

ter Right Number 3736-3

1. Considered 3-24, 1977
2. Name of Applicant HOLZBAUER BROS.
3. Post Office Address WAGNER
4. Amount of Water claimed 4.00
5. Source of Water supply 200' WELL
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 3N of WAGNER

8. Proof of Publication Received 1st 3.23.77

Not Received _____

9. Application Approved 3-29-77

Subject to WI 1/2 sp. Ch. Agn

Not Approved _____

Action Deferred _____

10. Remarks:

*Referred
3.24.77*

No. 3736-3Map No. 2974-3 Water Division No. 3 MISSOURI RIVER District 1
(Blanks to be Filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

To Appropriative Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)

1. Name of Applicant Holzbauer Bros.
 Post-office address Wagner, State South Dakota
 If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract
3. Name of diversion work Holzbauer #4
4. Amount of water claimed (cubic feet per second) 4.0
5. Source of water supply ground water
6. Location of point of diversion Center of NW 1/4, Section 22, T96N, R63W
- County Charles Mix
7. Annual period or periods during which water is to be used April - October
8. Use to be made of water (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
9. For irrigation use: Total number of acres to be irrigated 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>W 1/2, Sec. 22, T96, R63</u>	<u>320</u>		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 4 years.
11. Choice of newspaper for Notice of Intent to Appropriative Water publication Mitchell Daily Republic
12. Principal Features of the Proposed Water Supply System.
- A. Works proposed to divert water from its natural source.
Well, pumps and motor
- B. Works proposed to transport water to place of use.
Pipeline
- C. Works proposed to apply water to beneficial use.
Center pivot, and towlines

Estimated Total Cost \$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)
) ss.
County of Hughes)I, Holzbauer 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 constructionSigned [Signature]Subscribed and sworn to before me this 10th day of March, 1977[Signature]
Notary Public (or other qualified officer)

BETTY WESTLUND, Land/Water Clerk II

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.

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. 3736-3

WALTER J. VAN LINDEN
(Applicant)

WAGNER
(Post Office Address)

SOUTH DAKOTA 57350
(State)

With the following modifications:

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 well 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 MARCH 10, 19 77

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

Date of receipt of corrected application _____, 19 _____

Approved MARCH 28, 19 79, Recorded in Book 20 Page 236

WATER RIGHT PERMIT NO. 3736-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 3736-3 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 MARCH 10, 19 77
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPT. 28, 19 81
3. The whole of said work is to be completed on or before MARCH 28, 19 84
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 28, 19 88
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 4.0 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 88; said water to be used during the following described annual period: APRIL - OCTOBER

Witness my hand this 5th day of APRIL, 19 79

WATER RIGHTS COMMISSION

By:

John Hatch
Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 _____

Water License Issued _____, 19 _____

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

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

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

(3) Perforated Screen.
Type stainless steel, Diameter 18", Length 40'

(4) Gravel Pack, Thickness 18", Length of gravel pack 80'

(1) Surface dimensions _____, Depth _____

Character of Water bearing materials _____
sand, gravel and shale

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) _____

On same owner's property _____ rds. On property owned by others 160 rds.

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.

W. J. Brown Bros.
Do. H. J. Brown & Co. H. J. Brown
Signature of Applicant

MAP NO. 2774-3

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)



NAME Holman Bros.
ADDRESS Wagon, S. Dak. 57380
CITY Charles Mix

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, barley

WATER QUALITY

- 5. SAMPLE NUMBER 76-639
- 6. SALINITY (EC X 10⁶) 160.8
- 7. SODIUM (SAR) 5.22 (medium)
- 8. RESIDUAL SODIUM CARBONATE (mxi/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.

Holman Bros.
APPLICANT'S SIGNATURE
Joe Holman

SUBSCRIBED AND SWORN BEFORE ME THIS
24th DAY OF January 19 77.

Robert W. R. R.
TITLE (AND SEAL)

Alfred A. Hoff
APPROVED BY

(GILLS BEFORE NOTARY OR REVERSE SIDE)

BEST IMAGE POSSIBLE
FROM POOR ORIGINAL

Reichmann Bros.

121 of 22-41-43

35A	Houdak loam	IIc2
83A	Highmore silt loam	IIc2
81A	Eakin silt loam	IIc2
46	Cnita-Tetonka silt loams	
	Cnita	IIIc3
	Tetonka	IVa1
86	Tetonka silt loam	IVa1

INTAKE RATES

Houdak	0.3
Highmore	0.5
Eakin	0.3
Cnita	0.5
Tetonka	0.1

IIc2

Deep, and moderately deep, leamy, well drained soils on nearly level (0 to 2%) uplands. Moisture is inadequate in most years and these soils have slight to moderate leaching.

IIc3

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

IVa1

Deep, leamy, poorly drained, soils on bottom lands and in depressions. An intermittent water table, occasional flooding, or salinity severely limits use.

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

3736-3

Submitted by: Larry Finc
Address: Water Resources Institute

Date Rec'd: June 14, 1976
Sample No. 76-639
Identification L.G. Holzbauer
Sec. 15, T. 96N, R. 62W

WATER ANALYSIS

Calcium (Ca)	150	ppm*	7.50	me/l**
Magnesium (Mg)	35	ppm	7.87	me/l
Sodium (Na)	272	ppm	11.33	me/l
Potassium (K)	28	ppm	0.72	me/l
Sulfate (SO ₄)	450	ppm	9.76	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	115	ppm	2.39	me/l
Bicarbonate (HCO ₃)	525	ppm	8.60	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	5.23			
Sodium	51.74	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.74			
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

Irrigation analysis

38.00 Paid SRI 6849

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 76-639

Amount Enclosed

Signed

Form 6 - Notice of Intent to Appropriate Water

to. ~~XXXX~~ 3736-3

Publish first publication, on or before March 14, 19 77

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

March 10, 19 77

Notice is hereby given that Holzbauer Brothers
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
4.0 cubic feet of water per second of time from the ground water through the
Holzbauer # 1, the point of diversion of which is to be located in the

Center of NW 1/4

of Section 22, Twp. 56N, Range 63W. Said water to be used for the purpose
of providing irrigation on the following described land:

W 1/2, Section 22, T56N, R63W

This application No. 3736-3 will be considered by the Water Rights Commission at their office at
Pierre upon the 24th day of March, 19 77, at 11:00 A.M. All interested
persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

JAMES WINTERTON
Water Rights Specialist

BFJ/bw

cc: Holzbauer Brothers, Wagner, SD 57380

No. 3736-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Davison) ss.

I, Gerald Putjener hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the DAILY REPUBLIC

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 Mitchell

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

March 14, 1977

March 21, 1977

Gerald Putjener
(Signature)

Publisher
(Title)

March 22, 1977
(Date Signed)

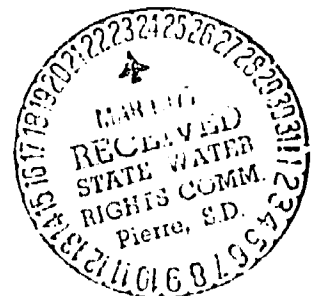
NOTICE
INTENT TO
APPROPRIATE WATER

Pierre, South Dakota 57301
March 10, 1977

Notice is hereby given that
Holzbauer Brothers 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 4.0 cubic feet of
water per second of time from
ground water through the
Holzbauer No. 4, the point of
diversion of which is to be located
in the Center of NW 1/4 of Section
22, Twp. 96N, Range 33W. Said
water to be used for the purpose
of providing irrigation on por-
tions of the following described
land: W 1/2, Section 22, T96N,
R63W

This application No. 3736-3 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



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
4158-3 Joe Holzbauer

DOUGLAS COUNTY

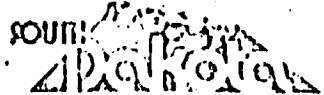
2283-3 Ted Reinfeld
3699-3 Joe L. Sanders
3702-3 Clarence Ewing
3703-3 Clarence Ewing
3708-3 Donald Schmidt
4059-3 Eltor Brenner

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 HATCH, Chief Engineer
Water Rights Commission

3736-3

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.

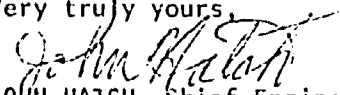
The Water Rights Commission will reconsider Water Right applications in Charles Mix & Douglas Counties at 10:30 am, March 29, 1978 at the Guest House, 101 North Broadway, Watertown, South Dakota.

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, 46-5-4i, 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



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, appearing to read "John Hatch".

JOHN HATCH, Chief Engineer
Water Rights Commission

JH:kjw



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 MCMATH
Natural Resources Analyst

GM:ks

enclosures

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

Water Rights Division - DWNK
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 Holzbauer

 **Department of
Water & Natural Resources**

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

February 14, 1989

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

Leo Holzbauer
RP #1 Box 170
Wagner, SD 57380

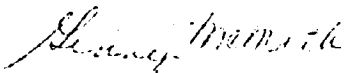
Dear Mr. Holzbauer:

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





Department of Water & Natural Resources

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

3736-3

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 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 7 3-3352

**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 DUVALL
Natural Resources Engineer
Water Rights Division

3736-3



**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



3736-3

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

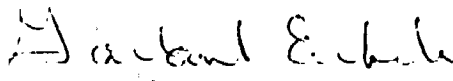
Dear Mr. Holzbauer:

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,

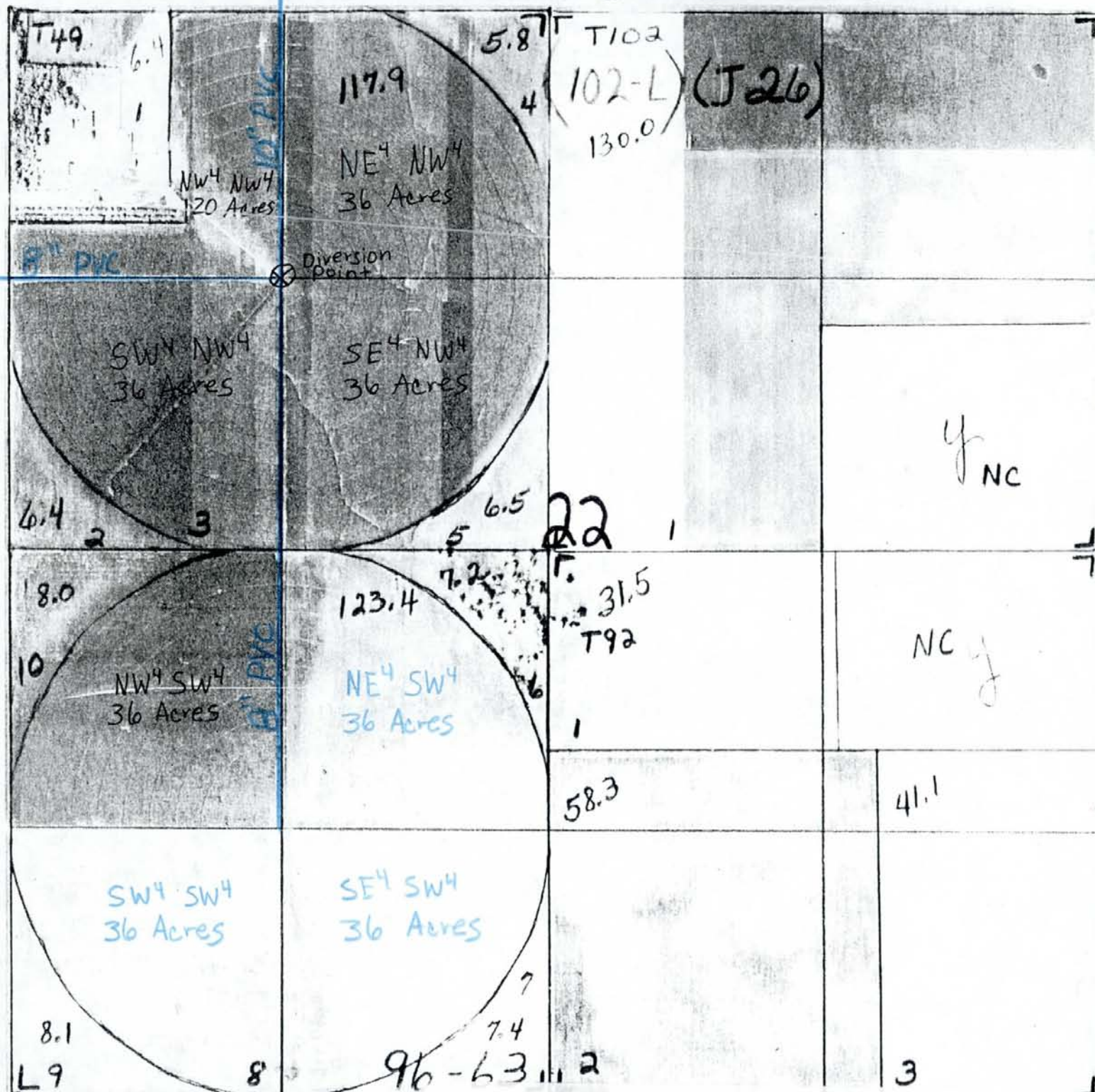

Garland Erbele, Chief Engineer
Water Rights Program
(605) 771-3352

gm
enclosure

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.

3736-3

3736-3



Barry McLaury *Barry M.*
Natural Resources Analyst
Division of Water Rights
Date *July 15, 1993*

Barnst. McLaury

NOT TO SCALE

