

WATER PERMIT NO. 6583-3

Name of Applicant: Gary Holzbauer

Address: 39588 292nd St, Wagner SD 57380

Phone: 605 384-5296

Amount of Water Claimed: 4.57

Total Acres: 320

Source of Water Supply: groundwater (2 wells)

Water to be used for: irrigation

County: Charles Mix

Type of Waste Disposal System:

Location: 3 miles northeast of Wagner

PRIORITY

Date Received: 2-2-05

Application/License Fee: \$375

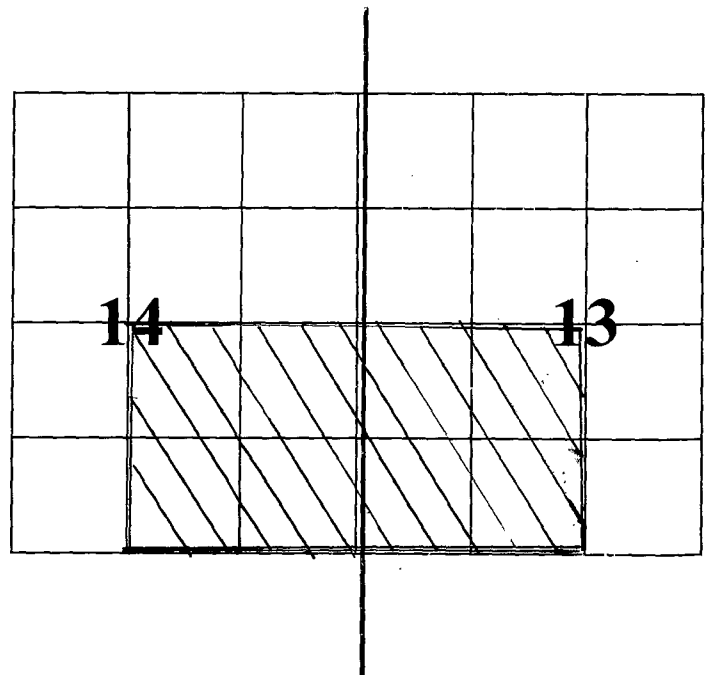
Corrected Application Received:

Period of Annual Use: March 1 – November 30

Remarks:

Diversion Point: SW ¼ Sec 13-T96N-R63W

Land to be Irrigated: SW ¼ Sec 13 and SE ¼ Sec 14; all in T96N-R63W



Depth of Well: 200 feet deep

Well Driller:

Remarks:

Type of Map: aerial

Prepared by: Ron Duvall

Reviewed and the Number Assigned on: 2-2-05

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

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

RECEIVED

FEB - 2 2005

WATER RIGHTS
PROGRAM

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6583-3</u> (office use only) Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u>
	Newspaper <u>Wagner Post, Wagner</u>

Application For Permit To Appropriate Water For Irrigation

 Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____
 (Use predates Mar 2, 1955)

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

1. Name of Applicant Gary Holzbauer Phone 384-5296
 (check one) ☒ Owner ☐ Tenant/lessee
 Mailing Address 39588 292nd Street Wagner State SD 57380
 (Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed 4.570 *CFS or **GPM ***AF Total Acreage 320
 (*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply ground water - Choteau aquifer (2 wells)
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Charles Mix
SW1/4 section 13-T96N-R63W (both wells)
5. County or counties where water will be used Charles Mix
6. Annual period during which water is to be used Mar 1 - Nov 30
7. List below each forty acre division, 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
SW1/4 section 13-T96N-R63W	<u>160</u>		
SE1/4 section 14-T96N-R63W	<u>160</u>		

8. Give a description of the project. (Attach sheet if more space is needed)

STATE OF SOUTH DAKOTA) SS

County of Hughes

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

 I, Gary Holzbauer, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature

Gary HolzbauerSubscribed and sworn to before me this 2nd day of February 20 05Karen Schlaak

Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 6583-3**

Date of first receipt of application February 2, 2005.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6583-3 to Gary Holzbauer, 39588 292nd St, 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. 6583-3 appropriates 4.57 cubic feet of water per second from two wells to be completed into the Choteau West Aquifer (approximately 200 feet deep) located in the SW ¼ Section 13 to irrigate 320 acres located in the SW ¼ Section 13 and SE ¼ Section 14; all in T96N-R63W.
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: March 1 – November 30.
3. The date from which applicant may claim right is February 2, 2005.
4. The date of approval of Permit No. 6583-3 is March 28, 2005.
5. One-fifth of the construction is to be completed on or before September 28, 2007.
6. All construction is to be completed on or before March 28, 2010.
7. Water is to be put to beneficial use on or before March 28, 2014.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The wells 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 wells authorized by Permit No. 6583-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Garland Erbele

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

APR 19 2005
date



(type or print in ink)

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FEB - 2 2005

WATER RIGHTS
PROGRAM

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 30 Depth appro 200
- b) Casing Type Plastic Diameter 16 Thickness
- c) Screen Type Plastic Diameter 16 Thickness
- d) Gravel Pack 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 3 to 4 miles On property owned by others 1.25 miles

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field)
- b) System Capacity (gallons) Year Constructed
- c) Connected to the City of Sanitary System

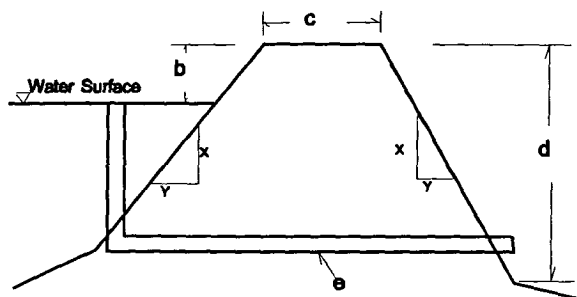
3. Dugout Information

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

4. 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.

- 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
- h) Surface Area of Impoundment
- i) Storage Acre Feet
- j) Drainage Area Above Dam Acres

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date FEBRUARY 2, 20 05

RECEIVED OF Gary Holzbauer, 39588 292 St., Wagner SD 57380

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

Fee for Application for Permit No. <u>6583-3</u> to Appropriate Water, to construct and to put water to beneficial use	325	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. <u>6583-3</u>	50	00
Fee for Filing Transfer Form _____		
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. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	375.00

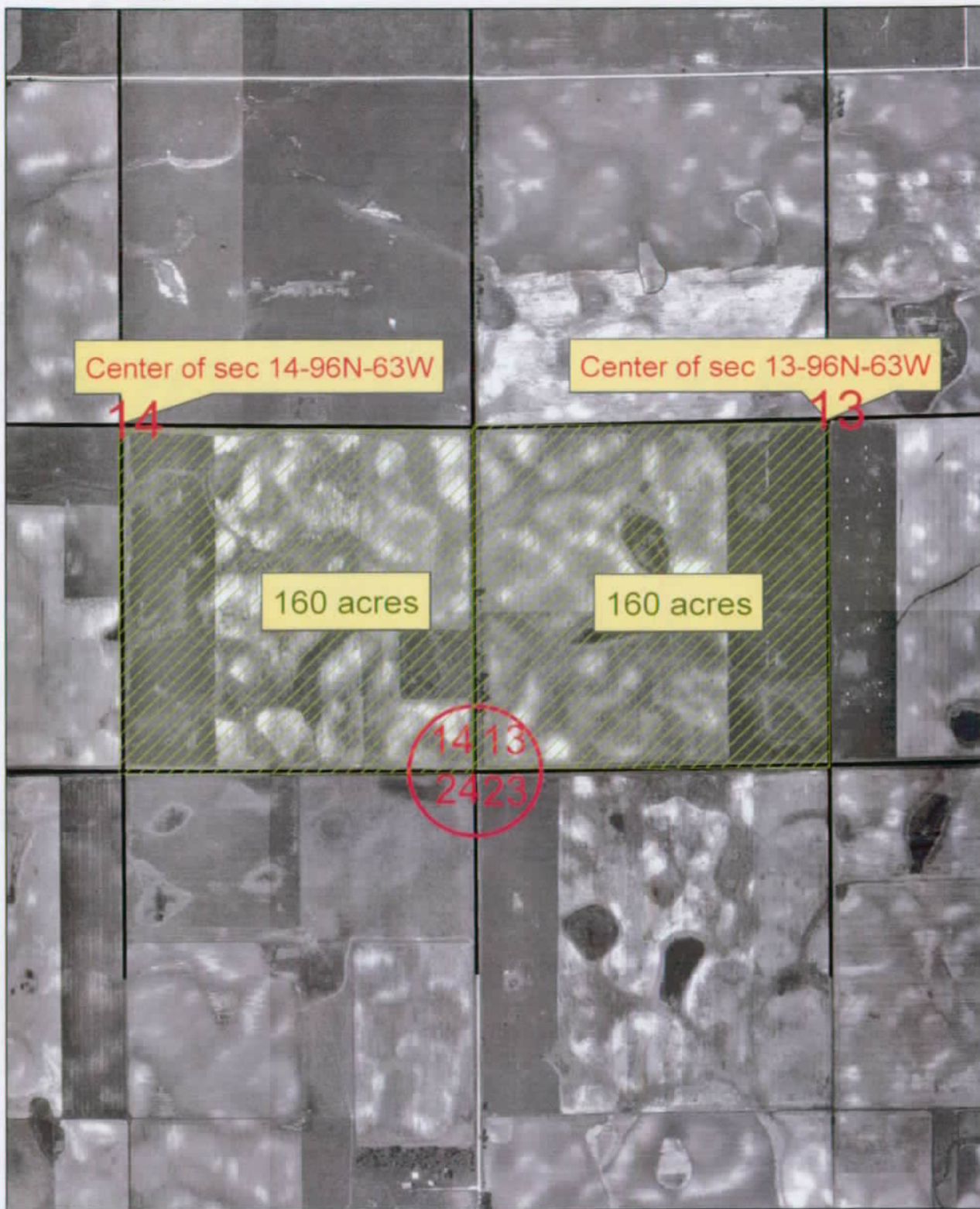
No. 000000

By Darland Erbe
Chief Engineer gm

Scale: 1 inch equals 1,136 feet

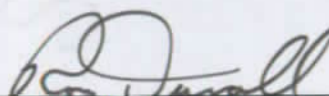
1,600

Feet



South Dakota
Department of Environment
& Natural Resources
Water Rights

Completed by:


Ron Duvall, Natural Resources Engineer
Water Rights Program

Diversion point(s) located using GeoExplorer II GPS

Date: February 2, 2005

6583-3

REPORT ON WATER PERMIT APPLICATION NO. 6583-3

For Gary Holzbauer

February 15, 2005

Application No. 6585-3 proposes to appropriate 4.57 cfs (2,050 gpm) from two wells approximately 200 feet deep located in the SW $\frac{1}{4}$ of section 13 to irrigate 320 acres located in the SW $\frac{1}{4}$ of section 13 and the SE $\frac{1}{4}$ of section 14; all in T96N R63W in Charles Mix County.

AQUIFER – CHOTEAU WEST (CH-W)

The Choteau West is a buried outwash (sand and gravel) and western stream deposits (Kume, 1977) that is under artesian conditions at this site. The aquifer underlies 169,600 acres and contains an estimated 1.225 million acre-feet of recoverable water in storage in Charles Mix County (Hedges, 1982). The aquifer extends into Douglas and Hutchinson Counties to the north and east, into Bon Homme County to the south and east and is hydraulically connected in the subsurface to both the Niobrara Formation and Codell sandstone. Both of the later formations are considered aquifers in this area. Ground water movement appears to be from the northwest to the southeast across the area of this application.

No test wells were drilled for this application. However, there is sufficient information available to evaluate this application. There are two test wells located in this immediate area. Observation well CM-72C is located within one half mile of the proposed well(s) and observation well CM-72B is located about one and one-quarter miles to the northwest of this site. This information along with the county study report all indicate the Choteau West aquifer should underlie this site and that a total well depth of about 240 feet would be reasonable.

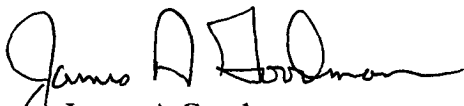
Water levels for the Choteau aquifer have been collected in this immediate area since 1972. The water levels respond quickly to pumping and will fluctuate as much as 46 feet under existing pumping conditions. Hydrographs for both observation wells CM-72B and CM-72C are included with this report. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2005). The aquifer appears to recharge and water levels do respond to climatic conditions and reflect overall effects of wet and dry years.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are five existing irrigation wells within a two mile radius of this application. The nearest existing irrigation well is under Water Right No. 5635-3 and is located about one and one-quarter miles west of this application. Interference will occur. That is drawdown created by pumping does extend that far and effects of pumping will overlap. However, this effect has not been adverse as shown by the observation well hydrographs. It may become necessary to lower pumps during drought periods when more pumping occurs thus creating more drawdown.

CONCLUSIONS

1. Water is available from the Choteau West aquifer.
2. The aquifer is confined and under artesian conditions. Additional drawdown will be created by these proposed wells. Interference will occur but this is not expected to be adverse. It may be necessary to lower pumps in area wells in order to maintain the amount of water needed.
3. These wells must be constructed in accordance with SD Well Construction Standards.
4. The water quality of the ground water in the Choteau aquifer is poor. Care needs to be taken when using this water for irrigation purposes. The applicant should consult an irrigation specialist concerning soil and water compatibility.

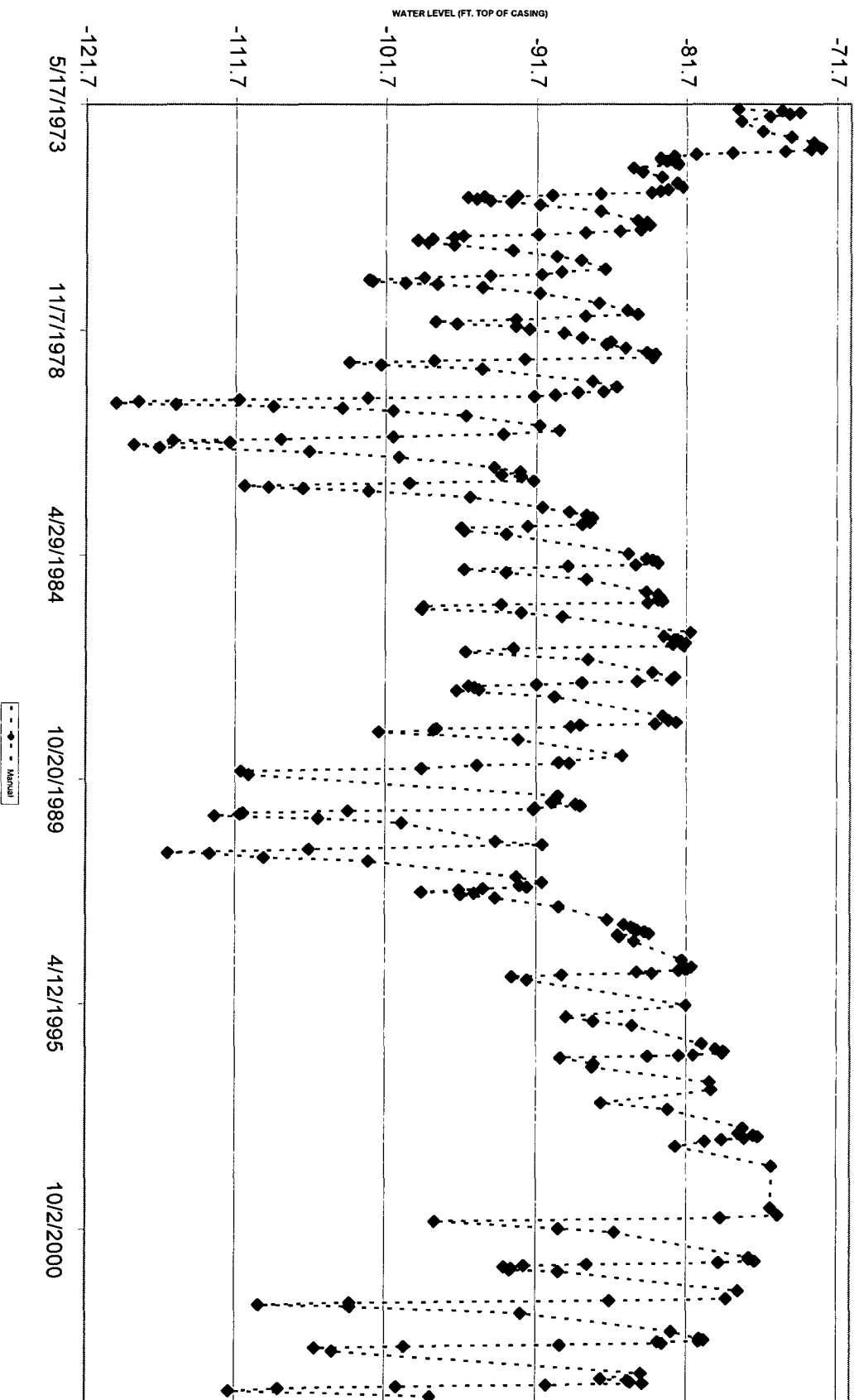


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

- Hedges, L.S., and others, 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.
- Kume, J., 1977, Geology and Water Resources of Charles Mix Counties, South Dakota, Part II Water Resources, Bulletin 22, SD DENR, SDGS, Vermillion, SD, 57069.
- Water Rights, 2005, Unpublished Observation Well Data for the Choteau Aquifer, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL
CM-72C



WATER LEVEL (FT. TOP OF CASING)

Legend: Manual

Y-axis labels: -50.6, -60.6, -70.6, -80.6, -90.6, -100.6, -110.6

X-axis labels: 4/25/1974, 10/16/1979, 4/7/1985, 9/28/1990, 3/20/1996, 9/10/2001

Manual



**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 PERMIT
APPLICATION NO. 6583-3, Gary Holzbauer**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 6583-3, Gary Holzbauer, 39588 292nd Street, Wagner SD 57380.

The Chief Engineer is recommending APPROVAL of Application No. 6583-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The wells 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 wells authorized by Permit No. 6583-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
February 28, 2005

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
 County of Charles Mix)

Jackie Beeson

certify that the attached printed Notice was
 taken

from the Wagner Post

printed and published in Wagner

County of Charles Mix and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

March 9, 2005

March 16, 2005

Cost of Printing \$ 46.94

Jackie Beeson
 (Signature)

Bookkeeper/Office
 (Title)

March 16, 2005
 (Date Signed)

Jan Woods
Notary Public

Public Notice**NOTICE OF APPLICATION
 NO. 6583-3 TO APPROPRIATE
 WATER**

Notice is given that Gary Holzbauer, 39588 292nd St., Wagner, SD 57380 has filed and application for a water permit to appropriate 4.57 cubic feet of water per second from two wells to be com-

pleted into the Choteau West Aquifer (approximately 200 feet deep) located in the SW 1/4 Section 13 to irrigate 320 acres located in the SW 1/4 Section 13 and SE 1/4 Section 14; all in T96N-R63W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6583-3 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.

In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommended must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, 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 March 28, 2005.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Pub. March 9, 16, 2005

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

March 1, 2005

Gary Holzbauer
39588 292nd Street
Wagner SD 57380-0187

Dear Mr. Holzbauer:

Water Permit Application No. 6583-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Wagner Post printed at Wagner, SD (Ph # 605-384-5616). You will need to contact the newspaper and authorize publication of this notice. 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 and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks. The newspaper has also 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

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

March 1, 2005

Wagner Post
PO Box 187
Wagner SD 57380-0187

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6583-3 to Appropriate Water to be published twice. Please publish the first notice on March 9, 2005 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Gary Holzbauer, 39588 292nd Street, Wagner SD (Ph # 605-384-5296).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 6583-3

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

Date _____

We are in receipt of your letter of March 1, 2005 enclosing Notice to Appropriate Water by Application No. 6583-3 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 9, 2005 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6583-3 to Appropriate Water

Notice is given that Gary Holzbauer, 39588 292nd St., Wagner SD 57380 has filed an application for a water permit to appropriate 4.57 cubic feet of water per second from two wells to be completed into the Choteau West Aquifer (approximately 200 feet deep) located in the SW ¼ Section 13 to irrigate 320 acres located in the SW ¼ Section 13 and SE ¼ Section 14; all in T96N-R63W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6583-3 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. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, 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 March 28, 2005.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



APR 19 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

Gary Holzbauer
39588 292nd St
Wagner SD 57380

Dear Mr. Holzbauer:

Enclosed is Water Permit No. 6583-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

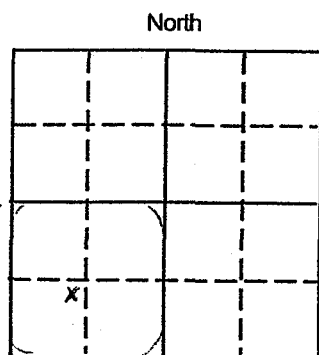
An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

enclosures

SOUTH DAKOTA WATER WELL COMPLETION REPORT

Location SW 1/4 SW 1/4 Sec 13 Twp 96 Rg 63County
Charles MixPlease mark well
location with an "X"Well Completion Date
6/8/2006

1 Mile

Distance to nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)

? ft. from (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Reverse Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	IN	FT	FT	IN
37.0	16.00	0.0	195.0	30.00

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
		Lb/gal	20.0 Ft	195.0 Ft
Bentonite		14.0		

Describe grouting procedure
Tremmie

SCREEN:

☒ Perforated pipe ☐ Manufactured
 Diameter 16.00 Inches Length 80.0 Feet
Material 26 SDR PVC CasingSlot Size .085 Set From 195.0 Feet to 275.0 Feet

Other information Gravel

WAS A PACKER OR SEAL USED?

☒ Yes ☐ No
If so, what material? ConcreteDescribe packer(s) and location
20' to Surface

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? HTH
☐ No, Why Not?
Lab sample sent to for
water quality analysisWell Owner: Gary Holzbauer

Business Name:

Address: 39588 292nd St.City, State, Zip: Wagner SD 57380

WELL LOG:

		DEPTH	
		FROM	TO
	FORMATION		
0	to	20	Top soil, clay with little embedded gravel
20	to	40	6' clay with rocks, 14' blue clay
40	to	60	Blue clay
60	to	80	11' blue clay, 9' blue clay with embedded sand
80	to	100	Blue clay, gravel with clay (91' Rock)
100	to	120	Blue clay with little rocks
120	to	140	Blue clay with some embedded gravel
140	to	160	Blue clay
160	to	180	Blue clay with thin streak of sand & gravel
180	to	200	17' blue clay, 3' medium sand
200	to	220	Medium sand
220	to	240	Medium sand with some coarse sand
240	to	260	10' med-coarse sand, 10' clay with thin layers
240	to	260	of sand 7 fine gravel
260	to	280	Black clay with embedded sand & thin layers
260	to	280	of sand
280	to	300	Soft silty sticky black clay

STATIC WATER LEVEL 95.0 FEET

If flowing: closed in pressure _____ PSI

GPM flow 900.0 through 8.62 Inch pipeControlled by ☐ Valve ☐ Reducers ☒ Other Sprinkler System

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe:☐ Bailed☐ Other

Pumping Level Below Land Surface

132.0 Ft. After 1.0 Hrs. pumped 700.0 GPM160.0 Ft. After 1.0 Hrs. pumped 1,400.0 GPMIf pump installed, pump rate: 900.0 GPM

REMARKS

This well was drilled under license # 273

And this report is true and accurate.

Drilling firm: Sargent Irrigation Co.

Signature of License Representative:

Sargent Irr. Co. B. Doh Schmitz

Signature of Well Owner or Equitable Property Holder

RECEIVED
JAN 19 2007

Date:

WATER RIGHT
PROGRAM

6-6-1

Permit No. 6583-3
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

I have this day, 7/20/2010, made a thorough examination of the water use system constructed by Gary Holzbauer of 39588 292nd Street, Wagner, SD 57380 holder of Permit No. 6583-3, bearing the priority of 02/02/2005 authorizing the diversion of 4.57 cfs of water of the Choteau-West aquifer for irrigation purposes, in Charles Mix County.

Inspection contact & relationship **Gary Holzbauer—Permit holder**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Sargent Irrigation Co.
- 2) No. of Wells 1
- 3) Depth(s) 275 feet
- 4) Well log is available Yes
- 5) Comment: well—log on file

Casing:

- 1) Diameter 16 inches
- 2) Length 195 feet
- 3) Type PVC

Screen:

- 1) Type Perforated Pipe
- 2) Length 80 feet
- 3) Static water level 95 feet

Pump:

- 1) Make Sargent
- 2) Model NEO-6 A 145
- 3) Size
- 4) Capacity 900 GPM

Motor:

- 1) Make US Motors
- 2) Model No. BF68
- 3) Horsepower rating 100 hp

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

- 1) Type aluminum & steel
- 2) Size 12 inches
- 3) Length 2720+30 feet

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Valley
- 2) Overall length ~1,380 feet
- 3) Number of towers 7
- 4) Distance between towers ~190 feet
- 5) End gun Yes
- 6) High or low pressure Low
- 7) Capacity 900 GPM

Chemigation Equipment:

- 1) Does chemigate No

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Yes
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes
- 3) Exceptions to compliance are: list
- 4)

The system is in good condition with the point of diversion located as follows: 1,320 feet east and 1,280 feet north of the SW corner of Section 13, Township 96 North, Range 63 West, lat/long N 43.12857 W -98.24329.

The works are capable of diverting and conveying to the place of use 2.0 cu. ft. per second of water of the Choteau

Report of Examination of Works

Permit No. 6583-3

West aquifer which is to be used for crop irrigation. Water has been put to beneficial use to the maximum extent as follows:

SE ¼ 132 acres Section 14
SW ¼ 132 acres Section 13

Township 96 North, Range 63 West

comprising a total of 264 acres of land and the license should be issued for 2.0 cfs.

All structures, wells and lands on map No—pipe from well location to the west pivot in Section 14 is not shown.

Comments or other permit(s) associated with the project: **This permit utilizes the same well and center pivot system for both acreages. Permit holder moves the center pivot system back and forth between the two sections. When the pivot is set up in the west section (section 14), water is pumped from the well in section 13 to the pivot.**



Hayes Haas
Engineer I
DENR, Water Rights Program

Date report completed: 4/1/2011

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6583-3**

(1) Gary Holzbauer, 39588 292nd St, Wagner SD 57380 made Application No. 6583-3, February 2, 2005 for a water permit to divert 4.57 cubic feet of water per second from ground water (two wells – Choteau West Aquifer), Charles Mix County, South Dakota for irrigation purposes. Permit No. 6583-3, with a priority date of February 2, 2005 was approved March 28, 2005 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 28, 2010 and for the application to beneficial use of said water on or before March 28, 2014.

(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 2.00 cubic feet of water per second for beneficial use.

The location of the diversion point is 1,320 feet east and 1,280 feet north of the SW corner of Section 13, T96N, R63W (approximate center of the SW ¼ Section 13).

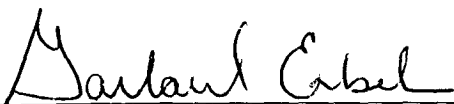
(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 13, T96N, R63W	SW ¼	132 acres
Section 14, T96N, R63W	SE ¼	132 acres
	Total	264 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Gary Holzbauer, 39588 292nd St, Wagner SD 57380 the holder and/or owner of Water Right No. 6583-3 is issued a license to appropriate water, the right to use 2.00 cubic feet of water per second from ground water (one well – Choteau West Aquifer) with a priority date of February 2, 2005 from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6583-3 and subject to the following qualifications:

- 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.
- The well authorized by No. 6583-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28 (*well completed in June 2006 by Sargent Irrigation Company, log is on file with the Water Rights Program*).
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



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

APR 27 2011

date





July 2010
Hayes Haas *Hayes Haas*
Natural Resources Engineer
Water Rights Program

1,300
Feet



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 27 2011

6583-3

Gary Holzbauer
39588 292nd St
Wagner SD 57380

Dear Mr. Holzbauer:

Enclosed is your Water License No. 6583-3. The water license is the final document which completes the process of obtaining a water right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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

enclosures



6583-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
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www.state.sd.us/denr

January 16, 2015

NOTICE

TO: GARY HOLZBAUER, 39588 292ND ST, WAGNER, SD 57380

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

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaire(s)

Our records indicate your 2014 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1619B-3 & 6583-3. The request for the Questionnaire was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 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) 1619B-3 & 6583-3 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 4, 2015** 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) 1619B-3 & 6583-3 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 4, 2015** 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182

January 22, 2015

1619B-3
6583-3

Gary Holzbauer
39588 292nd St
Wagner SD 57380

Dear Mr. Holzbauer:

I am writing to acknowledge receipt of your 2014 irrigation questionnaires.

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Right Nos. 1619B-3 and 6583-3. 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
email: genny.mcmath@state.sd.us