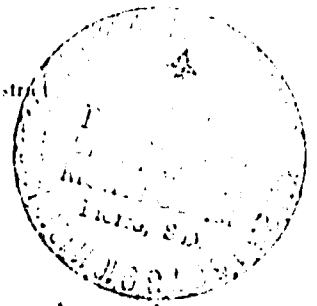


No. 2583-3

1. Considered Mar/17 19 76
2. Name of Applicant Lawrence Holzbauer
3. Post Office Address Wagner, S.D.
4. Amount of water claimed no additional water
5. Source of water supply ground water (existing well)
6. Water to be used for irrigation
Acres to be irrigated additional 80 acres
7. Water to be diverted and used in Charles Mix county
about 3N miles of WAGNER
8. Proof of Publication Received 3-15-76
Not received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

No. 2583-3Map No. 1952-3 Water Division No. 3 MISSOURI 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 Lawrence Holzbauer Bros.
 Postoffice 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 Holzbauer #1
4. Amount of water claimed (cubic feet per second) No additional water -- added acreage
5. Source of water supply well
6. Location of point of diversion 1877 feet south 40 foot east from west quarter corner
Sec. 15 Twp. 96 Range 63

PERmit Number 3County Charles Mix

7. Annual period or periods during which water is to be used April April through October
8. Use to be made of water. (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
9. For irrigation use, Total number of acres to be irrigated 80 additional

List below each forty acre subdivision, or lot or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
<u>S$\frac{1}{2}$ NW$\frac{1}{4}$ Sec. 22-96-63</u>	<u>80</u>		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 1 years. Additional time required to complete application of water to the proposed beneficial use _____ years.
11. Choice of newspaper for Notice of Intent to Appropriately Water publication Wagner Post
12. Principal Features of the Proposed Water Supply System.

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

Well already established - no additional water requested - just additional land to be irrigated

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

8 inch mainline

C. Works proposed to apply water to beneficial use.

Sprinkler -- tow lineEstimated Total Cost \$ 10,000Attachments. 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 MixI, Lawrence Holzbauer, 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 constructionSubscribed and sworn to before me this 23 day of February 19 26

Notary Public (or other qualified officer)

Burks L.

293-3, SW 1/4, 15

4666A-3, SE 1/4, 15

5635-3, SE 1/4, 15

WAGNER QUADRANGLE
SOUTH DAKOTA-CHARLES MIX
7.5 MINUTE SERIES (TOPOGRAPHIC)

6370 III NE
(WAGNER NE) 1398
6370 III SE
SCALE 1:24,000



VERTICAL INTERVAL 5 FEET
ELEVATION IS MEAN SEA LEVEL

FOR NATIONAL MAPS, CONTACT THE NATIONAL MAPS AND SYMBOLS
BUREAU, DENVER, COLORADO 80225, OR WASHINGTON, D.C. 20540

3706-3, NE 1/4, 21

3707-3, NE 1/4, 21

3736-3, NW 1/4, 22

3736-3, SW 1/4, 22

293-3, N 1/2 NW 1/4, 22

2583-3, S 1/2, NW 1/4, 22

3700-3, SW 1/4, 22

3707-3, SW 1/4, 22

- CLASSIFICATION
- Heavy-duty
 - Medium-duty
 - Light-duty
 - Unimproved dirt
 - U.S. Route
 - State Route



WAGNER NE, S. D.
N4307.5—W9815/7.5
1964
AMS 6370 III NE—SERIES V

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2583-3LAWRENCE HOLZBAUER Bros. WAGNER

(Applicant)

(Post Office Address)

SOUTH DAKOTA 57380

(State)

With the following modifications:

THIS PERMIT AUTHORIZES IRRIGATION OF THE ADDITIONAL SQUARES OF LAND, WITH NO ADDITIONAL WATER THAN AUTHORIZED UNDER WATER RIGHT NO 248-B.

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 existing domestic wells or in irrigation wells having prior water rights.

Date of first receipt of application FEBRUARY 24, 19 76
 Date of return to applicant for correction, amendments or changes required ---, 19 ---
 Date of receipt of corrected application ---, 19 ---
 Approved MARCH 17, 19 76. Recorded in Book 15, Page 9

WATER RIGHT PERMIT NO. 2583-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2583-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which a claimant may claim right is FEBRUARY 24, 19 76
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPTEMBER 17, 19 76
3. The whole of said work is to be completed on or before MARCH 17, 19 77
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 17, 19 77
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 NO ADDITIONAL WATER 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 17, 19 77; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 24TH day of MARCH, 19 76

WATER RIGHTS COMMISSION

By:

[Signature]
 Chief Engineer, Executive Officer

Certificate of Construction Issued ---, 19 ---Water License Issued ---, 19 ---

No. 2583-3

Publish first publication, on or before March 11, 19 76

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

March 1, 19 76

Notice is hereby given that Lawrence Holzbauer
whose post office address is Wagner, 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
no additional water cubic feet of water per second of time from the ground water (existing well) through the
Holzbauer No. 1, the point of diversion of which is to be located in the _____

Center of the SW 1/4
of Section 15, Twp. 95N, Range 63W. Said water to be used for the purpose
of providing irrigation on ^{portions of} the following described land:

on an additional 80 acres in the S 1/4 NW 1/4, Sec. 22, T92N, R63W

This application No. 2583-3 will be considered by the Water Rights Commission at their office at
Pierre upon the 17th day of March, 19 76, at 1:00 P.M. All interested
persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/bw

cc: Lawrence Holzbauer
Wagner, S. D. 57380

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Charles Mix) ss.

I, John Langhender hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Wagon Wheel

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 Wagon Wheel

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

March 4, 1976

March 11, 1976

Public Notice

NOTICE INTENT TO
APPROPRIATE WATER

Pierre, South Dakota 57501
March 1, 1976

Notice is hereby given that
Lawrence Holzbauer whose
post office address is Wagner,
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
no additional water cubic feet of
water per second of time from
the ground water (existing
well) through the Holzbauer
No. 1, the point of diversion of
which is to be located in the
Center of the SW 1/4 of Section
15, Twp. 96N, Range 63W. Said
water to be used for the
purpose of providing irrigation
on portions of the following
described land: on an additional
80 acres in the S 1/2 NW 1/4 Sec.
22, T96N, R63W.

This application No. 2583-3
will be considered by the Water
Rights Commission at their
offices at Pierre upon the 17th
day of March, 1976, at 1:00
p.m. All interested persons
may appear and be heard.

WATER RESOURCES
COMMISSION

By: Burton F. Jones
Water Rights Specialist
Pub.: 1976





Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

February 5, 1986

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:

Enclosed are partially completed transfer forms pertaining to Water Right Nos. 293-3, 1619-3A, 2583-3, 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,

GENNY MCNATH
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 (Holzbauer 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

RR #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.

4/82

NAME:

Leo & Gary Holzbauer



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



2583-3

SOUTH DAKOTA
Department of
Water & Natural Resources

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

February 9, 1990

LEO HOLZBAUER
RR 1 BOX 170
WAGNER, SD 57380

NOTICE

RE: Violation of Water Permit No(s). 4666A-3 and 1989 Irrigation Questionnaire Requirements

Our records indicate that the 1989 Irrigation Questionnaire has not been submitted for Permit No(s). 4666A-3. The request for the Questionnaire was dated October 13, 1989. The Water Management Board has directed that owners of water permits who have not submitted the 1989 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s). 4666A-3 qualification:

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

The hearing will also be to determine if Permit No. 3736-3, 3700-3, 3706-3, 3707-3, 293-3, 2583-3 should be amended with the qualification to require the Questionnaire to be submitted each year. The hearing will be held at 8:30 am, March 7, 1990 at the Howard Johnson's, Roosevelt-Jefferson Room, I-90 at LaCrosse, Rapid City SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-25. Following the hearing, the Water Management Board can:

1. Suspend Permit No(s). 4666A-3 until the 1989 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Amend Permit No(s). 3736-3, 3700-3, 3706-3, 3707-3, 293-3, 2583-3 also held by LEO HOLZBAUER to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action;
4. 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 questionnaires are received in this office before the March 7th hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,



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

South Dakota Department of
Water & Natural Resources

Joe Foss Building
522 East Capitol
Pierre, South Dakota 57501-3191

March 2, 1990

293-3 2583-3
3700-3 3706-3
3707-3 3736-3
4666A-3

Leo Holzbauer
RR 1, Box 170
Wagner SD 57380

Dear Mr. Holzbauer:

I am writing to acknowledge receipt of your 1989 irrigation questionnaires for the above listed Water Permits. You may disregard the February 9, 1990 Notice of failure to submit the 1989 irrigation questionnaire. Your questionnaire was received prior to the March Water Management Board meeting and your name was deleted from the agenda pertaining to the hearing.

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

Sincerely,

Ron Duvall /KCS
RON DUVALL
Natural Resources Engineer
Water Rights Division



2583-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 12, 1996

Sam Glanzer
Clearfield Colony
RR 1 Box 70
Delmont, SD 57330-9625

RE: 1996 irrigation questionnaires for Leo Holzbauer

Dear Mr. Glanzer:

Leo Holzbauer stopped by our office and requested we mail the 1996 irrigation questionnaires to you for land you operate for him. The land (he refers to as pivots 2, 3 and 4) is authorized for irrigation under Water Permit Nos. 2583-3, 3707-3 and 3736-3.

Enclosed are the 1996 irrigation questionnaires for the above water permits. I have typed the legal descriptions for each on their respective forms. Please complete the forms and return them to our office by January 10, 1997.

Thank you in advance for your help. If you have any questions or need assistance in completing the questionnaires, please contact me. I have enclosed a postage paid envelope for your reply.

Sincerely,

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

enclosures

c: Leo Holzbauer, RR 1 Box 170, Wagner, SD 57380



2583-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

FEB 22 2000

Leo Holzbauer
29416 395th Ave.
Wagner, SD 57380

5635-3

Dear Mr. Holzbauer:

Enclosed is Water License No. 5635-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 416355 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 5635-3, 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 E. Erbele

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

gm
enclosures

NOTE: The applicable portions of Water Right No. 293-3 and Water Permit Nos. 2583-3, 3700-3, 3706-3, 3707-3, 3736-3 and 4666A-3 are incorporated into this Water License No. 5635-3.

NOT TO SCALE

2583-3

MAP No 1452-3 APPL No 2583-3

96-63

1.6

13.2

62.1

78.6

15.0

2.7

56.6

(1-239)

75.1

15

155.2

93.8

EXISTING
well
Permit #3

96-63

130.0

(1-192)

103.5

NW

NE

80 ACRES
ADDITIONAL
LAND TO BE
IRRIGATED
S1 NW 1/4 SEC. 22-96-63
Leonard Nelson Angus
Area Extension Angus
Lido Angus Co

72

31.5

58.3

41.1

77.7

SW

SE

96-63

NOT TO SCALE

