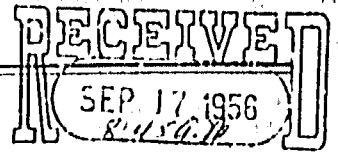


1. Considered Nov 13, 19 56
2. Name of Applicant Lawrence H. Holbrower # 293-3
3. Post Office Address Wagner, S. Dak.
4. Amount of water claimed 342 cfs
5. Source of water supply Ground water
6. Water to be used for Irrigation
- Acres to be irrigated 240
7. Water to be diverted and used in Charles Mix County about
2 miles N of Wagner
8. Proof of Publication Received ✓
Not Received ✓
9. Application Approved ✓
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

No. 295-3Water Division No. 5

(Blanks to be filled by the Engineer for the W. R. C.)

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

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 C. Holzbauer
Postoffice address Wagner, County Charles Mix, State S. Dak.

I. ~~If a corporation~~

- (a) Name of same _____
(b) Date and place of incorporation _____
(c) Amount of capital stock _____
(d) Amount paid in _____
(e) Names and addresses of directors _____

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

- (a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

CONTRACT

(b) Cash on hand, \$ _____

(c) Treasury stock, \$ _____

(d) Bonds to be issued, \$ _____

(e) Other resources, \$ _____

2. Name of diversion work Lawrence C. Holzbauer Irrigation Project #1
3. Amount of water claimed 3.42 cubic feet per second
4. Source of water supply well
5. Location of point of diversion 1877 feet S 40° E from West quarter corner section 15 Township 96 Range 63 on bank Charles Mix County.
6. Annual period or periods during which water is to be used April 1, Oct 31
7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? overhead(a) Number of acres to be irrigated 246 acres.(b) Legal subdivisions to be irrigated SW 1/4 15 and NW 1/4 22 - 96-63

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

(c) Statement as to domestic use (giving location, etc.) NoneII. ~~Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:~~(a) Nature of use _____
Name any of the above uses claimed

(b) Amount of power to be generated _____ horse power.

Amount claimed for engine cooling _____

(c) Location of plant _____

(d) Method of developing power _____

(e) Point where water will be returned to stream _____

15. 2/6-3
 15. 2/6-3

8. Estimated cost of work:

(a) Head Gates, \$-----

(c) Fluming, \$-----

(e) Other structures

(d) Canals earth, \$-----

sprinkler system \$5,000⁰⁰

(b) Pumping plant, \$8,000⁰⁰

Rock, \$-----

Total, \$8,000⁰⁰

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

30" Irrigation well, pump, power plant, and sprinkler system

II. Dimensions of works:

(a) Dam: Height-----feet; length at bottom-----feet; length at top-----feet; thickness at bottom-----feet; thickness at top-----feet; slope at front water face-----; slope at back face-----

material used in construction-----

(b) Reservoir: Capacity when filled-----acre feet. Surface area at highwater mark-----acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	FEET	ACRE-Feet CAPACITY

(c)* Head gate: Width-----feet; height-----feet;

Material-----

(d) Canal: Total length-----miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At-----Mile	-----feet	-----feet	-----feet	-----feet
At-----Mile	-----feet	-----feet	-----feet	-----feet
At-----Mile	-----feet	-----feet	-----feet	-----feet
At-----Mile	-----feet	-----feet	-----feet	-----feet
At-----Mile	-----feet	-----feet	-----feet	-----feet
At-----Mile	-----feet	-----feet	-----feet	-----feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work-----*3*-----years.

11. Time required for complete application of water to the proposed beneficial use-----*2*-----years

12. Choice of newspaper for publication of notice of Intention to appropriate *Wagner Post*
Wagner, S. Dak

STATE OF SOUTH DAKOTA

County of *Charles Mix* } ss.

I, *Laurance G. Halzbauer*, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed *Laurance G. Halzbauer*

Subscribed and sworn to before me this *15th* day of *Sept* 19*56*

B. H. T. T. T.
Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

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)
6370 III SE
SCALE 1:24,000

3000 4000 5000 6000 7000 FEET
1 KILOMETER

VERTICAL INTERVAL 5 FEET
ELEVATION IS MEAN SEA LEVEL

U.S. NATIONAL MAP SERIES
DENVER, COLORADO 80225, OR WASHINGTON, D.C.
U.S. MAPS AND SYMBOLS

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
U.S. Route
Light-duty
Unimproved dirt
State Route

SOUTH DAKOTA
QUADRANGLE LOCATION

WAGNER NE, S. D.
N4307.5—W9815/7.5

1964
AMS 6370 III NE—SERIES V

North

quarter line

1/4 corner
Section 15

S. 49° 0' E
1877'

Irrigation
Well

quarter-quarter line

center of section line

West

quarter-quarter line

quarter line

East

S.W. 1/4 of Section 15
Township 96-Range 63
Charles Mix County.
South Dakota.
To be irrigated. 240 Acres

Lawrence G. Holzbauer, Owner

16 15
21 22

center of section line

North 1/2 of N.W. 1/4, Section 22
Township 96-Range 63, Charles
Mix County, South Dakota

quarter-quarter line

Lawrence G. Holzbauer Irrigation Project #1
S.W. 1/4 of Section 15 & North 1/2 of N.W. 1/4 of Section
22 all in Township 96-Range 63, Charles Mix County
South Dakota.

I, Ellis V. Nelson, a licensed engineer hereby certify
that I have made a survey of the S.W. 1/4 of Section
15 & North 1/2 of N.W. 1/4 of Section 22 all in Township 96-
Range 63, Charles Mix County, South Dakota, and located
a well, for irrigation purposes, as indicated on the above
plat.
Dated at Sioux Falls, South Dakota, September 12-1956.

Ellis V. Nelson
Licensed Engineer

Ellis V. Nelson, Civil Engineer
Sioux Falls, S.D., September-56

State of South Dakota } ss
County of Minnehaha }

On this 12th day of September, 1956, before me the
undersigned officer, personally appeared Ellis V. Nelson
known to me or satisfactorily proven to be the person
whose name is subscribed to the within certificate and
acknowledged that he executed the same for the purpose
therein contained.

In witness whereof I hereunto set my hand and
official seal.

John M. Lush
Notary Public

Notary Public
My commission expires June 3, 1957

Map No. 216-B
App. No. 293-3

Remarks by State Water Resources Commission:

Because of aquifer ~~base~~ conditions, effects upon domestic water supplies may require restriction of periods of irrigation water withdrawal. In granting this Permit, the Commission believes that the degree of restriction will not reduce seriously the irrigation benefits to the applicant.

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Pierre, South Dakota, September 26, 1956

This is to certify that the foregoing application was received by the Commission at 8:45 o'clock
a.m. upon the 17 day of September, 1956

State Water Resources Commission

By:

J. W. Rimer

Chief Engineer, Executive Officer

Number of permit 293-3

Date of first receipt of application September 17, 1956

Date of return to applicant for correction, amendments or changes required as follows: _____, 19____

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right September 17, 1956

Approved November 14, 1956, Recorded in Book 3, Section 2 Page 14

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before _____

May 14, 1958

2nd. The whole of said work is to be completed on or before November 14, 1959

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is

November 14, 1961

4th. The water appropriated shall be used for the purpose of irrigation

5th. 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.

6th. The amount of the appropriation herein granted shall not exceed 3.42 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must 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 November 14, 1961; said water to be used during the following described annual period:

April to October inclusive

Witness my hand this 29 day of December, 1956

State Water Resources Commission

By:

J. W. Rimer

Chief Engineer, Executive Officer

Certificate of Construction Issued _____

JUNE 21, 1966

Water License Issued _____

JUNE 21, 1966

John Maxwell

Form 2A — Wells (Supplement to Form 2)

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 32 inch, Depth 179

Type of casing steel
(wood, concrete, steel, etc.)

Size of casing 20 inch, Thickness of casing 14 ga

Length of casing 158 feet If collection gallery, length, size and depth of gallery

(b) Screens

Type of perforated screen Perforated

Size of perforated screen 20 inch, 21 feet
(diameter) (length)

Thickness of gravel pack, length of gravel pack

(c) Water Bearing Materials

Distance to water 135 ft. Character of water bearing materials

medium per gravel

Thickness of water bearing material 46 feet

(d) Pump and Motor

Type of pump Turbine
(centrifugal, propeller, mixed flow, etc.)

Name of pump Layne, size 10"

Kind of motor gasoline
(gasoline, electric, diesel, etc.)

Horsepower, Name of Motor Tractor

(e) Complete well

Capacity 1000 at drawdown of 30 feet Estimated cost 2100.00

(f) Owner of land upon which well is located Lawrence E. Holzbocker
Name

Wagner, So. Dak.
Address

(g) Distance to nearest existing wells

On same owner's property 80 rods. On property owned by others 160 rods

STATE OF SOUTH DAKOTA

WATER LICENSE No. 293-3

WHEREAS On the 17th day of September A. D. 1956
Lawrence G. Holzbauer

Wagner County of Charles Mix and State of
South Dakota duly made application (No. 293-3) to us for a permit to use 3.42
cubic feet per second of the waters of ground water
County of Charles Mix State of South Dakota, for irrigation
purposes; and

WHEREAS, On the 29th day of December A. D. 1956
Permit No. 293-3 was issued to said applicant for the diversion of said water, and providing for the
completion of the works of diversion therein described on or before the 14th day of
November A. D. 1959 and for the application to beneficial use of said
water on or before the 14th day of November A. D. 1961
and,

WHEREAS, On the 15th day of June A. D. 1966
the holder of said permit duly made proof of the completion of adequate works for the diversion of 3.42
cubic feet per second of said waters, as evidenced by our Certificate No. 293-3
dated June 21, 1966 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 3.42 cubic feet per second of water, with date of
priority of September 17, 1956 and,

WHEREAS, On the 15th day of June A. D. 1966
proof was duly made of the application to beneficial use of 3.42 cubic feet per second of said water;
for irrigating 240 acres in the SW $\frac{1}{4}$, Section 15, and the N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 22, T96N, R63W

We hereby grant and confirm to Laurence G. Holzbauer
of Wagner the holder and owner of said permit No. 293-3

a water right, dating from September 17, 1956 to the use of 3.42

cubic feet per second of the waters of ground water

In the County of Charles Mix and State of South Dakota, or so much thereof as may be necessary for the purposes hereinafter mentioned, to be diverted at a point S 40° E, 1877 feet from the W $\frac{1}{4}$ corner, Section 12, T6N, R63W

and conducted to and upon the SW $\frac{1}{4}$ Section 15, and N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 22, T96N, R63W

for the purpose of irrigation

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the State, and subject, also to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 21st day of June A. D. Nineteen
Hundred and Sixty-Six

State Water Resources Commission

By:

J. W. GRIMES
Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

to

Source of Supply

County

amt ----- c. f. s.

Point of Diversion

Price of Use

Purpose

Date of Priority

Recorded

in Book _____ of _____ Page _____

Permit No. 293-3

Water Division No. 3 Missouri River Water District

Certificate of Completion of Works

ALL WHOM IT MAY CONCERN:

This is to Certify, That Lawrence G. Holzbauer

Wagner, County of Charles Mix, and State of South Dakota, the holder of Permit No. 293-3, issued upon Application No. 293-3, bearing date of priority of September 17, 1956, authorizing the diversion of 3.42 cu. ft. per second of the waters of ground water County of Charles Mix, State of South Dakota, at a point S 40° E, 1877 feet from the W $\frac{1}{4}$ corner, Section 15, T96N, R63W, for irrigation

purposes, has fully 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 3.42 cu. ft.

per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: All in T96N, R63W

SW $\frac{1}{4}$ Section 15 160 acresN $\frac{1}{2}$ NW $\frac{1}{4}$ Section 22 80 "

Total - 240 "

Witness my hand this 21st day of June A. D. 1966

State Water Resources Commission

By: J. W. ORINES
Chief Engineer, Executive Officer

(First Publication before October 12 1956)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., September 26, 1956.

Notice is hereby given that Lawrence G. Holzbauer whose postoffice address is Wagner S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 3.42 cubic feet of water per second of time from the ground water through the Lawrence G. Holzbauer Irrigation Proj. #1, the point of diversion of which is to be located near Wagner in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 15 Twp. 96N Range 63W. Said water to be used for the purpose of providing irrigation on the following described land:

SW $\frac{1}{4}$, Sec. 15 and NE NW $\frac{1}{4}$, Sec. 22, T 96N, R 63W

~~NOTICE~~ ~~NOTICE~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 13th day of November, 1956, at 2:00 P.M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

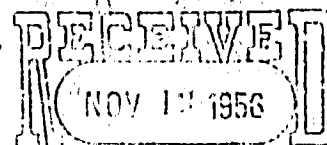
State Water Resources Commission

By:

J. W. Grimes, Chief Engineer, Executive Officer

cc: **R. J. Corey, Publisher**
The Wagner Post
Wagner, South Dakota

PROOF OF PUBLICATION



STATE OF SOUTH DAKOTA

County Charles Mix ss.

STATE WATER RESOURCES COMMISSION

PIERRE, SOUTH DAKOTA

APPROPRIATION OF WATER

Office of State Water Resources Commission, Pierre, S. Dak., September 26, 1953.

Notice is hereby given that Lawrence G. Holzbauer whose postoffice address is Wagner, S. Dak., has made an application in accordance with the water laws of South Dakota for a permit to appropriate for beneficial use 3.42 cubic feet of water per second of time from ground water through the Lawrence G. Holzbauer Irrigation Proj. No. 1, the point of diversion of which is located in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 15 Twp. 96 N Range 63 W. Said water to be used for the purpose of providing irrigation on the following described land:

SW $\frac{1}{4}$, Sec. 15 and N $\frac{1}{4}$ -NW $\frac{1}{4}$ Sec. 22, T 96 N, R 63 W.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 13th day of November, 1956, at 2:00 P. M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission, By J. W. Grimes, Chief Engineer, Executive Officer.

Pub. Oct. 4-11-18-25, 1956.

R. J. Corey being duly sworn, deposes and says the annexed printed copy of Notice

of Intention to Appropriate Water was taken from the

Wagner Post 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 dates:

October 4, 1956

October 11, 1956

October 18, 1956

October 25, 1956

in each and every issue of the full number thereof, the first publication being made on the 4 day of October

1956 and the last publication on the 25 day of

October 1956, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he

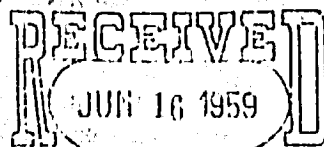
was Editor the printer and publisher of the said newspaper.

R. J. Corey

Subscribed and sworn to before me this 5 day of November A. D. 1956

Emma L. Corey

Notary Public Charles Mix County, S. D.

Permit No. 2933Water Division No. 3 Missouri River Water District STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

NOTICE OF COMPLETION OF WORKS

This blank must be filled out by the holder of permit and forwarded to the Executive Officer at least 60 days before the time set for completion of works

(P. O.) Wagner, S. D.(Date) June 9 - 1959

TO THE STATE WATER RESOURCES COMMISSION
OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given of the completion of the works for the diversion of _____
_____ cu. ft. per second of the waters of the state from _____
through the _____
for _____ purposes
_____ in accordance with the terms and conditions of a certain permit heretofore issued by the Water Resources Commission of the State of South Dakota.

1. The name of the person or corporation holding said permit is _____

Lawrence G. Holzbauer

2. The postoffice address of such person or the place of business of such corporation is _____

County of Charles Mix State of South Dakota3. The number of such permit is 193-3 and the date set for the completion of such work is _____4. Said water to be used for irrigation purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the _____ of intended use, in accordance with the plans accompanying the application for such permit, is _____ cubic feet per second.

6. The amount of land for which said water is available is 240 acres,
particularly described as follows: SW 1/4 of Section 15 and NW 1/4

of Section 22 - 96-63

I hereby certify that the facts set forth in the above notice are true.

(Signature of Owner)

Lawrence G. Holzbauer

Permit No. 293-3
MISSOURI
 Water Division No. 3 RIVER Water District

Certificate of Examination of Works

Report of Examining Engineer

To the State Water Resources Commission, Pierre, South Dakota:

Dear Sirs: I hereby certify that in accordance with your letter of authorization dated _____
 10_____, I have this day made a thorough examination of the diversion works constructed by _____
LAWRENCE HOLZBAUER, of WAGNER,
CHARLES MIX County, South Dakota, holder of Permit No. 293-3, Issued
 upon Application No. 293-3, bearing date of priority of SEPTEMBER 17 1956, authorizing the
 diversion of 3.42 cu. ft per second of the waters of GROUND WATER for IRRIGATION
 purposes. I have to report on the condition of the same as follows:

The diversion works comprise: 170' WELL W/ 8" WESTERN LAND ROLLER
PUMP POWERED BY A CHRYSLER INDUSTRIAL HT-413
MOTOR. 1/2 MILE 6" MAINLINE 3-1/4 MILE TRACTOR
PULL 4" LINES W/ RAINBIRD #30 SPRINKLER HEADS
2550' OF 4" LINE WITH 86 RAINBIRD #30 SPRINKLER HEADS
 and the system is in the following condition: GOOD

The point of diversion is located S 40° E 1877' FROM W 1/4 CORNER,
SECTION 15, T96N, R63W

The works are capable of diverting and conveying to the place of use 3.42 cu. ft. per second of water,
 which is to be used for IRRIGATION

The legal sub-divisions to be irrigated are: SW¹ SECTION 15; N² NW⁴,
SECTION 22, T96N, R63W

_____ comprising a total of 240 acres of land.
 The domestic use intended comprises _____

The utilization for power, mining, or other beneficial use, comprises: _____

Witness my hand, this 15TH day of _____

JUNE 15, 1966
Barton Jones
 Examining Engineer
 OFFICER

—SEAL—

We are some of the people
who have complaints of dropping
of the water level in our
area.

1 Herman A Peters	10-10-71	Wagner, S.D.
2 Arthur Dunn	10-2-71	Wagner, S.D.
3 Lester Hale	10-2-71	Wagner S.D.
4 John P. Linkup	10-2-71	Wagner S.D.
5 John M. Stone	10-2-71	Wagner S.D.
6 Carl Sygore	10-2-71	Wagner S.D.
7 Bryan Smith	10-2-71	Wagner S.D.
8 Arthur H. H. H.	10-2-71	Wagner S.D.
9 Russell Stone	10-4-71	Wagner S.D.
10 Edward J. Kovak	10-4-71	Wagner S.D.
11 Vincent D. Koberna	10-4-71	Wagner S.D.
12 Rudolph L. H. H.	10-4-71	Wagner S.D.
13 Francis Fitzgerald	10-5-71	Wagner S.D.
14 Sigurd Backley	10-5-71	Wagner S.D.
15 Richard Becker	10-9-71	Wagner S.D.
16 Francis Becker	10-9-71	Wagner S.D.
17 Douglas V. Koberna	10-9-71	Wagner S.D.
18 John C. H. H.	10-9-71	Wagner S.D.
19 Robert H. H.	10-9-71	Wagner S.D.
20 Donald H. H.	10-9-71	Wagner S.D.
21 Edwin H. H.	10-9-71	Wagner S.D.
22 Lloyd H. H.	10-9-71	Wagner S.D.
23 James H. H.	10-9-71	Wagner S.D.
24 Donald H. H.	10-9-71	Wagner S.D.
25 Deland H. H.	10-11-71	Wagner S.D.
26 William H. H.	10-11-71	Wagner S.D.
27 John H. H.	10-11-71	Wagner S.D.
28 Clarence H. H.	10-11-71	Wagner S.D.
29 Harold H. H.	10-11-71	Wagner S.D.

January 6, 1976

Re: Water Right 293-3

Mr. Leo Holzbauer
R. R. #1
Wagner, South Dakota 57380

Dear Mr. Holzbauer:

This letter is in reference to the conversation in your home December 23, 1975 concerning changing your water right acreage and construction of a new diversion point. Enclosed is a copy of the existing water right which is in the name of Lawrence C. Holzbauer and a set of application forms which can be submitted to increase the acreage to be irrigated.

It is doubtful that the Water Rights Commission would authorize you to construct a new well, even if you used part of your existing authorized 3.42 cfs (1535 gpm). Use of a new well would require that a water sample from the well be submitted for chemical analysis. If the water sample analysis was not rejected by the Conservation Commission, the application for a new well would probably be deferred by the Water Rights Commission because of the present situation in your area. A water right application across the road from your home was recently rejected by the Conservation Commission due to the unsatisfactory chemical quality of the water.

We see no problem in changing the acreage; however, the new acreage will have to be supplied from the existing well.

If you have any questions on this matter, please advise.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Commission

JH:nlm

Enclosures



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 MCMAITH
Natural Resources Analyst

GM:ks

enclosures

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

Water Rights Division - DVNR
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.

NAME: Henry M. Math

South Dakota
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

GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosure



293-3

**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.

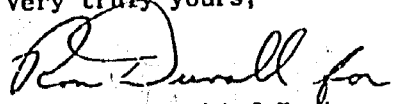
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

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
523 East Capitol
Pierre, South Dakota 57501-3181

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 /KS
RON DUVAL
Natural Resources Engineer
Water Rights Division

293-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 12, 1996

Dave Glanzer
Greenwood Colony
RR 1 Box 69
Delmont, SD 57330-9721

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 (referred to as pivots 1 and 5) is authorized for irrigation under Water Right No. 293-3 and Water Permit Nos. 4666A-3 and 5635-3.

These forms were mailed to you in October, 1996; however, since I did not include a legal description on the forms, I am enclosing another set. 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 :70. Wagner, SD 57380



293-3
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

5635-3

Leo Holzbauer
29416 395th Ave.
Wagner, SD 57380

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 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.