

WATER PERMIT NO. 5748-3

Phone: 765-9552

Name of Applicant: Ralph and Betty Holzwarth

Post Office Address: HC 3, Gettysburg SD 57442

Amount of Water Claimed: no add'l (60 ac-ft dam) Total Acres: no add'l

Source of Water Supply: Missouri River and runoff

Water to be used for: irrigation County: Potter

About 14 W, 1 N miles of Gettysburg

PRIORITY Date Received: 1-11-93 Fee: \$150 Remarks: 60 ac-ft

storage dam used to irrigate lands covered under Permit No. 2301-3

Corrected Application Received: Period of Annual Use: Jan 1 - Dec 31

WATER QUALITY APPROVAL RECEIVED: 2-17-93 APPROVED/CONDITIONAL (Circle one)

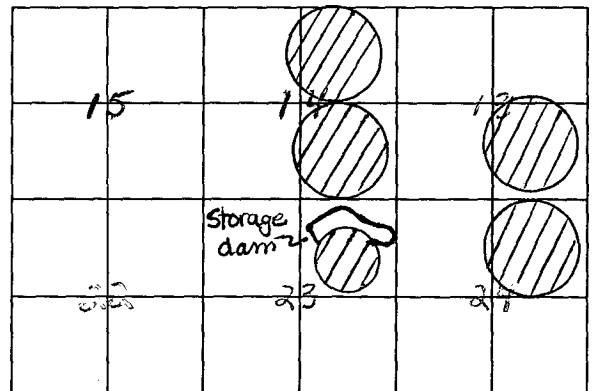
WI-1 Description same as Application YES X NO REMARKS:

Diversion Point: storage dam: NE 1/4

Sec 23-T118N-R78W

Land to be Irrigated: S 1/2 NE 1/4, E 1/2 SW 1/4,

SE 1/4 Sec 13; E 1/2 NW 1/4, NE 1/4, E 1/2 SW
1/4, SE 1/4 Sec 14; NE 1/4 Sec 23; E 1/2 NW 1/4
NE 1/4 Sec 24; all in T118N-R78W



Well Log: Driller: Licensed YES NO

Depth of Well: REMARKS:

Type of Map: aerial PREPARED BY: Lynn Beck Reviewed and the Number

Assigned on: 2-19-93 By: Karen Schlaak

All in T118N-R78WSection 13Section 23

SW1/4 NE1/4	1	acre	AB	NW1/4 NE1/4	0.5	acres
-------------	---	------	----	-------------	-----	-------

AC	SE1/4 NE1/4	1	"	NE1/4 NE1/4	0.5	"
----	-------------	---	---	-------------	-----	---

NE1/4 SW1/4	1	"	SW1/4 NE1/4	18	"
-------------	---	---	-------------	----	---

SE1/4 SW1/4	1	"	SE1/4 NE1/4	17	"
-------------	---	---	-------------	----	---

NW1/4 SE1/4	31	"	<u>Section 24</u>		
-------------	----	---	-------------------	--	--

NE1/4 SE1/4	29	"	SE	NE1/4 NW1/4	1	"
-------------	----	---	----	-------------	---	---

SW1/4 SE1/4	32	"	SE	SE1/4 NW1/4	1	"
-------------	----	---	----	-------------	---	---

SE1/4 SE1/4	28	"	AB	NW1/4 NE1/4	31	"
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<u>Section 14</u>	AA	NE1/4 NE1/4	29	"
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DE	NE1/4 NW1/4	3	"	AC	SW1/4 NE1/4	31	"
----	-------------	---	---	----	-------------	----	---

SE1/4 NW1/4	3	"	AD	SE1/4 NE1/4	27	"
-------------	---	---	----	-------------	----	---

NW1/4 NE1/4	32	"
-------------	----	---

NE1/4 NE1/4	25	"
-------------	----	---

SW1/4 NE1/4	32	"
-------------	----	---

SE1/4 NE1/4	25	"
-------------	----	---

NE1/4 SW1/4	1	"
-------------	---	---

SE1/4 SW1/4	1	"
-------------	---	---

DE	NW1/4 SE1/4	32	"
----	-------------	----	---

DE	NE1/4 SE1/4	29	"
----	-------------	----	---

DE	SW1/4 SE1/4	32	"
----	-------------	----	---

DE	SE1/4 SE1/4	29	"
----	-------------	----	---

FORM 2: Application for Irrigation in South Dakota
(type or print)

Mail to:
Water Rights Division
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181
605 773-3352

No. 5748-3 Hydrologic Unit 10130105
Basin Missouri River
Newspaper Potter Co. News, Box 190, Gettysburg
(office use only)



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

Type of Application: X New Vested Right Amendment/Correction to Permit No.
(check one) (Use predated Mar 2, 1955)

Description of amendment/correction: (i.e. acreage change, change diversion point(s), add diversion point(s), etc.)

- Name of Applicant Ralph and Betty Holzwarth Phone (605) 765-9552
Mailing Address HC 3 Gettysburg State SD 57442
(Street, RR, or Box) (City) (Zip Code)
- Amount of water claimed no add'l CFS or 60 **GPM 60 ***AF Total Acreage no add'l
(*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout if applicable)
- Source of water supply Missouri River and some runoff.
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) Storage Dam: NE1/4
Section 23, T118N, R78W. County Potter
- County or counties where water will be used Potter
- Annual period during which water is to be used Jan. 1 thru Dec. 31
- List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
see permit no. 2301-3			
(see attached sheet)			

- Type of Irrigation: Gravity: Towline: Center Pivot: Gun: Other (Specify):
- Crops to be irrigated:
- Give a description of the project. (Attach sheet if more space is needed)

This application is for a 60 acre-foot storage dam already in existence. The water is used to irrigate lands covered under permit no. 2301-3.

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

STATE OF SOUTH DAKOTA)

County of Potter ss

I, Ralph Holzwarth, 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 representative of the water to be used, and that the matters stated in this application are true and correct.

Signed Ralph Holzwarth & Betty Holzwarth
Subscribed and sworn to before me this 8th day of January, 1993

Paul R. Houch
Notary Public

PAUL R. HOUGH
Notary Public - Potter County, SD
My Commission Expires: Dec. 22, 1994

NOT TO SCALE

192 5748-3

(E-5) 14-118-78

13-110-78 (E-5)



23-118-78 (E.S.)

24-118-78 (E-S)
Total Acres = 524

Prepared by:

Lynn Beck
Natural Resource Engineer
DENR, Division of Water Rights
8-21-92

**SOUTH DAKOTA
WATER PERMIT NO. 5748-3**

Date of first receipt of application January 11, 1993.

Date Soil/Water Compatibility Permit received February 17, 1993.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5748-3 to Ralph and Betty Holzwarth, HC 3 Box 69, Gettysburg SD 57442 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. 5748-3 authorizes storage of 60 acre-feet of runoff and Missouri River water in an existing dam. Water Permit No. 2301-3 appropriates 38.9 cubic feet of water per second (cfs) from the Missouri River from a diversion point located in the SW 1/4 SE 1/4 Section 16-T118N-R78W to irrigate 2,720 acres. An inspection of Permit No. 2301-3 found 5.0 cfs could be pumped from the Missouri river to the dam for irrigation of 524 developed acres. The dam is located in the NE 1/4 Section 23 and the irrigated acreage is located in the S 1/2 NE 1/4, E 1/2 SW 1/4, SE 1/4 Section 13, E 1/2 NW 1/4, NE 1/4, E 1/2 SW 1/4, SE 1/4 Section 14, NE 1/4 Section 23, E 1/2 NW 1/4, NE 1/4 Section 24; all in T118N-R78W. This permit adds the existing 60 acre-feet storage dam to this irrigation project. No increase in the developed 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: January 1 - December 31.
3. The date from which applicant may claim right is January 11, 1993.
4. The date of approval of Permit No. 5748-3 is April 14, 1993.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

MAY 19 1993
date

Supplemental Information

(type or print in ink)



1. Well Information - Proposed Construction

- Drill Hole Diameter _____ Depth _____
- Casing Type _____ Diameter _____ Thickness _____
- Screen Type _____ Diameter _____ Thickness _____
- Gravel Pack Thickness _____ Length of Gravel Pack _____
- Depth to Top of Water Bearing Material _____
- Depth to Water (ground surface to water level) _____
- Distance to nearest existing domestic well:
On applicants property _____ On property owned by others _____

2. Dugout Information

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

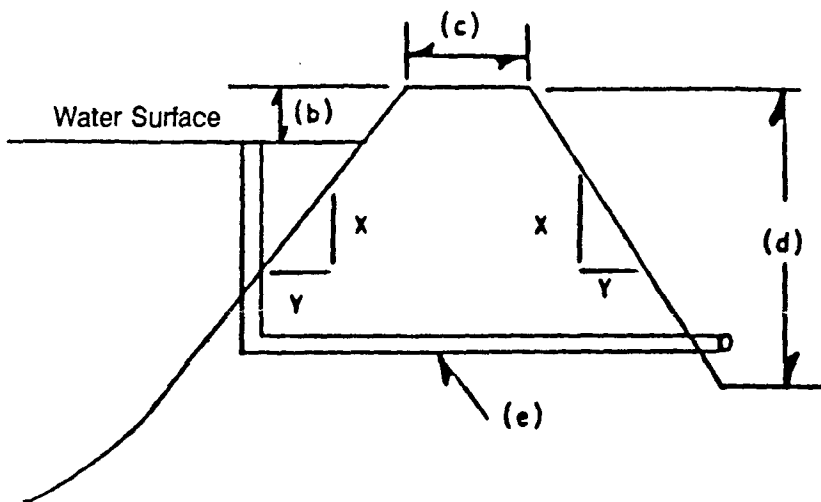
3. Water Storage Dams

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

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

It is not a new construction.

Built by the government years ago.



- Freeboard 3'
- Crest Width 10'
Crest Length 225
- Height 20'
- Primary Outlet Capacity N/A
If pipe, diameter N/A
- Secondary Spillway Capacity —
Spillway Width 25'
- X & Y Slope
Upstream 3:1
Downstream 3:1
- Surface Area of Impoundment 11
- Storage 60 Acre Feet
- Drainage Area above Dam 536 Acres

RECEIPT

413586

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, January 11, 1993RECEIVED OF Elizabeth Holzwarth, R.E.H. Farm, Inc., HCR 3 Box 69, Gettysburg, SD 57442

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

Fee for Application for Permit No. <u>5748-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	150	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 _____		

(Any Other Work Provided by Law)	Total	150 00

By John Hatch
Chief Engineer

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4745

WR#

OWNERS NAME: RALPH & BETTY HOLZWARTH OWNERS ADDRESS: HC 3
GETTYSBURG SD 57442

COUNTY LAND LOCATED IN: POTTER PHONE: 765-9552

LEGAL DESCRIPTION:

1. LOCATION Storage Dam: NW 1/4 23-T118N-R78W ☐ Well ☒ Surface
Depth _____

Missouri River &
some runoff.

LEGAL DESCRIPTION:	ACRES	LEGAL DESCRIPTION:	ACRES
SW1/4 NE1/4 13-T118N-R78W =	1.0 A	SE1/4 NE1/4 13-T118N-R78W =	1.0 A
NE1/4 SW1/4 13-T118N-R78W =	1.0 A	SE1/4 SW1/4 13-T118N-R78W =	1.0 A
NW1/4 SE1/4 13-T118N-R78W =	31.0 A	NE1/4 SE1/4 13-T118N-R78W =	29.0 A
SW1/4 SE1/4 13-T118N-R78W =	32.0 A	SE1/4 SE1/4 13-T118N-R78W =	28.0 A
NE1/4 NW1/4 14-T118N-R78W =	3.0 A	SE1/4 NW1/4 14-T118N-R78W =	3.0 A
NW1/4 NE1/4 14-T118N-R78W =	32.0 A	NE1/4 NE1/4 14-T118N-R78W =	25.0 A
SW1/4 NE1/4 14-T118N-R78W =	32.0 A	SE1/4 NE1/4 14-T118N-R78W =	25.0 A
NE1/4 SW1/4 14-T118N-R78W =	1.0 A	SE1/4 SW1/4 14-T118N-R78W =	1.0 A
NW1/4 SE1/4 14-T118N-R78W =	32.0 A	NE1/4 SE1/4 14-T118N-R78W =	29.0 A
SW1/4 SE1/4 14-T118N-R78W =	32.0 A	SE1/4 SE1/4 14-T118N-R78W =	29.0 A
NW1/4 NE1/4 23-T118N-R78W =	0.5 A	NE1/4 NE1/4 23-T118N-R78W =	0.5 A
SW1/4 NE1/4 23-T118N-R78W =	18.0 A	SE1/4 NE1/4 23-T118N-R78W =	17.0 A
NE1/4 NW1/4 24-T118N-R78W =	1.0 A	SE1/4 NW1/4 24-T118N-R78W =	1.0 A
NW1/4 NE1/4 24-T118N-R78W =	31.0 A	NE1/4 NE1/4 24-T118N-R78W =	29.0 A
SW1/4 NE1/4 24-T118N-R78W =	31.0 A	SE1/4 NE1/4 24-T118N-R78W =	27.0 A

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

3. CROPS TO BE IRRIGATED: _____

WATER QUALITY:

4. WATER SAMPLE NUMBER: Missouri River & Dry Draw 7. ADJUSTED (SAR): _____
5. SALINITY (EC X 10⁶): _____ 8. PERCENT SODIUM: _____
6. SODIUM (SAR): _____

Requirements:

That intermittent drainage ways be grassed to control erosion and address trafficability problems.



Russell J. Lane

Director, Division of Conservation

XXX APPROVED
____ DISAPPROVED
____ WAIVER

XXX REQUIREMENTS

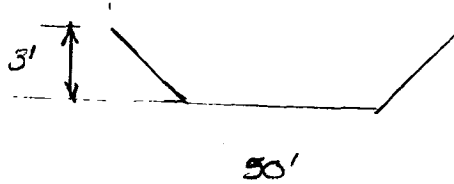
Soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.

FEBRUARY 16, 1993

Date

Application No. 5748-3
Ralph and Betty Holzwarth

Spillway Capacity:



$$Q = CLH^{3/2} = 2.6 (50') (3')^{1.5} = 675 \text{ cfs}$$

Watershed:

$$Q = \begin{matrix} 83.4 & (A)^{0.60} & (S)^{0.44} & (Si)^{0.72} \\ 106 & (A)^{0.63} & (S)^{0.45} & (Si)^{0.69} \\ 132 & (A)^{0.65} & (S)^{0.46} & (Si)^{0.67} \end{matrix}$$

$$Q_{25} = 83.4 (.8375 \text{ mi.}^2)^{0.60} (142.56 \text{ 1/mi.})^{0.44} (3.33)^{-0.72} = 280 \text{ cfs}$$

$$Q_{50} = 106 (.8375 \text{ mi.}^2)^{0.63} (142.56 \text{ 1/mi.})^{0.45} (3.33)^{-0.69} = 385 \text{ cfs}$$

$$Q_{100} = 132 (.8375 \text{ mi.}^2)^{0.65} (142.56 \text{ 1/mi.})^{0.46} (3.33)^{-0.67} = 2,247 \text{ cfs}$$

QTR55 Program ~ Watershed Data File Only Option.

$$Q_{PMP} = 7930 \text{ cfs}$$

$$V_{avg.} = 16.1345 S^{0.5}$$

$$= 16.1345 (0.027 \text{ 1/ft}) = 2.6512 \text{ 1/s}$$

$$\text{Area} = 536 \text{ ac.}$$

$$CN = 78$$

$$T_c = 0.50 \text{ hr.}$$

$$T_t = 0.0 \text{ hr.}$$

$$\text{Prec.} = 21 \text{ in.}$$

$$T_c = L / 3600 V$$

$$= 4670' / (3600 \times 2.7) = 0.48$$

TR-55 TABULAR HYDROGRAPH METHOD
 Type II Distribution
 (24 hr. Duration Storm)

Executed: 02-22-1993 13:36:38
 Watershed file: --> c:\pondpack\HOLZDAM2.WSD
 Hydrograph file: --> c:\pondpack\HYDHOLZ2.HYD

Inflow hydrograph for Ralph and Betty Holzwarth dam.

>>>> Input Parameters Used to Compute Hydrograph <<<<

Subarea Description	AREA (acres)	CN	Tc (hrs)	* Tt (hrs)	Precip. (in)	Runoff (in)	Ia/p input/used
Area No. 1	536.00	78.0	0.50	0.00	21.00	17.90	.03 .10

* Travel time from subarea outfall to composite watershed outfall point.
 Total area = 536.00 acres or 0.8375 sq.mi
 Peak discharge = 7930 cfs

>>>> Computer Modifications of Input Parameters <<<<

Subarea Description	Input Values		Rounded Values		Ia/p Interpolated	Ia/p Messages
	Tc (hr)	* Tt (hr)	Tc (hr)	* Tt (hr)	(Yes/No)	
Area No. 1	0.50	0.00	**	**	No	Computed Ia/p < .1

* Travel time from subarea outfall to composite watershed outfall point.
 ** Tc & Tt are available in the hydrograph tables.

TR-55 TABULAR HYDROGRAPH METHOD
Type II Distribution
(24 hr. Duration Storm)

Executed: 02-22-1993 13:36:38
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Hydrograph file: --> c:\pondpack\HYDHOLZ2.HYD

Inflow hydrograph for Ralph and Betty Holzwarth dam.

>>>> Summary of Subarea Times to Peak <<<<

Subarea	Peak Discharge at Composite Outfall (cfs)	Time to Peak at Composite Outfall (hrs)
----- Area No. 1 -----	7930	12.4
----- Composite Watershed	7930	12.4

TR-55 TABULAR HYDROGRAPH METHOD
 Type II Distribution
 (24 hr. Duration Storm)

Executed: 02-22-1993 13:36:38
 Watershed file: --> c:\pondpack\HOLZDAM2.WSD
 Hydrograph file: --> c:\pondpack\HYDHOLZ2.HYD

Inflow hydrograph for Ralph and Betty Holzwarth dam.

Composite Hydrograph Summary (cfs)

Subarea Description	11.0 hr	11.3 hr	11.6 hr	11.9 hr	12.0 hr	12.1 hr	12.2 hr	12.3 hr	12.4 hr
Area No. 1	255	345	480	855	1409	2549	4617	7001	7930
Total (cfs)	255	345	480	855	1409	2549	4617	7001	7930

Subarea Description	12.5 hr	12.6 hr	12.7 hr	12.8 hr	13.0 hr	13.2 hr	13.4 hr	13.6 hr	13.8 hr
Area No. 1	7601	6026	4452	3388	2099	1439	1109	914	795
Total (cfs)	7601	6026	4452	3388	2099	1439	1109	914	795

Subarea Description	14.0 hr	14.3 hr	14.6 hr	15.0 hr	15.5 hr	16.0 hr	16.5 hr	17.0 hr	17.5 hr
Area No. 1	705	615	540	480	435	390	345	315	300
Total (cfs)	705	615	540	480	435	390	345	315	300

Subarea Description	18.0 hr	19.0 hr	20.0 hr	22.0 hr	26.0 hr
Area No. 1	285	240	210	180	0
Total (cfs)	285	240	210	180	0

TR-55 TABULAR HYDROGRAPH METHOD

Type II Distribution
(24 hr. Duration Storm)

Executed: 02-22-1993 13:36:38

Watershed file: --> c:\pondpack\HOLZDAM2.WSD

Hydrograph file: --> c:\pondpack\HYDHOLZ2.HYD

Inflow hydrograph for Ralph and Betty Holzwarth dam.

Time (hrs)	Flow (cfs)	Time (hrs)	Flow (cfs)
11.0	255	14.8	510
11.1	285	14.9	495
11.2	315	15.0	480
11.3	345	15.1	471
11.4	390	15.2	462
11.5	435	15.3	453
11.6	480	15.4	444
11.7	605	15.5	435
11.8	730	15.6	426
11.9	855	15.7	417
12.0	1409	15.8	408
12.1	2549	15.9	399
12.2	4617	16.0	390
12.3	7001	16.1	381
12.4	7930	16.2	372
12.5	7601	16.3	363
12.6	6026	16.4	354
12.7	4452	16.5	345
12.8	3388	16.6	339
12.9	2743	16.7	333
13.0	2099	16.8	327
13.1	1769	16.9	321
13.2	1439	17.0	315
13.3	1274	17.1	312
13.4	1109	17.2	309
13.5	1012	17.3	306
13.6	914	17.4	303
13.7	854	17.5	300
13.8	795	17.6	297
13.9	750	17.7	294
14.0	705	17.8	291
14.1	675	17.9	288
14.2	645	18.0	285
14.3	615	18.1	281
14.4	590	18.2	276
14.5	565	18.3	272
14.6	540	18.4	267

14.7

525

18.5

263

TR-55 TABULAR HYDROGRAPH METHOD
Type II Distribution
(24 hr. Duration Storm)

Executed: 02-22-1993 13:36:38

Watershed file: --> c:\pondpack\HOLZDAM2.WSD

Hydrograph file: --> c:\pondpack\HYDHOLZ2.HYD

Inflow hydrograph for Ralph and Betty Holzwarth dam.

Time (hrs)	Flow (cfs)	Time (hrs)	Flow (cfs)
18.6	258	22.4	162
18.7	254	22.5	158
18.8	249	22.6	153
18.9	245	22.7	149
19.0	240	22.8	144
19.1	237	22.9	140
19.2	234	23.0	135
19.3	231	23.1	131
19.4	228	23.2	126
19.5	225	23.3	122
19.6	222	23.4	117
19.7	219	23.5	113
19.8	216	23.6	108
19.9	213	23.7	104
20.0	210	23.8	99
20.1	209	23.9	95
20.2	207	24.0	90
20.3	206	24.1	86
20.4	204	24.2	81
20.5	203	24.3	77
20.6	201	24.4	72
20.7	200	24.5	68
20.8	198	24.6	63
20.9	197	24.7	59
21.0	195	24.8	54
21.1	194	24.9	50
21.2	192	25.0	45
21.3	191	25.1	41
21.4	189	25.2	36
21.5	188	25.3	32
21.6	186	25.4	27
21.7	185	25.5	23
21.8	183	25.6	18
21.9	182	25.7	14
22.0	180	25.8	9
22.1	176	25.9	5
22.2	171		
22.3	167		

Permit No. 2301-3 & 5748-3

Missouri River Water District

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

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

I have this day made a thorough examination of the water use system constructed by Ralph Holzworth of RR Gettysburg, SD 57442 holder of Permit No. 2301-3, bearing the priority of June 19, 1975 authorizing the diversion of 38.9 cu. ft. per second of the waters of Missouri River for irrigation purposes, in Potter County.

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

A. Works used to divert the water:

Pump site at the Missouri River: Marathon motor, model no. 365TTDS7311BBW, 100 hp;

General Electric motor, model no. 5K3655YK159, 100 hp; 2 - Cornell pumps, model no. 4YB100-2, 9 9/16 inches, 900 gpm capacity. Two submersible pump and motors into the Missouri River.

Pump site #1 at the storage dam: General Electric motor, model no. 5K286JL164, 40 hp; Cornell pump, model no. 3YB40-2, 7 9/16 inches, 500 gpm capacity.

Pump site #2 at the storage dam: Two motors, one has no plate, with a horsepower rating of 100. The other motor is a Marathon, model no. XE326TTDR7330NW, 50 hp. 2 - Cornell pumps, model no. 4YB100-2 and 4YB50-4, 9 5/8 inches and 12 3/4 inches, 900 gpm and 850 gpm capacities.

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

6860' of 16" steel, 8750' of 10" aluminum, 8300' of 8" PVC, 750' of 6" PVC. One 60 ac. ft. storage dam.

C. Works used to apply water to beneficial use:

Center pivot for NE1/4 23-118-78: Valley 4 tower, 711' long with an end gun, nozzles are high pressure and capacity is 500 gpm.

Center pivot for the NE1/4 and SE1/4 14-118-78: Valley 7 tower, 1289' long with an end gun, nozzles are low pressure and capacity is 900 gpm.

Center pivot for the SE1/4 13-118-78 and NE1/4 24-118-78: Valley 7 tower, 1289' long (no end gun), nozzles are low pressure, capacity is 850 gpm.

The system is in the following condition good. The point of diversion is located 1580' W of SE1/4 corner of Sec. 16-118-78 at the Missouri River and a storage dam located in the NE1/4 with diversion points 1584' W and 905' S and 1885' W and 1584' S of the NE1/4 corner Sec. 23, all in 23-118-78. The works are capable of diverting and conveying to the place of use 5.0 cu. ft. per second of water and/or storing 60 acre-feet of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

All in T118N-R78W

<u>Section 13</u>			<u>Section 23</u>		
<u>SW1/4 NE1/4</u>	<u>1</u>	<u>acre</u>	<u>NW1/4 NE1/4</u>	<u>0.5</u>	<u>acres</u>
<u>SE1/4 NE1/4</u>	<u>1</u>	<u>"</u>	<u>NE1/4 NE1/4</u>	<u>0.5</u>	<u>"</u>
<u>NE1/4 SW1/4</u>	<u>1</u>	<u>"</u>	<u>SW1/4 NE1/4</u>	<u>18</u>	<u>"</u>
<u>SE1/4 SW1/4</u>	<u>1</u>	<u>"</u>	<u>SE1/4 NE1/4</u>	<u>17</u>	<u>"</u>
<u>NW1/4 SE1/4</u>	<u>31</u>	<u>"</u>	<u>Section 24</u>		
<u>NE1/4 SE1/4</u>	<u>29</u>	<u>"</u>	<u>NE1/4 NW1/4</u>	<u>1</u>	<u>"</u>
<u>SW1/4 SE1/4</u>	<u>32</u>	<u>"</u>	<u>SE1/4 NW1/4</u>	<u>1</u>	<u>"</u>
<u>SE1/4 SE1/4</u>	<u>28</u>	<u>"</u>	<u>NW1/4 NE1/4</u>	<u>31</u>	<u>"</u>
<u>Section 14</u>			<u>NE1/4 NE1/4</u>	<u>29</u>	<u>"</u>
<u>NE1/4 NW1/4</u>	<u>3</u>	<u>"</u>	<u>SW1/4 NE1/4</u>	<u>31</u>	<u>"</u>
<u>SE1/4 NW1/4</u>	<u>3</u>	<u>"</u>	<u>SE1/4 NE1/4</u>	<u>27</u>	<u>"</u>
<u>NW1/4 NE1/4</u>	<u>32</u>	<u>"</u>			
<u>NE1/4 NE1/4</u>	<u>25</u>	<u>"</u>			
<u>SW1/4 NE1/4</u>	<u>32</u>	<u>"</u>			
<u>SE1/4 NE1/4</u>	<u>25</u>	<u>"</u>			
<u>NE1/4 SW1/4</u>	<u>1</u>	<u>"</u>			

Section 14 continued:

SE1/4 SW1/4 1 ▪

NW1/4 SE1/4 32 ▪

NE1/4 SE1/4 29 ▪

SW1/4 SE1/4 32 ▪

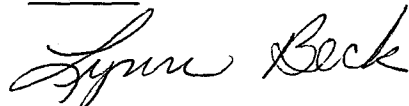
SE1/4 SE1/4 29 ▪

comprising a total of 524 acres of land and the license should be issued for 5.0 cfs and/or 60 acre-feet of storage.

Application permit qualifications have been complied with X Yes No

Exceptions to compliance are: none

Date 8-19-92



Lynn Beck
Natural Resources Engineer III
DENR, Water Rights Division

DATE 8-19-92

DIVERSION POINT LEGAL LOCATION: 1580' W of SE corner of Sec. 16-118-78 at the Missouri River.
Dam located in NE1/4 with div. pts. 1584' W and 905' S and 1885' W and 1584' S of the NE1/4
corner Sec. 23, all in Sec. 23-T118N-R78W.

No. of Wells	Depth(s)
--------------	----------

- | No. of Wells | Depth(s) |
|--------------|----------|
|--------------|----------|

- | No. of Wells | Depth(s) |
|--------------|----------|
|--------------|----------|

- a) **Casing:** 1) diameter inches b) **Screen:** 1) type
2) length feet 2) length feet
3) type c) **Pump** 1) make 2 - Cornells
d) **Static Water Level** feet 2) model 4YB100-2; 4YB50-4
e) **Motor:** 3) size 9 5/8; 12 3/4 inches
1) make No Plate; Marathon 4) capacity 900; 850 GPM

- 2) model No. no plate; XE326TTDR7330NW 5) turbine pump - No. of stages
3) horsepower rating 100; 50 hp 6) operating pressure PSI

DISTRIBUTION LINES OR CANALS:

- | | | |
|-------------------------|---------------------------|----------------------------|
| a) type <u>Steel</u> | b) size <u>16'</u> inches | c) length <u>6860</u> feet |
| a) type <u>Aluminum</u> | b) size <u>10</u> inches | c) length <u>8750</u> feet |
| a) type <u>PVC</u> | b) size <u>8</u> inches | c) length <u>8300</u> feet |
| a) type <u>PVC</u> | b) size <u>6</u> inches | c) length <u>750</u> feet |

SYSTEM TYPE:

- a) **Center pivot:** NE1/4 23-118-78
- 1) make Valley
 - 2) overall length 711 feet
 - 3) number of towers 4
 - 4) distance between towers feet
 - 5) end gun Y (Y/N)
 - 6) high or low pressure high
 - 7) capacity 500 GPM
- a) **Center pivot:** Used on NE1/4 and SE1/4 14-118-78
- 1) make Valley
 - 2) overall length 1289 feet
 - 3) number of towers 7
 - 4) distance between towers feet
 - 5) end gun Y (Y/N)
 - 6) high or low pressure low
 - 7) capacity 900 GPM
- a) **Center pivot:** Used on SE1/4 Sec. 13 and NE1/4 Sec. 24 all in 118-78
- 1) make Valley
 - 2) overall length 1289 feet
 - 3) number of towers 7
 - 4) distance between towers feet
 - 5) end gun N (Y/N)
 - 6) high or low pressure low
 - 7) capacity 850 GPM

DAM INFORMATION: NE1/4 Sec. 23-118-78

- a) height to crest 20 feet
- b) height to primary spillway 17 feet
- c) height to secondary spillway feet
- d) crest width 10 feet
- e) crest length 375 feet
- f) spillway length feet
- g) spillway width 50 feet
- h) approximate storage ac-ft
- i) approximate storage to crest 60 ac-ft
- j) date constructed
- k) outlet tubes:
 - 1) diameter inches
 - 2) type
 - 3) valved (Y/N)
 - 4) valve type
 - 5) location on structure
- l) category of dam (I,II,III)
- m) inspection sheet completed (Y/N)
- n) name of contractor: WPA

CHEMIGATION EQUIPMENT: Pump site #1 on map.

- a) does chemigate Y (Y/N)
- b) main line check valve Y (Y/N)
- c) inspection port/air relief Y (Y/N)
- d) low pressure drain N (Y/N)
- e) discharge is 20' from source N (Y/N)
- f) interlock type electric
- g) injection pump type piston
- h) injection check valve Y (Y/N)
- i) injection line check valve or positive displacement pump Y (Y/N)
- j) all chemigation equipment appears to be installed in the proper position and complies with chemigation laws and rules Y (Y/N)
- k) comments : Dam provides a barrier between water source and chemigation site.

CHEMIGATION EQUIPMENT: Pump site #2 on map

- a) does chemigate Y (Y/N)
- b) main line check valve Y (Y/N)
- c) inspection port/air relief Y (Y/N)
- d) low pressure drain Y (Y/N)
- e) discharge is 20' from source N (Y/N)
- f) interlock type electric
- g) injection pump type piston
- h) injection check valve Y (Y/N)
- i) injection line check valve or positive displacement pump Y (Y/N)
- j) all chemigation equipment appears to be installed in the proper position and complies with chemigation laws and rules Y (Y/N)
- k) comments : Dam provides a barrier between water source and chemigation site.

PERMIT QUALIFICATIONS AND REGULATIONS:

- a) Soil and water permit lands agree with lands being irrigated and lands listed on permit Y (Y/N)
- b) Special qualifications to permit being abided by Y (Y/N)

c) All structures, wells and lands on map Y (Y/N)

d) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y (Y/N)

~~Comments:~~ Need to add the diversion dam to permit. Dam has two diversion points.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5748-3

(1) Ralph and Betty Holzwarth, of HC 3 Box 69, Gettysburg, SD 57442 made Application No. 5748-3, January 11, 1993 for a water permit to authorize storage of 60 acre feet of water annually from runoff and the Missouri River, Potter County, South Dakota for irrigation purposes. Permit No. 5748-3, with a priority date of January 11, 1993 was approved April 14, 1993 and issued to the applicants for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

Water Permit No. 5748-3 added the existing 60 acre-feet storage dam to an irrigation project developed under Water Permit No. 2301-3. No increase in the developed diversion rate or number of acres irrigated were authorized by Permit No. 5748-3. The applicable portions of Water Permit No. 2301-3 have been incorporated into this Water License No. 5748-3. A priority date of January 11, 1993 is retained for the storage dam and a priority date of June 19, 1975 is retained for diversion of water from the Missouri River.

(2) It is certified that the applicant 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 5.00 cubic feet of water per second for beneficial use. The location of the diversion point from the Missouri River is 1580'W of the SE corner of Section 16, T118N, R78W (SW 1/4 SE 1/4). The storage dam is located in the NE 1/4 with diversion points 1584'W and 905'S of the NE corner and 1885'W and 1584'S of the NE corner of Section 23, T118N, R78W.

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land: All in T118N, R78W

Section 13

SW 1/4 NE 1/4	1 acre
SE 1/4 NE 1/4	1 acre
NE 1/4 SW 1/4	1 acre
SE 1/4 SW 1/4	1 acre
NW 1/4 SE 1/4	31 acres
NE 1/4 SE 1/4	29 acres
SW 1/4 SE 1/4	32 acres
SE 1/4 SE 1/4	28 acres

Section 14

NE 1/4 NW 1/4	3 acres
SE 1/4 NW 1/4	3 acres
NW 1/4 NE 1/4	32 acres
NE 1/4 NE 1/4	25 acres
SW 1/4 NE 1/4	32 acres
SE 1/4 NE 1/4	25 acres
NE 1/4 SW 1/4	1 acre
SE 1/4 SW 1/4	1 acre
NW 1/4 SE 1/4	32 acres
NE 1/4 SE 1/4	29 acres
SW 1/4 SE 1/4	32 acres
SE 1/4 SE 1/4	29 acres

Section 23

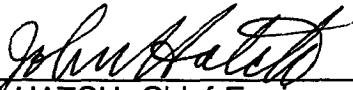
NW 1/4 NE 1/4	0.5 acres
NE 1/4 NE 1/4	0.5 acres
SW 1/4 NE 1/4	18.0 acres
SE 1/4 NE 1/4	17.0 acres

Section 24

NE 1/4 NW 1/4	1 acre
SE 1/4 NW 1/4	1 acre
NW 1/4 NE 1/4	31 acres
NE 1/4 NE 1/4	29 acres
SW 1/4 NE 1/4	31 acres
SE 1/4 NE 1/4	27 acres

TOTAL	524 acres
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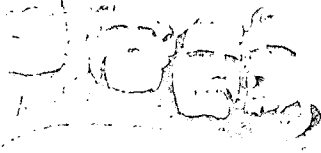
(4) Pursuant to South Dakota Water Law 46-5-30.1 Ralph and Betty Holzwarth of HC 3 Box 69, Gettysburg, SD 57442 the holders and/or owners of Incorporated Water Permit No. 5748-3 is issued a license to appropriate water, the right to use 5.0 cubic feet of water per second from the Missouri River with a priority date of June 19, 1975 and the right to store 60 acre feet of water annually from runoff and the Missouri River with a priority date of January 11, 1993 from the locations specified in (2) of this license. The water is 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 Permit No. 5748-3 and subject to South Dakota State Law.



JUN 11 1993

JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and Natural Resources

South Dakota



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 24, 1992

Ralph Holzwarth
HC 3
Gettysburg, SD 57442

Dear Mr. Holzwarth:

Please find enclosed a partially completed application form and instruction sheet for the storage dam located in the NE 1/4 of Section 23-118-78. You will not have to provide a map, as I have already prepared one.

The dam mentioned above was not on the original permit; therefore it requires a new permit. South Dakota Codified Law states that a water permit is required to construct a dam across a nonnavigable watercourse, except for storing 25 acre-feet or less of water for domestic use. Since this dam stores 60 acre-feet and is for irrigation purposes, a permit is required.

After the application has been sent in and approved, the permit will be licensed, as per no. 9 on the instruction sheet.

If you have any questions, please feel free to contact me.

Sincerely,

Lynn Beck

Lynn Beck
Natural Resource Engineer
Water Rights Division
(605) 773-3352

encl



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 29, 1992

Ralph Holzwarth
HC 3
Gettysburg SD 57442

Dear Mr. Holzwarth:

On August 24, 1992, you were sent applications forms for a permit to appropriate water based on an inspection of Water Permit No. 2301-3 by Lynn Beck, an engineer with this office. This inspection showed that your system was not developed as originally permitted. This application is necessary to obtain a permit which will reflect your water use. To date, we have not received a response from you regarding this application.

Enclosed is another partially completed application form. Please review the application and have it signed and notarized. The filing fee for this application will be \$150.00.

Obtaining water permits that accurately reflect your water use ultimately benefits you by protecting your right to use water. Water Permit No. 2301-3 can not be licensed until this application is processed and a permit obtained to reflect your current water use in accordance with state statutes. Except for domestic use, any water user without a water right is not entitled to receive protection in the event of interference by a new or future user who has a water right.

Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10 and 46-2-18, you must have a water permit prior to using water.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
Phone: (605) 773-3352

enclosures

Report on Application No. 5748-3
Ralph and Betty Holzwarth
March 4, 1993

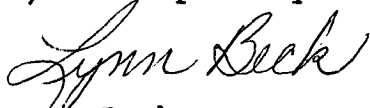
This application is for storage of 60 acre-feet of runoff and Missouri River water in an existing dam. Water Permit No. 2301-3 appropriates 38.9 cubic feet per second (cfs) from the Missouri River from a diversion point located in the SW 1/4 SE 1/4 Section 16-T118N-R78W to irrigate 2,720 acres. An inspection of Permit No. 2301-3 found that 5.0 cfs could be pumped from the Missouri River to the dam for irrigation of the 524 developed acres. The dam is located in the NE 1/4 Section 23 and the irrigated acreage is located in the S 1/2 NE 1/4, E 1/2 SW 1/4, SE 1/4 Section 13, E 1/2 NW 1/4, NE 1/4, E 1/2 SW 1/4, SE 1/4 Section 14, NE 1/4 Section 23, E 1/2 NW 1/4, NE 1/4 Section 24; all in T118N-R78W. This application is to add the existing 60 acre-feet storage dam to this project. No increase in the developed diversion rate or number of acres being irrigated is authorized by this application.

The dam impounds 60 acre-feet and its effective height is 17 feet. This dam is classified as a category 3, small size dam. Although the dam was constructed prior to 1986, and is exempt from the spillway requirements of the Safety of Dams Rules, Chapter 74:02:08, the spillway will pass more than a 50 year runoff event.

The dam is located on an unnamed tributary to the Missouri River approximately 12.5 miles west of Gettysburg, South Dakota. There are two water rights downstream of the dam. Water Permit No. 2302-3 which appropriates 17.2 cfs from the Missouri River to irrigate 1200 acres and Water Permit No. 4872-3 which appropriates 1.0 cfs from the Missouri River to irrigate 68 acres. These two permits should not be affected by the storage dam. There are no other water rights in the drainage.

Conclusion:

- 1) Water is available from the drainage and the Missouri River for storage in the dam.
- 2) Existing water rights will not be impaired.
- 3) The spillway will pass more than a 50 year runoff event.



Lynn Beck
Natural Resources Engineer III

Approved by:



Gale N. Selken, P.E.
Natural Resources Engineer IV

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5748-3, Ralph and Betty Holzwarth

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. 5748-3, Ralph and Betty Holzwarth, HC 3, Gettysburg, SD 57442.

The Chief Engineer is recommending APPROVAL of Application No. 5748-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion has been developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualification:

This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

A handwritten signature in black ink, appearing to read "John Hatch", is written over the typed name.

JOHN HATCH, Chief Engineer
March 10, 1993



**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.**

March 12, 1993

Ralph and Betty Holzwarth
HC 3
Gettysburg, SD 57442

Dear Mr. & Mrs. Holzwarth:

Water Permit Application No. 5748-3 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 Potter County News printed at Gettysburg, SD (Ph # 765-2464). 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
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

March 12, 1993

Potter County News
Box 190
Gettysburg, SD 57442-0190

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5748-3 to be published twice. Please publish the first notice on March 18, 1993, 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 Ralph and Betty Holzwarth, HC 3, Gettysburg, SD 57442 (Ph # 765-9552).

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
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 March 18, 1993, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5748-3 to Appropriate Water

Notice is given that Ralph and Betty Holzwarth, HC 3, Gettysburg, SD 57442 have filed an application for a water permit for storage of 60 acre-feet of runoff and Missouri River water in an existing dam. Water Permit No. 2301-3 appropriates 38.9 cubic feet of water per second (cfs) from the Missouri River from a diversion point located in the SW 1/4 SE 1/4 Section 16-T118N-R78W to irrigate 2,720 acres. An inspection of Permit No. 2301-3 found 5.0 cfs could be pumped from the Missouri River to the dam for irrigation of 524 developed acres. The dam is located in the NE 1/4 Section 23 and the irrigated acreage is located in the S 1/2 NE 1/4, E 1/2 SW 1/4, SE 1/4 Section 13, E 1/2 NW 1/4, NE 1/4, E 1/2 SW 1/4, SE 1/4 Section 14, NE 1/4 Section 23, E 1/2 NW 1/4, NE 1/4 Section 24; all in T118N-R78W. This application is to add the existing 60 acre-feet storage dam to this irrigation project. No increase in the developed 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. 5748-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) 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 April 5, 1993. 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. 5748-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for April 14, 1993, 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 April 14, 1993, 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 April 14, 1993, 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 April 5, 1993.

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 April 5, 1993, 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; 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 of Potter) ssI, Jack L. Stonercertify that the attached printed Notice was
taken from the Potter County Newsprinted and published in GettysburgCounty of Potter and State ofSouth Dakota. The notice was published in
the newspaper on the following two dates:March 18, 1993March 25, 1993Cost of Printing: 78.86

NOTICE OF HEARING ON APPLICATION NO. 5748-3 TO APPROPRIATE WATER

Notice is given that Ralph and Betty Holzwarth, HC 3, Gettysburg, SD 57442 have filed an application for a water permit for storage of 60 acre-feet of runoff and Missouri River water in an existing dam. Water Permit No. 2301-3 appropriates 38.9 cubic feet of water per second (cfs) from the Missouri River from a diversion point located in the SW 1/4 SE 1/4 Section 16T18N-R78W to irrigate 2,720 acres. An inspection of Permit No. 2301-3 found 5.0 cfs could be pumped from the Missouri River to the dam for irrigation of 524 developed acres. The dam is located in the NE 1/4 Section 23 and the irrigated acreage is located in the S 1/2 NE 1/4, E 1/2 SW 1/4, SE 1/4 Section 13, E 1/2 NW 1/4, NE 1/4, E 1/2 SW 1/4, SE 1/4 Section 14, NE 1/4 Section 23, E 1/2 NW 1/4, NE 1/4 Section 24; all in T18N-R78W. This application is to add the existing 60 acre-foot storage dam to this irrigation project. No increase in the developed 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. 5748-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) 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.

For purposes of publishing 1) the notice of hearing on Application No. 5748-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for April 14, 1993, 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 April 14, 1993, 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 April 14, 1993, 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 April 5, 1993.

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 April 5, 1993, 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; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

Robert E. Roberts, Secretary,
Department of Environment and
Natural Resources.

(Published in the Potter County News, March 18 and 25, 1993.)

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 April 5, 1993. 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAY 19 1993

Ralph and Betty Holzwarth
HC 3 Box 69
Gettysburg, SD 57442

Dear Mr. & Mrs. Holzwarth:

Enclosed is Water Permit No. 5748-3 authorizing your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

The final inspection has been completed on this Permit, and we are ready to issue the Water License. Statutes require we charge \$50 for the inspection and issuance of the final papers. Upon receipt of this amount the Water License will be sent to you.

Very truly yours,

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

enclosures

RECEIPT

413782

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ May 28 _____, 19 93

RECEIVED OF Elizabeth Holzwarth, R.E.H. Farms, Inc., HCR 3 Box 69, Gettysburg, SD 57442
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>5748-3</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 
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 11 1993

5748-3

Ralph and Betty Holzwarth
HC 3, Box 69
Gettysburg, SD 57442

Dear Mr. and Ms. Holzwarth:

Enclosed is Water License No. 5748-3 and Receipt No. 413782 for \$50.00 which was assessed for an inspection and issuance of the license. Water License No. 5748-3 is the final document which completes the process of obtaining a water right.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

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

gm
enclosures

NOTE: The applicable portions of Water Permit No. 2301-3 have been incorporated into this Water License No. 5748-3.



January 30, 1996

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: RALPH & BETTY HOLZWARTH
HC 3 BOX 69
GETTYSBURG SD 57442

FROM: Ron Duvall, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Program

RE: Failure to Report Chemical Use under Water Permit No(s) 5748-3

The first notice to file chemigation report(s) for Permit No(s) 5748-3 was dated 10/20/95. Our records indicate that we have not received the 1995 chemigation report for Permits No(s) 5748-3. The Water Management Board has directed that owners of water permits who have not submitted the 1995 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing held by the Board is to determine what action is to be taken concerning violation of administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application.

The hearing will be held at 9:45 A.M. on March 6, 1996, in the Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to 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 or up to three years for the second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s). 5748-3 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 chemigation report(s) is(are) received by this office on/or before March 1, 1996 your name will be deleted from the board agenda.

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 East 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.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

RALPH & BETTY HOLZWARTH
HC 3 BOX 69
GETTYSBURG SD 57442-9101

4a. Article Number

Z 161 984 043

4b. Service Type

- ☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

2-2-96

5. Received By: (Print Name)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)

X Betty Holzworth

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.



January 30, 1996

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: RALPH & BETTY HOLZWARTH, HC 3 BOX 69, GETTYSBURG, SD 57442 9101

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Violation of Water Permit No(s) 5748-3

Our records indicate that the 1995 Irrigation Questionnaire has not been submitted for Permit No(s) 5748-3. The request for the Questionnaire was dated October 20, 1995. The Water Management Board has directed that owners of water permits who have not submitted the 1995 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 5748-3 qualification:

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

The hearing will be held at 9:45 am, March 6, 1996 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) 5748-3 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 1, 1996, 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.

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
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

February 6, 1996

5748-3

Ralph & Betty Holzwarth
HC 3 Box 69
Gettysburg SD 57442

Dear Mr. & Mrs. Holzwarth:

I am writing to acknowledge receipt of your 1995 irrigation questionnaire and chemical reporting form. You may disregard the January 30, 1996, **Notices of Violation of Water Permit No. 5748-3 and Failure to Report Chemical Use.**

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

If you have any questions, please contact me.

Sincerely,

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

5748-3

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
■ 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.		A. Received by (Please Print Clearly) <i>JM</i> B. Date of Delivery <i>1-22-01</i>	
1. Article Addressed to: RALPH & BETTY HOLZWARTH HC 3 BOX 69 GETTYSBURG SD 57442 9101		C. Signature <i>X Ralph Holzwarth</i> ☐ Agent ☐ Addressee	
		D. Is delivery address different from item 1? ☐ Yes If 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	
2. Article Number (Copy from service label) <i>7000 0600 0026 9814 2447</i>			

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952



5748-3

**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: RALPH & BETTY HOLZWARTH, HC 3 BOX 69, GETTYSBURG, SD 57442 9101

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) 5748-3. 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) 5748-3 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) 5748-3 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.

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

February 6, 2001

5748-3

Betty & Ralph Holzwarth
HC 3 Box 69
Gettysburg, SD 57442-9101

Dear Mr. & Mrs. Holzwarth:

I am writing to acknowledge receipt of your 2000 irrigation questionnaire. You may disregard the January 19, 2001, "Notice" concerning reporting requirements for Water Right No. 5748-3.

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

If you have any questions, please contact me.

Sincerely,

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

NOT TO SCALE

2 of 2

5748-3

88-L

.16

Man
Deb

Mary Ann Knudson
Tom Knudson
Marian Buckley
Debra Cronin

P.S.

16"
Steel

118.78

1580'

Bernice Quamme

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Ralph & Betty Holzwarth, 16332 SD Hwy 1804, Gettysburg SD 57442

DATE: September 21, 2005

TELEPHONE: 605 765-9552

RE: Water Right No. 5748-3

COMMENTS:

Mr. Holzwarth called concerning his water right and indicated they no longer irrigate. The water right is from the Missouri River and a storage dam located in Potter County. Mr. Holzwarth indicated the reasons he quit irrigating was the continual lack of water in the river at his diversion point and the cost involved for power.

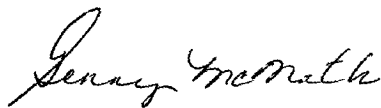
He indicated he no longer intended to irrigate and has sold off most of his irrigation equipment. He stated future generations of his may wish to irrigate but they can apply for their own permit.

We discussed the storage dam and he indicated the dam is still there and although it's currently dry, it will collect water if enough runoff occurs.

RECOMMENDED ACTION:

Schedule the irrigation portion of the water right for cancellation consideration. The water license can be reissued to remove the irrigation portion and authorize storage of water in the dam for domestic use.

Mr. Holzwarth agreed.



Genny McMath
Environmental Scientist



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 19, 2005

NOTICE OF CANCELLATION

TO: Ralph & Betty Holzwarth, 16332 SD Hwy 1804, Gettysburg, SD 57442

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

SUBJECT: Cancellation of the irrigation portion of Water Right No. 5748-3

On September 21, 2005, Genny McMath with our program, spoke with you regarding your use of water as described under Water Right No. 5748-3. The water right authorizes irrigation of 524 acres from the Missouri River and runoff (storage dam). You confirmed that the storage dam still exists however the land is no longer being irrigated. The Chief Engineer of the Water Rights Program is recommending cancellation of the irrigation portion of Water Right No. 5748-3 due to abandonment and/or forfeiture.

The Water Management Board will consider cancellation of the irrigation portion of Water Right No. 5748-3 at 10:00 a.m., December 7, 2005 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD *(the agenda time is an estimate and the actual time of hearing may be later than 10:00 am)*.

The recommendation of the Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on Water Right No. 5748-3 based upon facts presented at the public hearing. Our records show you to be the owner of property covered by this water right. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the Chief Engineer by November 25, 2005. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-7; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.

This hearing may be an adversarial proceeding. Any party 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 State Supreme Court as provided by law.

The time of the hearing will be automatically extended for at least twenty days upon your written request to the Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting. Any request for extension must be filed with the Chief Engineer by November 25, 2005.

Prior to November 25, 2005, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed cancellation; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

Please note:

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by November 25, 2005.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

RECOMMENDATION OF CHIEF ENGINEER

FOR WATER RIGHT NO. 5748-3, RALPH & BETTY HOLZWARTH

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Right No. 5748-3.

The Chief Engineer is recommending cancellation of the irrigation portions of Water Right No. 5748-3 due to abandonment and/or forfeiture. Genny McMath spoke with Mr. Holzwarth on September 21, 2005 concerning the water right. Mr. Holzwarth confirmed the land is no longer irrigated and most of the irrigation equipment has been sold. The storage dam still exists and would fill without pumping from the Missouri River.

RON DUVAL, Natural Resources Engineer
for Garland Erbele, Chief Engineer
October 19, 2005

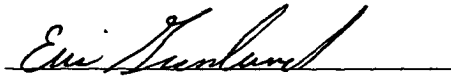
Note:

Cancellation of the water permit/right does not prohibit a new application for this project in the future.

CERTIFICATION

I hereby certify that on October 19, 2005 , I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated October 19, 2005 regarding Notice of Cancellation of irrigation portion of Water Right No. 5748-3 addressed as stated below:

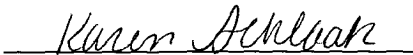
Ralph & Betty Holzwarth
16332 SD Hwy 1804
Gettysburg SD 57442



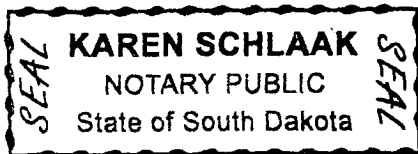
Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 20th day of October, 2005.



Karen Schlaak
Notary Public
My Commission expires April 1, 2007





**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 9, 2005

5748-3

NOTICE

Ralph & Betty Holzwarth
16322 SD Hwy 1804
Gettysburg SD 57442

Dear Mr. & Mrs. Holzwarth:

This will notify you that the Water Management Board cancelled the irrigation portions of Water Right No. 5748-3 on December 7, 2005. This action was taken under the conditions outlined in our notice to you dated October 19, 2005.

Water Right No. 5748-3 will be reissued for use of water from the storage dam for domestic purposes. The reissued water license will be sent to you under separate cover within the next couple weeks.

If you have any questions concerning the Board action, please contact Genny McMath, with our program, at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

CERTIFICATION

I hereby certify that on December 9, 2005 , I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated December 9, 2005 regarding Notice of cancelled irrigation portion of Water Right No. 5748-3, Notice of Cancelled Water Permit Nos. 231-1, 232-1, 6016-3, 6017-3, 5350-3, 5350-3, 5350-3, Water Right Nos. 3927-3, 2267-3, 3927-3, 2267-3, 3927-3 addressed as stated below:

5748-3
Ralph & Betty Holzwarth
16322 SD Hwy 1804
Gettysburg SD 57442

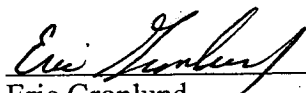
231-1 & 232-1
Mike Butler
Can't Hook E Ranch
HC 67 Box 15
Buffalo SD 57720

6016-3, 6017-3
Ben Wipf
Rockport Hutterian Brethren
26209 Rockport Rd
Alexandria SD 57311

3927-3, 5350-3
Curtis Whempner
46522 134th ST
Wilmot SD 57279-8025

2267-3, 3927-3, 5350-3
Raymond Anderson
1301 Luke St
Ft Collins CO 80524

2267-3, 3927-3, 5350-3
Allan D Anderson
13374 Cameron Beach Rd
Wilmot SD 57279



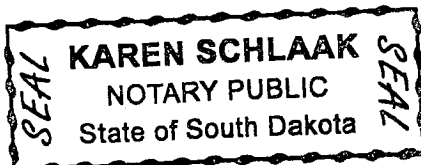
Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 12th day of Dec, 2004.



Karen Schlaak
Notary Public
My Commission expires April 1, 2007





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
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DEC 15 2005

5748-3

Ralph & Betty Holzwarth
16332 SD Hwy 1804
Gettysburg SD 57442

Dear Mr. & Mrs. Holzwarth:

Enclosed is your Reissued Water License No. 5748- 3. The license has been reissued to remove the irrigation portion and authorize storage of runoff water in the existing dam for domestic purposes.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

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

enclosure

STATE OF SOUTH DAKOTA

REISSUED WATER LICENSE NO. 5748-3

(1) Ralph and Betty Holzwarth, 16332 SD Hwy 1804, Gettysburg SD 57442 were issued Water License No. 5748-3, June 11, 1993 for a right to divert 5.00 cubic feet of water per second from the Missouri River, Potter County, South Dakota for irrigation purposes. The water right also included storage of water from the Missouri River and runoff in a 60 acre-feet storage dam. Water License No. 5748-3, with priority dates of January 11, 1993 (storage dam) and June 19, 1975 (diversion from Missouri River) was issued to the permit holders for diversion of water with construction of the described water supply system and the application to beneficial use completed.

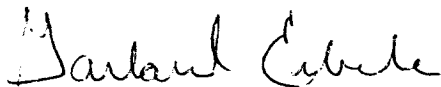
On December 7, 2005, the Water Management Board cancelled the irrigation portion of the water right due to abandonment and/or forfeiture. Pursuant to SDCL 46-5-31.1, stock watering may be added as a water use to the license provided no diversion is made from the dam. The original license is being reissued to remove the irrigation portion and allow a water right to remain in place for impoundment of runoff water in the 60 acre-feet storage dam.

(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 impound 60 acre-feet of runoff water annually for beneficial use. The storage dam is located in the NE ¼ of Section 23, T118N, R78W.

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Ralph & Betty Holzwarth, 16332 SD Hwy 1804, Gettysburg SD 57442 the holders and/or owners of Water Right No. 5748-3 are issued a license to impound 60 acre-feet of runoff water annually for domestic stock watering purposes. Water Right No. 5748-3 carries a priority date of January 11, 1993.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 5748-3.



Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

DEC 15 2005

date

