165	coarse sand, pepper sand		
165-205	coarse sand, fine gravel		
205-210	coarse sand, clay		
210-225	sand, coarse sand & clay		
225-255	med sand & clay		
255-270	clay, some fine sand		
270-285	clay, some fine to med sand		
285-300	clay, fine sand		

STATIC WATER LEVEL 65.0 FEETIf flowing: closed in pressure PSIGPM flow 850.0 through 8.62 Inch pipeControlled by ☐ Valve ☐ Reducers ☒ Other Sprinkler SystemReduced flow rate GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe:☐ Bailed☐ Other

Pumping Level Below Land Surface

94.0 Ft. After 1.0 Hrs. pumped 600.0 GPM110.0 Ft. After 1.0 Hrs. pumped 1,000.0 GPMIf pump installed, pump rate: 850.0 GPM

REMARKS

RECEIVED

AUG 15 2007

WATER RIGHTS
PROGRAMThis well was drilled under license # 273

And this report is true and accurate.

Drilling firm: Sargent Irrigation Co.

Signature of License Representative:

Dale Schindler

Signature of Well Owner or Equitable Property Holder:

Gary Holzbaurer

Date:

8-4-07

SARGENT IRRIGATION CO.

NELIGH, NEBRASKA 68756

(402) 887-4112

DATE 7-26-2007

TEST PUMPING RECORD

LEGAL 55-3-76-Lee Charles AL. &

NAME Gary Halverson

Water Level 65 ft.

ADDRESS _____ TERMS _____

[illegible]

Discharge — N - S - E - W

Power Unit — N . S . E . W

Feet of Pipe _____ Size of Pipe _____

Raise to Highest Elevation



1619B-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 16, 2015

NOTICE

TO: GARY HOLZBAUER, 39588 292ND ST, WAGNER, SD 57380

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

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaire(s)

Our records indicate your 2014 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1619B-3 & 6583-3. The request for the Questionnaire was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1619B-3 & 6583-3 qualification:

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

The hearing will be held at **10:00 am, March 4, 2015** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1619B-3 & 6583-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 4, 2015** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182

January 22, 2015

1619B-3
6583-3

Gary Holzbauer
39588 292nd St
Wagner SD 57380

Dear Mr. Holzbauer:

I am writing to acknowledge receipt of your 2014 irrigation questionnaires.

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Right Nos. 1619B-3 and 6583-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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