

Considered: _____

WATER PERMIT NO. 5635-3

Phone: 384-3350

Name of Applicant: Leo Holzbauer

Post Office Address: RR 1, Box 170, Wagner SD 57380

Amount of Water Claimed: 2.23 Total Acres: no add'l (156 ac)

Source of Water Supply: groundwater

Water to be used for: irrigation County: Charles Mix

About 3 miles North of Wagner

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 12-10-91 Fee: \$250.00 Remarks Will irrigate same lands as covered under Permit No. 4666A-3

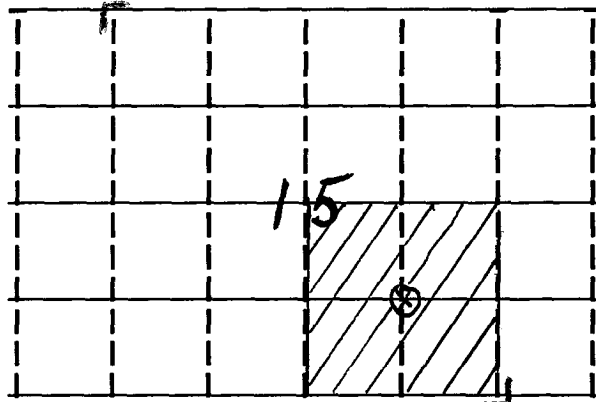
Corrected Application Received _____ Period of Annual Use April 1 - Nov 30

WATER QUALITY APPROVAL RECEIVED _____ APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES _____ NO _____ REMARKS _____

Diversion Point: center SE 1/4 Sec 15-T96N-R63W

Land to be Irrigated: SE 1/4 Sec 15-T96N-R63W



Well Log: Driller: Sargent Irrigation Co. Licensed YES X NO _____

Depth of Well: 225 feet REMARKS _____

Type of Map: aerial PREPARED BY: Les Labahr Reviewed and the Number

Assigned on 3-12-92 By Karen Schlaak

Mail to: Water Rights Div.
523 E. Capitol
Pierre, SD 57501 3:30 PM
(605) 773-3362

(See instructions)

No. 5635-3 Hydrologic Unit 10170101
Basin Missouri River
Newspaper Wagner Post, Box 187 57380

384-5616

Application For Soil/Water Compatibility Permit and Permit To Appropriate Water

Type of Application: ☒ New ☐ Vested Right ☐ Amend Permit No. 4666A-3
☐ Change Acreage ☐ Change diversion point(s) ☒ Add diversion point(s)
☐ Add Acreage ☐ Increase diversion rate ☐ Other _____

1. Name of Applicant LEO HOLZBAUER Phone No. 384-3350
Post Office Address RR 1 BOX 170 WAGNER State S. D. 57380
(Street, RR or Box) (City) Zip Code

2. Amount of water claimed (c.f.s) no add'l Total acres irrigated 156

3. Source of Water supply WELL

4. Location of point of diversion Center of SE 1/4 Section 15 Twp. 96 Rge. 63

County Charles Mix

5. Counties where water will be used Charles Mix

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

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.
<u>NE 1/4 SE 1/4 15-96-63</u>	<u>39</u>
<u>SE 1/4 SE 1/4 15-96-63</u>	<u>39</u>
<u>SW 1/4 SE 1/4 15-96-63</u>	<u>39</u>
<u>NW 1/4 SE 1/4 15-96-63</u>	<u>39</u>

Land Description	No. Acres Irr.

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: ☒ Gun: ☒ Other: lateral move (Specify) side-sprinkler

9. Crops to be Irrigated: Corn, Barley, Sunflowers, Soybeans, Alfalfa, etc.

10. Give a description of proposed project. (Attach sheet if more-space is needed)
Sprinkler irrigation with well as the source of water.
Will use big gun or lateral move sprinkler system to start with.
Eventually plans to install center pivot.

→ This acreage is currently permitted by No. 4666A-3. The diversion rate from this proposed well will be a new appropriation of water as well under 4666A-3 will be used to irrigate SW 1/4

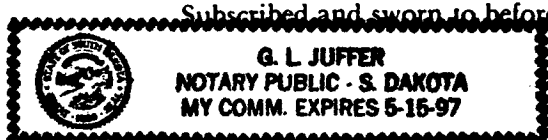
Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps, soils information and any other technical information.

STATE OF SOUTH DAKOTA)
County of Charles Mix)^{ss}

1. Leo Holzbauer, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is truly representative of the water to be used, and that the matters stated in this application are true and correct.

Signed Leo Holzbauer

12th day of December 1991



[Signature]
Notary Public

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

SOUTH DAKOTA
WATER PERMIT No. 5635-3 FOR IRRIGATION

Date of first receipt of application December 10, 1991.
Date Soil/Water Compatibility Permit received March 17, 1992.
Date of return to applicant for corrections, amendments or changes
December 11, 1992.
Date of receipt of corrected application January 30, 1992.
(at request of applicant delayed processing of application until
June 25, 1992)

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5635-3 to Leo Holzbauer, RR 1, Box 170, Wagner SD 57380 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5635-3 authorizes an additional well (Choteau West Aquifer) 225 feet deep located in the center of the SE 1/4 Section 15-T96N-R63W to irrigate land authorized by Water Permit No. 4666A-3. Water Right No. 293-3 appropriates 3.42 cfs from one well located near the center of the SW 1/4 to irrigate 240 acres located in the SW 1/4 Section 15 and the N 1/2 NW 1/4 Section 22; all in T96N-R63W. Water Permit No. 4666A-3 appropriates 2.28 cfs from this existing well to irrigate 160 acres located in the SE 1/4 Section 15-T96N-R63W. This permit provides an additional well to irrigate the 160 acres located in the SE 1/4 Section 15-T96N-R63W. No increase in the diversion rate or number of acres being irrigated is authorized by this permit.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 - November 30.
3. The date from which applicant may claim right is May 19, 1987.
4. The date of approval of Permit No. 5635-3 is September 14, 1992.
5. One-fifth of the construction is to be completed on or before March 14, 1995.
6. All construction is to be completed on or before September 14, 1997.
7. Water is to be put to beneficial use on or before September 14, 2001.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

(continued)

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. The well authorized by Permit No. 5635-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:28.
3. The diversion rate for Water Permit No. 4666A-3 and this Permit, combined, may not exceed the statutory limit of 1 cfs per 70 acres and 2 acre-feet per acre.
4. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: _____

John Hatch
John Hatch, Chief Engineer, Water Rights Division
Department of Environment and Natural Resources

FEB 23 1993

date

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter 24 in. Depth 225 ft.
- b) Casing Type PVC Plastic Diameter 16 in. Thickness _____
- c) Screen Type slotted Diameter 16 in. Thickness _____
- d) Gravel Pack Thickness 4 in. Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
 On applicants property 4,000 ft. On property owned by others 1,600 ft

2. Dugout Information Estimates

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

3. Water Storage Dams

NA

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) Primary Outlet Capacity _____
 If Pipe, diameter _____

f) Secondary Spillway Capacity _____
 Spillway width _____

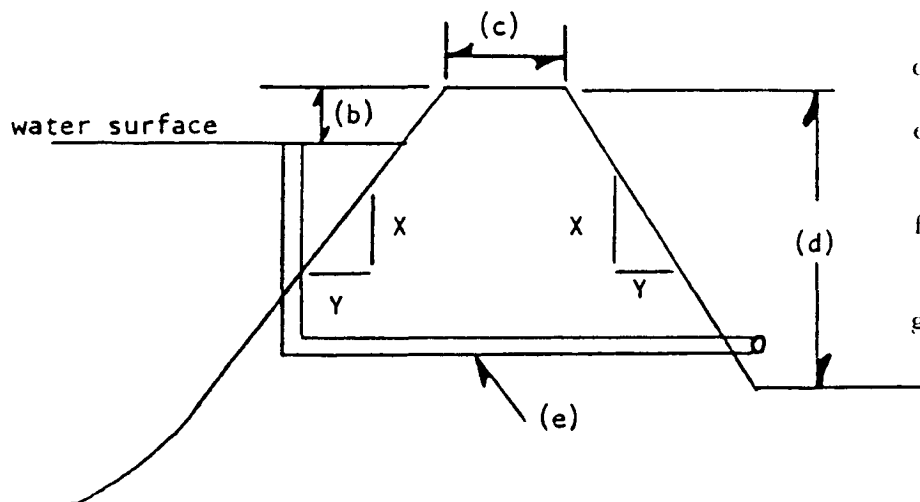
g) X & Y Slope
 Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant _____

SARGENT IRRIGATION CO.

NELIGH, NEBRASKA 68756

PHONE (402) 887-4112

TEST WELL LOG

TO:

Leo Holzbauer

DATE:

1-22-92

ADDRESS:

Wagner, S. D.

SE 1/4

0	15	Play Top Soil a Stones & Gravel & Clay
15	30	Play & Gravel & Clay & Blue Clay
30	45	Blue Clay & Stones
45	60	Blue Clay & Stones
60	75	Blue Clay & Gravel & Stones
75	90	Gravel & Clay & Stones Possible Rocks
90	105	Blue Clay & Stones
105	120	Blue Clay & Stones Possible Rocks
120	135	Blue Clay & Chalkine Clay & Stones 2" P.F.
135	150	Coarse Sand & Gravel
150	165	Coars - Sand & Gravel
165	180	Coars - Sand & Gravel
180	195	Coars Sand Gravel & Clay 5th
195	210	Clay layers & Coarse Sand
210	225	Coarse Sand & Clay layers
225	240	Clay layers & Coarse Sand
240	255	Clay layers Med to Coarse Sand 5th
255	270	Clay layers Med to Coarse Sand layers
270	285	Med. Clay Med Sand 5th's
285	300	
300	315	
315	330	
330	345	
345	360	
360	375	
375	390	
390	405	
405	420	
420	435	
435	450	
450	465	
465	480	
480	495	
495	510	
510	525	
525	540	
540	555	
555	570	
570	585	
585	600	



Cased at 270 2"

100 Perf
170 Plain

NOT TO SCALE

96-63

13.2

62.1

(102-R)

134.9

15.0

75.1



15

9.4

117.1

9.4

93.8

to be broke out
and irrigated
62 ac.

to be filled

Proposed Well

to be irrigated

9.4

9.9

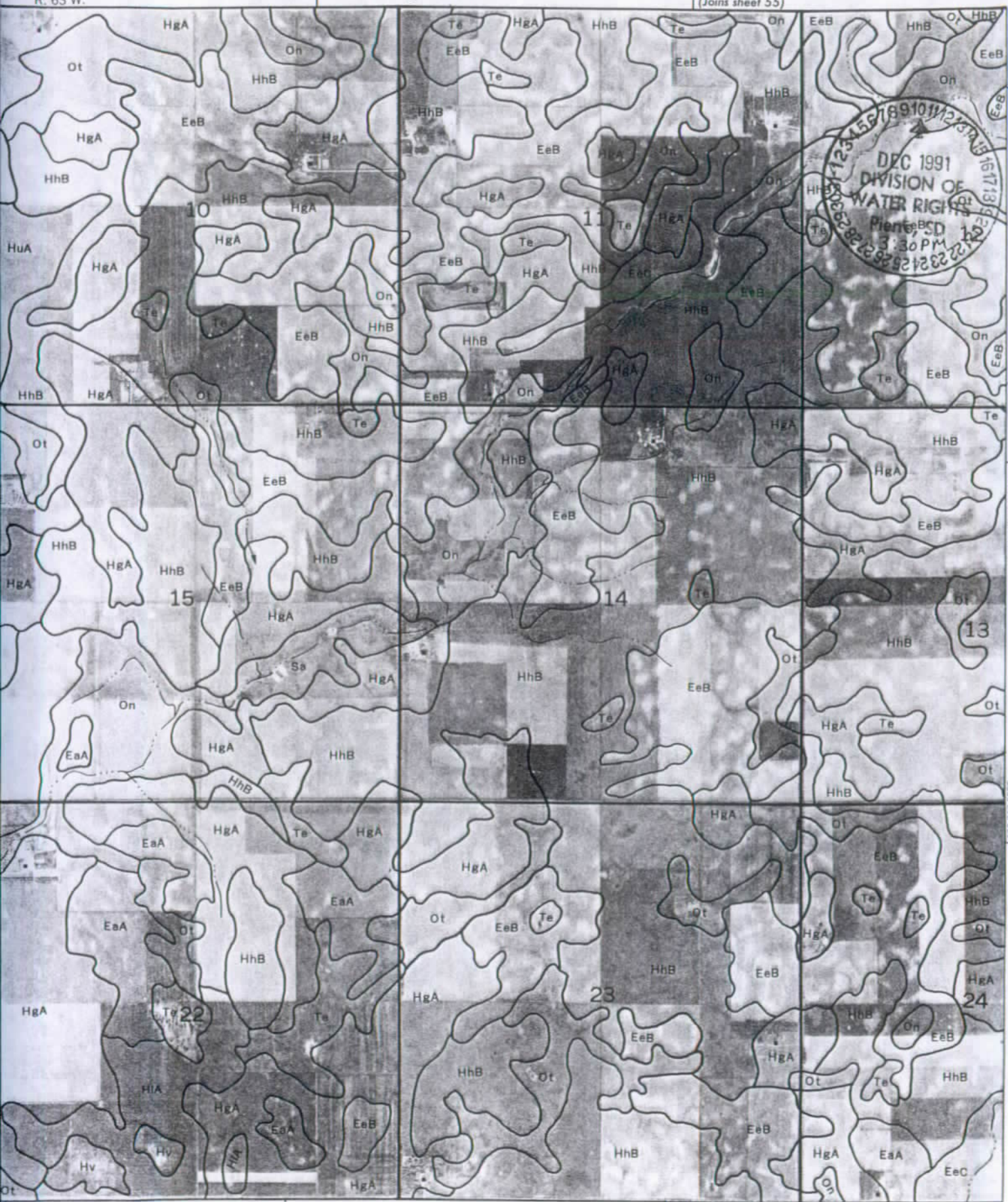
96-63

Les Labahn, DC
Soil Cons. Service
Lake Arlee, S.D.

SE 1/4 15 T. 96 R. 63

R. 63 W.

(Joins sheet 55)



(Joins sheet 64)

295,000 FEET

(7 555,000 FEET (Joins sheet 71)



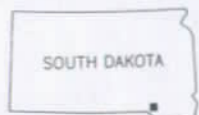
SE 1/4 15 T. 96 R. 63
 Contour Interval = 5 ft.

ROAD CLASSIFICATION

Heavy-duty ————— Light-duty
 Medium-duty - - - - - Unimproved dirt - - - - -

□ U. S. Route

○ State Route



QUADRANGLE LOCATION

WAGNER NE, S. DAK.
 N4307.5—W9815/7.5

9-A

1964

AMS 6370 III NE—SERIES V873

N. D. C. 20242
 EST

1 March, 1992

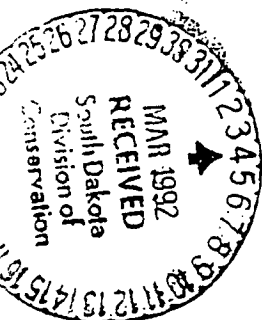
Holzbauer Farm Irrigation Management Plan

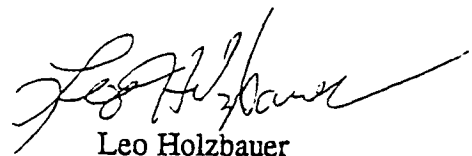
The SE 1/4 of Section 15, T96, R63 was purchased by me in about 1980 or 1981. It is my intent to develop this land with an irrigation system for production of alfalfa, small grain, corn, beans, sunflowers, potatoes and possibly other crops. During discussions of the last several months, I have been made quite aware that the water that was found on this land, the water that I wish to irrigate with, is of marginal quality for irrigation development. I am aware that with water of this quality, there are problems other places in South Dakota and even 7 or 8 miles from this location. The irrigation water that I am proposing to irrigate with has a SAR of 9.41 adjusted for the possible precipitation of calcium to 21.60. It's electrical conductivity is about 1850.

Mitigating this poor quality water is the fact that the soils in this quarter are very well drained soils and are underlain with coarse gravel. Dr. Carlson has reviewed extensive soil data (Taken in 1985 and 86 after I have irrigated the sampled land for almost 30 years) from the SW 1/4 of this section and he indicates that the soil is amazingly free of total salt or sodium problems. The geological map that accompanies this application indicates that gravel underlies this quarter.

I fully understand that if problems occur, the negative impact from this water may not be seen until perhaps as long as 10 to 15 years from now. Management is important to ensuring long term success. The following are management practices that I am proposing that I believe will result in sustainable irrigation of this land.

1. I will assure adequate leaching with each irrigation. At least an inch to an inch and a half will be applied with each irrigation. The only exception to this will be when I need to apply 1/3 of an inch of water to activate a herbicide or to initiate germination of a seeding. This will insure continued leaching of the effective root zone and minimize sodium build up close to the surface, where it is the greatest problem..
2. Sodium problems are greatly reduced when high amounts of organic matter are applied or left on the soil surface. I will attempt to maintain as high a concentration of organic matter at the soil surface as I possibly can. When corn is grown, only the grain will be harvested with the stubble being left for cover and as a organic matter builder. (In drought years I may need to take a minimum amount of silage to assure a feed supply) No livestock grazing will be done in a wet spring. Minimum tillage will be used when possible to reduce the decomposition of the organic mater at the surface. I have not used a moldboard plow for about 15 years.
3. It is my intent to work with the Department of Agriculture and South Dakota State University to ensure that the effective salinity of the root zone stays as low as possible. Proven, innovative, and new ways of increasing agronomic productivity will be reviewed for possible implementation.




Leo Holzbauer

3-2-92

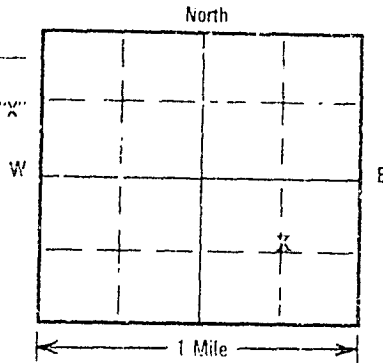
SOUTH DAKOTA WATER WELL COMPLETION REPORT

#223 6635-3
07-92

Location SE 15 Twp 96 Rg 63

County Charles Mix

Please mark well location with an "X"



Well Completion Date May 7, 1993

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 3300 ft. from Feed Lot (identify source).

PROPOSED USE:

- ☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

REVERSE ROTARY

CASING DATA:

- ☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>36.91 LB/FT</u>	<u>16 IN</u>	<u>0 FT</u>	<u>108 FT</u>	<u>30 IN</u>
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Concrete</u>	<u>50</u>	<u>12-16 lb./gal</u>	<u>0 ft</u>	<u>20 ft</u>
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure Tremie Pipe

SCREEN: ☒ Perforated pipe ☐ Manufactured

Diameter 16 IN length 129 FEET

Material .219 wall NEW STEEL CASING, SLOTTED

Slot Size .125 Set From 108 Feet to 237 Feet

Other information _____

WAS A PACKER OR SEAL USED? ☒ YES ☐ NO

If so, what material? Concrete

Describe packer/seal and location? 20 ft. from bottom

Well Owner Leonard Holzhauser

Business Name _____

Address: RR 1 Box 170

Wagner, SD 57380

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Clay, top soil, stones, clay	0	15
Clay, gravel stones, blue clay	15	30
XX Blue clay & stones	30	60
Blue clay & gravel stones	60	75
grav, sticky blue claylayer, rock poss	75	90
Blue clay & stones	90	105
Blue clay & stones, possible rock	105	120
Blue clay/chalkings clay/stones	120	133
Coarse sand	133	135
Coarse sand & gravel	135	XXX 180
Crse sand, gravel, thin clay stks	180	195
Clay layers & coarse sand	195	XXX 225
Clay layers & coarse sand	225	240
Clay layrs, med-coarse sand stks	240	255
Clay layrs, med to crse sandlyrs	255	270
Mostly clay, med sand streaks	270	285

STATIC WATER LEVEL 45 Feet

If flowing: closed in pressure _____ PSI

GPM flow 850 through 8 inch pipe

Controlled by ☐ Valve ☐ Reducers ☒ Other Sprinkler System

Reduced Flowrate _____ GPM

Can well be completely shut in? Yes

WELL TEST DATA:

☒ Pumped

Describe: _____

☐ Bailed

☐ Other

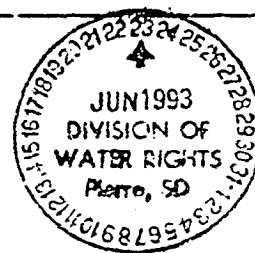
Pumping Level Below Land Surface

79 ft. After 1 Hrs. pumped 800 GPM

124 ft. After 1 Hrs. pumped 1800 GPM

If pump installed, pump rate _____ GPM

REMARKS



This well was drilled under license # 273

REDUCTION RATIO

ROLL NUMBER

DATE MICROFILMED

CAMERA OPERATOR SIGNATURE

25:1

U-7

5-18-74

Signature



Division of Conservation

WR#

OWNERS ADDRESS: RR 1 BOX 170

COUNTY LAND LOCATED IN: CHARLES MIX PHONE: 384-3350

☐ Well

☐ Surface

1. LOCATION Center of SR₁ 15-T96N-R63W

Depth.

Legal Description	Acres	Legal Description	Acres
NE $\frac{1}{4}$ SE $\frac{1}{4}$ 15-T96N-R63W	39		
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 15-T96N-R63W	39		
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 15-T96N-R63W	39		
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 15-T96N-R63W	39		

OTHER:

2. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: XXX GUN: XXX (Specify) Lateral Move

3. CROPS TO BE IRRIGATED: CORN, BARLEY, SUNFLOWERS, SOYBEANS, ALFALFA, ETC.

4. WATER SAMPLE NUMBER: 92-0027 7. ADJUSTED (SAR): 21.60

5. SALINITY (EC X 10⁶): 1850 8. PERCENT SODIUM: 72.61

6. SODIUM (SAR): 9.41

Requirements:

XXX APPROVED

DISAPPROVED

WAIVER

XXX REQUIREMENTS

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

Director, Division of Conservation

Date _____

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

413051

Pierre, February 3, 1992

RECEIVED OF Leo Holzbauer, RR 1, Box 170, Wagner, SD 57380

the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>5635-3</u> to Appropriate Water, to construct works and to put water to beneficial use	250	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	250 00

By John Hatch
Chief Engineer

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Leo Holzbauer

ADDRESS: RR1 Box 170, Wagner, SD 57380 COUNTY: Charles Mix

DATE: 12/10/91 TELEPHONE: 384-3350

RE: Submittal of Applications for Gerrit Juffer and Leo Holzbauer

COMMENTS:

Mr. Holzbauer stopped in the office today with 3 permit applications (two for Gerrit Juffer and one for Leo Holzbauer). I went through the applications with to ensure that they were correct. On two of the applications a driller's test log was required to complete the application. Mr. Holzbauer wrote the checks for the application filing fees but asked that the checks for the two incomplete applications be held until we receive the test logs. I said generally we receipt checks right away but Mr. Holzbauer stated he did not want them cashed until the application was complete.

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: Eric Holzbauer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

GREAT FACES. GREAT PLACES.

December 11, 1991

Leo Holzbauer
RR 1, Box 170
Wagner SD 57380

Dear Mr. Holzbauer

In regard to your water permit application received on December 10, 1991, the following information needs to be submitted in order to process your application.

1. A driller's test log signed by a South Dakota licensed well driller must accompany the application.
2. A water sample must be submitted to the Water Quality Laboratory.

The water permit application can not be considered until the application is complete and a soil/water permit is obtained from the Department of Agriculture. As requested, the application filing fee will not be receipted until the test log is received.

Upon receipt of the above, further processing of your application will continue. If you have any questions, please contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Karen Schlaak".

Karen Schlaak
Natural Resources Analyst
605 773-3352

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Leo Holzbauer

ADDRESS: Wagner, SD 57380 COUNTY: Charles Mix

DATE: 3/17/92 TELEPHONE: 384-3350

RE: Water Permit Application No. 5635-3

COMMENTS:

Mr. Holzbauer called to tell me to put Application No. 5635-3 on hold for the time being. He stated he would call in the near future to tell us to proceed with processing the application.

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: Eric Threlund

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Leo Holzbauer

ADDRESS: _____ COUNTY: Charles Mix

DATE: 6/25/92 TELEPHONE: _____

RE: Water Permit Application No. 5635-3

COMMENTS:

Mr. Holzbauer called and told me to proceed with Application No. 5635-3

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: Eric Hankins

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Leo Holzbauer - WP Application No. 5635-3

ADDRESS: RR 1, Box 170, Wagner, SD 57380 COUNTY: Charles Mix

DATE: 8/6/92 TELEPHONE: _____

RE: Mr. Holzbauer visit in the office

COMMENTS:

Mr. Holzbauer stopped in the office while he was in town to discuss his Application No. 5635-3. He asked me if he'd retain his priority date and I said since it was applied for as a new appropriation of water it would take a new priority date. I did point out that I thought this application could just be considered an additional well to Water Right No. 293-3 and Water Permit 4666A-3 and then retain priority. ~~I reason for this is~~ Currently these two permits appropriate 5.7 cfs for irrigation of the 400 acres which is the statutory limit of 1 cfs per 70 acres.

Mr. Holzbauer requested I amend his application to reflect that 5635-3 is only an additional well with no new appropriation of water.

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: Eric Thorslund

REPORT ON APPLICATION NO. 5635-3
for Leo Holzbauer
August 3, 1992

Application No. 5635-3 proposes to authorize an additional well approximately 225 feet deep located in the center of the SE 1/4 of section 15, T96N R63W to irrigate land authorized by Water Permit No. 4666A-3. Water Permit No. 4666A-3 appropriates 2.28 cfs to irrigate 160 acres located in the SE 1/4 of section 15, T96N R63W in Charles Mix County. No increase in the number of acres being irrigated on the diversion rate is authorized by this application.

AQUIFER - CHOTEAU WEST (CH-W)

The Choteau West is a buried glacial outwash and western origin stream deposits (Kume, 1977) under confined (artesian) conditions. The aquifer underlies 169,600 acres and contains an estimated 1.225 million acre feet of recoverable water in storage in Charles Mix County. The aquifer extends into Hutchinson County to the northeast, Douglas County to the north and into Bon Homme County to the southeast. The aquifer is hydraulically connected to the Niobrara and the Codell Formations which are both considered aquifers in this area. The test well log submitted with this application indicates coarse sand from 135 feet to 195 feet below land surface with clay and sand from 195 feet to 270 feet below land surface.

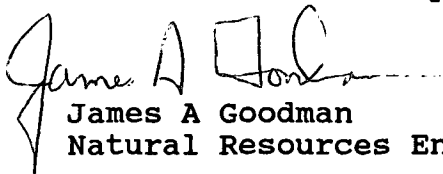
The Division of Water Rights monitors 4 observation wells completed into the Choteau West Aquifer located within 2 miles of this application. These are CM-80D, CM-72B, CM-72C and CM-68F. Water levels in these wells show good correlation between pumping and climatic conditions. The aquifer is under artesian conditions and pumping of irrigation wells in the area cause fluctuation of the water levels. This annual fluctuation can vary from 30 to 50 feet depending upon the distance the observation well from a production well and the length of time pumping has occurred. In general terms water levels declined in the Choteau West aquifer until 1983, then rose until 1987 and then declined again until the present. The total net decline has been in the 10 to 15 feet range. There is no reliable estimate available for the rate of recharge to the Choteau West aquifer. The water level record indicates that the aquifer is relatively sensitive to pumping and that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1992).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are 7 existing irrigation wells within one mile of this application. Interference will occur and does occur now. The water levels in area observation wells indicate that drawdown created by pumping is significant but that apparently does not adversely affect the ability of the existing wells to produce water. This proposed well will be 1/2 mile from the nearest other irrigation well. The lands to be irrigated by this application are already being irrigated by a well located over 1/2 mile to the west authorized by Water Right 293-3 and Water Permit No. 4666A-3.

CONCLUSIONS

1. Water is available from the Choteau West aquifer.
2. The Choteau West aquifer is confined and under artesian conditions. Water level fluctuations do occur as a result of pumping. Even though this drawdown is occurring this is apparently not adversely affecting existing wells.
3. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.
4. The combined diversion rates from Water Permit No. 4666A-3 and this application may not exceed the statutory limit of 1 cfs per 70 acres and 2 acre feet per acre.
5. There is recharge to the Choteau West aquifer; however, the response is not immediate. Subtle changes both up and down are shown by the water level record in addition to the dramatic declines caused by pumping. Generally water have declined gradually over the period of record. This decline must be given consideration in the issuance of new permits. The aquifer has a large amount of water in storage and is known to be sensitive to pumping. Limiting issuance of water permits because of relatively small declines in water levels would curtail any further development from the aquifer.

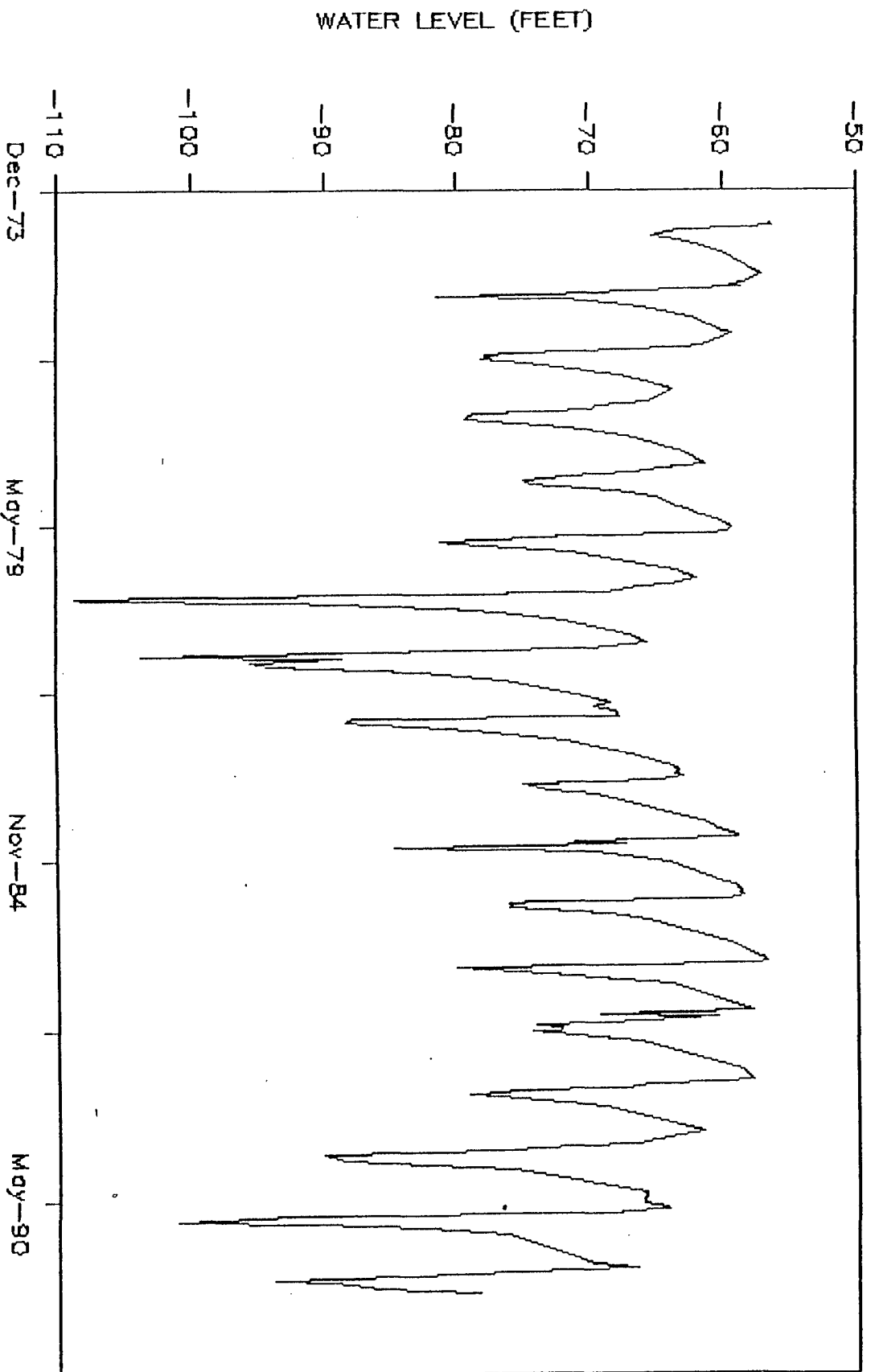

James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

- Hedges, L.S., etal, 1982, Evaluation of Ground Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.
- Kume, J., 1977, Geology and Water Resources of Charles Mix and Douglas Counties, South Dakota, Part II: Water Resources, Bulletin 22, SD DENR, SDGS, Vermillion, SD, 57069.
- Water Rights, 1992, Unpublished Observation Well Records for the Choteau West Aquifer, SD DENR, Division of Water Rights, Pierre, SD, 57501.

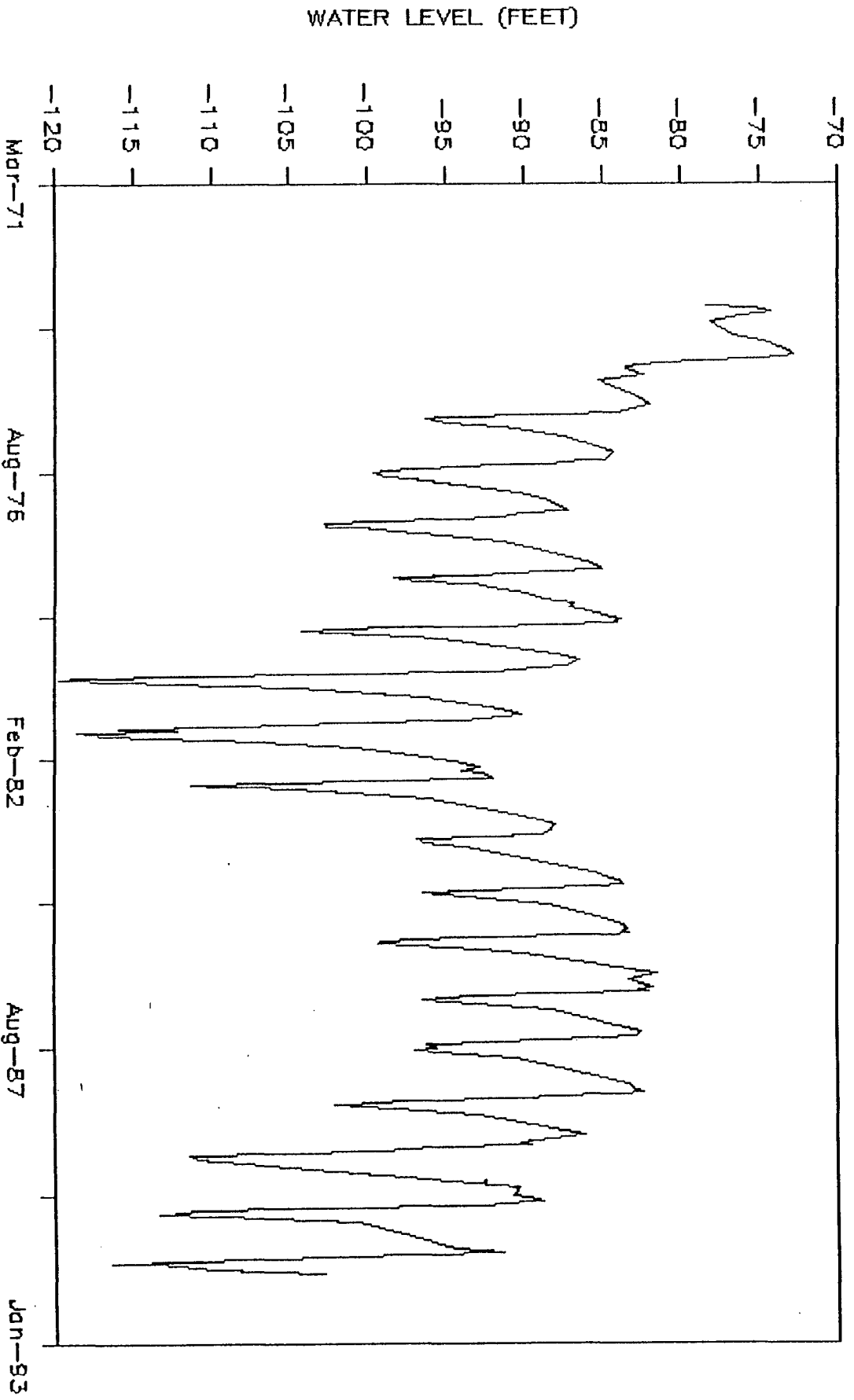
WATER RIGHTS OBSERVATION WELL

CM-72B



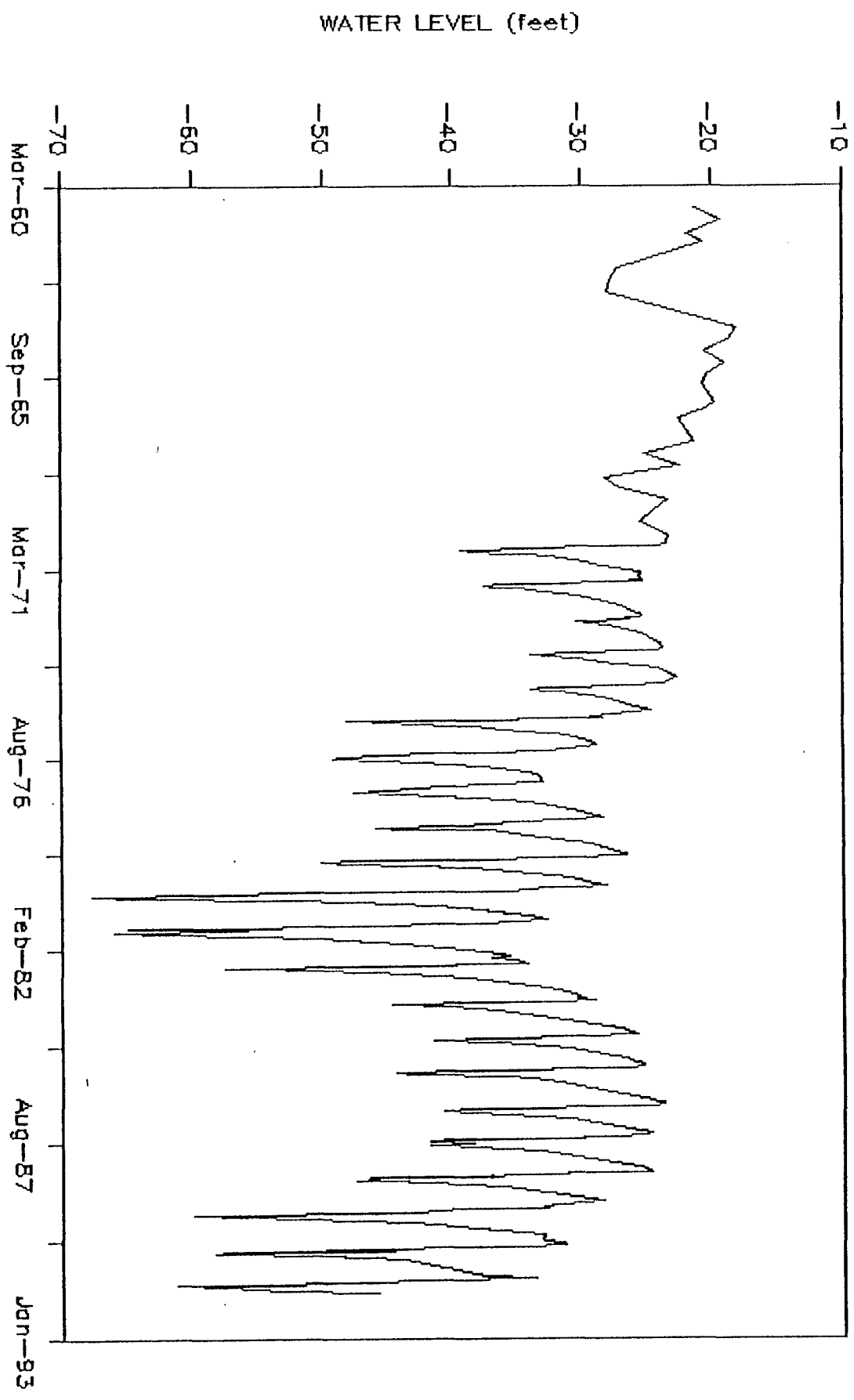
WATER RIGHTS OBSERVATION WELL

CM-72C



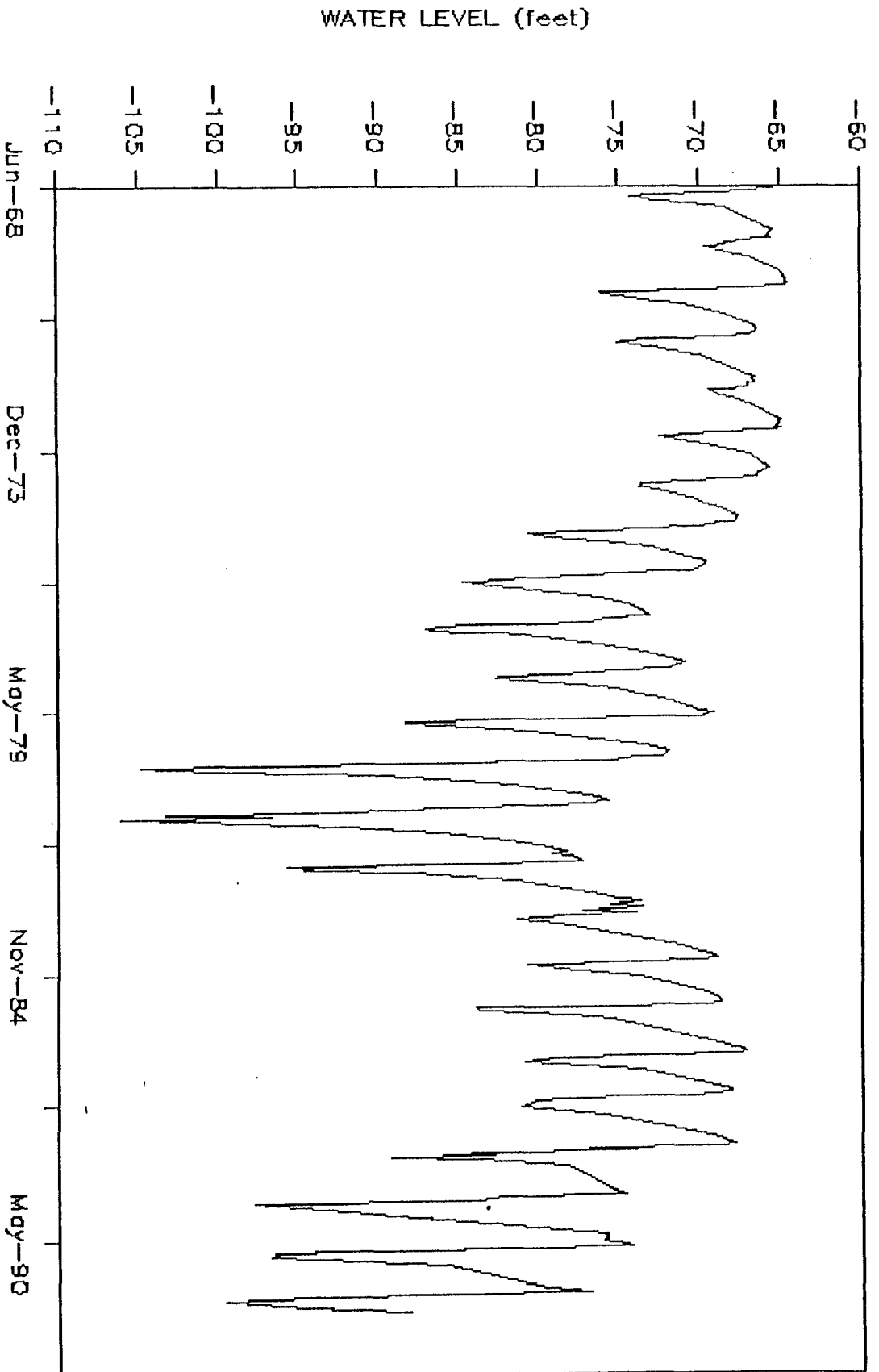
WATER RIGHTS OBSERVATION WELL

CM80D



WATER RIGHTS OBSERVATION WELL

CM63F



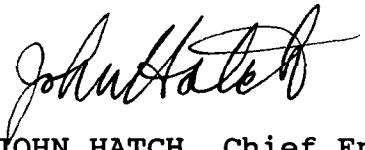
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5635-3, Leo Holzbauer

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 5635-3, Leo Holzbauer, RR 1 Box 170, Wagner, SD 57380.

The Chief Engineer is recommending APPROVAL of Application No. 5635-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) it is 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. The well authorized by Permit No. 5635-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:28.
3. The diversion rate from Water Permit No. 4666A-3 and this Permit, combined, may not exceed the statutory limit of 1 cfs per 70 acres and 2 acre-feet per acre.
4. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.


JOHN HATCH, Chief Engineer
August 5, 1992

NOTE: A recommendation was not issued within 60 days pursuant to 46-2A-2, at the request of Mr. Holzbauer.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

August 12, 1992

Leo Holzbauer
RR 1 Box 170
Wagner, SD 57380

Dear Mr. Holzbauer:

Water Permit Application No. 5635-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Wagner Post printed at Wagner, SD (Ph # 384-5616). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing 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 twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 12, 1992

Wagner Post
Box 187
Wagner, SD 57380

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5635-3 to be published twice. Please publish the first notice on August 18, 1992, with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Leo Holzbauer, RR 1 Box 170, Wagner, SD 57380 (Ph # 384-3350).

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST 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 in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

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

Name _____

Newspaper _____

Instruction to Newspaper - Publish first Notice on August 18, 1992, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5635-3 to Appropriate Water

Notice is given that Leo Holzbauer, RR 1 Box 170, Wagner, SD 57380 has filed an application for a water permit to authorize an additional well (Choteau West Aquifer) 225 feet deep located in the center of the SE 1/4 Section 15-T96N-R63W to irrigate land authorized by Water Permit No. 4666A-3. Water Right No. 293-3 appropriates 3.42 cfs from one well located near the center of the SW 1/4 to irrigate 240 acres located in the SW 1/4 Section 15 and the N 1/2 NW 1/4 Section 22; all in T96N-R63W. Water Permit No. 4666A-3 appropriated 2.28 cfs from this existing well to irrigate 160 acres located in the SE 1/4 Section 15-T96N-R63W. This application serves to provide an additional well to irrigate the 160 acres located in the SE 1/4 Section 15-T96N-R63W. No increase in the diversion rate or number of acres being irrigated is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5635-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by September 4, 1992. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

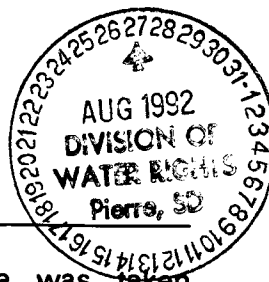
For purposes of publishing 1) the notice of hearing on Application No. 5635-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for September 14, 1992, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the September 14, 1992, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The September 14, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by September 4, 1992.

If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by September 4, 1992, at the above Water Rights Division address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 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, 46-2A-20, 46-2A-21; 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; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Charles Mix) ss. JK



NOTICE OF HEARING ON APPLICATION NO. 5635-3 TO APPROPRIATE WATER

I, CAROL M. HARRELL

certify that the attached printed Notice 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 _____

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

19th August 1992

26th August 1992

Carol M. Harrell
(Signature)

Publisher

(Title)

August 26, 1992
(Date Signed)

Cost of Printing: \$71.68

Notice is given that Leo Holzbauer, RR 1 Box 170, Wagner, SD 57380 has filed an application for a water permit to authorize an additional well (Choteau West Aquifer) 225 feet deep located in the center of the SE ¼ Section 15-T96N-R63W to irrigate land authorized by Water Permit No. 4666A-3. Water Right No. 293-3 appropriates 3.42 cfs from one well located near the center of the SW ¼ to irrigate 240 acres located in the SW ¼ Section 15 and the N ¼ NW ¼ Section 22; all in T96N-R63W. Water Permit No. 4666A-3 appropriated 2.28 cfs from this existing well to irrigate 160 acres located in the SE ¼ Section 15-T96N-R63W. This application serves to provide an additional well to irrigate the 160 acres located in the SE ¼ Section 15-T96N-R63W. No increase in the diversion rate or number of acres being irrigated is authorized by this application.

Pursuant to SDCL 46-2A-1, the Chief Engineer recommends APPROVAL of Application No. 5635-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss

Building, 523 E. Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by September 4, 1992. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 5635-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for September 14, 1992, at 9:00 a.m. in Room 413, Joe Foss Building, 523 E. Capitol, Pierre, SD. If this application is opposed or the recommendation is contested, the September 14, 1992, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board

PAGE 18 THE WAGNER POST

will be given by First Class mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The September 14, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by September 4, 1992.

If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by September 4, 1992, at the above Water Rights Division address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped; or to obtain an interpreter for the hearing impaired.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 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, 46-2A-20, 46-2A-21; 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; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board rules ARSD 74:02:01:01 thru 74:02:01:15. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

Pub.: August 19 & 26, 1992



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

FEB 23 1993

Leo Holzbauer
RR 1 Box 170
Wagner, Sd 57380

Dear Mr. Holzbauer:

Enclosed is Water Permit No. 5635-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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 the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

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

enclosures

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.

These recommendations for the incorporation of the Holzbauer Bros. water permits are based on Barry McLaury's June 29, 1993 inspection of the systems and the assumption that all of the systems are inter-connected and can operate at the same time.

There are eight water rights/permits that need to be incorporated:

1. 293-3, September 17, 1956 (water right)
2. 2583-3, February 24, 1976
3. 3700-3, February 7, 1977
4. 3706-3, January 6, 1977
5. 3707-3, January 6, 1977
6. 3736-3, March 10, 1977
7. 4666A-3, May 19, 1987
8. 5635-3, May 19, 1987

There are six parcels of land that need to be included:

- Parcel 1. SW $\frac{1}{4}$ Sec 15
- Parcel 2. N $\frac{1}{2}$ NW $\frac{1}{4}$ Sec 22
- Parcel 3. S $\frac{1}{2}$ NW $\frac{1}{4}$ Sec 22
- Parcel 4. SW $\frac{1}{4}$ Sec 22
- Parcel 5. NE $\frac{1}{4}$ Sec 21
- Parcel 6. SE $\frac{1}{4}$ Sec 15

There are three wells that need to be included:

- Well 1. SW $\frac{1}{4}$ Sec 15
- Well 2. SE $\frac{1}{4}$ Sec 15
- Well 3. NW $\frac{1}{4}$ Sec 22

The permits as originally filed authorized a total diversion rate of 14.26 cfs with a total of 800 acres permitted. However, the inspection report indicates that the total production from the wells is 10.0 cfs and that a total of 704 acres are actually being irrigated. The report indicates that each of the well contribute equally to the total production (3.33 cfs per well). All of the wells are screened in the Choteau-West aquifer.

Because each well contributes equally to the system, water cannot be accounted for separately and additional diversion points need to be added to the parcels. South Dakota Code Law 46-5-13.1 allows for the addition of diversion points if they are from the same water source, no additional water is appropriated, and if no additional land is irrigated.

The following list is the land parcel and which of the diversion points it is already authorized from.

- Parcel 1. Well 1 (293-3)
- Parcel 2. Well 1 (293-3), Well 3 (3736-3)
- Parcel 3. Well 1 (2583-3), Well 3 (3736-3)
- Parcel 4. Well 1 (3707-3), Well 3 (3736-3)
- Parcel 5. Well 1 (3707-3)
- Parcel 6. Well 1 (5635-3), Well 2 (4666A-3)

The following priority dates are associated with each land parcel. The dates are based on the earliest priority date when sufficient water was authorized to that land parcel. *For example the SW ¼ Sec 22 was first authorized water January 6, 1977 under 3707-3, but that permit authorized no additional water and its source was the well in the SW ¼ Sec 15. The SW ¼ Sec 15 well was only authorized for 3.42 cfs at the time, not sufficient water to meet the needs of the 480 acres authorized by 293-3, 2583-3, and 3707-3.*

1. September 17, 1956 (293-3); SW ¼ Sec 15 and N ½ NW ¼ Sec 22
2. March 10, 1977 (3736-3); S ½ NW ¼ Sec 22
3. February 7, 1977 (3700-3 and 3706-3); SW ¼ Sec 22 and NE ¼ Sec 22
4. May 19, 1987 (4666A-3); SE ¼ Sec 15

The rights/permits should be incorporated into Water Right No. 5635-3. Rule No. 74:02:01:16.01 states that "When inspecting systems that are covered by more than one permit or right, the applicable portions of all permits or rights and priority dates may be incorporated into one water license under the number of the latest permit issued.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 11, 1995

Joe Glanzer
Greenwood Colony
RR #1 Box 89
Delmont, SD 57330-9721

Dear Mr. Glanzer:

Enclosed are the 1995 irrigation questionnaires for Water Permits and Rights held by Leo Holzbauer. Mr. Holzbauer has requested that the forms be sent to you.

I included the legal description for each permit on their respective forms (see comment section). Please complete the forms and return them to our office at your earliest convenience. Since I was not able to get the forms sent to you in a more timely manner, the December 15th deadline mentioned on the top of the questionnaires, will not apply.

If you have any questions, or need assistance in completing the questionnaires, please contact me and I will be happy to help you. I enclosed a postage paid envelope for your ease in returning the forms to us.

Sincerely,

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

c: Leo Holzbauer

5635-3



**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,

A handwritten signature in cursive script that reads "Genny McMath".

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

enclosures

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 9, 1997

Leo Holzbauer
RR 1 Box 170
Wagner, SD 57380

Dear Leo:

I am contacting you in regard to your various water permits and pending licenses. I remember discussing with you one time about the complexity of them and if we were going to incorporate most into one license, it would be a good idea if you could stop by the office and go over the draft reports prior to licensing.

I wanted to touch base with you and see if you may have time in the near future to stop in and go over them. If you will be in the Pierre area and can **give me a couple days notice**, I can review the files and have the reports and any questions or concerns ready to go over with you. Eric will probably sit in on the discussion too.

Leo, this is certainly not an urgent item, but I feel we should take the time to talk about it and move forward with licensing your water permits. Please give me a call when you can.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

August 27, 1999

Leo Holzbauer
RR 1 Box 170
Wagner, SD 57380

Dear Leo:

Your irrigation permits were inspected a couple years ago by Barry McLaury. They are ready to be licensed but were on hold until we could get an opportunity to sit down with you and go over them to insure our information concerning your systems was accurate.

Recently, Jeff Shafer looked through the inspection reports and maps and came up with a summary which we believe will allow us to proceed with licensing. I am enclosing the map and the summary he prepared.

The board meets again September 29th at 1:00 pm. We were hoping that you may have time ahead of the meeting to go over the materials with us. If your irrigation systems have changed or there is discrepancies in our files, we want to take care of these things prior to licensing.

If you would, please get in touch with either myself, Eric or Jeff as to whether or not you could meet with us prior to the next board meeting. If it does not work with your schedule, we could certainly set up another time.

Sincerely,

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

enclosures

Permit No. 5635-3
Missouri River - Water District

**Report Of Examination Of Works And/Or Application of Water To
Beneficial Use**

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

On, October 26, 1999, I made a thorough examination of the water use system constructed by Leo Holzbauer of 29416 395th Avenue, Wagner, SD 57380 holder of Right No. 293-3 and Permit Nos. 2583-3, 3700-3, 3706-3, 3707-3, 3736-3, 4666A-3, and 5635-3, bearing the priority dates of September 17, 1956, February 24, 1976, February 7, 1977, January 6, 1977, January 6, 1977, March 10, 1977, May 19, 1977, and May 19, 1977 (respectively) authorizing the diversion of 3.42, No add'l, 2.28, 2.28, No add'l, 4.00, 2.28, and No add'l cu. ft. of water per second of groundwater for irrigation purposes, in Charles Mix County.

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

- A. Works used to divert the water:
3 wells, pumps, and diesel motors
- B. Works used to transport water to place of use:
8 and 10 inch PVC pipe
- C. Works used to apply water to beneficial use:
5 Center Pivots with end guns

The system is in the following condition Fair. The points of diversion are located 1320' north and 1320' east of the SW corner of Section 15, 1320' north and 1320' west of the SE corner of Section 15, and 1320' south and 1320' east of the NW corner of Section 22, all T96N-R63W. The works are capable of diverting and conveying to the place of use 10.0 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

Section 15

NW ¼ SW ¼ - 34 acres
NE ¼ SW ¼ - 34 acres
SW ¼ SW ¼ - 34 acres
SE ¼ SW ¼ - 34 acres

NW ¼ SE ¼ - 34 acres
NE ¼ SE ¼ - 34 acres
SW ¼ SE ¼ - 34 acres
SE ¼ SE ¼ - 34 acres

Section 21**NW ¼ NE ¼ -34 acres****NE ¼ NE ¼ -34 acres****SW ¼ NE ¼ -34 acres****SE ¼ NE ¼ -34 acres****Section 22****NW ¼ SW ¼ -34 acres****NE ¼ SW ¼ -34 acres****SW ¼ SW ¼ -34 acres****SE ¼ SW ¼ -34 acres****NW ¼ NW ¼ - 14 acres****NE ¼ NW ¼ - 34 acres****SW ¼ NW ¼ - 34 acres****SE ¼ NW ¼ - 34 acres**

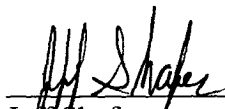
comprising a total of 660 acres of land and the license should be issued for 9.43 cfs.

The following priority dates are associated with each land parcel. The dates are based on the earliest priority date when sufficient water was authorized to that land parcel. The dates, parcels, and associated flows (based on 1 cfs per 70 acres) are:

<u>Date</u>	<u>Parcels</u>	<u>Flow</u>
September 17, 1956	SW ¼ Section 15, N ½ NW ¼ Section 22	2.63 cfs
February 7, 1977	SW ¼ Section 22, NE ¼ Section 21	3.89 cfs
March 10, 1977	S ½ NW ¼ Section 22	0.97 cfs
May 19, 1987	SE ¼ Section 15	1.94 cfs

Applicable permit qualifications have been complied with: Yes

Exceptions to compliance are: None



Jeff Shafer

Natural Resources Engineer
DENR, Water Rights Program

11/23/99

Date

REPORT ON INSPECTION OF PERMIT NO. 5635-3

DATE OF INSPECTION: October 26, 1999

Other permit(s) associated with the project: 293-3 (Water Right), 2583-3, 3700-3, 3706-3, 3707-3, 3736-3, and 4666A-3

Contact Person & Address: Leo Holzbauer, 29416 395th Avenue, Wagner, SD 57380

DIVERSION POINT LEGAL LOCATION: Well 1 – Center of SW ¼ Section 15, Well 3 – Center of SE ¼ Section 15, and Well 2 – Center of NW ¼ Section 22; All T96N-R63W

WATER SUPPLY Source: Groundwater, Choteau-West aquifer

Well Information:

Well No 1.

- 1) Well Drilling Firm: John Maxwell Drilling 2) Depth(s) 160 feet
- 3) Well log is available No

Casing:

- 1) Diameter 18 inches 2) Length 120 feet
- 3) Type Steel

Screen:

- 1) Type Steel Perforated 2) Length 40 feet
- 3) Static water level unknown

Pump:

- 1) Make Sargent Pump 2) Model BAS-10SA
- 3) Size unknown 4) Capacity 1500 GPM

Motor:

- 1) Make Detroit Diesel 2) Model No. PTA-114144
- 3) Horsepower rating 200 hp

Well No 2.

- 1) Well Drilling Firm: Sargent Irrigation 2) Depth(s) 240 feet
- 3) Well log is available Yes

Casing:

- 1) Diameter 16 inches 2) Length 130 feet

3) Type Steel

Screen:

1) Type Slotted Steel 2) Length 110 feet

3) Static water level 41 feet

Pump:

1) Make Aurora 2) Model SP211HP
3) Size unknown 4) Capacity 1500 GPM

Motor:

1) Make Isuzu 2) Model No. E120

3) Horsepower rating 220 hp

Well No 3.

1) Well Drilling Firm: Sargent Irrigation 2) Depth(s) 285 feet

3) Well log is available Yes

Casing:

1) Diameter 16 inches 2) Length 108 feet

3) Type Steel

Screen:

1) Type Slotted Steel 2) Length 129 feet

3) Static water level 45 feet

Pump:

1) Make Sargent Pump 2) Model BAS-10SA
3) Size unknown 4) Capacity 1500 GPM

Motor:

1) Make GM Diesel 2) Model No. PTA-11486

Horsepower rating 200 hp

DISTRIBUTION LINES OR CANALS:

1) Type PVC 2) Size 8 and 10 inches 3) Length 6600 and 2640 feet

SYSTEM TYPE:**Center pivot No. 1:**

- | | |
|------------------------------------|------------------------------------|
| 1) Make <u>Valley</u> | 2) Overall length <u>1320</u> feet |
| 3) Number of towers <u>9</u> | 4) End gun <u>Yes</u> |
| 5) High or low pressure <u>Low</u> | 6) Capacity <u>unknown</u> |

Center pivot No. 2:

- | | |
|-------------------------------------|------------------------------------|
| 1) Make <u>Valley</u> | 2) Overall length <u>1320</u> feet |
| 3) Number of towers <u>9</u> | 4) End gun <u>Yes</u> |
| 5) High or low pressure <u>High</u> | 6) Capacity <u>unknown</u> |

Center pivot No. 3:

- | | |
|-------------------------------------|------------------------------------|
| 1) Make <u>Valley</u> | 2) Overall length <u>1320</u> feet |
| 3) Number of towers <u>10</u> | 4) End gun <u>Yes</u> |
| 5) High or low pressure <u>High</u> | 6) Capacity <u>unknown</u> |

Center pivot No. 4:

- | | |
|-------------------------------------|------------------------------------|
| 1) Make <u>Valley</u> | 2) Overall length <u>1320</u> feet |
| 3) Number of towers <u>10</u> | 4) End gun <u>Yes</u> |
| 5) High or low pressure <u>High</u> | 6) Capacity <u>unknown</u> |

Center pivot No. 5:

- | | |
|-------------------------------------|------------------------------------|
| 1) Make <u>Valley</u> | 2) Overall length <u>1320</u> feet |
| 3) Number of towers <u>10</u> | 4) End gun <u>Yes</u> |
| 5) High or low pressure <u>High</u> | 6) Capacity <u>unknown</u> |

CHEMIGATION EQUIPMENT:

- 1) Does chemigate No

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by Yes
- 2) All structures, wells and lands on map Yes
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes

Approval of Location Change and/or Additional Diversion Point(s)

NAME: Leo Holzbauer

ADDRESS: 29416 395th Avenue, Wagner, SD 57380

DATE: November 3, 1999 **COUNTY:** Charles Mix **TELEPHONE:** (605) 384-3350

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

Yes, all diversion points screened in the Choteau-West aquifer.

- **If irrigation, no new land is irrigated**

No, all lands authorized by existing water rights/permits.

- **Review of Existing Diversions**

Investigation of Water Right No. 293-3 and Water Permit Nos. 2583-3, 3700-3, 3706-3, 3707-3, 3736-3, 4666A-3, and 5635-3 found that one system is used to irrigate all of the land parcels authorized by those rights/permits. The following land parcels are authorized for irrigation:

Parcel 1. SW ¼ Sec 15

Parcel 2. N ½ NW ¼ Sec 22

Parcel 3. S ½ NW ¼ Sec 22

Parcel 4. SW ¼ Sec 22

Parcel 5. NE ¼ Sec 21

Parcel 6. SE ¼ Sec 15

The investigation also found that three authorized wells are used to provide water to the system:

Well 1 – Center of SW ¼ Section 15 T96N-R63W

Well 2 – Center of NW ¼ Section 22 T96N-R63W

Well 3 – Center of SE ¼ Section 15 T96N-R63W

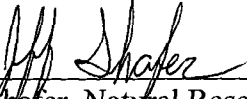
Well No. 1 is authorized to provide water by Water Right No. 293-3 and Water Permit Nos. 2583-3, 3707-3, and 5635-3 to all of the land parcels. Well No. 2 is authorized by Water

Permit No. 4666A-3 to provide water to Parcel No. 6 only. Well No. 3 is authorized by Water Permit No. 3736-3 to provide water to Parcel Nos. 2, 3, and 4.

The system is set up so that each well can be used to irrigate any of the parcels. All of the water rights\permits can be incorporated into one water right (Water Right No. 5635-3). This report shows that each of the wells can be an authorized diversion point for any land parcel in compliance with SDCL 46-5-13.1.

RECOMMENDED ACTION

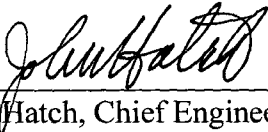
Based on the above criteria, it is recommended that the diversion point(s) be licensed as developed.



Jeff Shafer, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

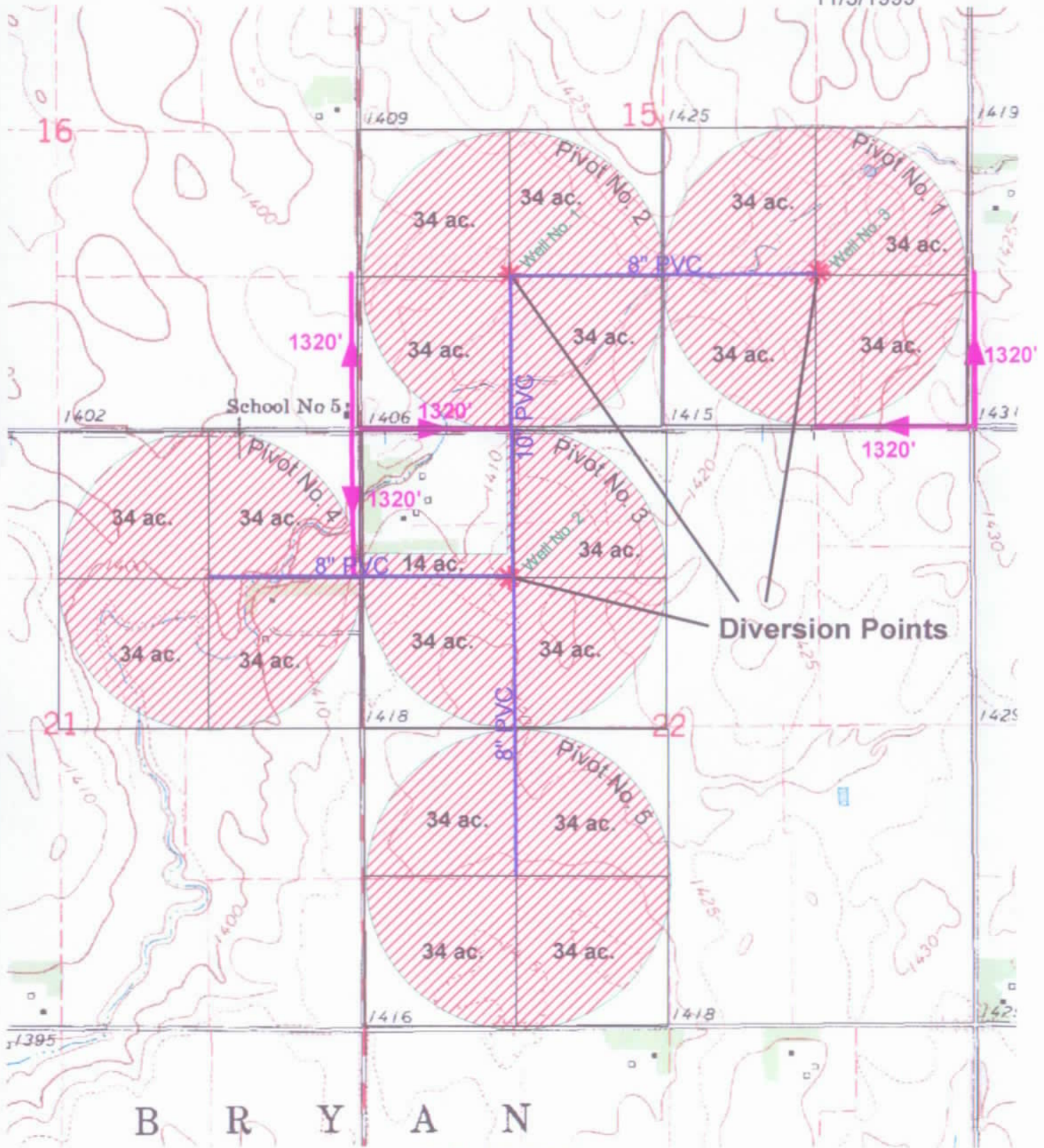
This change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.

 11-17-99

John Hatch, Chief Engineer
Water Rights Program

Inspection Map Water Permit No. 5635-3

11/3/1999



0 0.1 0.2 0.3 0.4 0.5 Miles

Prepared By:

Jeff Shafer

Jeff Shafer

Natural Resources Engineer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5635-3

(1) Leo Holzbauer, 29416 395th Ave, Wagner, SD 57380 made Application No. 5635-3, December 10, 1991 for a water permit to add an additional well to irrigate land described in Water Permit No. 4666A-3. No. 5635-3 did not authorize additional acres or allow for an increase in the diversion rate. The land is located in Charles Mix County, South Dakota with the water being appropriated for irrigation purposes. Permit No. 5635-3, with a priority date of May 19, 1987 was approved September 14, 1992 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before September 14, 1997 and for the application to beneficial use of said water on or before September 14, 2001.

An investigation of Water Right No. 293-3 and Water Permit Nos. 2583-3, 3700-3, 3706-3, 3707-3, 3736-3, 4666A-3 and 5635-3 found a total of three wells developed for irrigation purposes. The system is designed so that each well can be used to irrigate any of the parcels of land. Pursuant to SDCL 46-5-13.1, the Chief Engineer made a finding that the change in location of diversion points does not increase the potential for adverse affects to existing diversions.

The application 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. The following priority dates are assigned based on the earliest priority date when sufficient water was authorized for a specific parcel of land. (The diversion rates are based upon 1 cfs per 70 acres of land):

- | | | |
|----------------------|--------------------------------------|----------|
| • September 17, 1956 | SW ¼ Section 15, N ½ NW ¼ Section 22 | 2.63 cfs |
| • February 7, 1977 | SW ¼ Section 22, NE ¼ Section 21 | 3.89 cfs |
| • March 10, 1977 | S ½ NW ¼ Section 22 | 0.97 cfs |
| • May 19, 1987 | SE ¼ Section 15 | 1.94 cfs |

(2) It is certified that the permit holder 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 9.43 cubic feet of water per second (cfs) for beneficial use. The location of the diversion points are:

- Well #1 - 1,320'N and 1,320'E of the SW corner of Section 15, T96N, R63W (center of the SW ¼)
- Well #2 - 1,320'S and 1,320'E of the NW corner of Section 22, T96N, R63W (center of the NW ¼)
- Well #3 - 1,320'N and 1,320'W of the SE corner of Section 15, T96N, R63W (center of the SE ¼)

continued

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate a total of 660 acres described below:

Section 15, T96N, R63W		Section 21, T96N, R63W		Section 22, T96N, R63W	
NW ¼ SW ¼	34 acres	NW ¼ NE ¼	34 acres	NW ¼ SW ¼	34 acres
NE ¼ SW ¼	34 acres	NE ¼ NE ¼	34 acres	NE ¼ SW ¼	34 acres
SW ¼ SW ¼	34 acres	SW ¼ NE ¼	34 acres	SW ¼ SW ¼	34 acres
SE ¼ SW ¼	34 acres	SE ¼ NE ¼	34 acres	SE ¼ SW ¼	34 acres
NW ¼ SE ¼	34 acres			NW ¼ NW ¼	14 acres
NE ¼ SE ¼	34 acres			NE ¼ NW ¼	34 acres
SW ¼ SE ¼	34 acres			SW ¼ NW ¼	34 acres
SE ¼ SE ¼	34 acres			SE ¼ NW ¼	34 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Leo Holzbauer, 29416 395th Ave, Wagner, SD 57380 the holder and/or owner of Incorporated Water Right No. 5635-3 is issued a license to appropriate water, the right to use 9.43 cubic feet of water per second from ground water (three wells) with priority dates of September 17, 1956; February 7, 1977; March 10, 1977 and May 19, 1987 from the locations 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 Incorporated Water Right No. 5635-3 and subject to South Dakota State Law.

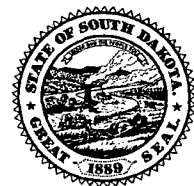
Garland Erbele

Garland Erbele, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

FEB 22 2000

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

December 7, 1999

Leo Holzbauer
29416 395th Ave
Wagner, SD 57380

Dear Leo:

Your Water License No. 5635-3 is ready to be issued. The license will incorporate 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.

Statutes require that we assess a \$50.00 fee for the investigation and issuance of the license. I looked through the files and realized we have never written to you about this before. For some reason, it was overlooked in the review process.

As soon as we receive the fee from you, the water license will be issued and forwarded to you. Thank you for all your help in reviewing the investigation reports and meeting with us to go over the draft license.

If I can answer any questions for you, please give me a call.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

FEB 22 2000

5635-3

Leo Holzbauer
29416 395th Ave.
Wagner, SD 57380

Dear Mr. Holzbauer:

Enclosed is Water License No. 5635-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 416355 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 5635-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

gm
enclosures

NOTE: The applicable portions of Water Right No. 293-3 and Water Permit Nos. 2583-3, 3700-3, 3706-3, 3707-3, 3736-3 and 4666A-3 are incorporated into this Water License No. 5635-3.

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N2 416355

Pierre, January 20, 2000

RECEIVED OF Lee Holzbauer, 29416 395th Ave., Wagner, SD 57380
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>5635-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By Harold E. Ebel
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

July 25, 2000

5635-3

Chad Johnson
27841 366th Ave
Platte, SD 57369

Dear Mr. Johnson:

I am contacting you in regard to a water right held by Leo Holzbauer. Mr. Holzbauer has informed us that you will be leasing his land.

Enclosed is a copy of Water Right No. 5635-3. This will give you an idea of what land and diversion points are authorized for irrigation.

Also enclosed is a sample irrigation questionnaire. In October of each year, we mail out irrigation questionnaires for irrigators to report the amount of irrigation done that particular crop season. The sample form will give you an idea of the type of information you will need to keep track of during the growing season.

The irrigation questionnaire may seem a little overwhelming to start with, but if you have any questions, please give me a call.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

c: Leo Holzbauer



5635-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 19, 2001

NOTICE

TO: CHAD JOHNSON, OPERATOR, 27841 366TH AVE, PLATTE, SD 57369
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2000 Irrigation Questionnaire(s)

Our records indicate that the 2000 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5635-3. The request for the Questionnaire was dated October 20, 2000. The Water Management Board has directed that owners of water permits who have not submitted the 2000 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5635-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at 10:00 am, March 7, 2001 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5635-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 2, 2001, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

c: LEO HOLZBAUER, 29416 395TH AVE, WAGNER, SD 57380

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

5635-3

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

CHAD JOHNSON, OPERATOR
27841 366TH AVE
PLATTE SD 57369

2. Article Number (Copy from service label)

7000 0600 0026 9814 2386

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

Chad Johnson 1-24-01

C. Signature

X [Signature] ☐ Agent ☐ AddresseeD. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Leo Holzbauer
29416 395th Ave
Wagner SD 57380

2. Article Number (Copy from service label)

7000 0600 0026 9814 2379

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

Leo Holzbauer

C. Signature

[Signature] ☐ Agent ☐ AddresseeD. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 31, 2001

5635-3

Chad Johnson
27841 366th Ave
Platte, SD 57369

Dear Mr. Johnson:

Thank you Chad for stopping by the office with the "2000" irrigation questionnaire for the land you rent from Mr. Holzbauer. You may disregard the January 19, 2001, "Notice" concerning reporting requirements for Water Right No. 5635-3.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

c: Leo Holzbauer

DEPARTMENT OF ENVIRONMENT & NATURAL
RESOURCES
WATER RIGHTS PROGRAM
523 E CAPITOL
PIERRE, SD 57501
PHONE (605) 773-3352 FAX (605) 773-4068

FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Jack Gunvordahl	Genny McMath
COMPANY:	DATE:
	February 25, 2002
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
605 775-2531 or 775-2943	4
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
RE:	YOUR REFERENCE NUMBER:
Water Right 5635-3 - Holzbauer	

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

Sir,

The following pages are a "Notice of Transfer of Ownership" form and a copy of the water right.

You are welcome to make any changes to the transfer form as you deem necessary. The form will need to be completed and then signed by the new owner(s) in the presence of a notary public.

A \$2.50 filing fee is required and should be submitted along with the transfer form to our office. The check or money order for the fee can be made payable to the "Water Rights Program".

Thank you in advance for your help – if you have any questions, please give me a call. You can also download transfer forms or any of our water laws dealing with transferring water rights from our WEB page. See <http://www.state.sd.us/denr/des/waterrights/waterprg.htm> Once you get to that page, go to the area marked "Water Rights Permitting".

Gregory County
Abstracts of Title
Title Insurance

TELEPHONE: 605-775-2943
FAX: 605-775-2943

ABSTRACT COMPANY
742 MAIN STREET
POST OFFICE BOX 352
BURKE, SOUTH DAKOTA 57523-0352

March 1, 2002

Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

RECEIVED

MAR - 8 2002

**WATER RIGHTS
PROGRAM**

Re: Water Right No. 5635-3

To Whom It May Concern:

Please find enclosed our escrow check in the amount of \$2.50 as required to cover the filing fee for the enclosed Notice Of Transfer Of Ownership.

If you have any questions concerning this matter, feel free to contact our office.

Yours truly,

Jack Gunvordahl

Jack Gunvordahl

JG/jb ✓

Enc.

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 5635-3

RECEIVED

MAR - 8 2002

Date: 03-01-02

WATER RIGHTS
PROGRAM

I/We request that Water Right No. 5635-3

formerly owned by: Leo Holzbauer

be transferred to: (name & address) Nancy Rohrs Revocable Trust of 1609 Thorne Street-Box 220,
Syracuse, NE 68446 and Accommodation LLC of 5757 South 34th Street-Suite 100, Lincoln, NE
68516

Title to the following described land(s)/property has been transferred as described above:

660 acres - S ½ Section 15; NE ¼ Section 21 and the W ½ Section 22, all in T96N, R63W

I/We understand that the validity of Water Right No. 5635-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

STATE OF SOUTH DAKOTA)

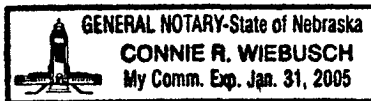
County of CHARLES MIX)

NANCY ROHRS REVOCABLE TRUST

I/We and ACCOMMODATION LLC being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Nancy Rohrs
NANCY ROHRS REVOCABLE TRUST
Donna Doherty Mawyn
ACCOMMODATION LLC (Signed by new owner)

Subscribed and sworn to before me this 1ST day of MARCH, 2002



Connie R. Wiebusch
(Notary Public)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

417114

Pierre, March 8, 20 02

RECEIVED OF Gregory Co Abstract Co1, PO Box 352, Burke, SD 57523 (Nancy Rohrs & Accommodation LLC)
the following amount in fees for services rendered as provided for by law: (Leo Holzbauer)

Fee for Application for Permit No. _____ to Appropriate Water, to construct
and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water, for Future
Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water
License No. _____

Fee for Filing Transfer Form 5635-3

2 50

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

By Darland Ebele
Chief Engineer

gme



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

March 12, 2002

5635-3

Nancy & Lee Rohrs
PO Box 220
Syracuse, NE 68446-0220

Dear Mr. & Mrs. Rohrs:

Thank you for following up on the ownership change for Water Right No. 5635-3. The transfer has been completed. The water right formerly listed in the name of Leo Holzbauer is now listed as "Nancy Rohrs Revocable Trust and Accommodation LLC".

The receipt for the transfer filing fee is being forwarded to Gregory County Abstract Company.

Enclosed is a copy of the water right for your records. I am including a copy of last year's irrigation questionnaire and a sample copy of a blank questionnaire to give you an idea of what type of records you will need to keep track of during the irrigation season. Each year in October, we mail out the annual questionnaires to irrigators in SD. The questionnaires are due back to our office by December 1st.

If I can answer any questions for you, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures

c: Gregory County Abstract Company w/receipt No. 417114

ANDERSON LAW OFFICE, P.C.

120 Second St. SE
P.O. Box 425
Wagner, SD 57380

BRUCE V. ANDERSON
DAVA A. WANTOCH
ATTORNEYS AT LAW

TELEPHONE
605-384-5970
FAX 605-384-3679

December 14, 2005

Department of Environment & Natural Resources
Division of Environmental Services
523 East Capitol Avenue
Pierre, SD 57501-3181

Re: Charles Mix County Water Transfer Permits (Rohrs/Wiebusch/Evans)

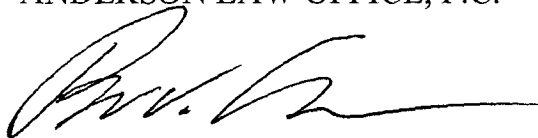
To Whom It May Concern:

Enclosed you will find three Notice of Transfer of Ownership forms transferring ownership of the water rights/permits from Nancy Rohrs, Lee Wiebusch and Connie Wiebusch to Roger and Maureen Evans. I am also enclosing a check in the amount of \$7.50 for the filing fees.

Should you have any questions, please contact this office.

Sincerely,

ANDERSON LAW OFFICE, P.C.



Bruce V. Anderson

BVA:ja
enclosure

RECEIVED
DEC 15 2005
WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date December 15, 20 05

RECEIVED OF Anderson Law Office, PO Box 425, Wagner SD 57380

The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	2	50	
Fee for Application for Permit No. _____ to Appropriate Water for Future use			
Fee to retain Future Use Permit No. _____ after period of seven years.			
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____			
Fee for Filing Transfer Form <u>5635--3</u>			
Fee for _____			
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____			
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____			
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	2	50	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____			
(Any Other Work Provided by Law)	TOTAL		
	2.50		

No.

000016

By

Daniel E. Allen
Chief Engineer

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 5635-3

Date: _____

I/We request that Water Right/Permit No. 5635-3
Nancy Rohrs Revocable Trust, of Syracuse NE, 1/2 interest;
formerly owned by: Connie Wiebusch Revocable Trust, of Linclon, NE 1/4 interest;
Jerry Wiebusch Revocable Trust and Accomodation LLC, Linclon Ne 1/4
interest
be transferred to: (name & address) Roger W. Evans and Maureen A. Evans, P.O. Box 42,
Sioux Center IA 51250

Telephone No. 712-332-7082

Title to the following described land(s)/property has been transferred as described above:
see chedule A Attached

I/We understand that the validity of Water Right/Permit No. 5635-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

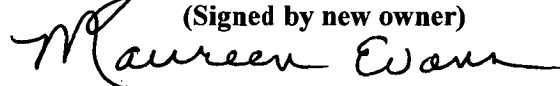
You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Roger Evans & Maureen Evans, the new owner, certify that the above information is true and correct.



(Signed by new owner)



NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIVED

DEC 15 2005

WATER RIGHTS
PROGRAM



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

December 19, 2005

5635-3
5637-3
6391-3

Bruce V Anderson
Anderson Law Office PC
PO Box 425
Wagner SD 57380

Dear Mr. Anderson:

I am writing to acknowledge receipt of the ownership changes you submitted for transferring Water Right Nos. 5635-3, 5637-3 and Water Permit No. 6391-3. The transfers have been completed. The water rights and water permit formerly held by Nancy Rohrs Revocable Trust, Connie Wiebusch Revocable Trust and Jerry Wiebusch Revocable Trust are now listed in the names of Roger W and Maureen A Evans.

Enclosed are your Receipt Nos. 002075, 002076 and 002077 in the amounts of \$2.50 each which you paid for filing the ownership changes.

If I can answer any questions for you, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures

c: Roger W and Maureen A Evans



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

AUG 01 2007

5635-3

Roger W & Maureen A Evans
PO Box 147
Thermopolis WY 82433-0147

Dear Mr. & Mrs. Evans:

Enclosed is your Reissued Water License No. 5635-3.

On last year's irrigation questionnaire you indicated you had sold 14 acres located in NW ¼ NW ¼ Section 22, T96N, R63W. The license has been reissued to remove the portion of land now described in a water permit held by Leo Holzbauer dba Circle H Enterprise.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as any of the wells 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

enclosures

STATE OF SOUTH DAKOTA

REISSUED WATER LICENSE NO. 5635-3

(1) Leo Holzbauer, 29416 395th Ave, Wagner, SD 57380 was issued Water License No. 5635-3, February 22, 2000 for a water right to divert 9.43 cubic feet of water per second (cfs) from ground water (three wells – Choteau West Aquifer) located in Charles Mix County for irrigation purposes. Water License No. 5635-3, with priority dates of September 17, 1956; February 7, 1977; March 10, 1977 and May 19, 1987 was issued to the permit holder for diversion of water with construction of the described water supply system and application to beneficial use of water completed.

Ownership changes filed with Water Right No. 5635-3:

- March 8, 2002: Leo Holzbauer to Nancy Rohrs Revocable Trust and Accommodation of LLC;
- December 15, 2005: Nancy Rohrs Revocable Trust and Accommodation of LLC to Roger W Evans and Maureen A Evans, PO Box 147, Thermopolis WY 82433-0147

On May 23, 2005, Water Permit No. 6599-3 was issued to Circle H Enterprise (Leo Holzbauer) authorizing irrigation of the NW ¼ NW ¼ Section 22, T96N, R63W. Water License No. 5635-3 is being reissued to remove the acreage owned by Circle H Enterprise now described in Permit No. 6599-3. Removal of the 14 acres also removes the associated diversion rate of 0.20 cfs.

Reissued Water License No. 5635-3 carries the following priority dates and are assigned based on the earliest priority date when sufficient water was authorized for a specific parcel of land. (The diversion rates are based upon 1 cfs per 70 acres of land):

- | | | |
|----------------------|---------------------------------------|----------|
| • September 17, 1956 | SW ¼ Section 15, NE ¼ NW ¼ Section 22 | 2.43 cfs |
| • February 7, 1977 | SW ¼ Section 22, NE ¼ Section 21 | 3.89 cfs |
| • March 10, 1977 | S ½ NW ¼ Section 22 | 0.97 cfs |
| • May 19, 1987 | SE ¼ Section 15 | 1.94 cfs |

(2) It is certified that the water right holders have complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and are entitled to divert 9.23 cubic feet of water per second (cfs) for beneficial use. The location of the diversion points are:

- Well #1 - 1,320'N and 1,320'E of the SW corner of Section 15, T96N, R63W (center of the SW ¼)
- Well #2 - 1,320'S and 1,320'E of the NW corner of Section 22, T96N, R63W (center of the NW ¼)
- Well #3 - 1,320'N and 1,320'W of the SE corner of Section 15, T96N, R63W (center of the SE ¼)

continued

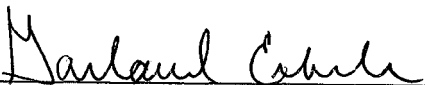
Page 2

Reissued Water License No. 5635-3

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate a total of **646 acres described below:**

Section 15, T96N, R63W		Section 21, T96N, R63W		Section 22, T96N, R63W	
NW ¼ SW ¼	34 acres	NW ¼ NE ¼	34 acres	NW ¼ SW ¼	34 acres
NE ¼ SW ¼	34 acres	NE ¼ NE ¼	34 acres	NE ¼ SW ¼	34 acres
SW ¼ SW ¼	34 acres	SW ¼ NE ¼	34 acres	SW ¼ SW ¼	34 acres
SE ¼ SW ¼	34 acres	SE ¼ NE ¼	34 acres	SE ¼ SW ¼	34 acres
NW ¼ SE ¼	34 acres			NE ¼ NW ¼	34 acres
NE ¼ SE ¼	34 acres			SW ¼ NW ¼	34 acres
SW ¼ SE ¼	34 acres			SE ¼ NW ¼	34 acres
SE ¼ SE ¼	34 acres				

(4) Pursuant to South Dakota Water Law 46-5-30.1 Roger W & Maureen A Evans, PO Box 147, Thermopolis WY 82433-0147, the holders and/or owners of Reissued Water Right No. 5635-3 are issued a license to appropriate water, the right to use 9.23 cubic feet of water per second from ground water (three wells – Choteau West Aquifer) with priority dates of September 17, 1956; February 7, 1977; March 10, 1977 and May 19, 1987 from the locations 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 Right No. 5635-3 and subject to South Dakota State Law.



Garland Erbele, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

AUG 01 2007

date



Schlaak, Karen

From: Gronlund, Eric
Sent: Monday, February 04, 2008 4:25 PM
To: Schlaak, Karen
Subject: Clearfield Colony

They will be drilling a replacement well for one of the wells authorized by WR No. 5635-3. The well is in the center of the NW 1/4 Section 22, T96N, R63W. The new well will be 20 feet from the failed well. The bad well will be plugged. I told him no permitting is necessary.

02/04/2008



5635-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 24, 2012

NOTICE

TO: ROGER W & MAUREEN A EVANS, PO BOX 147, THERMOPOLIS, WY 82443 0147

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2011 Irrigation Questionnaire(s)

Our records indicate that the 2011 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5635-3, 5637-3 & 6391-3. The request for the Questionnaire was dated October 14, 2011. The Water Management Board has directed that owners of water permits who have not submitted the 2011 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5635-3, 5637-3 & 6391-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **10:00 am, March 7, 2012** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5635-3, 5637-3 & 6391-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 2, 2012**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

February 27, 2012

5635-3
5637-3
6391-3

Roger & Maureen Evans
PO Box 147
Thermopolis WY 82443 0147

Dear Mr. & Mrs. Evans:

I am writing to acknowledge receipt of your 2011 irrigation questionnaires.

You may disregard the January 24, 2012, "Notice" concerning reporting requirements for Water Right Nos. 5635-3 & 5637-3 and Water Permit No. 6391-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us



5635-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 20, 2017

NOTICE

TO: ROGER W & MAUREEN A EVANS, PO BOX 147, THERMOPOLIS, WY 82443 0147

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaire(s)

Our records indicate your 2016 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5635-3 & 6391-3. The request for the Questionnaire was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5635-3 & 6391-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **Wednesday, March 1, 2017 at 11:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5635-3 & 6391-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 1, 2017** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



5635-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

February 15, 2017

5635-3
6391-3

Roger & Maureen A Evans
PO Box 147
Thermopolis WY 82443 0147

Dear Mr. & Mrs. Evans:

I am writing to acknowledge receipt of the information for your 2016 irrigation questionnaires. I completed forms for you based on my conversation with Dale Glanzer at Clearfield Colony.

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Right Nos. 5635-3 and 6391-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you would like future questionnaires to go directly to the colony since they farm the land, please let me know. This does not change ownership; it merely allows us to gather the information from the renter. If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 20, 2023

NOTICE

TO: ROGER W & MAUREEN A EVANS, PO BOX 147, THERMOPOLIS, WY 82443 0147

FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaire(s)

Our records indicate your 2022 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5635-3 & 6391-3. The request for the Questionnaire was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5635-3 & 6391-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **Wednesday, March 8, 2023 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5635-3 & 6391-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 8, 2023** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: ECNGOI**

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

February 28, 2023

5635-3
6391-3

Roger W & Maureen Evans
PO Box 147
Thermopolis WY 82433-0147

Dear Mr. & Ms. Evans:

I am writing to acknowledge receipt of your 2022 irrigation questionnaires. The forms were completed and returned by Tim Hermann.

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Right Nos. 5635-3 & 6391-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

October 29, 2024

5635-3

6391-3

Roger & Maureen Evans
17923 County Rd D62
Monticello IA 52310-7593

Dear Mr. & Ms. Evans:

Enclosed is a "Notice" dated October 23, 2024, concerning the 2024 Irrigation Questionnaires.

The notice was originally mailed to PO Box 147, Thermopolis WY 82443. The post office notified our office that your address has changed, and your records have been updated accordingly.

This is a time sensitive matter. Please complete and return the enclosed questionnaires or submit your reports online at <https://danr.sd.gov/iq/> using this password *CJIWNQ*.

If this change of address is in-correct, please contact our office immediately to update your contact information.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

NOTE: Our records indicate that Mr. Timothy Hermann operates your irrigation systems. If you would like future irrigation questionnaires to me mailed to Mr. Hermann, please contact our office with his mailing information.

enclosures

333 NFE 1141/2410010/23/24
RETURN TO SENDER
EVANS
17923 COUNTY ROAD D62
MONTICELLO IA 52310-7593
RETURN TO SENDER
|||||

5635-3

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Mail to: SD DANR, Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 5635-3

Date: 4/29/25

PAID
MAY 16, 2025
CHK #: 1064

I/We request that Water Right/Permit No. 5635-3 formerly owned by:

Roger W and Maureen A Evans

be transferred to:

New Owner Name: Milk and Honey Holdings, LLC
Address: 588 3 Mile Rd. NW Suite 101 mobile: 616-384-4610
City, State, Zip: Grand Rapids, MI 49544 email: rlenger@agbus.com

Title to the following described land(s)/property has been transferred as described above:

Section 15, T96N, R63W	Section 21, T96N, R63W	Section 22, T96N, R63W
SW 1/4 - 136 acres	NE 1/4 - 136 acres	SW 1/4 - 136 acres
SE 1/4 - 136 acres		NW 1/4 - 102 acres

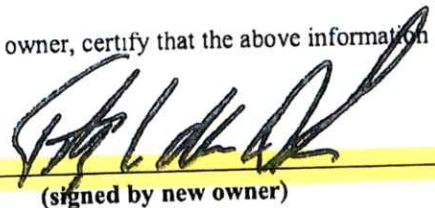
*EMAILED SHAMON 5.16.25

☒ I understand that the validity of Water Right/Permit No. 5635-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Tim den Dulk, the new owner, certify that the above information is true and correct.


(signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five-year construction period has expired. Once a water permit is developed, an inspection is conducted to issue a water right license for the project as developed. A water permit/right may be cancelled for one or more of the following reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three-year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date May 16th, 2025

RECEIVED OF Mikota Holding LLC 588 3 Mile Rd NW Suite 101 Grand Rapid Mi 49544

The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form #6391-3 & 5635-3	\$100.00
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	
TOTAL	\$100.00

By


Chief Engineer