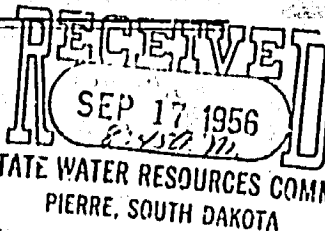


No. 796-3Water Division No. 5 Missouri River District

(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 Charles Ahrens
 Postoffice address Warner, County Charles Mix, State So. 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 Charles Ahrens Recreation Project #13. Amount of water claimed 0.3 cubic feet per second4. Source of water supply fall5. Location of point of diversion SE 1/4 NW 1/4 14E6S3 N.W. 1/4 16 - T9S - R63Won bank Charles Mix County.6. Annual period or periods during which water is to be used Jan. 1 to Dec. 31

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system?

(a) Number of acres to be irrigated _____ acres.

(b) Legal subdivisions to be irrigated 16 - T9S - R63W

(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.) none

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use Stock pond NO. 20 Warner
 Name any of the above use 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 _____

8. Estimated cost of work:

(a) Head Gates, \$..... (b) Pumping plant, \$.....
 (c) Fluming, \$..... (d) Canal-earth, \$..... Rock, \$.....
 (e) Other structures wall \$ 750.00 Total, \$.....

9. Description of diversion works:

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

50 acre stock pond

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.....years.
 11. Time required for complete application of water to the proposed beneficial use.....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, Charles H. H. H. H., 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 Charles H. H. H.

Subscribed and sworn to before me this 15 day of Sept. 1956

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

Remarks by State Water Resources Commission:

"Vested Right" Claimed

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. C. Brimer

Chief Engineer, Executive Officer

Number of permit

296-3

Date of first receipt of application

September 17, 1956

Date of return to applicant for correction, amendments or changes required as follows: September 24, 1956

Date of receipt of corrected application

October 31, 1956

Date from which applicant may claim right

June 1953, 1956

Approved

December 5, 1956

Recorded in Book

4, Page 158

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

Completed, 1956

2nd. The whole of said work is to be completed on or before

Completed, 1956

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

Completed, 1956

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

stock watering

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 0.30 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 or before recreation and stock watering uses, used, completed, 1956; said water to be used during the following described annual period:

Continuously

Witness my hand this

8 day of October, 1957

State Water Resources Commission

By:

J. C. Brimer

Chief Engineer, Executive Officer

Certificate of Construction Issued

October 8, 1957

Water License Issued

October 8, 1957

John Maxwell

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 4 1/2", Depth 131Type of casing steel
(wood, concrete, steel, etc.)Size of casing 3", Thickness of casing Standard PipeLength of casing 131 If collection gallery, length, size and depth of gallery

(b) Screens

Type of perforated screen None

Size of perforated screen (diameter) (length)

Thickness of gravel pack None, length of gravel pack

(c) Water Bearing Materials

Distance to water 131 Character of water bearing materialspea gravelThickness of water bearing material unknown

(d) Pump and Motor

Type of pump air
(centrifugal, propeller, mixed flow, etc.)Name of pump Wards, sizeKind of motor electric
(gasoline, electric, diesel, etc.)Horsepower 3/4, Name of Motor Wards

(e) Complete well

Depth 135 at drawdown of 7 Estimated cost 750Owner of land upon which well is located Charles H. Ahrens
NameWagner Address 50 Duff

(g) Distance to nearest existing wells

On same owner's property 20 rods. On property owned by others 80 rods

STATE OF SOUTH DAKOTA

WATER LICENSE No. 296-3 . . .

WHEREAS, On the 17th day of September A. D. 1956

Charles Ahrens

of Wagner County of Charles Mix and State of South Dakota duly made application (No. 296-3) to us for a Vested Right permit to use 0.30 cubic feet per second of the waters of ground water County of Charles Mix, State of South Dakota, for recreation and stockwatering purposes; and

WHEREAS, On the 8th day of October A. D. 1957
Vested Right recognizing
 / Permit No. 296-3 was issued to said applicant... for the diversion of said water, and ~~XXXXXXXXXX~~ for the completion of the works of diversion therein ~~XXXXXXXXXXXXXXXXXXXX~~ ~~XXXXXX~~
in June 1953 ~~XXXXXXXXXX~~ and ~~XXXXXX~~ the application to beneficial use of said water ~~XXXXXXXXXX~~ ~~XXXXXX~~ in June 1953 ~~XXXXXX~~
 and,

WHEREAS, On the 31st day of October A. D. 1956
Vested Right
 the holder... of said permit duly made proof of the completion of adequate works for the diversion of 0.30 cubic feet per second of said waters, as evidenced by our Certificate No. 296-3 dated October 8, 1957 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 0.30 cubic feet per second of water, with date of priority of June 1953 ~~XX~~ and,

WHEREAS, On the 31st day of October A. D. 1956
 proof was duly made of the application to beneficial use of 0.30 cubic feet per second of said water;
for recreational and stockwatering purposes in the NW¹/₄, Sec. 16,
T 96 N, R 63 W

NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota,
We hereby grant and confirm to Charles Ahrens
of Wagner, South Dakota the holder and owner of Vested Right 256-3
a water right, dating from June 1953 to the use of 0.30
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 hereinbelow mentioned, to be diverted to the NW 1/4, Sec. 16,
T 96 N, R 63 W
and conducted to and upon the NW 1/4, Sec. 16, T 96 N, R 63 W

for the purpose of recreation and stockwatering

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 3th day of October A. D. Nineteen
Hundred and Fifty-seven

State Water Resources Commission

By:

J. W. GRIMES, Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA	
Water License No. _____	
To _____	

Source of Supply _____	

County _____	
Am't _____ c. f. s.	
Point of Diversion _____	

Place of Use _____	

Purpose _____	

Date of Priority _____	
Recorded _____	
In Book _____ of _____ Page _____	

Vested Right Permit No. 296-3Water Division No. 3 Missouri River Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This Is to Certify, That Charles Ahrensof Wagner, County of Charles Mix, and State of Vested Right
South Dakota, the holder of Permit No. 296-3, issued upon ApplicationNo. 296-3, bearing date of priority of June 1953, authorizing the diversion of0.30 cu. ft. per second of the waters of ground waterCounty of Charles Mix, State of South Dakota, at in theNE 1/4, Sec. 16, T 96 N, R 63 Wfor recreation and stockwateringpurposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof ofcompletion of the works of diversion set out and described in said Permit; that said works are recognized in satisfactorycondition for diverting and conveying to the place of intended use 0.30 is cu. ft.per second of water; and that ~~the same property is to be used for~~ the use of said water ~~is~~ described as follows,to-wit: for recreational and stockwatering purposes in the NW 1/4, Sec.T 96 N, R 63 WWitness my hand this 8th day of October A. D. 1957

State Water Resources Commission

By:

J. W. GRIMES, Chief Engineer, Executive Officer

Location No. 100000Water Division No. 1 Water District 1STATE WATER RESOURCES COMMISSION
SOUTH DAKOTA**Proof of Application of Water to Beneficial Use****PETITION OF HOLDER**Ques. 1. State your name, residence, occupation and postoff. Ans:Ans. Charles H. Ahrens Mapper, S. Dak.
Farwell

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent,) your position with reference to same, and your authority for appearing in its behalf.

Ans. _____

Ques. 3. State date of posting and date of recording notice of appropriation.

Ans. _____

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. well located in NE 1/4 of NW 1/4 16-96-63

Ques. 5. Describe your work of diversion giving length and height of each dam and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use, and date of completion of same.

Ans. 3" wells 130 feet deep being pumped
130 GPM

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

Ans. Water to be used for stock pond
covering 80 acres of NW 1/4 of 16 96 63

Ques. 7. If for other than irrigation purpose, state how applied, amount of horse power generated, etc.

Ans. stock water and recreation

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. 3 cubic feet per second April 1 to Feb 1

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. _____

Ques. 10. State when, how, in what amount and to what extent, the water diverted under above mentioned permit has been used.

Ans. well has been pumped 135 CPM since June 1953 about 9 month per year since

(Sign) Charles H. Ahrens

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Waggoner, County of Charles H. D. State of South Dakota, on this 30th day of October A. D. 1956.

Witnesses. B. H. Fries

I, the undersigned, do hereby certify that I am a duly qualified elector residing in the immediate vicinity of the diversion works designated in the foregoing testimony, that I have no interest in the works, water or land above described, that I have read the foregoing testimony and that I know of my own personal knowledge that the matters therein stated are true.

Location No. -----	PROOF OF APPLICATION OF WATER TO BENEFICIAL USE	PETITION OF HOLDER	Amount of Water ----- c. f. s.	Source -----	County -----	Purpose -----	Place of Use -----	Date of recording -----	Received and filed -----
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296-3

March 1959

See 294-3-re keeping records of irrigation
for 1959 pumping season.

 **Department of
Water & Natural Resources**
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

September 21, 1988

NOTICE

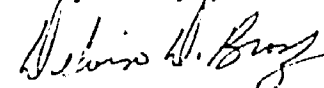
Gary Holzbauer
Rt 1, Box 170
Wagner SD 57380

Dear Mr. Holzbauer:

I am writing to notify you that pursuant to the Notice of Intent to Validate Vested Water Right Claims dated June 20, 1988 that I intend to oppose validation of your water right claim No(s). 296-3, 297-3 until a field inspection has been completed. The claim has either never been inspected or an inspection was conducted so long ago that a new inspection is needed. An inspection is needed to determine the current state of your vested water right claim.

A staff member from the Division of Water Rights will be contacting you and scheduling an inspection of your water project. If we can answer any questions, please contact us.

Very truly yours,


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





296-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 12, 2000

Mr. Gary Holzbauer
Rt. 1 Box 170
Wagner, SD 57380

Dear Mr. Holzbauer:

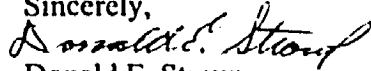
I am writing regarding my August 2000 onsite examination of your Vested Water Right Claims Nos. 296-3 and 297-3. During this examination, several items that delay further processing of these claims were found.

One well could not be located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 16 (No. 296-3) and is probably now submerged in Burks Lake due to wave erosion during high water levels the last few years. Presently this well is not visible or usable.

In the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 16 (No. 297-3) there are two wells approximately 25 feet apart located below the high water mark of Burks Lake. One of these wells is uncontrolled and freely discharging about 10 gpm into the lake. No record of this flowing well could be located in our files. This flowing well should be permitted or possibly a Vested Right Claim submitted to this office if you could determine when it was drilled. The non-flowing well at this location was not being used at the time of the field examination.

The high water levels the last several years in conjunction with high winds appear to have extended the shoreline of Burks Lake. This action has rendered one well unusable and the other two wells on the verge of becoming unusable. Until stabilization of the shoreline is accomplished, reworking these wells may not be advisable or possible. It may be necessary to drill replacement wells and abandon the existing wells. If the wells are not going to be rehabilitated, they should be considered abandoned and if possible, sealed according to state statute and standards.

I have enclosed some pertinent sections from the State of South Dakota Well Construction Standards pertaining to well construction, well rehabilitation, and landowner responsibilities that may help you in deciding your course of action regarding these wells. Please advise this office of your chosen action. If you should have any questions, please contact me at 605-773-3352.

Sincerely,

Donald E. Stroup
DENR Natural Resource Engineer

**Vested Water Rights Nos. 296-3 & 297-3
Charles Mix County**

Report Of Examination Of Works

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

Other permit/license associated with project: None

On July 12, 2000, I completed a field examination of Vested Water Right claims Nos. 296-3 and 297-3 originally held by Charles H. Ahrens and bearing 1953 priority dates. The original diversions were for two wells with 0.30 cfs withdrawals from each well for recreation and stock watering purposes in the NW¼ Section 16 T96N R63W Charles Mix County. The water to be stored in intermittent Burks Lake covering 80 to 90 acres. The present owner, Gary Holzbauer, acquired the property in the 1980's.

I have to report on the conditions of the same as follows:

The system is in the following condition: Poor.

A well in the NE¼ NW¼ of Section 16 (296-3) is now submerged in Burks Lake due to wave erosion during high water levels the last few years. Presently this well is not visible or usable.

In the SE¼ NW¼ of Section 16 (297-3) there are two wells approximately 25 feet apart collared below the high water mark of Burks Lake. One of these wells is uncontrolled and freely discharging about 10 gpm into the lake. There is no record of a flowing well at this location in the Water Rights Program files. The second well at this location was not being used at the time of the field examination.

Applicable permit qualifications have been complied with: **Yes, to the extent possible.** Location of the wells in relation to the present boundary of Burks Lake prohibits appropriate access to and effective use of the wells. The flowing well is providing water to the intermittent lake for livestock watering.

Donald E. Stroup
Natural Resources Engineer
DENR, Water Rights Program

Date

*Use INFO
To Work up File
Document
Can be located at
this time anyway*

REPORT ON EXAMINATION OF VESTED WATER RIGHTS NOS. 296-3 and 297-3

DATE OF INSPECTION: 7/12/00

Other permit/license(s) associated with the project: None

Contact Person & Address:

Gary Holzbauer

Rt. 1 Box 170

Wagner, SD 57380

DIVERSION POINTS LEGAL LOCATION: 296-3 NE¼ NW¼ (Coordinates Unknown) and 297-3 SE¼ NW¼ (N43° 8.072' W98° 18.105') Section 16 T96N R63W. Flowing well is located 25 feet South of 297-3.

WATER SUPPLY Source: Two 130-foot deep wells with 3-inch steel casing and a flowing well of unknown depth with 2.5-inch casing. No screens were installed on the two 130-foot wells.

SYSTEM TYPE: Centrifugal pump with direct discharge into Burks Lake. Pump and each well originally capable of 130-135 gpm pump rate. Flowing well was discharging about 10 gpm at time of field examination.

COMMENTS: Mr. Holzbauer wants to rehabilitate these wells and use them for recreational and stock watering purposes to the fullest extent allowed by vested water rights 296-3 and 297-3. The flowing well was on the property at the time of purchase by Mr. Holzbauer and should have been included in either of the referenced water rights or permitted separately. There is no record of property transfer to Mr. Holzbauer on file.

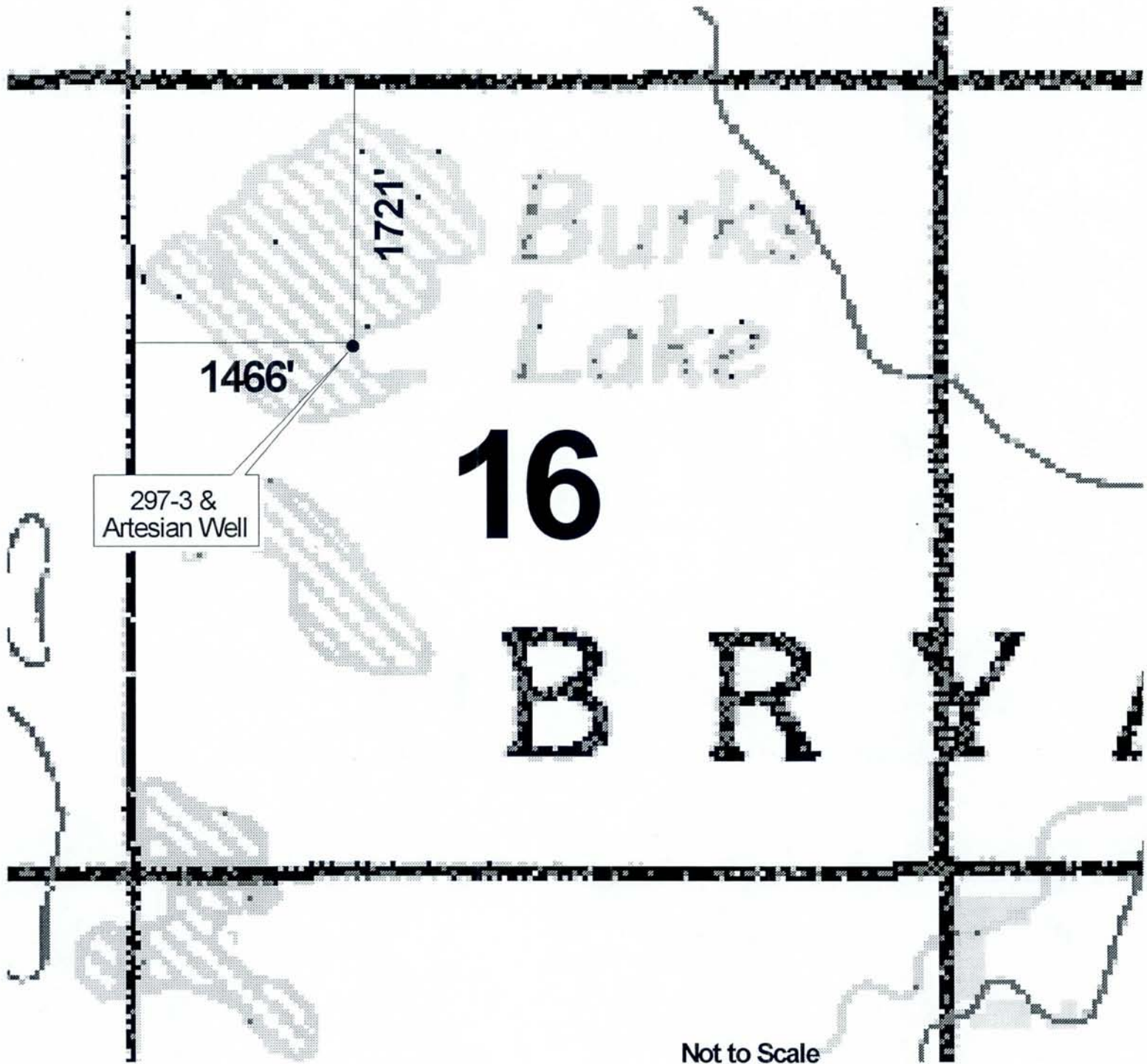
The high water levels the last several years in conjunction with high winds have eroded and extended the shoreline of intermittent Burks Lake. This action has rendered one well unusable and the other two wells on the verge of becoming unusable. Until such time that the lake level recedes and the shoreline can be stabilized, reworking the existing wells may not be possible. It may be necessary to drill replacement wells and abandon the existing wells.

No further action should be taken on licensing or validating these permits until water levels recede and the lake's shoreline is stabilized so the wells can be rehabilitated or replacement wells can be drilled. If the wells are not going to be rehabilitated, then they should be considered abandoned and if possible, sealed according to statute.

Mr. Holzbauer should be advised of the options regarding the rehabilitation of these wells, drilling replacement wells, and/or abandonment of these wells. His intentions regarding these actions should be ascertained.

Donald E. Stroup
Natural Resources Engineer
DENR, Water Rights Program

Date



Vested Rights 296-3 & 297-3
Gary Holzbauer

NE1/4 NW1/4 and
SE1/4 NW1/4 Section 16
T96N R63W

Donald E. Stroup
Natural Resources Engineer
DENR Water Rights Program

File No. 296-3
297-3

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Gary Holzbauer, 39588 292nd St, Wagner, SD 57380

DATE: May 28, 2002

TELEPHONE: 605 384-5296

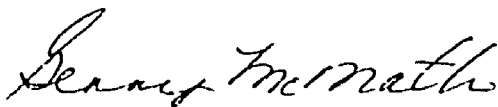
RE: Vested Water Right Claim Nos. 296-3 and 297-3

COMMENTS:

In August, 2000, Don Stroup made an on site investigation of Vested Right Claim Nos. 296-3 and 297-3 held by Charles Ahrens. The land is now owned by Gary Holzbauer. In October, 2000 a letter was written to Mr. Holzbauer asking his intentions towards the wells described in the vested right claims.

During today's phone conversation, Mr. Holzbauer stated the wells are still under water and not usable. He wishes to keep the vested right claims in the hopes of being able to use the wells once he is able to get to them.

For the time being, both 296-3 and 297-3 need to be transferred to Mr. Holzbauer. A decision on the wells and possible subsequent validation of the vested right claims will have to be done at a later date.



Genny McMath
Environmental Scientist



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 29, 2002

296-3
297-3

Gary Holzbauer
39588 292nd St
Wagner, SD 57380

Dear Mr. Holzbauer:

Enclosed, as we discussed, are partially completed Notice of Transfer of Ownership forms for use in filing an ownership change with Vested Water Right Claim Nos. 296-3 and 297-3. The vested right claims are currently listed in the name of Charles Ahrens.

Please review the forms for accuracy and make any necessary changes. Once completed, please sign the forms in the presence of a notary public and return them to our office with a required filing fee of \$2.50 each (total of \$5.00). The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please get in touch with me.

Sincerely,

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 17, 2002

296-3
297-3

Gary Holzbauer
39588 292nd St
Wagner, SD 57380

Dear Mr. Holzbauer:

On May 29th, I wrote to you and forwarded partially completed Notice of Transfer of Ownership forms for use in filing an ownership change with Vested Water Right Claim Nos. 296-3 and 297-3. The vested right claims are currently listed in the name of Charles Ahrens. To date, we have not received the forms back from you.

Enclosed is an additional set of transfer forms. Since the last time I wrote to you, we have changed the forms and no longer require them to be notarized.

Please review the forms for accuracy and make any necessary changes. Once completed, please sign the forms and return them to our office with a required filing fee of \$2.50 each (total of \$5.00). The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please get in touch with me.

Sincerely,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 8, 2003

296-3
297-3

Gary Holzbauer
39588 292nd St
Wagner, SD 57380

Dear Mr. Holzbauer:

I am writing as a reminder that we have not yet received the ownership changes from you for Vested Water Right Claim Nos. 296-3 and 297-3. They are currently still listed in the name of Charles Ahrens.

It is important to keep ownership records up to date. We realize the wells described in the vested right claims are most likely still under water and not currently available for use. If you intend to maintain the vested right claims and rehabilitate the wells when they become available, ownership must be kept current. If you have decided to forfeit the rights, they will be scheduled for cancellation consideration.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing the ownership changes. Please review the forms for accuracy and make any necessary changes. Once completed, please sign the forms and return them to our office with a required filing fee of \$2.50 each (**total of \$5.00**). The check or money order for the fee can be made payable to the Water Rights Program.

If you have decided against transferring the vested rights and no longer wish to maintain them, let me know.

Sincerely,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 9, 2009

296-3

297-3

Gary Holzbauer
39588 292nd St
Wagner SD 57380

Dear Mr. Holzbauer:

This letter is in regard to ownership of land described in Vested Water Right Nos. 296-3 and 297-3 still listed in the name of Charles Ahrens. Partially completed "Notice of Transfer of Ownership" forms were forwarded to you in the past and to date, we have not received the forms and filing fees back from you.

In the event you no longer have the original forms, enclosed is an additional set for your use in filing the ownership changes. Please review the forms and make any necessary corrections. Upon completion, please sign and return them to our office with a required filing fee of \$2.50 each (total of \$5.00). The check or money order for the fee can be made payable to the Water Rights Program.

Please be advised that the Legislature passed a bill this year raising the filing fees on applications, licenses and ownership changes. The fee increases will become effective July 1, 2009. The fee increase for an ownership change will be raised from \$2.50 to \$50.00 each. We will be required to assess the increased fee of \$50.00 for any ownership change filed after July 1st.

To avoid having to pay the higher fee (\$100 for the two transfers), please submit the enclosed forms and remit the \$5.00 in filing fees as soon as possible. If you no longer own the land or do not wish to maintain the vested water rights, please contact me.

Sincerely,

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

enclosures