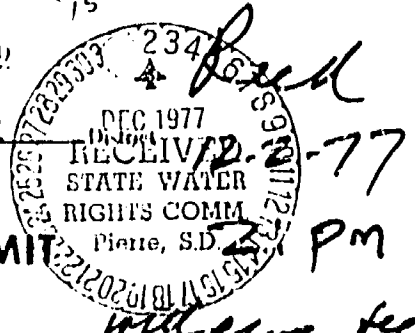


4198-3

1. Considered 1-25-78
2. Name of Applicant JOE HOLZBAUER
3. Post Office Address WAGNER
4. Amount of Water claimed .57
5. Source of Water supply 200' DEEP WELL
6. Water to be used for IRRIGATION
Acres to be irrigated 40
7. Water to be diverted and used in CHASMIX County
about 2N miles of WAGNER
8. Proof of Publication
Received 1-6-78
Not Received _____
9. Application
Approved 3-28-79
Subject to WI
Not Approved _____
Action Deferred _____

10. Remarks:

No. 4198-3Map No. 980-3 Water Division No. 3 MISSOURI RIVER
(Blank 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 Joe Holzbauer
Postoffice 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) _____
3. Name of diversion work Holzbauer #2
4. Amount of water claimed (cubic feet per second) .57
5. Source of water supply ground water (existing well under 1370-3)
6. Location of point of diversion 30' North of the Center of the NE $\frac{1}{4}$, Section 27,
T96N, R63W

County Charles Mix

7. Annual period or periods during which water is to be used April thru 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 40

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$\frac{1}{4}$ NE$\frac{1}{4}$, Sec. 27-T96N-R63W</u>	<u>40</u>		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 3 years. Additional time required to complete application of water to the proposed beneficial use 2 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Wagner Post, Wagner, SD
12. Principal Features of the Proposed Water Supply System.

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

Well pump and motor

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

Mainline

C. Works proposed to apply water to beneficial use.

Sprinkler SystemEstimated Total Cost \$Attachments: 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 HughesI, Joe Holzbauer, 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.Signed Joe HolzbauerSubscribed and sworn to before me this 2nd day of December, 19 77

Notary Public (or other qualified officer)

BETTY WESTLUND, Water Rights Spec. I

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 4198-3

JOE HOLZBAUER
(Applicant)

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.

Date of first receipt of application DECEMBER 2, 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 264

WATER RIGHT PERMIT NO. 4198-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 4198-3 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 DECEMBER 2, 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 80
3. The whole of said work is to be completed on or before MARCH 28, 19 82
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 28, 19 84
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 .54 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 84; said water to be used during the following described annual period: APRIL - OCTOBER

Witness my hand this 9th day of APRIL, 19 79

WATER RIGHTS COMMISSION

By:

John H. H. H.
Chief Engineer, Executive Officer

Certificate of Construction Issued May 31, 19 80

Water License Issued May 31, 19 80

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 4 1/2", Depth 200 AS DRILLED
Type of casing Steel
(wood, concrete, steel, etc.)
Size of casing 18", Thickness of casing 1/2" pipe
Length of casing 160' If collection gallery, length, size and depth of
gallery None applicable

(b) Screens

Type of perforated screen Perforated screen 3" diameter
Size of perforated screen 18" (diameter), 35' (length)
Thickness of gravel pack 11", length of gravel pack 175'

(c) Water Bearing Materials

Distance to water 160' Character of water bearing materials
Medium sand @ 153' 40' S.W.L.

Thickness of water bearing material 50'

(d) Pump and Motor

Type of pump Deep Well Turbine
(centrifugal, propeller, mixed flow, etc.)
Name of pump Western Land Roller size 2"
Kind of motor Propane
(gasoline, electric, diesel, etc.)
Horsepower 30 EBH Name of Motor Chrysler Ind.

(e) Complete well

Capacity 1200 GPM at drawdown of 30' Estimated cost \$2,000

(f) Owner of land upon which well is located Joseph J. Holzbauer
Name
R.R. 1, Wagner, South Dakota
Address

(g) Distance to nearest existing wells

On same owner's property 110 rods. On property owned by others 140 rods

WATER LICENSE NO. 4198-3

(1) WHEREAS, On the 2nd day of December A. D. 19 77

Joe Holzhauer

made Water Right Application No. 4198-3 for a permit to use .54 cubic feet per second of the waters of groundwater (one well)

County of Charles Mix, State of South Dakota, for irrigation

purposes; and

(2) WHEREAS, On the 28th day of March A. D. 19 79

Permit No. 4198-3, with a date of priority of December 2, 1977

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 28th day of March A. D. 19 82 and for the

application to beneficial use of said water on or before the 28th day of March A. D. 19 84

On September 11, 1979, upon inspection permits, No. 1370-3 and 4198-3 are combined in this license and Permit No. 1370-3 has been placed in a cancelled status,

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 2.67 cubic feet per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent,

to irrigate the following lands all in Section 27, T96, R63W

	Acres
<u>NE$\frac{1}{4}$ NE$\frac{1}{4}$</u>	<u>31</u>
<u>NE$\frac{1}{4}$ NE$\frac{1}{4}$</u>	<u>40</u>
<u>SE$\frac{1}{4}$ NE$\frac{1}{4}$</u>	<u>40</u>
<u>SW$\frac{1}{4}$ NE$\frac{1}{4}$</u>	<u>40</u>
<u>NE$\frac{1}{4}$ SE$\frac{1}{4}$</u>	<u>40</u>
<u>SE$\frac{1}{4}$ SE$\frac{1}{4}$</u>	<u>40</u>
<u>TOTAL</u>	<u>231 acres</u>

(5) 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 Joe Holzbauer

_____ of Wagner, et.
the holder _____ and owner _____ of said permit No. 4198-3 a water right, dating from March 12, 1963
and December 2, 1977 to use of 2.02 cubic feet per second of the waters
of groundwater (one well)

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 at a point 1240 feet south and 1320 feet west of
the NE corner of Section 27, T96N, R63W

and conducted to and upon portions of land all in Section 27, T96N, R63W, more
fully described on the face of this License

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 4195-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 21st day of May A.D.
Nineteen Hundred and Eighty

WATER MANAGEMENT BOARD

By:

John Patch
Chief Engineer, Executive Officer
JOHN PATCH

Permit No. 4198-3

Water Diversion No. 3 Missouri River Water District

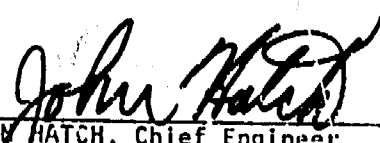
CERTIFICATE OF CONSTRUCTION

This is to Certify, That Joe Holzbauer

_____ the holder _____ of
Permit No. 4198-3, issued upon Application No. 4198-3, bearing date of priority of March 13, 1963
and December 2, 1972 authorizing the diversion of 2.82 cu. ft. per second of the waters of _____
groundwater (1 well) County of Charles Mix, State of South Dakota at _____
a point 1240 feet south and 1320 feet west of the NE corner, Section 27,
T96N, R63W
_____, for irrigation

purposes, has 8 complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 2.67 cu. ft. per second of water.

Date May 21, 1980


JOHN HATCH, Chief Engineer
Water Rights, WMD

SAME WELL APPROVED
UNDER PERMIT NO 1370-3

Publish first publication, on or before January 5, 1978

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

December 23, 1977

Notice is hereby given that Joe Holzbauer whose post office

address is Wagner, South Dakota, has made an application 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, 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, for a permit to appropriate for beneficial use .57 cubic feet of water per second of time from ground-water-(existing-well)

through the Holzbauer #2, the point of diversion of which is to be located in the approximate center of NE 1/4

of Section 27, Twp. 96N Range 83W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SW 1/4 NE 1/4, Sec. 27-T96N-R63W

This Application No. 4198-3 will be considered by the Water Rights Commission at

Pierre, South Dakota upon the 25th day of January 1978, at 10 A.M. The Commission is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Commission decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Commission in writing prior to the hearing or orally at the hearing.

NOTE: Final Proof of Publication must be received by the hearing date for the Commission to take action.

WATER RIGHTS COMMISSION

Betty Westlund
Water Rights Specialist

cc: Mr. Joe Holzbauer
Wagner, SD 57380

No. 4198-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Charles Mix) ss.

I, John Daughender 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:

Dec. 29, 1977

Jan. 5, 1978

John Daughender
(Signature)

Printer
(Title)

Jan 5-1978
(Date Signed)

Public Notice

NOTICE OF HEARING ON
APPLICATION TO
APPROPRIATE WATER

Pierre, South Dakota 57501
December 23, 1977

Notice is hereby given that
Joe Holzbauer whose post
office address is Wagner, South
Dakota, has made an applica-
tion 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, 46-5-42,
46-6-3, 46-6-5, 46-6-6.1,
46-6-10, 46-6-14 and Commis-
sion Rules ARSD 52:01:01:01
thru 52:01:01:13, for a permit
to appropriate for beneficial use
.57 cubic feet of water per
second of time from ground
water (existing well) through
the Holzbauer #2, the point of
diversion of which is to be
located in the approximate
center of NE 1/4 of Section 27,
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 NE 1/4,
Sec. 27-T66N-R63W.

This Application No. 4198-3
will be considered by the Water
Rights Commission at Pierre,
South Dakota upon the 25th
day of January 1978, at 10 a.m.
The Commission is authorized
to make a determination on this
application at the hearing. All
interested persons may appear
and be heard. Any person who
may be affected by a Commis-
sion decision who desires to
present evidence or cross-ex-
amine witnesses according to
SDCL 1-2a may notify the
Commission in writing prior to
the hearing or orally at the
hearing.

WATER RIGHTS
COMMISSION

Betty Westlund

Water Rights Specialist

Pub.: Dec. 29, 1977, Jan. 6,
1978



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

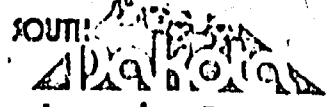
2283-3 Ted Reinfeld
3699-3 Joe L. Sanders
3702-3 Clarence Ewing
3703-3 Clarence Ewing
3708-3 Donald Schridt
4059-3 Eltor Brenner

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

4198-3

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.

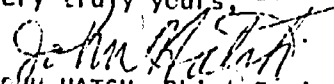
The Water Rights Commission will reconsider Water Right Applications in Charles Mix & Douglas Counties at 10:30 am, March 29, 1978 at the Guest House, 101 North Broadway, Watertown, South Dakota.

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 part 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

4198-3



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

1370-3

David H. Lawrence

9-11-79

21-200-144

1200

Exhibit 48 - License

440

49

Leaf No. 100. 10. 10. 10.

City

1572357

11

WFO 501 - 4-12-68 - B

Sept. - 6th - 10th - 1/2 mi

7th June. 3/4 msc

Tax Paid \$ 1.00 / Receipt 14750

1920

6-4770111 1/2 inch long

Serial # 4198-3.6. (Case # 200.40110)

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7396

PIERRE March 18, 1980

RECEIVED OF Joseph Holzbauer, Wagner, SD 57380
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)	
Fee for Inspecting Construction, and issuing Cert. of Construction No. 4198-3	50 00
Fee for Inspecting Beneficial Use, and Issuing Water License No. 4198-3	
Fee for issuing Location Certificate-Dry Draw, No.	
Fee for filing	
Fee for certified copy of	
Fee for Print copy of map	
Fee for Certifying	
Fee for (any other work as provided by law)	
TOTAL	50 00

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer
JOHN HATCH (gy)

Permit No. 4198-3Water Division 3 Missouri River Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / FOSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by Joe Holzbauerof Wagner, South Dakota 57380 holder.
2.28 CFS March 13, 1963
of Permit No. 418-3, bearing date of priority of 1.54 CFS December 2, 1927authorizing the diversion of 2.82 cu. ft. per second of the waters of One well
for Irrigation purposes, in Charles Mix County.

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

The Water Use System consists of,

A. Works used to divert the water:

Engine - Chrysler 440 - V8, Propane.

Pump Western Land Roller, ser # B72354,
Head 8 M-4-12 B-H.

B. Works used to transport water to place of use,

 $\frac{1}{2}$ mile of 8" dia. Alum. Mains
 $\frac{3}{4}$ mile of 6" dia Alum. Mains

C. Works used to apply water to beneficial use.

6 ea. 4" tow lines $\frac{1}{4}$ mile long, with Rainbird - 14600
sprinklers. $\frac{1}{2}$ " nozzles spaced 30 ft. Some sprinklers
with $\frac{3}{16}$ " nozzles.The system is in the following condition: GoodThe point of diversion is located 1240 ft S and 1320 ft W of the NE
Corner of Sec. 27, T9N R63W.The works are capable of diverting and conveying to the place of use 2.67cu. ft. per second of water which is to be used for IrrigationWater has been put to beneficial use to the maximum extent as follows: All in Sec. 27, T9N R63WNE $\frac{1}{4}$ NE $\frac{1}{4}$ - 40 Ac. SE $\frac{1}{4}$ NE $\frac{1}{4}$ - 40 Ac. SW $\frac{1}{4}$ NE $\frac{1}{4}$ - 40 Ac.
NE $\frac{1}{4}$ SE $\frac{1}{4}$ - 40 Ac. SE $\frac{1}{4}$ SE $\frac{1}{4}$ - 40 Ac. NW $\frac{1}{4}$ NE $\frac{1}{4}$ - 31 Ac.comprising a total of 231
200 acres of land.

Well data.

Depth. 200 ft.Static. 60 ft.Pumping 1200 gpmCapacity est 1200 gpm.

1200 GPM

License # 2-67-001

This License combines
Permits # 1370-3 & 4198-3Date September 11, 1979Leroy J. Mennig
SignatureNW NE $\frac{1}{4}$
Sec 27

State of South Dakota

REISSUED Water License No. 4198-3

(1) Joe Holzbauer
of RR 1, Box 35, Wagner, South Dakota 57380 was issued Water License
Application No. 4198-3, May 21, 1980 for water right
2.82 cubic feet per second of water from groundwater (one well)

Charles Mix County, South Dakota for irrigation purposes.
Water License
Permit No. 4198-3, with priority date of March 13, 1963 and December 2, 1977
was applied for and issued to the applicant(s) for diversion of water with construction of the described
water supply system to be completed on or before and for the application to beneficial use of said
water on or before completed

A review of Water License No. 4198-3, March 11, 1988 found an error in the authorized
diversion rates. The original license specified diversion of 2.82 cubic feet of
water per second (cfs). The correct diversion rate should be 2.67 cfs.

Water License No. 4198-3 is being reissued to correct this error.

and

(2) It is certified that the applicant
Application has complied with the provisions of South Dakota State Law relating to completion of
the construction of the water supply system and is entitled to divert 2.67 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is a point 1240 feet south and 1320 feet
west of the NE Corner of Section 27, T.6N, R.63W.

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent: irrigate the following land:

R96N, R63W, Section 27

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 31 Acres

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 40 Acres

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 40 Acres

* SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 Acres

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 40 Acres

SE $\frac{1}{4}$ SE $\frac{1}{4}$ 40 Acres

TOTAL 231 ACRES

* Priority date of December 2, 1977 (Permit No. 4198-3); remaining land has a priority date of March 13, 1963 (Permit No. 1370-3)

(4) Pursuant to §46-5-30.1 Joe Holzhauer
of RR 1, Box 35, Wagner, South Dakota 57380

the holder(s) and/or owner(s) of Water Right Permit No. 4198-3 is issued a license to appropriate water, the right to use 2.67 cubic feet per second of water from groundwater (one well) with a priority date of March 13, 1963 and December 2, 1977 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation

This license is subject to any limitations or qualifications listed in Water Permit No. 4198-3 and subject to South Dakota State Law.


Chief Engineer, Water Rights Division
Department of Water and Natural Resources

JOHN HATCH

DEC 19 1988

South Dakota
Department of
Water & Natural Resources

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

4198-3

DEC 19 1988

Joe Kolzbauer
RR 1, Box 35
Wagner, South Dakota 57380

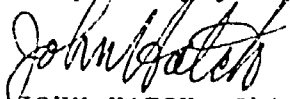
Dear Mr. Holzbauer:

Enclosed is Water License No. 4198-3. The water license has been reissued to correct an error in the original 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. 4198-3, 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.

Very truly yours,



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

enclosures



4198-3

1994 WATER MANAGEMENT BOARD IRRIGATION QUESTIONNAIRE
PLEASE FILL OUT AND RETURN BEFORE DECEMBER 16, 1994

4198-3
JOE HOLZBAUER
RR 1 BOX 35
WAGNER, SD 57380

CHANGES TO ADDRESS LABEL, IF ANY:

COMPLETE AND RETURN THIS FORM TO THE WATER RIGHTS DIVISION AT 523 E CAPITOL, PIERRE, SD 57501-3181 (605) 773-3352

HAS SYSTEM BEEN CONSTRUCTED? YES ☒ NO ☐

DID YOU IRRIGATE IN 1994? YES ☒ NO ☐ IF YES, NUMBER OF ACRES IRRIGATED 160

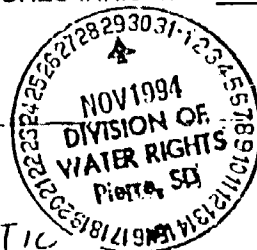
SOURCE OF WATER well

DID YOU CHEMIGATE IN 1994? YES ☐ NO ☒

TYPE OF SYSTEM (CHECK ALL THAT APPLY):

CENTER PIVOTS ☐ TOW LINES ☐ BIG GUN ☐
FLOOD ☐ SPRINKLERS ☐ OTHER ☒

COMMENT SECTION: IT IS POSSIBLE THAT I MAY WISH TO APPLY
SOME NITROGEN THROUGH MY SOLID SET TYPE SYSTEMS TAKING
PERHAPS 10-15 MINUTE PER SETTING, WITH OPERATION ON HAND ALL
THE WHILE. PLEASE MAKE ME INFORMED OF REQUIREMENTS TO DO THIS.



THE PORTION OF THE FORM FOR REPORTING ACRES IRRIGATED IS ON THE BACK OF THIS PAGE. LISTED BELOW ARE TWO EXAMPLES OF HOW TO COMPLETE THE FORM:

EXAMPLE 1: IN JUNE & JULY, 130 ACRES WERE IRRIGATED USING A CENTER PIVOT SYSTEM (70 ACRES OF CORN & 60 ACRES OF BEANS). THE PUMP RATE OF THE PIVOT IS 800 GALLONS PER MINUTE AND YOU PUMPED 10 DAYS (@ 24 HOURS PER DAY) ON THE CORN AND 20 DAYS ON THE BEANS:

MONTH	CROP	ACRES	PUMP RATE	# DAYS	AVE/HRS DAY
JUNE	CORN	70	800 GPM	10	24
	BEANS	60	800 GPM	10	24
JULY	BEANS	60	800 GPM	10	24

EXAMPLE 2: IN JUNE, 40 ACRES OF ALFALFA WERE IRRIGATED (USING GATED PIPE @ 3000 GPM) FOR 10 DAYS - 20 HOURS PER DAY; 60 ACRES OF BEANS WERE IRRIGATED (USING BIG GUN @ 500 GPM) FOR 10 DAYS AT 24 HOURS PER DAY:

JUNE	ALFALFA	40	3000 GPM	10	20
	BEANS	60	500 GPM	10	24

NOTE: PLEASE SPECIFY UNDER HOURS PUMPED WHETHER YOU ARE REPORTING IN REGULAR HOURS OR KILOWATT HOURS.



4198-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

December 1, 1994

Joe Holzbauer
RR #1 Box 35
Wagner, SD 57380

Dear Mr. Holzbauer:

Thank you for the prompt return of your 1994 irrigation questionnaires.

Enclosed, for your review, is a copy of the Water Management Board Rules concerning chemigation. The rules address the requirements for users, the necessary equipment including maintenance of the equipment, and the procedure to follow for reporting spills, accidents or system malfunctions. The last two pages show examples of minimum requirements for antipollution devices and the arrangement of equipment for applying chemicals (including nitrogen) through an irrigation system.

If you have any questions or would like further information on any portion of the enclosure rules, please contact us.

Sincerely,

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

enclosure



4198-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 31 1995

5183-3

Joe Holzbauer
RR 1, Box 35
Wagner, SD 57380

Dear Mr. Holzbauer:

Enclosed is Water License No. 5183-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 414321 in the amount of \$50.00 which you paid for the inspection 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. 5183-3, 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.

Very truly yours,

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

rd
enclosures

NOTE: The applicable portions of Water License No. 4198-3 have been incorporated into this Water License No. 5183-3.

NOT TO SCALE



Joe Holzbauer
Chas Mix County
map # 980-3

Permit #
4198-3
+ 1370-3
combined