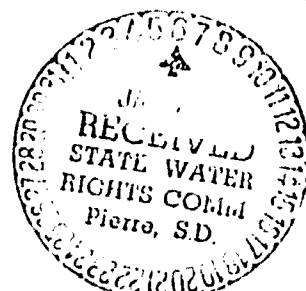


Water Right Number 3707-3

1. Considered 3-24, 19 77
2. Name of Applicant HOLTBAUER Bros.
3. Post Office Address WAGNER
4. Amount of Water claimed No Add'l
5. Source of Water supply 170' WELL (EXISTING)
6. Water to be used for IRR.
Acres to be irrigated 320
7. Water to be diverted and used in CHAS. MIX County
about _____ miles 2-2 1/2 N of WAGNER
8. Proof of Publication
Received ~~7-11~~ 3-21-77
Not Received _____
Approved _____
Subject to _____
Not Approved _____
Action Deferred _____
10. Remarks:

Map No. 2481-3 Water Division No. 3 MISSOURI RIVER District
 (Blanks to be Filled by the Engineer for the W. R. C.)



APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

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

1. Name of Applicant Holzhauser Bros
 Postoffice address Wagner State S.D. 57356
 2. If a corporation show date and place of incorporation _____
 3. Method of accomplishing work (contract, employment of others, or by direct labor) contract
 4. Name of diversion work Holzhauser #1
 5. Amount of water claimed (cubic feet per second) No additional water - added acreage
 6. Source of water supply Well
 7. Location of point of diversion 1877 feet south 40 feet east from
West quarter corner Sec. 15 Twp 96 Rary-63
Permit No. 3 County Charles Mix
 8. Annual period or periods during which water is to be used April through October
 9. Use to be made of water (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
 10. For irrigation use, Total number of acres to be irrigated 320

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

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
<u>SW 1/4 - 22-96-63</u>	<u>160</u>		
<u>NE 1/4 - 21-96-63</u>	<u>160</u>		

Attach sheet if more space is needed

11. Time required to complete construction of water supply system 1 years. Additional time required to complete application of water to the proposed beneficial use 0 years.
 12. Choice of newspaper for Notice of Intent to Appropriate Water publication Wagner Post
 13. Principal Features of the Proposed Water Supply System

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

Well already established - No additional water request
Just additional land to be irrigated

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

Transite

C. Works proposed to apply water to beneficial use.

Sprinkler + Tow linesEstimated Total Cost \$ 40,000

Attachment: 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 Mix

Leo H. Jensen Notary Public, 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.

Signed

Holzhauser Bros. BySubscribed and sworn to before me this 3 day of Jan 1927

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

3000 4000 5000 6000 7000 FEET
1 KILOMETER

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
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

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 3707-3

HOLZ BAUER BROS.
(Applicant)

VLADIMIR
(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.

THIS PERMIT AUTHORIZES USE OF THE WELL GRANTED UNDER PERMIT NO 293-3 FOR LANDS DESCRIBED IN THIS PERMIT.

Date of first receipt of application JANUARY 6, 19 77

Date of return to applicant for correction, amendments or changes required —, 19 —

Date of receipt of corrected application FEBRUARY 7, 19 77

Approved MARCH 24, 19 77, Recorded in Book 18 Page 60

WATER RIGHT PERMIT NO. 3707-3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 3707-3 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 JANUARY 6, 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 77
3. The whole of said work is to be completed on or before MARCH 24, 19 78
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 24, 19 78
5. The water appropriated shall be used for the purpose of IRRIGATION

6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

7. The amount of the appropriation herein granted shall not exceed NO ADDITIONAL 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 use served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is

actually and beneficially applied for irrigation on or before MARCH 24, 19 78; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 21ST day of APRIL, 19 77

WATER RESOURCES COMMISSION

By:

John Hatch
Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 _____

Water License Issued _____, 19 _____

STATE WATER RIGHTS COMMISSION
SPECIFIC IRRIGATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH S.D.C. 66-6-3 AS AMENDED
(THIS FORM REQUIRED FOR PROPOSED GROUND WATER IRRIGATION)



NAME H. H. Hansen Bros.
ADDRESS Highway 8, Box 57380
CITY Charmin, Minn.

LEGAL DESCRIPTION

1. WELL LOCATION NW 1/4 of Sec. 22-96-63
2. LOCATION OF AREA TO BE IRRIGATED NW 1/4 of Sec. 22-96-63

TYPE OF IRRIGATION

3. GRAVITY _____ TOWLINE ☒ CENTER PIVOT ☒ GUN ☐
4. CROPS TO BE IRRIGATED corn, alfalfa, hay

WATER QUALITY

5. SAMPLE NUMBER 76-634
6. SALINITY (EC X 10⁶) 1608
7. SODIUM (SAR) 2.2 (medium)
8. RESIDUAL SODIUM CARBONATE (meq/l.) _____

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.

H. H. Hansen Bros.

APPLICANT'S SIGNATURE

H. H. Hansen Bros.

SUBSCRIBED AND SWORN TO
THIS DAY OF June

19 77

Martha A. Bee
TITLE OF JURY

Martha A. Bee
TITLE OF JURY

NOTARY PUBLIC

INTERNAL RINGS

Hardhat	0.2
Highway	0.5
Booth	0.2
Chin	0.5
Tetanus	0.1

174

lamp, and not only does it provide a reduced field of nearly zero (0 to 100) lux, it also provides adequate lighting for the person at the station to make his work.

2242

Bobo, Larry, will be a lovely well dressed wife in uniform in her suit which is beautiful and pure. Bobo, Larry, is still in debt, I don't know.

1343

loose, heavy, poorly drained, soils on bottom lands and in depressions. An insignificant water table, occasional flooding, or salinity severely limits use.

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

Submitted by: Larry Fine	Date Rec'd: June 14, 1976
Address: Water Resources Institute	Sample No. 76-679
	Identification L.G. Holzbauer
	Sec. 15, T. 96N, R. 67W

WATER ANALYSIS

Calcium (Ca)	150	ppm*	7.50	me/l**
Magnesium (Mg)	30	ppm	1.50	me/l
Sodium (Na)	77	ppm	11.30	me/l
Potassium (K)	78	ppm	6.70	me/l
Sulfate (SO ₄)	450	ppm	9.76	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	115	ppm	12.30	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)	470	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	1603	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	5.23			
Sodium	51.74	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.54			
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 Mittan

Service Performed	Amount Due
Irrigation Analysis	\$8.00 Paid SRI 6849

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

Form 6 - Notice of Intent to Appropriate Water

No. 3707-3

Publish first publication, on or before March 10, 1977

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

March 4, 1977

Notice is hereby given that Holzbauer Bros.,
whose post office address is Wagner, South Dakota, has made an application in accordance
with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use
no additional ground water cubic feet of water per second of time from the Holzbauer #1 through the
is an existing well the point of diversion of which is to be located in the

~~SW 1/4~~ SE 1/4

center of SW 1/4

of Section 16, Twp. 96N, Range 03W. Said water to be used for the purpose
of providing irrigation on the following described land:
SW 1/4, Section 22 and NE 1/4, Section 21, T96N, R03W

This application No. 3707-3 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

BFJ/aw
cc: Holzbauer Bros., Wagner, S.D. 57380

No. 3707-3

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

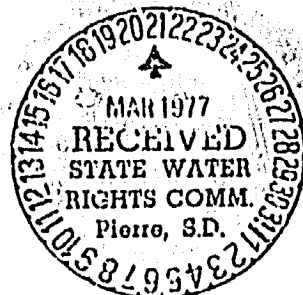
March 1, 1977

Notice is hereby given that
Holzbauer Bros. 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
no additional cubic feet of
water per second of time from
ground water through the
Holzbauer #11 the point of
diversion is an existing well of
which is to be located in the
NW 1/4 SE 1/4 of Section 15, Twp.
26N, 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 and NE 1/4
Section 21, T96N, R63W, M.
This application No. 3707-3
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.: March 10-17, 1977



No. 3707-3



NOTICE OF COMPLETION OF WORKS AND/OR
APPLICATION OF WATER TO BENEFICIAL USE

Post Office Wagner, S.D.

Date 8-13-77

TO: Water Rights Commission
Joe Foss Building
Pierre, South Dakota 57501

Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to the maximum extent it is going to be used, not exceeding the amounts as specified in Water Right Permit No. 293-3.

Water Right Permit No. 3707-3 states that the diversion system is to be constructed by 3-24, 1978 and that the water is to be put to beneficial use by 3-24, 1978.

The diversion system was completed on 4-11, 1977.
Applying the water to beneficial use was completed on 4-18, 1977.

You may schedule an inspection so that the Certificate of Construction and/or the Water License may be issued, thus completing my acquisition of a water right.

Halbauer Bros.
(Signature)
Leo Halbauer
Ray Halbauer

South Dakota
Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181
February 5, 1986

Water Rights Division
605 773-3352

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 McMath
Natural Resources Analyst

GM:ks

enclosures

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

Water Rights Division - DWNR
Conversation or File Documentation

File No. 293-3
1619-3A
2583-3
3700-3
3707-3
3736-3

NAME OF PERSON OR FILE: Leo & Gary Holzbauer

ADDRESS: Wagner, SD

COUNTY

DATE: April 24, 1986

TELEPHONE

RE: ownership of permits under name of Holzbauer Brothers

COMMENTS:

Leo & Gary called to clear up a misunderstanding about transfer of water permits under the name of Holzbauer Brothers. They had previously indicated that certain questionnaires should be sent to them instead of Holzbauer Bros because they were buying the land on a contract for deed. At this time, they want the permits left as is, with the yearly irrigation questionnaire sent in-care-of either Leo or Gary. They want the permits to remain this way until the actual title to the lands changes hands which will be when the contracts are paid off.

No. 293-3 (Lawrence Holzbauer):

SEND TO:

No. 2583-3 (Holzbauer Brothers):

Leo Holzbauer

No. 3700-3(" "):

RR #1, Box 170, Wagner, SD 57380

No. 3707-3(" "):

No. 3736-3(" "):

No. 1619-3A (Holzbauer Bros):

SEND TO:

Gary Holzbauer

RR #1 Box 89

Wagner, SD 57380

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

4/82

NAME:

Henry M. Math

 **Department of
Water & Natural Resources**

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

February 14, 1989

293-3
1619-3A
2583-3
3700-3
3706-3
(3707-3)
3736-3

Leo Holzbauer
RR #1 Box 170
Wagner, SD 57380

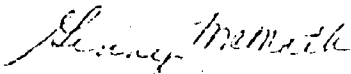
Dear Mr. Holzbauer:

In response to our telephone conversation, enclosed are partially completed "Notice of Transfer" forms for use in filing ownership changes on Water Right Nos. 293-3, 1619-3A, Water Permit Nos. 2583-3, 3700-3, 3706-3, 3707-3 and 3736-3. The permits, with the exception of No. 293-3 (Lawrence Holzbauer), are all listed in the name of Holzbauer Brothers.

Please complete the forms and have them signed and notarized. Upon completion, return them to our office with a required filing fee of \$2.50 each (total of \$17.50).

If you have any questions, please contact us.

Sincerely,



GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosure



3707-3

**Dakota Department of
Water & Natural Resources**

Foss Building
East Capitol
Pierre, South Dakota 57501-3181

February 17, 1989

Leo Holzbauer
Box 170
Wagner, SD 57380

Dear Mr. Holzbauer:

On October 6, 1988, the Water Management Board adopted rules to implement a 1988 law for application of chemicals through irrigation systems. The rules establish equipment standards, performance standards and installation requirements for irrigation systems that apply chemicals (fertilizers, insecticides, or herbicides) with irrigation water.

You have indicated on your 1988 Water Management Board Irrigation Questionnaire that you do apply chemicals with irrigation water. A copy of the new rules for chemigation are enclosed for your information.

The new standards include:

- * a check valve between the irrigation pump and the point of chemical injection;
- * a vacuum relief valve on top of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a low-pressure drain on the bottom of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a chemical injection line check valve between the chemical injection pump and the point at which the chemical is injected into the irrigation line; a second check valve is required if the chemical injection pump is not a positive displacement pump;
- * an interlock system which ensures that the chemical injection pump will stop whenever the irrigation pump stops;
- * an inspection port between the irrigation pump and the check valve or the irrigation line;

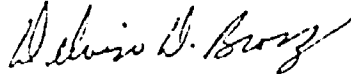


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

The equipment must be installed according to the manufacturer's specifications, calibrated, and maintained in good working condition. All chemical product labels must be followed and warning signs must be posted. These rules also require reporting of all spills, accidents, and system malfunctions. A 24-hour telephone number is provided.

The chemigation rules contain notification and record keeping requirements. Prior to using chemigation, notification must be given to the Chief Engineer on the enclosed Form 1C. Information that must be provided in this notification includes the water permit or right number, the name, address, and telephone number of the water permit or right holder and of the system operator, and the legal description of the lands on which the system is located. A record of the name, quantity, dates and hours of each chemical applied must be provided to the Chief Engineer on Form 2C. A copy of this form is also enclosed for your information. It will be mailed with the annual irrigation questionnaire and must be returned with the questionnaire by the date specified. If you have any questions regarding these rules or need additional copies of the forms, please contact Susan Howar, Water Rights Engineer (605-773-3352).

Very truly yours,



for JOHN HATCH, Chief Engineer
Water Rights Division

3707-3

**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, 1-90 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 *11/5*

RON DUVALL
Natural Resources Engineer
Water Rights Division



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

LEO HOLZBAUER
BOX 170
WAGNER, SD 57380

NOTICE

Re: Failure to Report Chemical Use under Water Permit No(s) 3707-3

The first notice to file chemigation report(s) for Permit No(s) 3707-3 was dated October 18, 1991. Our records indicate that we have not received the 1991 chemigation report for Permits No(s) 3707-3. The Water Management Board has directed that owners of water permits who have not submitted the 1991 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing held by the Board is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application.

The hearings will be held at 9:15 am, on March 4, 1992, at the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol, Pierre SD, and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation or up to three years for the second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s). 3707-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

Very truly yours,

RON DUVALL, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

NOTE: If the chemigation report(s) is(are) received by this office prior to the March 4, 1992 hearing, you will no longer be in violation and your name will be deleted from the Board agenda.



GREAT FACES. GREAT PLACES

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 30, 1992

LEO HOLZBAUER
BOX 170
WAGNER, SD 57380

Dear Mr. HOLZBAUER:

I am writing to acknowledge receipt of your 1991 chemigation report for Water Right No.(s) 3707-3. You may disregard the February 1, 1991, Notice of Failure to Report Chemical Use for 1991. With receipt of the chemigation report, your name has been deleted from the March 4, 1992 Water Management Board meeting agenda.

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

Sincerely,

DON FRYE, Natural Resources Analyst
Water Rights Division



3707-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 12, 1996

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

RE: 1996 irrigation questionnaires for Leo Holzbauer

Dear Mr. Glanzer:

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

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

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

Sincerely,

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

enclosures

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



3707-3

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.

