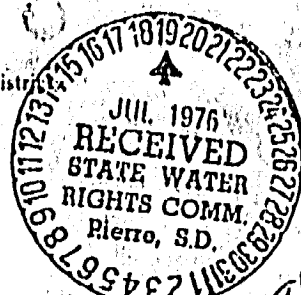


er Right Number 3700-3

1. Considered 3-24, 19 77
2. Name of Applicant HOLZBAUER BROS.
3. Post Office Address WAGNER
4. Amount of Water claimed 2.28
5. Source of Water supply 200' WELL
6. Water to be used for IRR
- Acres to be irrigated 160
7. Water to be diverted and used in CHAS. MIX County
about 2N, 1/2E miles of WAGNER
8. Proof of Publication Received ~~FILE~~ 3-21-77
Not Received _____
9. Application Approved 3-29-79
Subject to WT 1/2 MI Spac
Not Approved Chatham agcy
Action Deferred _____
10. Remarks:

Deferred
3-24-77

No. 3700-3Map No. 2974-3 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 9:30 am

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

1. Name of Applicant: Holzhauser Bros.
 Postoffice address: Wagner RR #1, State South Dakota 57380
 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 Holzhauser #2
4. Amount of water claimed (cubic feet per second) 2 1/2 2.28 MAX ALLOWABLE
5. Source of water supply well
6. Location of point of diversion Center of Section SW 22-96-63

- County Charles Mix
 7. Annual period or periods during which water is to be used March through November
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 160

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.
SW 22 Sec. 22-96-63	160		

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 2 years.
Wagner Post
11. Choice of newspaper for Notice of Intent to Appropriate Water publication _____
12. Principal Features of the Proposed Water Supply System.

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

Well with turbine pump

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

8 inch mainline

C. Works proposed to apply water to beneficial use.

sprinklerEstimate of total cost \$ 50,000Attachments: 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, Holzhauser Bros. the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend and am able to complete the necessary construction.Holzhauser Bros. by Leo HolzhauserSigned Leo HolzhauserSubscribed and sworn to before me this 16 day of July, 1976

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. 3700-3
HOLZBAUER BROS
 (Applicant) EXH, WAGNER
 (Post Office Address)

SOUTH DAKOTA 57380 With the following modifications:
 (State)

The irrigation well approved under this Permit will be located near domestic wells and other irrigation wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in irrigation wells having prior water rights.

The wells approved under this permit shall be spaced so there is at least one-half mile spacing between wells and screened into the Choteau aquifer.

Date of first receipt of application JULY 19 19 76
 Date of return to applicant for correction, amendments or changes required _____ 19 ____
 Date of receipt of corrected application WA FEBRUARY 7 19 77
 Approved MARCH 28 19 79 Recorded in Book 20 Page 234
 WATER RIGHT PERMIT NO. 3700-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 3700-3 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 applicant may claim right is FEBRUARY 7 19 77
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPTEMBER 28 19 79
3. The whole of said work is to be completed on or before MARCH 28 19 80
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 28 19 82
5. The water appropriated shall be used for the purpose of IRRIGATION
6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 2.28 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 2 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 28 19 82; said water to be used during the following described annual period: MARCH - NOVEMBER

Witness my hand this 5 day of APRIL 19 79

WATER RIGHTS COMMISSION

By: [Signature]
 Clerk, Executive Officer

Certificate of Construction Issued _____ 19 ____
 Water License Issued _____ 19 ____

Form 2A - Wells, Dugouts or Water Storage Dams (Supplement to form 2)

12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates

(1) Drill Hole, Diameter 36", Depth 200'

(2) Casing, Type plastic Diameter 18" Thickness
(wood, concrete, steel, etc)

(3) Perforated Screen.

Type to be determined, Diameter , Length

(4) Gravel Pack, Thickness to be determined, Length of gravel pack

E. Dugout Information or Estimates

(1) Surface dimensions , Depth

F. Fill out for Either, a Well or a Dugout.

(1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials

Depth to top of water bearing material

Depth to bottom of water bearing material

Thickness of water bearing material

Depth to water (ground surface to water level)

(2) Distance to nearest existing household or livestock watering wells.

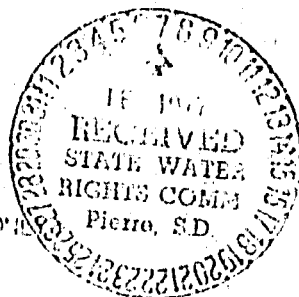
On same owner's property rds. On property owned by others rds.

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

H. Braun Bras-
Director Gay, Hoffman
Signature of Applicant

no fee
STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-6-3 AS AMENDED
(THIS FORM REQUIRED FOR PROPOSED GROUND WATER IRRIGATION OF)



LEGAL DESCRIPTION

1. WELL LOCATION S. 1/4 Sec 22, T. 1N, R. 10E
2. LOCATION OF AREA TO BE IRRIGATED _____

TYPE OF IRRIGATION

3. GRAVITY _____ TOWLINE _____ CENTER PIVOT / GUN _____
4. CROPS TO BE IRRIGATED Corn, soybeans, alfalfa

WATER QUALITY

5. SAMPLE NUMBER 76-639
6. SALINITY (EC X 10⁶) 5160.8 (medium high)
7. SODIUM (SAR) 5.22 (medium)
8. RESIDUAL SODIUM CARBONATE (meq/l) 0

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

DESCRIBED AND SHOWN BEFORE ME THIS
DAY OF JANUARY, 1977.

NOTARY OR JUDGE

APPLICANT'S SIGNATURE

APPROVED

(SOILS INFO ON REVERSE SHEET)

REPORT OF ANALYSIS
Water Quality Laboratory
Water Resources Research Institute
South Dakota State University
Brookings, South Dakota 57006

3700-3

Submitted by: Larry Pine
 Address: Water Resources Institute

Date Rec'd: June 14, 1976
 Sample No.: 76-679
 Identification: L.G. Holzbauer
 Sec. 15, T 96N, R 67E

WATER ANALYSIS

Calcium (Ca)	150	ppm*	7.30	me/l**
Magnesium (Mg)	35	ppm	1.87	me/l
Sodium (Na)	273	ppm	11.33	me/l
Potassium (K)	28	ppm	0.72	me/l
Sulfate (SO ₄)	450	ppm	9.36	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	715	ppm	2.39	me/l
Bicarbonate (HCO ₃)	525	ppm	3.60	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	430	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	1603	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	57.27			
Sodium	51.74	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.34			
Others:				

*ppm=parts per million

**me/l=millequivalents per liter

***g.p.g.=grains per gallon

COMMENTS: Total cations: 22.96 me/l
 Total anions: 20.35 me/l

By: Shirley Mitten

Service Performed	Amount Due
Ignition analysis	33.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 76-679

Amount Enclosed \$

Signed

Stacybauer Bros.

Nov 22 - 96 - 13

IIIc2

Deep, heavy, well to moderately well drained soils on nearly level (0 to 2) upland. These soils are in a poor state of fertility and they will have to be fertilized and irrigated.

IVc3

Deep, heavy, well to moderately well drained soils on nearly level (0 to 2) upland. These soils are in a poor state of fertility and they will have to be fertilized and irrigated.

IIIc1

Deep, heavy, well to moderately well drained soils on nearly level (0 to 2) upland that have clayey subsoils. These soils are in a poor state of fertility, water penetration, and are subject to plants. They have a slight to moderate wind erosion.

VIc1

Moderately well to poorly drained soils on nearly level to sloping (0 to 2) upland. These soils are in a poor state of fertility near the surface, and are subject to plants. These soils are generally suitable for cultivation.

IIc3

Deep, heavy, well to moderately well drained soils in upland areas that receive a moderate moisture. However, moisture is still inadequate in most years.

93a	Highmore silt loam	11c2
83a	Highmore silt loam	11c2
86	Tetenke silt loam	11c1
84	Highmore silt loam	
	Highmore	11c2
	Silt	11c1
	Heven silt loam	11c1
87	Onita-Tetenke silt loam	
46	Onita	11c2
	Tetenke	11c1

Intake rates

Highmore	0.3
Highmore	0.5
Tetenke	0.1
Heven	not suited
Onita	0.5

Form 6 - Notice of Intent to Appropriate Water

No. 3700-3

Publish first publication, on or before March 10, 1977

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

March 1, 1977

Holshouser & Brothers

Notice is hereby given that _____
Wagner
whose post office address is _____, 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
2.22 cubic feet of water per second of time from the ground water through the
Holshouser & Brothers, the point of diversion of which is to be located in the _____.

Center of SW $\frac{1}{4}$

of Section 22, Twp. 26N, Range 63W. Said water to be used for the purpose
of providing irrigation on the following described land:
SW $\frac{1}{4}$, Section 22-T26N-R63W

This application No. 3700-3 will be considered by the Water Rights Commission at their office at
Pierre upon the _____ day of _____, 1977, at 11:00 A.M. All interested
persons may appear and be heard.

WATER RIGHTS COMMISSION

By: JAMES WINTERKUN

BURTON F. JONES

Water Rights Specialist

BFJ/bw
cc:

Holshouser & Brothers, Wagner, S. Dak. 57360

No. 3700-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Charles Mix) ss.

I, Mildred Roberson hereby
certify that the annexed printed copy of Notice of Intent 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
two dates:

March 10-1977

March 17-1977

Mildred Roberson
(Signature)

Bookkeeper
(Title)

March 17-1977
(Date Signed)

Public Notice

NOTICE INTENT TO
APPROPRIATE WATER

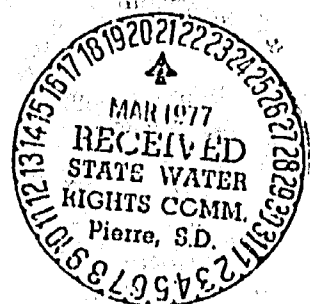
Pierre, South Dakota 57501
March 4, 1977

Notice is hereby given that
Holzbauer Brothers whose post
office address is Wagner, South
Dakota, has made an applica-
tion in accordance with the
provisions of the water laws of
South Dakota for a permit to
appropriate for beneficial use
2.28 cubic feet of water per
second off time from ground
water through the Holzbauer
#2, the point of diversion of
which is to be located in the
Center of SW 1/4 of Section 22,
Twp. 06N, Range 63W. Said
water to be used for the
purpose of providing irrigation
on portions of the following
described land: SW 1/4, Section
22-T96N-R63W. This application
No. 3700-3 will be considered by the Water
Rights Commission at their
office at Pierre upon the 24th
day of March, 1977 at 11:00
a.m. All interested persons
may appear and be heard.

WATER RIGHTS
COMMISSION

By: James Winterton
Water Rights Specialist

Pub.: Mar. 10-17, 1977



REPORT ON THE CHARLES MIX - DOUGLAS COUNTY AREAS

March 23, 1978

During the March 1977 Water Rights Commission meeting some of the deferred applications in the Lake Andes - Wagner area were reconsidered. At that time, 6 applications from the Choteau aquifer and 7 from the Delmont aquifer were approved. The Water Rights Commission Staff has not followed up on these applications and it is not known which are developed or how much pumping has been done.

Listing of Deferred Applications

CHARLES MIX COUNTY

2310-3 Richard Soulek
2323-3 Dale Meyer
3696-3 John D. Orr
3697-3 Dean Weber
3698-3 Rolland B. Vanderpol
3700-3 Holzbauer Bros.
3701-3 Marlin Laska
3704-3 Edward E. Weber
3705-3 Greenwood Colony
3706-3 Holzbauer Bros.
3736-3 Holzbauer Bros.
3750-3 Gary Hrdlicka
4004-3 Wilbur and Eugene Slaba
4005-3 Maynard & Vera Vesper
4198-3 Joe Holzbauer

DOUGLAS COUNTY

2283-3 Ted Reinfeld
3699-3 Joe L. Sanders
3702-3 Clarence Ewing
3703-3 Clarence Ewing
3708-3 Donald Schmidt
4059-3 Eltor Brenner

The Water Rights Commission Staff is concerned about the water levels in the Choteau aquifer. At this time the water levels are 8-10 feet below what is considered normal. The Delmont aquifer is 3-4 feet below normal and should recharge this spring with normal snowmelt. The Water Rights Commission Staff is recommending no action on these applications at this time.

JOHN PATCH, Chief Engineer
Water Rights Commission

3700-3

CHARLES MIX & DOUGLAS COUNTIES



Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501
Phone 605/224-3151

March 23, 1978

TO: Persons with deferred applications in Charles Mix & Douglas Counties.

FROM: John Hatch, Chief Engineer, Water Rights Commission

SUBJECT: Reconsideration of deferred applications in Charles Mix & Douglas Counties.

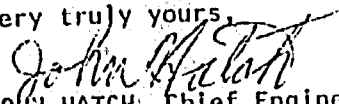
The Water Rights Commission will reconsider Water Right Applications in Charles Mix & Douglas Counties at 10:30 am, March 29, 1978 at the Guest House, 101 North Broadway, Watertown, South Dakota.

This reconsideration hearing will be conducted in accordance with the provisions of SDCL 46-1-1 thru 46-1-8; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, Ground Water 46-6-3, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13.

The applications were deferred by the Water Rights Commission, pending Staff investigation.

After reconsideration of the deferred Applications in Charles Mix & Douglas Counties the Commission can approve, defer, or deny all or parts of the Applications. A copy of the "Report on the Charles Mix - Douglas County Areas" is enclosed for your information.

Very truly yours,


JOHN HATCH, Chief Engineer
Water Rights Commission

JH:kjw

enclosure

3700-3



Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501

Phone 605/773-3151

March 14, 1979

TO: Holders of Deferred Applications in Charles Mix and Douglas Counties
FROM: John Hatch, Chief Engineer, Water Rights Commission
SUBJECT: Reconsideration of Deferred Applications

The Water Rights Commission will reconsider deferred Water Right Applications in Charles Mix and Douglas Counties at 3:30 p.m., March 28, 1979, at the Community Room of the Pierre City Hall, 222 East Dakota Ave, Pierre, South Dakota.

This reconsideration hearing will be conducted in accordance with the provisions of SDCL 46-1-1 thru 46-1-9; 46-1-14; 46-2-9 thru 46-2-11; 46-2-13; 46-5-1 thru 46-5-8; 46-5-10 thru 46-5-22, 46-5-41; 46-6-3; 46-6-5; 46-6-6.1; 46-6-10; 46-6-3.1; 46-6-14 and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13.

These applications were previously deferred by the Water Rights Commission, pending Staff investigation.

After reconsideration of the deferred Applications the Commission can approve, conditionally approve, defer, or deny all or part of the Application.

This hearing is an adversary proceeding. Any person has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing. Decisions of the Commission may be appealed to the Courts as provided by law.

Very truly yours,

A handwritten signature in cursive script that reads "John Hatch".

JOHN HATCH, Chief Engineer
Water Rights Commission

JH:kjw

SOUTH DAKOTA

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

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:

Lenny Melnath



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





Department of Water & Natural Resources

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

3700-3

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.

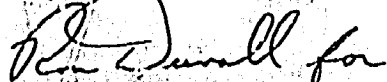
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

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

**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 DUVALL
Natural Resources Engineer
Water Rights Division



3700-3
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,

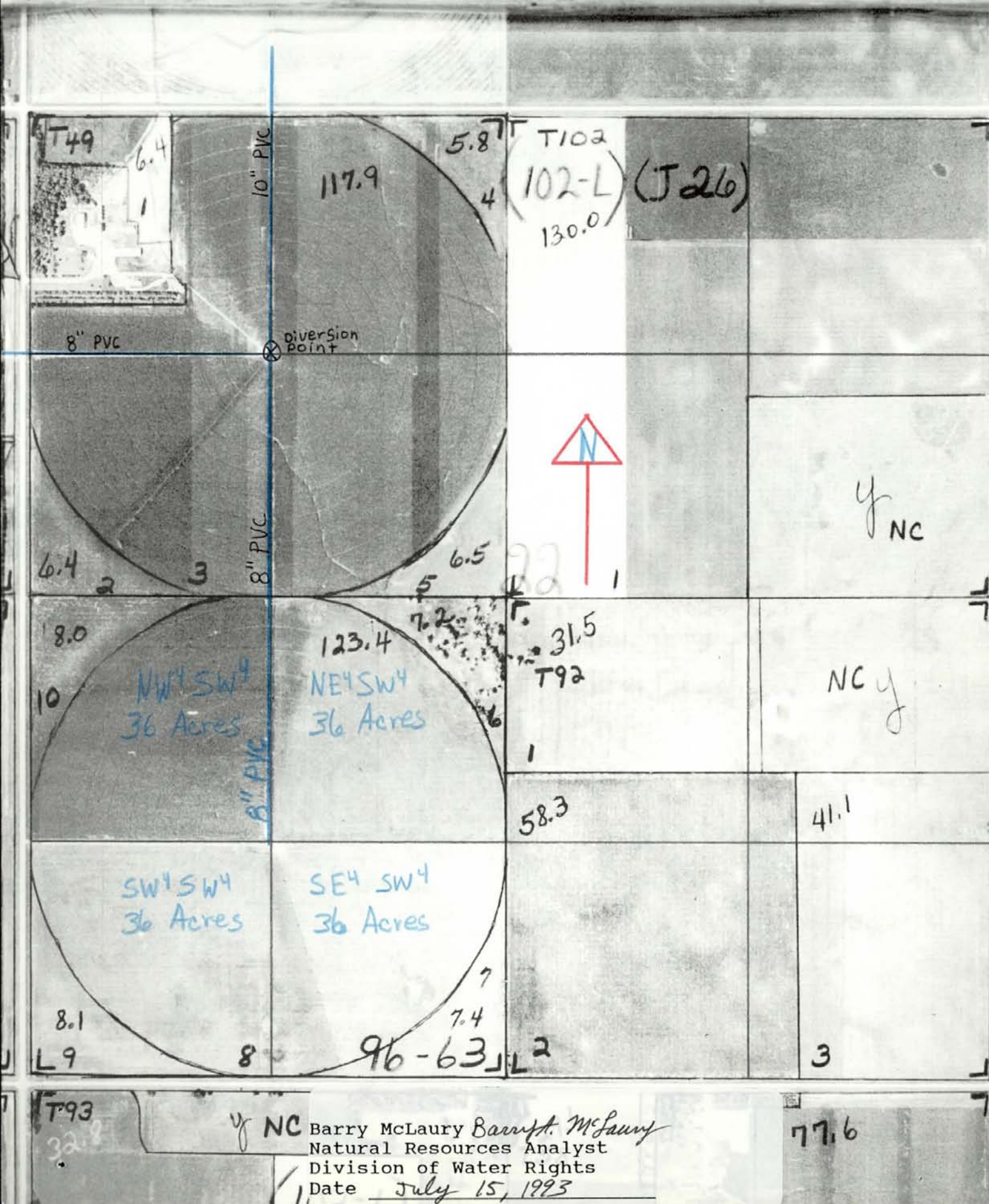
Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

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

3700-3



1-264 3700-3

APP NO 297A-3 APP NO 3700-3

349

130.0

(1-192)

103.3

#4

X. Will under
promise 3796

22

31.5

58.3

41.1

97.7

Well Location
with single Permit
#3700

male Remo
00 Leonard Nelson
area ent agent

96-63

11.6

17.3

30.6

(1-192)

12.6

1030