

WATER PERMIT NO. 6599A-3

Name of Applicant: Circle H Enterprise

Address: Box 877, Wagner SD 57380

Phone:

Amount of Water Claimed: 0.57 cfs

Total Acres: 40 acres

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation

County: Charles Mix

Type of Waste Disposal System: NA

Location: 2 miles north of Wagner

PRIORITY

Date Received: 11-15-10

Application/License Fee: \$100

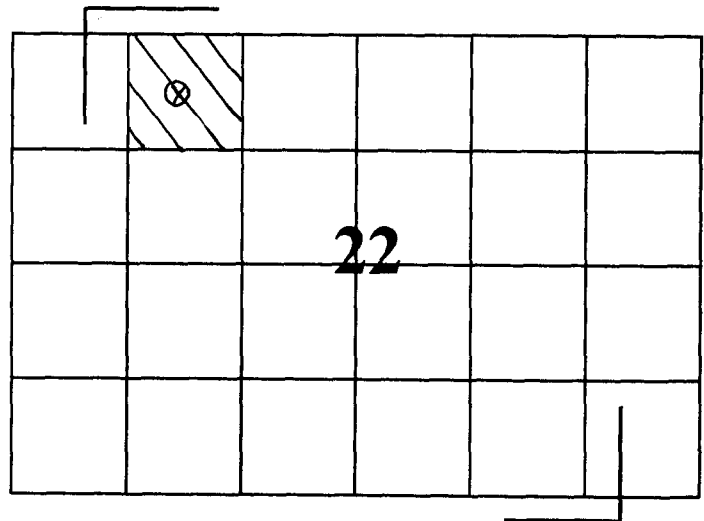
Corrected Application Received: 1-7-11

Period of Annual Use: April 1 – November 30

Remarks: Reinstatement of Water Permit No. 6599-3

Diversion Point: NW ¼ NW ¼ sec 22-T96N-R63W

Land to be Irrigated: NW ¼ NW ¼ Sec 22-T96N-R63W



Depth of Well: 200 feet deep

Well Driller:

Remarks:

Type of Map: aerial

Prepared by: Eric Gronlund

Reviewed and the Number Assigned on: 1-10-11

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

FORM 2: Application for irrigation in South Dakota

(type or print)

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>6599A-3</u> (office use only) Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u>
	Newspaper <u>Wagner Post PO Box 187</u>
	<u>605-384-5616</u> <u>57380</u>

RECEIVED

NOV 15 2010

WATER RIGHTS
PROGRAM

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.)

Reinstatement of Water Permit No. 6599-3

1. Name of Applicant Circle H Enterprise Phone _____
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address Box 877 Wagner SD 57380
(Address) (City) (State) (Zip Code)

2. Amount of water claimed 0.57 *CFS or **GPM ***AF Total Acreage 40
(*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

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Charles Mix
NW 1/4 NW 1/4 Section 22, T96N, R63W

5. County or counties where water will be used Charles Mix

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

7. List below each forty acre 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
NW 1/4 NW 1/4 Section 22, T96N, R63W	40		

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

Request for reinstatement of Water Permit No. 6599-3 pursuant to SDCL 46-2A-8.1. Well is completed but working to get adequate screen installed. Pump and pipe have been obtained.

STATE OF SOUTH DAKOTA)
County of Hughes) SS

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

I, Leo 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 Leo Holzbauer aka: Circle H Enterprise

Subscribed and sworn to before me this 12 day of November 20 10

[Signature]
Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 6599A-3**

Date of first receipt of application November 15, 2010.

Date of return to applicant for corrections, amendments or changes November 15, 2010.

Date of receipt of corrected application January 7, 2011.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6599A-3 to Circle H Enterprise, c/o Leo Holzbauer, Box 877, 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. 6599A-3 reinstates Water Permit No. 6599-3. Water Permit No. 6599-3 appropriates 0.57 cubic feet of water per second from one well completed into the Choteau West Aquifer (200 feet deep) located in NW ¼ NW ¼ Section 22 for irrigation of 40 acres located in the NW ¼ NW ¼ Section 22; all in T96N-R63W. Approval of Permit No. 6599A-3 cancels Water Permit No. 6599-3.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – November 30.
3. The date from which applicant may claim right is November 15, 2010.
4. The date of approval of Permit No. 6599A-3 is February 28, 2011.
5. One-fifth of the construction is to be completed on or before August 28, 2013.
6. All construction is to be completed on or before February 28, 2016.
7. Water is to be put to beneficial use on or before February 28, 2020.
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 well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 6599A-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 26 2011

date



Water Permit Application filed by Circle H Enterprise

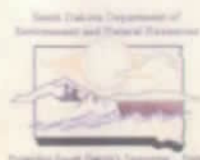


0 387 5 775 1,550 2,325 3,100 Feet

Well and irrigation acres are located in the NW 1/4 NW 1/4 Section 22, T96N, R63W



South Dakota



Eric Gronlund

Eric Gronlund, PE
Water Rights Program, DENR
based on representation by Leo Holzbauer

W599-3

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/7, 20 11

RECEIVED OF Circle H Enterprise I Holzbauer Po Box 877 Wagler SD 57380

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	100 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 <u>Reinstatement of 6599-3</u>		
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. _____	100 00	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	100 00

No.

04805

By

Harold E. Eide
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 2, 2010

Leo Holzbauer
Circle H Enterprise
Box 877
Wagner SD 57380

Dear Leo:

Please find enclosed partially completed forms to apply for reinstatement of Water Permit No. 6599-3. If you agree with what is printed all you have to do is sign the application in the presence of a notary public and submit the filing fee. The application filing fee for reinstatement is \$100. I have included a self addressed stamped envelope to return the complete application to DENR.

DENR is still looking into whether to have you come back to South Dakota for the December meeting. I'll keep you posted on this as we get closer to the meeting date.

Sincerely,

Copy

Eric Gronlund
Water Rights Program, DENR
605 773-3352

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 15, 2010

Leo Holzbauer
Circle H Enterprise
Box 877
Wagner SD 57380

Dear Leo:

Thank you for submitting the *Application for a Permit to Appropriate Water* for reinstatement of Water Permit No. 6599-3. As stated in our previous letter, the application filing fee will be \$100.00. I have included a self addressed stamped envelope for submitting the fee.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosure



**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. 6599A-3, Circle H Enterprise**

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. 6599A-3, Circle H Enterprise, c/o Leo Holzbauer, Box 877, Wagner SD 57380.

The Chief Engineer is recommending REINSTATEMENT of Water Permit No. 6599-3 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 well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 6599A-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 1, 2010

**Report on Water Permit Application No. 6599A-3
for Circle H Enterprise
January 20, 2011**

Application No. 6599A-3 proposes to reinstate Water Permit No. 6599-3. Water Permit No. 6599-3 appropriates 256 gallons per minute (0.57 cfs) from one well approximately 200 feet deep to be completed into the Choteau:West aquifer located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 22 to irrigate 40 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 22; all in T96N-R63W in Charles Mix County. The annual period during which water will be used is April 1 through November 30.

AQUIFER: Choteau:West (CH:W)

This report will address the availability of unappropriated water from the Choteau:West aquifer.

WATER AVAILABILITY

Aquifer Characteristics:

The Choteau West Aquifer is a buried outwash (sand and gravel) that is under confined conditions in the area of this application. The aquifer underlies 169,600 acres and contains an estimated 1.22 million acre-feet of recoverable water in Charles Mix County (Hedges, 1982). The aquifer extends into Douglas County to the north and into Bon Homme County to the south and east. The aquifer is hydraulically connected to the Niobrara aquifer and the Codell sandstone aquifer. Ground water movement is likely from northwest to southeast across the area of this application (Kume, 1977).

A partial well completion report was filed with the application; however there is a well located in the center of the NW quarter of Section 22 which is approximately 950 feet southwest of this location. That well serves as the diversion point for Water Permit No. 5635-3, which authorizes irrigation of 116 acres in Section 22 along with acreages in Sections 15 and 21. The well log for that well is presented in the Table 1 on the following page. The static water level for that well was reported as 39 feet below land surface.

Depth	Description
0-15	Clay & rock @12 feet
15-30	Clay
30-45	Blue clay
45-65	clay
65-75	coarse sand fine gravel rock @ 72 feet
75-100	gravel
100-101	clay
101-105	coarse sand
105-109	gravel
109-115	clay
115-120	fine to medium gravel
120-125	gravel
125-135	sandy clay & coarse sand & some gravel
135-150	coarse sand, some clay layers
150-155	clay
155-165	coarse sand to fine gravel
165-180	coarse sand, some fine gravel
180-210	coarse sand to fine gravel
210-225	coarse sand to fine gravel, some rocks
225-240	fine gravel
240-270	coarse sand
270-285	med to coarse sand
285-300	med sand

Table 1. Well Log from Well Completion Report for Water Permit No. 5635-3, approximately 950 feet from this application location (Water Rights, 2011).

Observation Well Data:

The Water Rights Program monitors three observation wells completed into the Choteau:West located within two miles of the application location. Observation wells and their respective locations are as follows: CM-72B-less than 1.5 miles northeast, CM-72C-less than two miles east, CM-80D-just over one mile west. Water levels for these wells show good response to climatic conditions, that is, rising water levels during wet years and gradually declining water levels during dry years. Hydrographs for these observation wells are included with this report.

Hydrographs for the observation wells show a pronounced response to area pumping. Interference is expected to occur.

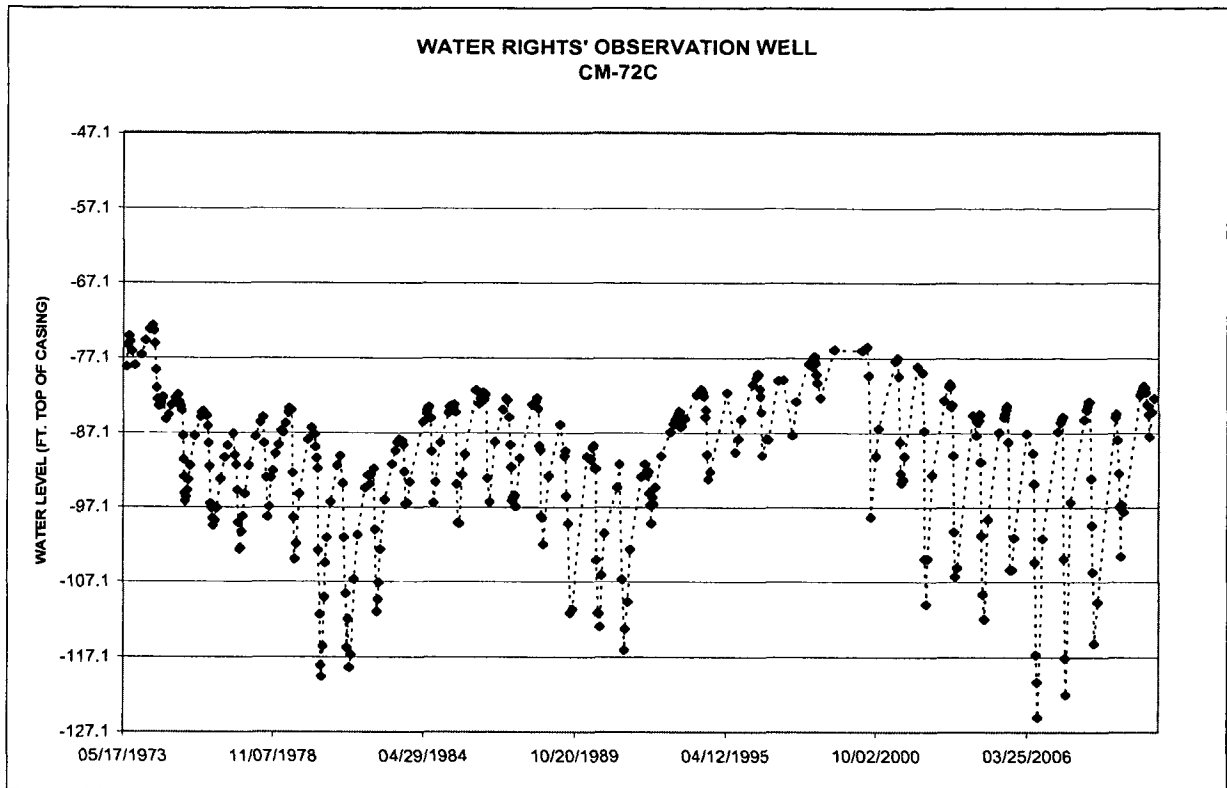


Figure 1. Hydrograph for Water Rights Observation Well CM-72C, completed into the Choteau:West Aquifer within two miles of 6599A-3

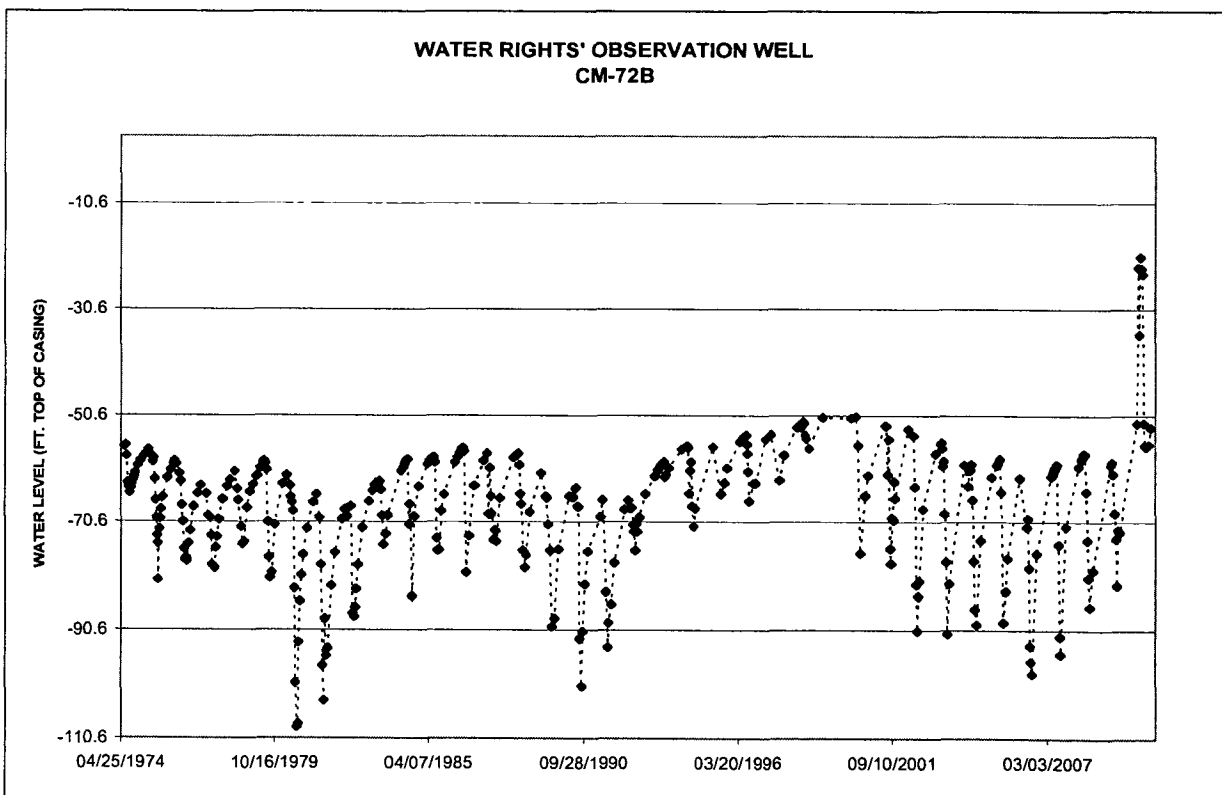


Figure 2. Hydrograph for Water Rights Observation Well CM-72B, completed into the Choteau:West Aquifer within two miles of 6599A-3

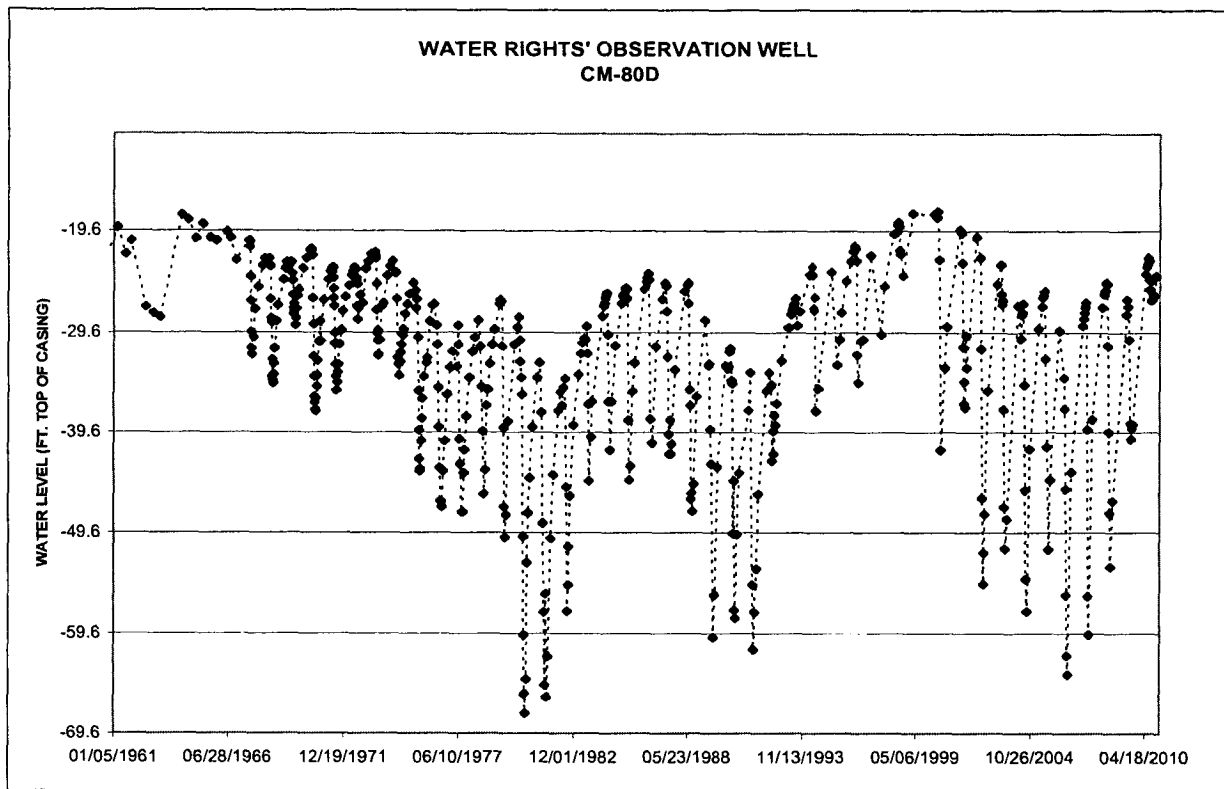


Figure 3. Hydrograph for Water Rights Observation Well CM-80D, completed into the Choteau:West Aquifer just over a mile west of 6599A-3

In general, the hydrographs show that over the period of record, withdrawals have not exceeded recharge.

Review of Existing Water Permits/Rights/Water Use:

There are eight existing water permits within two miles of the application location. The nearest existing permit is located less than three quarters of a mile to the northwest. Interference should not be a problem.

In 2009, there were 60 permits to withdraw water from the Choteau aquifer. The amount appropriated was 27,710.12 acre-feet and the reported water use was 2,194.94 acre-feet (Water Rights, 2011).

Conclusions:

1. Water is available from Choteau:West aquifer.
2. The aquifer appears to be under confined conditions at this location. Wells completed into the Choteau:West in this area behave as if they are under water table conditions. Interference will occur but is not expected to be adverse.

3. If the well covered by this permit depletes the domestic supplies or interferes with prior water rights, restrictions or other arrangements may be required to protect these water supplies.
4. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.
5. The application indicates that irrigation will occur in the NW ¼ NW ¼ of Section 22, T96N R63W on approximately 40 acres. This does not appear to be possible because a farm (house, buildings, corrals, etc.) is located there.
6. If Permit No. 6599A-3 is approved; Permit No. 6599-3 will be canceled.



Hayes Haas
Natural Resources Project Engineer

Bibliography:

Hedges, L.S. et al, 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, for the U.S. Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD 57069

Jorgensen, D.J., 1971, Geology and Water Resources of Bon Homme County, South Dakota, Part II Water Resources, Bulletin 21, SD DENR, SDGS, Vermillion, SD 57069.

Water Rights, 2011, Unpublished Observation Well Data for the Choteau: West Aquifer, Water Permit Files, and Irrigation Records SD DENR, DES, Water Rights Program, Pierre, SD, 57501

RECEIVED

MAR - 4 2011

WATER RIGHTS
PROGRAM

Affidavit of Publication

STATE OF SOUTH DAKOTA)

)SS

COUNTY OF CHARLES MIX)

Kim Johnson, of said County and State being first duly sworn on her oath says: That *The Wagner Post* is a legal newspaper of general circulation, printed and published in Wagner, in said County and State, by Kim Johnson, and has been such newspaper during the time herein mentioned; and that I, Kim Johnson, the undersigned, am office manager of said newspaper in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit; a printed copy of which is hereunto attached, was printed and published in the regular and entire issue of said newspaper and not in supplement, once each week for 2 successive weeks.

1st publication made on 9 day of Feb, 2011

2nd publication made on 16 day of Feb, 2011

3rd publication made on _____ day of _____, 2011

4th publication made on _____ day of _____, 2011

5th publication made on _____ day of _____, 2011

That said newspaper is a legal newspaper, and has a bonafide circulation of more than two hundred copies weekly, and has been published within the County of Charles Mix for more than fifty-two successive weeks prior to the first publication of said notice, and is printed in an office maintained in Wagner, South Dakota, the place of publication of said newspaper. That the full amount of the fee for the publication of the annexed notice is

\$ 49.38

Kim Johnson

Subscribed and sworn before me this 3rd day
of March, 2011.

Daniel Peters

Notary Public

My commission expires 10/22/16

Public Notice

Notice is given that Circle H Enterprise, Box 877, Wagner SD 57380 has filed an application to reinstate Water Permit No. 6599-3. Water Permit No. 6599-3 appropriates 0.57 cubic feet of water per second from one well completed into the Choteau West Aquifer (200 feet deep) located in NW ¼ NW ¼ Section 22 for irrigation of 40 acres located in the NW ¼ NW ¼ Section 22; all in T96N-R63W. The permit was approved May 23, 2005, and the project was to be completed May 23, 2010, with water being put to beneficial use by May 23, 2014. Application No. 6599A-3 proposes to reinstate Water Permit No. 6599-3 since the project has not been completed. Approval of Permit No. 6599A-3 will cancel Water Permit No. 6599-3.

Application No. 6599A-3 to reinstate No. 6599-3 is made pursuant to SDCL 46-2A-8.1 which allows for reinstatement with a new priority date, if unappropriated water is available, when construction necessary to put water to beneficial use is not completed within five years of approval of the permit.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends reinstatement of Permit No. 6599-3 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 this 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 this 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 address is "Water Tights Program, Foss Building, 523 E. Capitol, Pierre SD 57501 (605 773-3352)" and the applicants mailing address is given above. A petition filed by either an interested person or the applicant must be filed by February 28, 2011.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing for 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.

Published twice at the total approximate cost of \$49.37

Pub: February 9, 16, 2011



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 2, 2011

Wagner Post
PO Box 187
Wagner SD 57380

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6599A-3 to Appropriate Water to be published twice. Please publish the first notice on February 9, 2011 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 Circle H Enterprises, c/o Leo Holzbauer, PO Box 877, Wagner SD 57380 (Ph # 605-384-3350).

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. 6599A-3

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

Date _____

We are in receipt of your letter of February 2, 2011 enclosing Notice to Appropriate Water by Application No. 6599A-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**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.

February 2, 2011

Circle H Enterprises
Leo Holzbauer
PO Box 877
Wagner SD 57380

Dear Mr. Holzbauer:

Water Permit Application No. 6599A-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 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
eric.gronlund@state.sd.us

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.

Instruction to Newspaper - Publish first Notice on February 9, 2011 with the second publication 7 days later. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NO. 6599A-3
to Reinstate Water Permit No. 6599-3

Notice is given that Circle H Enterprise, Box 877, Wagner SD 57380 has filed an application to reinstate Water Permit No. 6599-3. Water Permit No. 6599-3 appropriates 0.57 cubic feet of water per second from one well completed into the Choteau West Aquifer (200 feet deep) located in NW ¼ NW ¼ Section 22 for irrigation of 40 acres located in the NW ¼ NW ¼ Section 22; all in T96N-R63W. The permit was approved May 23, 2005, and the project was to be completed May 23, 2010, with water being put to beneficial use by May 23, 2014. Application No. 6599A-3 proposes to reinstate Water Permit No. 6599-3 since the project has not been completed. Approval of Permit No. 6599A-3 will cancel Water Permit No. 6599-3.

Application No. 6599A-3 to reinstate No. 6599-3 is made pursuant to SDCL 46-2A-8.1 which allows for reinstatement with a new priority date, if unappropriated water is available, when construction necessary to put water to beneficial use is not completed within five years of approval of the permit.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends REINSTATEMENT of Permit No. 6599-3 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 this 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 this 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 February 28, 2011.

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.

Published twice at the total approximate cost of _____.



**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 26 2011

Circle H Enterprise
Leo Holzbauer
PO Box 877
Wagner SD 57380

Dear Mr. Holzbauer:

Enclosed is Water Permit No. 6599A-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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 22, 2020

6599A-3

Ryan Holzbauer
27110 413th Ave
Dimock SD 57331

Dear Mr. Holzbauer:

I am contacting you regarding Water Permit No. 6599A-3 listed under Circle H Enterprise. Leo recently let us know he had sold that land to you.

Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change. Please review and complete as needed. Upon completion, please sign and return the form to our office with a required filing fee of \$50. The check or money order for the fee can be made payable to the Water Rights Program.

I have included a copy of the water permit for your records. Please note Qualification No. 3 on the permit. The annual irrigation questionnaire will be mailed to you each October. During the irrigation season, you will want to keep track of the hours per month the system runs in order to be able to report the information.

If you have any questions concerning the permit or completion of the transfer form, let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Genny McMath". The signature is fluid and cursive, with the first name "Genny" and last name "McMath" clearly distinguishable.

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

enclosures

6599A-3

RECEIPT**WATER RIGHTS PROGRAM**

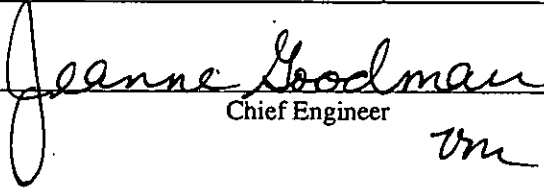
South Dakota Department of Environment and Natural Resources

Date February 14, 2020RECEIVED OF J & R Cattle LLC PO Box 400 Parkston SD 57366

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$
Fee to retain Future Use Permit No. _____ after period of seven years.	\$
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$
Fee for Filing Transfer Form <u>6599A-3</u>	\$50.00
Fee for _____	\$
Fee for Issuing New Well Driller's License No. _____	\$
Fee for Renewal of Well Driller's License No. _____	\$
Fee for Issuing Well Pump Installer's License No. _____	\$
Fee for Renewal of Well Pump Installer's License No. _____	\$
(Any Other Work Provided by Law)	TOTAL
	\$50.00

By



 Chief Engineer
 

NOTICE OF TRANSFER OF OWNERSHIP

PAID

FEB 14 2020

Ck# 3473

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

RECEIVED

FEB 14 2020

WATER RIGHTS
PROGRAM

No. 6599A-3

Date: _____

I/We request that Water Permit No.

6599A-3

formerly owned by: Circle H Enterprise, Leo Holzbauer

be transferred to: (name & address)

JTR cattle, LLC
Ryan & Sadie Holzbauer

803 S Ben Street

Parkston SD 57366

Telephone No. 605-928-7771

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

NW 1/4 NW 1/4 Section 22, T96N, R63W

I/We understand that the validity of Water Permit No. 6599A-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Ryan Holzbauer, the new owner, certify that the above information is true and correct.


(Signed by new owner)

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

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



OFFICE OF THE SECRETARY OF STATE

STEVEN J. BARNETT, SECRETARY OF STATE

JASON LUTZ, DEPUTY SECRETARY OF STATE

Filing Information

Name: **J & R CATTLE, LLC**

General Information

SOS Business ID **FL004633**
Filing Type: Limited Liability Company - Foreign
 06/29/2009
Status: Good Standing
Duration Term: Perpetual
Managed By: Member-Managed

Registered Agent Address

RYAN J. HOLZBAUER
 803 S BEN STREET
 PARKSTON, SD 57366

Principal Address

803 S BEN ST
 PARKSTON, SD 57366

The following document(s) was/were filed in this office on the date(s) indicated below:

Date Filed	Filing Description	Image #
05/10/2019	2019 Annual Report	B0099-0845
05/08/2018	2018 Annual Report	B0061-8152
09/18/2017	2017 Annual Report	B0040-2311
06/15/2016	2016 Annual Report	
06/18/2015	2015 Annual Report	
06/02/2014	2014 Annual Report	
06/28/2013	2013 Annual Report	
07/25/2012	2012 Annual Report	
06/23/2011	2011 Annual Report	
06/29/2010	2010 Annual Report	
06/29/2009	Initial Filing	FL004633



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 19, 2020

6599A-3

Ryan & Sadie Holzbauer
J & R Cattle LLC
PO Box 400
Parkston SD 57366 0400

Dear Mr. & Mrs. Holzbauer:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Permit No. 6599A-3.

The ownership change has been completed. Permit No. 6599A-3 formerly held by Leo Holzbauer dba Circle H Enterprise is now listed under "**Ryan & Sadie Holzbauer dba J & R Cattle LLC.**"

Enclosed for your records is a receipt for the filing fee. I have also included an old irrigation questionnaire that Leo had sent in for 2015. The forms are mailed out each October and are due back by December 1st each year. I wrote a note on the back of the form for you. The form was changed slightly in 2019 to require total hours pumped instead of days and average hours. It seems easier for irrigators to report.

If you have any questions please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Genny McMath". The signature is fluid and cursive, with the first name "Genny" being more prominent.

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

enclosures