

No. 4666A-3 Hydrologic Unit 10170101
Map No. _____ Basin Missouri River
Newspaper Wagner Post

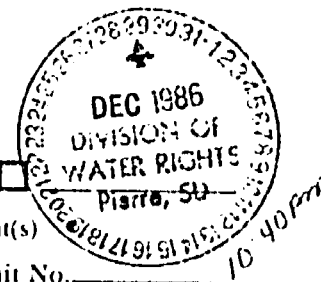
Application For Permit To Appropriate Water Within The State Of South Dakota

Type of Application: Check one or more of the following:

New ☒ Vested Right ☐ Future Use ☐
☐ Application to amend Permit No. _____ with old priority date retained

☐ Change diversion point(s) ☐ Add diversion point(s) ☐ Change acreage ☐ Other ☐
☒ Application to: ☐ Change use ☐ Change diversion point(s) ☐ Add diversion point(s)

☒ Add Acreage ☐ Increase diversion rate ☐ Other _____ See Permit No. _____

☐ Application to: ☐ Use ☐ Transfer water reserved by Future Use Permit No. _____

1. Name of Applicant Leo Holzbauer Phone No. 384-3350

Post Office Address RR 1, Box 170 Wagner SD State 57380
(Street, RR or Box) Zip Code

2. Amount of water claimed (c.f.s.) 2.28 Total acres irrigated 160

3. Source of Water supply groundwater

4. Location of point of diversion center of SW 1/4 Section 15, T96N, R63W

County Charles Mix

5. Counties where water will be used Charles Mix

6. Annual period during which water is to be used April 1 - November 30

7. 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.
NW 1/4 SE 1/4	40.0
NE 1/4 SE 1/4	40.0
SW 1/4 SE 1/4	40.0
SE 1/4 SE 1/4	40.0

Land Description	No. Acres Irr.
all in Section 15, T96N, R63W	

Attach sheet if more space is needed

8. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

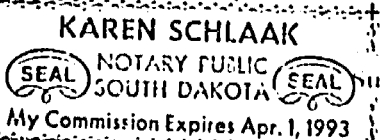
This application proposes to irrigate an additional 160 acres from an existing irrigation well covered by Water Right No. 293-3.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map (see instruction)

STATE OF SOUTH DAKOTA)
County of Hughes)

I, Leo Holzbauer

the applicant, certify that I have read the foregoing application, 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 Leo Holzbauer
29th day of December 19 86
Karen Schlaak
Notary Public for other qualified officers


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

1. NATIONAL MAP SYMBOLS AND STANDARDS
DENVER, COLORADO 80225, OR WASHINGTON, D.C.
2. MAPS AND SYMBOLS

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

Heavy-duty	—————	Light-duty	—————
Medium-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 PERMIT

The Water Management Board hereby approves Water Permit Application No. _____

(Applicant)

(Post Office Address)

(State)

(Zip Code)

With the following qualifications.

Date of first receipt of application _____, 19____.

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

Date of receipt of corrected application _____, 19____. Approved _____, 19____.

The Water Management Board hereby approves this Water Permit No. _____ authorizing the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Water Permit approval, subject, however, to the following limitations and conditions.

1. The date from which applicant may claim right is _____, 19_____.
2. One-fifth of the work is to be completed on or before _____, 19_____.
3. The whole of said work is to be completed on or before _____, 19_____.
4. The time limit for proof of beneficial use of water is _____, 19_____.
5. The water appropriated shall be used for the purpose of _____.
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 unlawfully impaired by this appropriation.
7. The amount of the appropriation herein granted shall not exceed _____ 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. For 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 _____, 19____; said water to be used during the following described annual period: _____.

WATER MANAGEMENT BOARD

By: _____
Chief Engineer

Division of Water Rights
Dept. of Water and Natural Resources

_____, 19____

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 32 Depth 160 feet
- b) Casing Type steel Diameter 18 in Thickness _____
- c) Screen Type stainless steel Diameter 18 in Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth of Water (ground surface to water level) 20 feet
- g) Distance to nearest existing domestic well:
On applicants property 1/2 mile On property owned by others _____

2. Dugout Information Estimates

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam please give their name and address

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Outlet Dimensions:
Pipe diameter _____

Spillway width _____

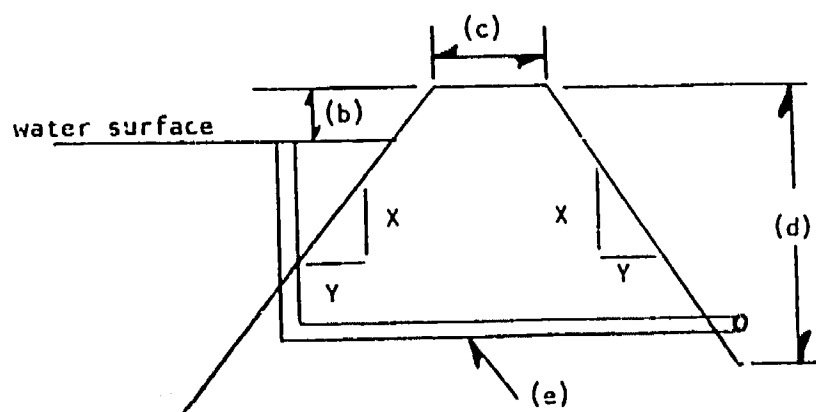
f) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



[Signature]

Signature of Applicant

Considered: _____

WATER PERMIT NO. 4666A-3

MAP No. same

Name of Applicant Leo Holzbauer

Post Office Address RR1, Box 170, Wagner 57380

Amount of Water Claimed 2.28 cfs Total Acres 160

Source of Water Supply ground water

Water to be used for irrigation County Charles Mix

About 2 1/2 miles N of Wagner

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved 2/8/87 Subject to _____

F.F. & C.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY _____ Date Received Dec. 29, 1986 Fee 250⁰⁰ Remarks _____

5/19/87

Corrected Application Received May 19, 1987 Period of Annual Use Apr 1 - Nov. 30

WATER QUALITY APPROVAL RECEIVED 5/19/87 APPROVED/CONDITIONAL (Circle one)

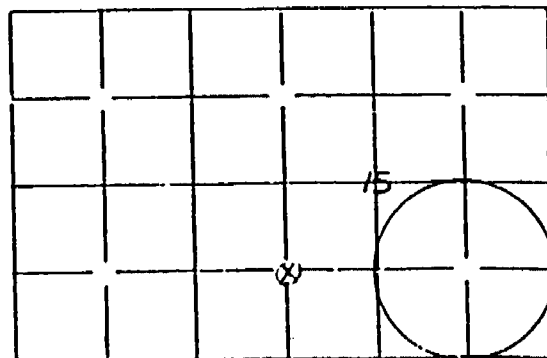
WI-1 Description same as Application YES NO REMARKS _____

Diversion Point well: center of SW 1/4

section 15 - T96N - R63W

Land to be Irrigated SE 1/4 section 15 - T96N -

R63W



Well Log: Driller not available Licensed YES NO

Depth of Well 160 feet REMARKS _____

Type of Map Aerial photo PREPARED BY Ron Duvall & Martin Wilson Reviewed and the Number

assigned on May 13, 1987 By Ron Duvall

NEXT

DOCUMENT (S)

BEST IMAGE

POSSIBLE

MANAGEMENT FORM

84170

APPROVED with Requirements

NAME OF APPLICANT: Leo Holzhauser

LEGAL DESCRIPTION: SW 1/4 11-06-13

REQUIREMENTS:

The area of Salmo (low area) - artificial drainage shall be provided, as needed.

Drainageway shall be maintained in permanent vegetation.

A minimum of a 3 year crop rotation shall be used (which means that no crop can be planted for more than 3 consecutive years).

The area will continued to be monitored for observation.

MANAGEMENT RECOMMENDATIONS:

We recommend the continued use of conservation tillage; leaving crop residue in the field to reduce erosion and conserve soil moisture.

5-14-87

DATE

Leo Holzhauser

SIGNATURE

NW 1/4 SE 1/4
36 Acres

36 Acres

SE 1/4 SE 1/4

42.0000

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

Division of Conservation

Office Use Only

4750

WR#

OWNERS NAME: Leo Holzbauer

OWNERS ADDRESS: RR1, Box 1701

COUNTY LAND LOCATED IN: Charles Mix

PHONE: 384-3350

TENANT'S NAME AND ADDRESS:

LEGAL DESCRIPTION: (Show Legal Descriptions to Nearest 10 Acres)

1. WELL LOCATION center of SW 1/4 section 15-T76N-R63W
Depth 160 feet

2. SURFACE WATER SOURCE AND DIVERSION LOCATION

Diversion Location

Legal Description	Acres	Legal Description	Acres
<u>SW 1/4 Sec 15-T76N-R63W</u>	<u>40.0</u>		
<u>NE 1/4 Sec 15</u>	<u>40.0</u>		
<u>SW 1/4 Sec 15</u>	<u>40.0</u>		
<u>SE 1/4 Sec 15</u>	<u>40.0</u>		

3. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED 77

LEGAL DESCRIPTION: W 1/2 Sec 22-T76N-R63W / SW 1/4 Sec 22-T76N-R63W

IN WHAT NAME: Leo Holzbauer

4. LOCATION OF AREA TO BE IRRIGATED NOTE: SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)

5. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: ☒ CENTER PIVOT: ☒ GUN: _____ (Specify)

6. CROPS TO BE IRRIGATED:

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

7. WATER SAMPLE NUMBER: 1 _____ 10. ADJUSTED (SAR): _____
8. SALINITY (EC X 10³): _____ 11. PERCENT SODIUM: _____
9. SODIUM (SAR): _____

I hereby certify that I personally obtained or that I personally observed that taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see instruction sheet) were followed, and that the sample was taken at _____ a.m./p.m., on _____, 19____, at the following location: _____ by (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

Signature, of Water Sampler

I understand that the Division of Conservation or agents thereof may obtain water samples from wells and surface bodies to be used for irrigation purposes to validate water samples taken at the time of application. The Department of Agriculture may also gather technical information necessary to protect the land. (46-5-6.4)

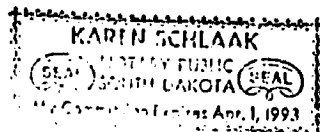
SUBSCRIBED AND SWORN BEFORE ME THIS

21st DAY OF November, 1986

Karin Schlaak
(NOTARY PUBLIC)

Leo Holzbauer
APPLICANT'S SIGNATURE

Paul J. Spill
Director, Division of Conservation



Date 11/27/86
☒ APPROVED _____ REQUIREMENTS
☒ DISAPPROVED _____
☒ WAIVER _____

Soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.

January 9, 1987

Leo Holzbauer
RR 1, Box 170
Wagner, South Dakota 57380

Dear Mr. Holzbauer:

This letter is in response to your water permit application to irrigate an additional 160 acres from a well included on Water Right No. 293-3 all in Section 15-T196N-R62W.

A map needs to be submitted with the area to be irrigated outlined and the well location marked. Aerial photos can be used and can be obtained at your ASCS office. The map also needs to be signed according to the directions on the enclosed instruction sheet. Please contact us if you have any questions.

Sincerely,

Ron Duvall
Natural Resources Engineer

RD:ms
Enc.

WATER RIGHTS DIVISION
(605) 773-3352

January 22, 1987

Leo Holzbauer
RR 1, Box 170
Wagner, South Dakota 57380

Dear Mr. Holzbauer:

This letter is in response to our office conversation on January 20, 1987 regarding Permit Application No. 4666-3.

The \$250.00 application fee submitted on January 29, 1987 will be refunded to you and the new permit application will be considered as an amendment to the original application. An amendment is needed because the diversion point location is not the same location as originally applied for in March of 1981. Processing of your refund will probably take at least two weeks before you receive a check.

I apologize for the confusion this application has caused. Please contact us if you have any questions.

Sincerely,

Ron Duvall
Natural Resources Engineer

RD:ms

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.

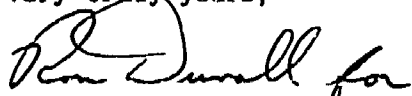
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

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

REPORT ON APPLICATION NO. 4666A-3
LEO HOLZBAUER
MAY 26, 1987

Permit Application No. 4666A-3 proposes to appropriate 2.28 cubic feet of water per second from one existing well (authorized by Water Right No. 293-3) 160 feet deep, to irrigate an additional 160 acres. The well is located near the center of the SW 1/4 Section 15, T96N, R63W. The acreage to be irrigated is located in the SE 1/4 Section 15, T96N, R63W.

Aquifer - Choteau-West

Geology and Aquifer Characteristics

The Choteau aquifer is valley-fill deposit composed of western-origin stream deposits of sand and gravel. The west management unit of the Choteau aquifer is approximately 75 feet thick in this area (Kume, 1977), underlies approximately 169,600 acres of Charles Mix County, and contains an estimated 1,225,370 acre-feet of recoverable water in storage in the county (Hedges, 1982). The aquifer is under artesian conditions, and the potentiometric surface is nearly flat. However, the hydraulic gradient does generally slope southeastward. Aquifer characteristics obtained from pump tests indicate the transmissivity of the Choteau-West aquifer ranges from 12,700-18,200 ft²/d and specific capacities of high capacity wells in the area range from 23.3 -72.0 gpm/ft (Kume, 1977). Recharge to the Choteau-West has not been quantified, but the source of recharge appears to be from the bedrock aquifers (Niobrara & Codell) where it has been incised by the Choteau-West aquifer.

The Division of Water Rights monitors three observation wells in the Choteau within 1 1/2 miles of the applicant's well. Water level measurements indicate the aquifer fluctuates seasonally in response to recharge and discharge, with the lowest water levels in July and August, and the highest water levels recorded in April, May or June. The potentiometric surface of the aquifer has generally been rising since a low in 1981. Possible indicative of decreased withdrawals due to above average precipitation.

Review of Existing Permits

The 1985 irrigation summary (Water Rights Division, 1986) identifies 40 water permits appropriating 21,038.00 ac-ft of water annually from the west management unit of the Choteau Aquifer in Charles Mix County. The reported pumpage from the aquifer is the county in 1985 was 1,994.00 ac-ft.

There are 20 existing water rights appropriating groundwater within T96N, R63W. They include:

Permit No.	Name	Well Location	Diversion Rate-cfs	Use
293-3	Lawrence C Holzbauer	SE 1/4 Sec 15	3.42	240 ac
296-3	Charles Ahrens	NW 1/4 NW 1/4 Sec 16	0.3	rec & stockwater
297-3	Charles Ahrens	SE 1/4 NW 1/4 Sec 16	0.3	rec & stockwater
*569-3	City of Wagner	SW 1/4 Sec 34	1.1	mun
*570-3	City of Wagner	SE 1/4 SE 1/4 Sec 33	0.55	mun
1368-3	Clark Soulek	E 1/2 SW 1/3 Sec 6	2.28	320 ac
1619-3A	Holzbauer Brothers	SE 1/4 Sec 3	2.22	234.8 ac
*1782-3	City of Wagner	NW 1/4 SE 1/4 Sec 4	1.50	mun
*2218-3	Wilbur Slaba	NE 1/4 Sec 8	2.50	260 ac
2282-3	John & Byran Uecker	SW 1/4 NW 1/4 Sec 17	2.20	160 ac
2323-3	Dale Meyer	SW 1/4 N /2 Sec 35	2.50	220 ac
2583-3	Holzbauer Bros.	SW 1/4 Sec 15	no add'l	80 ac
3696-3	John D Orr	SE 1/4 Sec 16	2.20	159 ac
3700-3	Holzbauer Brothers	SW 1/4 Sec 22	2.28	160 ac
3706-3	Holzbauer Brothers	NE 1/4 Sec 21	2.20	160 ac
3707-3	Holzbauer Brothers	SW 1/4 Sec 15	no add'l	320 ac
3736-3	Holzbauer Brothers	NW 1/4 Sec 22	4.00	320 ac
4005-3	Maynard & Vera Vespar	SE 1/4 Sec 10	4.00	420 ac
4198-3	Joe Holzbauer	NE 1/4 Sec 27	0.57	40 ac
4526-3	Wilbur Slaba	NW 1/4 Sec 8	2.20	160 ac

* The City of Wagner no longer uses their wells on a regular basis.

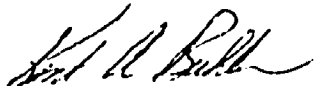
** All of the above groundwater permits appropriate water from the Choteau-West aquifer with the exception of No. 570-3 (Dakota SS) and 2218-3 (Delmont Aquifer).

The Division of Water Rights has record of several domestic wells in the area which obtain water from the Choteau-West.

Conclusions

1. The Choteau-West aquifer is a viable aquifer.
2. Groundwater is available for appropriation from the Choteau-West aquifer. The 1935 irrigation summary reports that less than 2% of the recoverable water in storage of the aquifer is appropriated and annual pumpage from the year was less than 0.2% of the recoverable water in storage.
3. Estimates are not available for average annual recharge in this area; however, the observation wells in the area indicate the water level of the aquifer has been rising since 1981. The water levels were declining prior to 1981.

4. There are several existing water rights, and several domestic wells in the area which obtain water supplies from the Choteau-West aquifer. The proposed appropriation requested by Application No. 4666A-3 should not adversely affect adequate wells. It may be necessary to lower pumps in domestic wells due to fluctuations in the water level.



KENT BUHLER
Natural Resources Engineer

References

Kume, J., 1977, Geology and Water Resources of Charles Mix and Douglas Counties, South Dakota, Bulletin 22, Part II-Water Resources, USGS, SDGS, Department of Natural Resources Development, South Dakota Geological Survey; Vermillion SD.

Hedges, L.S., S. L. Burch, D. L. Iles, R. A. Barari, R. A. Schoon, 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, For US Army Corps of Engineers, DWNr, SDGS, Vermillion SD 57069.

Water Rights Division, DWNr, 1987, "Observation Well Files, Domestic Well Completion Report Files, and Water Permit Files," Open files. DWNr-Division of Water Rights, Joe Foss Building, Pierre SD 57501.

Water Rights Division-DWNr, 1986, "1985 Irrigation Summary", DWNr-Division of Water Rights, Joe Foss Building, Pierre SD 57501.

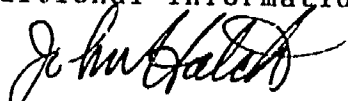
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 4666A-3

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 4666A-3, Leo Holzbauer, RR 1, Box 170, Wagner SD.

The Chief Engineer is recommending APPROVAL of Application No. 4666A-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See the attached report for additional information.


JOHN HATCH, Chief Engineer
May 29, 1987

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

Water Rights Division
(605) 773-3352

June 1, 1987

NOTE:

TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT THE
NEWSPAPER RIGHT AWAY.

Leo Holzbauer
RR 1, Box 170
Wagner, South Dakota 57380
Dear Mr. Holzbauer:

Your Application No. 4666A-2 for a permit to appropriate water for
irrigation use, has been examined and found to
comply with the South Dakota Water Laws and applicable rules. A notice of
your intent to appropriate water has been sent to the Publisher of the

Wagner Post

printed at Wagner

South Dakota. For your information, a copy of this notice, the recommendation
of the Chief Engineer and a report on the application are enclosed. Please
review this notice prior to publication and notify this office, if you have
any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPER IMMEDIATELY TO AUTHORIZE PUBLICATION
OF YOUR NOTICE OF INTENT TO APPROPRIATE WATER AND TO ARRANGE FOR PAYMENT.
Early contact with the paper can eliminate delays. The publisher has been
instructed to publish your notice once each week for two consecutive weeks
with the last publication to occur at least twenty days before the board
meeting. We must receive Proof of Publication before the application can be
considered by the Water Management Board.

Sincerely,



RON DUVALL
Natural Resources Engineer

enclosures

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

Water Rights Division
605 773-3352

June 1, 1987

Wagner Post
Box 100
Wagner, South Dakota 57380

Dear Sir:

Enclosed is a Notice of Intent to Appropriate Water by Leo Holzbauer
Application No. 4666A-3, in Charles Mix County, South Dakota. Please
publish this notice once each week for two consecutive weeks in your paper. The
first publication should be on, or before June 10, 1987.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you
make the first publication. The applicant is to pay the cost of publication and
should make the necessary arrangements with you to pay these costs.

A copy of BOTH publications must be sent to the Water Rights Division. IMMEDIATELY
after the FIRST publication, return a copy of the notice with the FIRST Publication
Transmittal form on the bottom of this page. The first copy is needed to check
the publication for errors so any corrections can be made before the second
notice is published.

Please be sure the SECOND publication is returned with the enclosed Proof of
Publication form. The permit application cannot be considered by the Water
Management Board until proof of publication has been received.

Thank you for your assistance.

Sincerely,


RON DUVAL
Natural Resources Engineer

cc: applicant

***** CUT HERE *****

FIRST Publication Transmittal) No. _____ Date _____
TO: Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

We are in receipt of your letter dated _____ and Notice of Hearing to
Appropriate Water by Application No. _____. The notice was first published
in our issue dated _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

NAME _____ NEWSPAPER _____

Equal Opportunity Employer

DOCUMENT (S)

RECEIVED

TAPED TOGETHER

NOT AN

OVERLAP

No. 4666A-3

Instruction to Newspaper - Publish first publication of the following Notice on or before June 10, 1987 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 4666A-3 to Appropriate Water
~~and/or to Amend Water Permit or Water Right No. _____~~

Notice is hereby given that Leo Holzbauer whose mailing address is
RR 1, Box 170, Wagner, S.D., South Dakota has made an application for a permit

to appropriate 2.28 cubic feet of water per second from one existing well (authorized by Water Right No. 293-3) 160 feet deep (Choteau-West) to irrigate an additional 160 acres. The well is located near the center of the SW $\frac{1}{4}$ and the acreage to be irrigated is in the SE $\frac{1}{4}$; all in Section 13-T96N-R63W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends

APPROVAL of Application No. 4666A-3 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at room 216, Joe Foss Building, 523 E. Capitol, Pierre, South Dakota, July 8 1987 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and the Chief Engineer by June 26, 1987. The petition may be informal, but it must include a statement describing the petitioners interest in the application, the reasons for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; ~~(ground)~~ 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; ~~(future use)~~ 46-5-28 thru 46-5-40; ~~(transfer lands)~~ 46-5-30.4, 46-5-33 thru 46-5-35; ~~(10,000 AFA)~~ 46-5-20.1, 46-5-8.1, and Board Rules ARSD 74:02:01:01 thru 74:02:01:15, ~~(future use)~~ 74:02:01:24 thru 74:02:01:35; ~~(10,000 AFA)~~ 74:02:01:15.02 thru 74:02:01:15.05

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, 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.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNR, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by June 26, 1987.

No. 4666A-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Charles Mix) ss.

I, John Jaughender 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:

June 10-1987
June 17-1987

John Jaughender
(Signature)
Publisher
(Title)
6-17-87
(Date Signed)

Cost of Printing: 42.50

Public Notice

NOTICE OF HEARING
On Application No. 4666A-3
to Appropriate Water

Notice is hereby given that Leo
Holzbauer whose mailing address is
Rm. 1 Box 170, Wagner, South Dakota
has made an application for a permit
to appropriate 2.24 cubic feet of water
per second from one existing well
(authorized by Water Right No. 293-
3) 160 feet deep (Choteau-West) to
irrigate an additional 160 acres. The
well is located near the center of the
SW¹/₄ and the acreage to be irrigated
is in the SE¹/₄; all in Section 15-T9N-
R63W.

Pursuant to SDCL 45-2A-2 the Chief
Engineer of the Water Rights
Division recommends APPROVAL
of Application No. 4666A-3 because 1)
unappropriated water is available, 2)
will be no unlawful impairment of
existing rights, 3) is beneficial use of
water and 4) is in the public interest.

This application will be considered
by the Water Management Board at
room 216, Joe Foss Building, 523 E.
Capitol, Pierre, South Dakota, July 3
1987 at 10:00 a.m.

The recommendation of the Chief
Engineer is not final or binding upon
the Board and the Board is
authorized to 1) approve, 2) approve
with qualifications, 3) deny, or 4)
deny this application after it reaches
a conclusion based upon facts
presented at the public hearing. Any
interested person who may be
affected by a Board decision and who
intends to participate in the hearing
before the Board and present
evidence or cross-examine witnesses
according to SDCL 1-26, must file a
written petition with BOTH the
applicant and the Chief Engineer by
June 26, 1987. The petition may be
informal, but it must include a
statement describing the petitioner's
interest in the application, the
reasons for the petitioner's
opposition to or support of the
application, and the signature and
mailing address of the petitioner or
his legal counsel if legal counsel is
obtained. The applicant need not file
a petition.

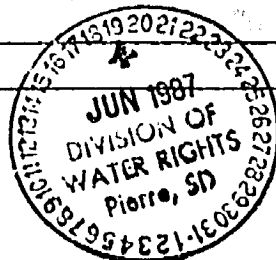
This application is made pursuant
to the provisions of SDCL 45-1-1 thru
45-1-8, 45-1-12 thru 45-1-15; 45-2-3.1, 45-
2-9, 45-2-11, 45-2-13, 45-2-17; 45-2A-1
thru 45-2A-10, 45-2A-12, 45-2A-14, 45-
2A-15; 45-5-1 thru 45-5-11, 45-5-13 thru
45-5-15, 45-5-24, 45-5-25, 45-5-30.2 45-5-
30.4, 45-5-31; 45-6-3, 45-6-3.1, 45-6-6.1,
45-6-10, 45-6-13, 45-6-14; and Board
Rules ARSD 74:02:01:01 thru
74:02:01:11.

This hearing is an adversary
proceeding. The applicant or any
person, after filing a petition, 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.

Any person wishing a copy of the
Chief Engineer's recommendation,
further information on this
application or to assure access to the
hearing by the handicapped can
contact the Water Rights Division,
DWRN, Joe Foss Bldg., Pierre, SD
(605) 773-3322 for assistance prior to
the hearing date. The time of the

hearing will be automatically
extended for at least twenty days
upon written request of the applicant
or any person who has filed a petition
to oppose or support the application.
The request for extension must be
filed with the Chief Engineer by June
26, 1987.

Pub.: June 10, 17, 1987.



Water & Natural Resources

Joe Foss Building
623 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

AUG 19 1987

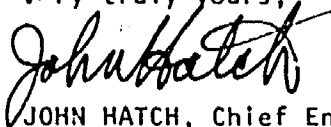
Leo Holzbauer
RR 1, Box 170
Wagner SD 57380

Dear Mr. Holzbauer:

Enclosed herewith is your Water Permit No. 4666A-3 as approved by the Water Management Board authorizing you to construct your water diversion system and the water to beneficial use, not exceeding the limits as specified in said Water Permit No. 4666A-3.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that your Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

JH. ks

enclosure

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period-i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.

WNR-809-5/83

IRRIGATION WATER PERMIT APPROVAL

The Water Management Board hereby approves Water Permit Application No. 4666A-3
 to irrigate 160 acres in the SE 1/4 Section 15, T96N, R63W from one existing well
(legal description of land)
(Choteau-West) 160 feet deep authorized by Water Right No. 293-3 located at the
center of the SW 1/4 Section 15, T96N, R63W for
(elaboration point, source, depth of well, etc.)

Leo HolzbauerRR 1, Box 170(Applicant)(Street, RR or Box)Wagner SD 57380

With the following qualifications.

(City)(State)(Zip Code)

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

Date of first receipt of application December 29, 1986Date Soil/Water Compatibility Permit received May 19, 1987Date of return to applicant for correction, amendments or changes required , 19 Date of receipt of corrected application , 19 , Approved July 8, 1987

The Water Management Board approved this Water Permit No. 4666A-3 authorizing the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Water Permit approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is May 19, 1987
2. One-fifth of the work is to be completed on or before December 8, 1989
3. The whole of said work is to be completed on or before July 8, 1992
4. The time limit for proof of beneficial use of water is July 8, 1996
5. 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 unlawfully impaired by this appropriation.
6. The amount of the appropriation herein granted shall not exceed 2.28 cubic feet per second; neither shall it exceed 2 acre feet per acre per year or 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 July 8, 1996. The water is to be used during the following described annual period: Jan 1 - Dec 31

WATER MANAGEMENT BOARD

By: John Holzbauer(Signature)

Division of Water Rights

Dept. of Water and Natural Resources

AUG 19 1987

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, KCS
RON DUVALL
Natural Resources Engineer
Water Rights Division



4666A-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 12, 1996

Dave Glanzer
Greenwood Colony
RR 1 Box 69
Delmont, SD 57330-9721

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 (referred to as pivots 1 and 5) is authorized for irrigation under Water Right No. 293-3 and Water Permit Nos. 4666A-3 and 5635-3.

These forms were mailed to you in October, 1996; however, since I did not include a legal description on the forms, I am enclosing another set. 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



4666A-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSSBIL DING
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,

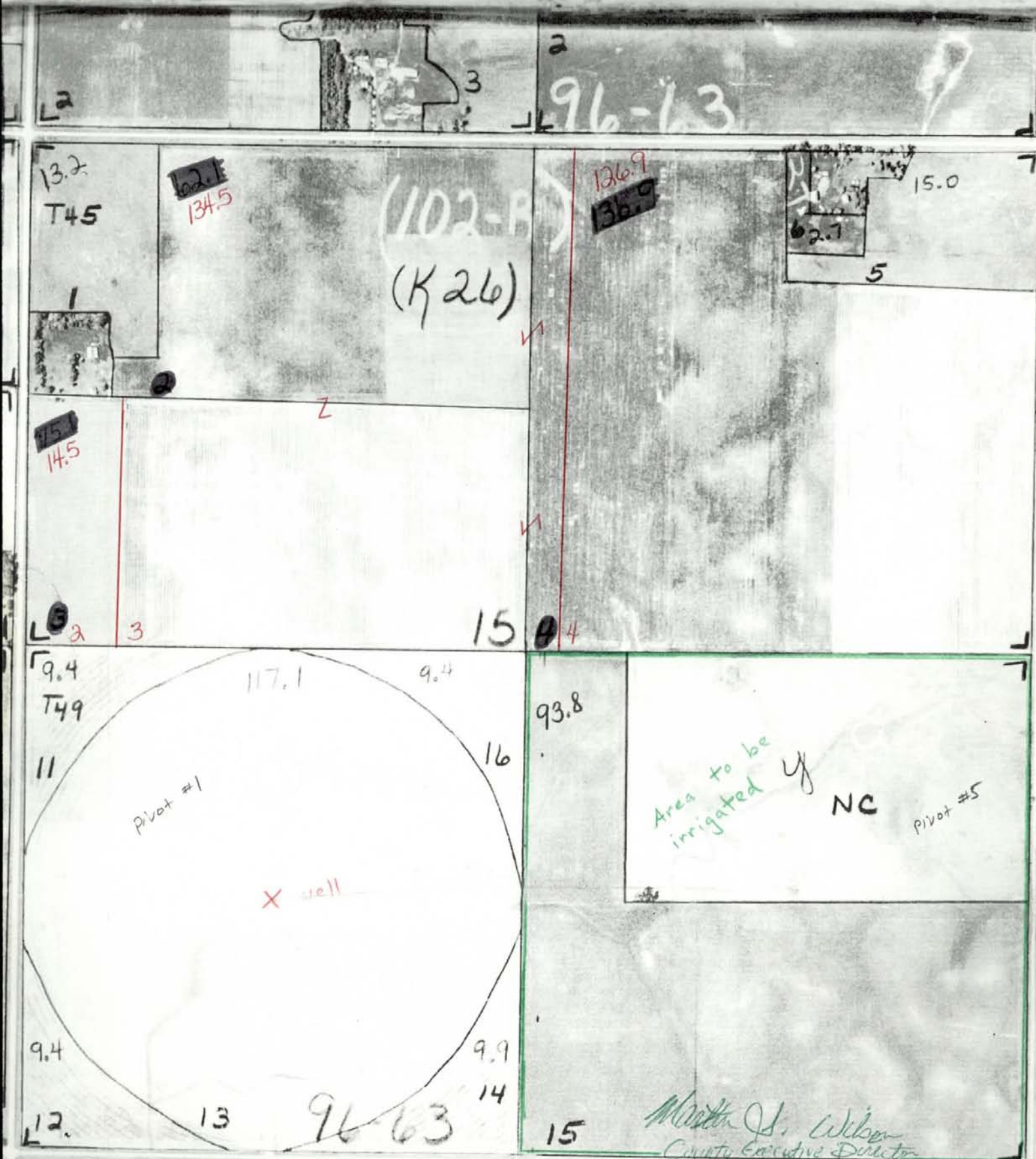
Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

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.

4666A-3

NOT TO SCALE

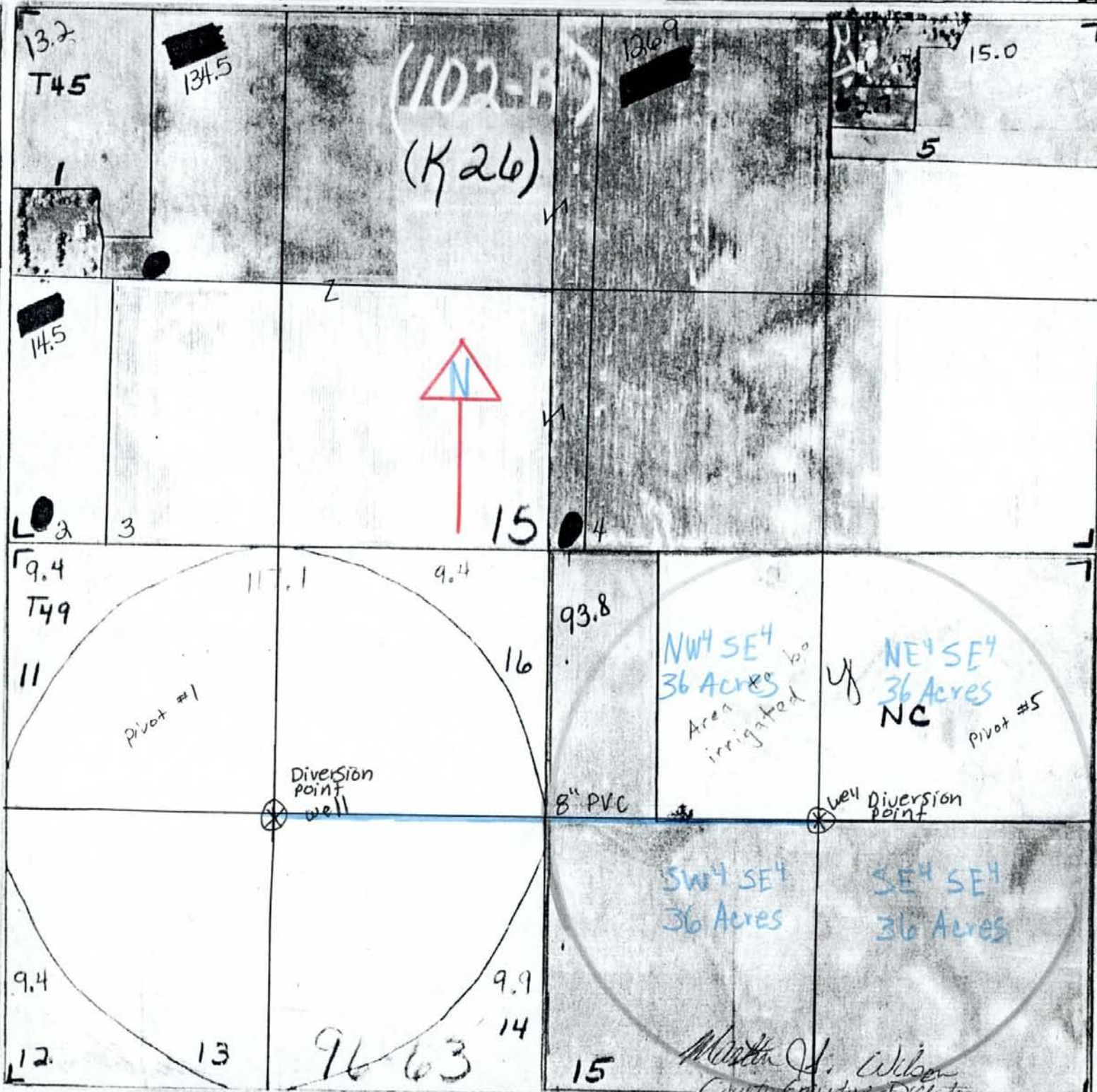


Martha J. Wilson
County Executive Director
Charles Mix Co, ASCS office, SD
Appl. No. 4666A-3

NOT TO SCALE

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

96-13



Martha J. Wilson
County Executive Director

Charles Mix Co. ASCS office, SD

Appl. No. 4666A-3