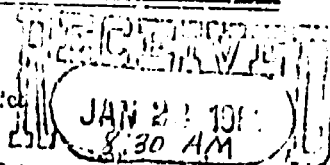


No. 526-1Water Division No. 1 Moreau River District
(Blanks to be filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT To appropriate Water within the State of South Dakota

(NOTE—Draw a line through items not applicable.)

1. Name of applicant Eldred Robt KOLB
 Postoffice address BISON, SR 2, Box 434, County PERKINS, State S. DAK.

1. If ~~a corporation~~ _____
- (a) Name of same _____
- (b) Date and place of incorporation _____
- (c) Amount of capital stock _____
- (d) Amount paid in _____
- (e) Names and addresses of directors _____

(NOTE—A certified copy of articles of incorporation must accompany the application.)

- II. Method of accomplishing the work and financial resources of the applicant:
- (a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)
Direct labor
- (b) Cash on hand, \$ _____ (c) Treasury stock, \$ _____
- (d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion work RUDOLF'S HEADACHE #1
3. Amount of water claimed 2.69 cubic feet per second or 565.2 acre feet
4. Source of water supply ANTELOPE CREEK
5. Location of point of diversion SEE REMARKS
- _____ on _____ bank _____ County.

6. Annual period or periods during which water is to be used YEAR AROUND

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Gravity

(a) Number of acres to be irrigated 184.4 acres.

(b) Legal subdivisions to be irrigated SEE REMARKS

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction of an acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

(c) Statement as to domestic use (giving location, etc.) _____

II. Stockwatering, ~~mining~~, ~~milling~~, ~~power~~, ~~fish culture~~, ~~fire protection~~ and ~~public recreation~~:

(a) Nature of use _____
 Name any of the above uses claimed

(b) Amount of power to be generated _____ horse power.

Amount claimed for engine cooling _____

(c) Location of plant _____

(d) Method of developing power _____

(e) Point where water will be returned to stream _____

MAP NO 444-1

8. Estimated cost of work:

(a) Head Gates, \$-----

DONE

(b) Pumping plant, \$-----

(c) Fluming, \$-----

(d) Canal-earth, \$-----

Rock, \$-----

(e) Other structures ----- \$-----

Total, \$-----

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

Dam, plugs, and dikes.

II. Dimensions of works.

(a) Dam: Height ----- feet; length at bottom ----- feet; length at top ----- feet; thickness at bottom ----- feet; thickness at top ----- feet; slope at front water face -----; slope at back face ----- material used in construction -----

(b) Reservoir: Capacity when filled ----- acre feet. Surface area at highwater mark ----- acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	FEET ACRE-Feet CAPACITY

(c)* Head gate: Width ----- feet; height ----- feet; Material -----

(d) Canal: Total length ----- miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work ----- 0 ----- years.

11. Time required for complete application of water to the proposed beneficial use ----- 0 ----- years.

12. Choice of newspaper for publication of notice of intention to appropriate -----

BISON COURIOR BISON S. DAK.

STATE OF SOUTH DAKOTA

County of PERKINS

} ss.

I, RUDOLF KOLB

being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed

Rudolf Kolb

Subscribed and sworn to before me this

18

day of

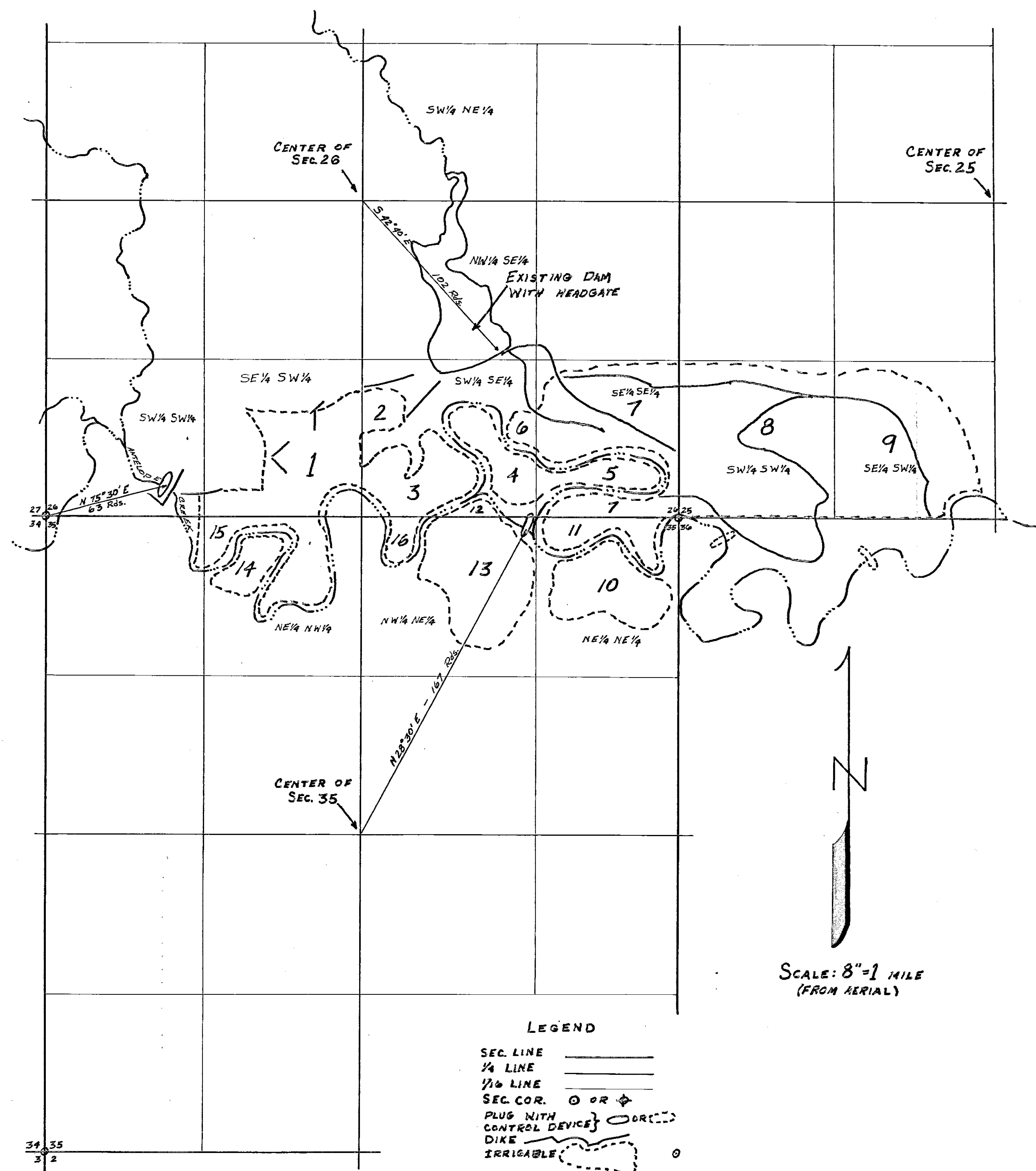
January

1961

My commission expires 12/7/68

James B. Barry
Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.



RUDOLF'S HEADACHE #1

ALL LANDS DESCRIBED ARE OWNED BY RUDOLF KOLB.

SURVEYOR'S CERTIFICATE

STATE OF SOUTH DAKOTA } ss
COUNTY OF MEADE

I, Meric D. Giegar, Registered Land Surveyor, do hereby certify that this map was made from field notes and aerial photographs of the area and that to the best of my knowledge it correctly represents the lands involved and the locations indicated.

IN WITNESS WHEREOF I have hereunto set my hand and official seal this 18th day of January, 1961.

Meric D. Giegar
Registered Land Surveyor #1007

STATE OF SOUTH DAKOTA } ss
COUNTY OF MEADE

On this 18th day of January, 1961, before me, James B. Kinney, the undersigned officer, personally appeared Meric D. Giegar, known to me to be the person whose name is subscribed to the above written instrument and acknowledged that he executed the same for the purpose therein contained.

IN WITNESS WHEREOF I have hereunto set my hand and official seal.

My commission expires 12/7/68 *James B. Kinney*
James B. Kinney, Notary Public

LOCATION OF LAND TO BE IRRIGATED					
AREA	LOCATION	SEC.	T. & R.	RANGE	ACRES
1	SE 1/4 SW 1/4	26	16N	12E	19.1
2	SW 1/4 SE 1/4	26	16N	12E	3.0
3	SW 1/4 SE 1/4	26	16N	12E	10.1
4	SW 1/4 SE 1/4	26	16N	12E	6.5
5	SE 1/4 SE 1/4	26	16N	12E	4.5
6	SW 1/4 SE 1/4	26	16N	12E	1.5
7	SE 1/4 SE 1/4	26	16N	12E	24.5
8	SW 1/4 SW 1/4	25	16N	12E	38.4
9	SE 1/4 SW 1/4	25	16N	12E	29.1
10	NE 1/4 NE 1/4	35	16N	12E	11.1
11	NE 1/4 NE 1/4	35	16N	12E	5.5
12	SW 1/4 SE 1/4	26	16N	12E	0.8
13	NE 1/4 NE 1/4	35	16N	12E	18.2
14	NE 1/4 NW 1/4	35	16N	12E	4.0
15	NE 1/4 NW 1/4	35	16N	12E	10.0
16	NW 1/4 NE 1/4	35	16N	12E	2.1

TOTAL 188.4

Remarks by State Water Resources Commission:

"Vested right Claimed"

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Pierre, South Dakota, August 18, 1961

This is to certify that the foregoing application was received by the Commission at 8:30 o'clock
a.m. upon the 23rd day of January, 1961.

State Water Resources Commission

By:

Burton Z. Jones
Chief Engineer, Executive Officer

Number of permit 526-1

Date of first receipt of application JANUARY 23, 1961

Date of return to applicant for correction, amendments or charges required as follows: _____, 19____

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right 1935, 19____

Approved August 18, 1961, Recorded in Book 6 Page 321

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is ~~to be completed on or before~~ _____

2nd. The whole of said work is ~~to be completed on or before~~ _____

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is

completed, 19____

4th. The water appropriated shall be used for the purpose of irrigation

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 2.67 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water ~~is~~ ^{was} actually

and beneficially applied for irrigation on or before June 30, 1955; said water to be used during the following described annual period.

whenever available

Witness my hand this 18th day of August, 1961

State Water Resources Commission

By:

John H. Jones
Chief Engineer, Executive Officer

Certificate of Construction Issued August 18, 1961

Water License Issued August 18, 1961

Remarks by the Applicant:

POINTS OF DIVERSION ARE AS FOLLOWS:

S42°40'E 102 Rds. from Center of Sec. 26
N28°30'E 167 Rds. from Center of Sec. 35
N75°30'E 63 Rds. from SW Cor. of Sec 26

LOCATION OF LAND TO BE IRRIGATED					
AREA	LOCATION	SEC.	T'SHP.	RANGE	ACRES
1	SE-SW	26	16N	12E	19.1
2	SW-SE	26	16N	12E	3.0
3	SW-SE	26	16N	12E	10.1
4	SW-SE	26	16N	12E	6.5
5	SE-SE	26	16N	12E	4.5
6	SW-SE	26	16N	12E	1.5
7	SE-SE	26	16N	12E	24.5
8	SW-SW	25	16N	12E	38.4
9	SE-SW	25	16N	12E	29.1
10	NE-NE	35	16N	12E	11.1
11	NE-NE	35	16N	12E	5.5
12	SW-SE	26	16N	12E	0.8
13	NW-NE	35	16N	12E	18.2
14	NE-NW	35	16N	12E	4.0
15	NE-NW	35	16N	12E	10.0
16	NW-NE	35	16N	12E	2.1
					TOTAL 188.4

Landowner has in his possession several recorded Location Notices including one dated March 6, 1940 for all of Sec. 26 (4 cu. ft./sec) and parts of Sec. 25 dated in July of 1951 for 3.8 cu.ft./sec.

Mr. Kolb has been developing this since 1935 and has been awarded several commendations for soil conservation and water usage.

Period of use is given as year around because the plugs are used to accumulate water throughout the winter.

Address any Engineering corrections to;

GIGEAR SURVEYING
1054 PARK ST.
STURGIS S. DAK.

LOCATION OF LAND TO BE IRRIGATED					
AREA	LOCATION	SEC.	T'SHP	RANGE	ACRES
1	SE ⁴ SW ⁴	26	16 N	12 E	19.1
2	SW ⁴ SE ⁴	26	16 N	12 E	3.0
3	SW ⁴ SE ⁴	26	16 N	12 E	10.1
4	SW ⁴ SE ⁴	26	16 N	12 E	6.5
5	SE ⁴ SE ⁴	26	16 N	12 E	4.5
6	SW ⁴ SE ⁴	26	16 N	12 E	1.5
7	SE ⁴ SE ⁴	26	16 N	12 E	24.5
8	SW ⁴ SW ⁴	25	16 N	12 E	33.4
9	SE ⁴ SW ⁴	25	16 N	12 E	29.1
10	NE ⁴ NE ⁴	35	16 N	12 E	11.1
11	NE ⁴ NE ⁴	35	16 N	12 E	5.5
12	SW ⁴ SE ⁴	26	16 N	12 E	0.8
13	NW ⁴ NE ⁴	35	16 N	12 E	18.2
14	NE ⁴ NW ⁴	35	16 N	12 E	4.0
15	NE ⁴ NW ⁴	35	16 N	12 E	10.0
16	NW ⁴ NE ⁴	35	16 N	12 E	2.1
				Total	188.4

STATE OF SOUTH DAKOTA

WATER LICENSE No. 526-1

WHEREAS, On the 23rd day of January A. D. 1961
Rudolph Kolb

of Bison County of Perkins and State of
South Dakota duly made application (No. 526-1) to us for vested right 2.69
cubic feet per second of the waters of Antelope Creek
County of Perkins, State of South Dakota, for irrigation
purposes; and

WHEREAS, On the 18th day of August A. D. 1961
vested right recognizing
/Permit No. 526-1 was issued to said applicant... for the diversion of said water ~~for the purpose of~~
completion of the works of diversion therein described ~~as follows:~~
~~XXXXXX~~ and ~~XXXX~~ application to beneficial use of said
water ~~XXXXXX~~ ~~XXXX~~ ~~XXXXXX~~
and,

WHEREAS, On the 23rd day of January A. D. 1961
the holder... of said permit duly made proof of the completion of adequate works for the diversion of 2.69
cubic feet per second of said waters, as evidenced by our Certificate No. 526-1
dated August 18, 1961 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 2.69 cubic feet per second of water, with date of
priority of 1935 and,

WHEREAS, On the 23rd day of January A. D. 1961
proof was duly made of the application to beneficial use of 2.69 cubic feet per second of said water;
to be used for irrigating 188.4 acres in Sections 25, 26 and 35,
T15N, R12E

NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota,
 We hereby grant and confirm to **Rudolph Kolb**
 of **Bison** **vested right** the holder and owner of said permit No. **526-1**
 a water right, dating from **1935** to the use of **2.69**
 cubic feet per second of the waters of **Antelope Creek**
 in the County of **Perkins** and State of South Dakota, or so much thereof as may be
 necessary for the purposes hereinafter mentioned, to be diverted at **points in the SW $\frac{1}{4}$ and**
NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 26, and NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 35, T16N, R12E
 and conducted to and upon **portions of Sections 25, 26 and 35, T16N, R12E, more**
specifically described in the Certificate of Completion of Works
 for the purpose of **irrigation**

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the
 State, and subject, also to the local or community customs, rules and regulations which have been or may be
 adopted from time to time by a majority of the users from a common source of supply, canal or lateral from
 which such water may be taken, when such rules and regulations have for their object the economical use of such
 water.

WITNESS, My hand and seal of our office at Pierre, South Dakota,
 this **18th** day of **August** A. D. Nineteen
 Hundred and **sixty-one**

State Water Resources Commission

By:

Chief Engineer, Executive Officer
J. W. GRIMES

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ page _____

Permit No. 526-1Water Division No. 1 Moreau River Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Rudolf Kolbof Bison, County of Perkins, and State of South Dakota, the holder of Permit No. 526-1, issued upon ApplicationNo. 526-1, bearing date of priority of 1935, authorizing the diversion of2.69 cu. ft. per second of the waters of Antelope CreekCounty of Perkins, State of South Dakota, at points in theSW $\frac{1}{4}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 26, and NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 35, T16N, R12Efor irrigationpurposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of **recognized as**completion of the works of diversion set out and described in said Permit; that said works are ~~XXXX~~ in satisfactory~~condition~~ for diverting and conveying to the place of intended use 2.69 cu. ft.

per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows,

to-wit: all in T16N R12ESection 25 SW $\frac{1}{4}$ SW $\frac{1}{4}$ 38.4 acresSE $\frac{1}{4}$ SW $\frac{1}{4}$ 29.1 acresSection 26 SW $\frac{1}{4}$ SE $\frac{1}{4}$ 21.9 acresSE $\frac{1}{4}$ SW $\frac{1}{4}$ 19.1 acresSE $\frac{1}{4}$ SW $\frac{1}{4}$ 29.0 acresSection 35 NE $\frac{1}{4}$ SE $\frac{1}{4}$ 16.6 acresNW $\frac{1}{4}$ NE $\frac{1}{4}$ 20.3 acresNE $\frac{1}{4}$ NW $\frac{1}{4}$ 14.0 acres188.4 acresWitness my hand this 18th day of August A. D. 1961

State Water Resources Commission

By

Chief Engineer, Executive Officer
J. W. GRIMES

Location No.

Water Division No. Water District

Proof of Application of Water to Beneficial Use**PETITION OF HOLDER**

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Erdolf Kolb, Rancher, Bison, S. Dak.

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent,) your position with reference to same, and your authority for appearing in its behalf.

Ans. _____

Ques. 3. State date of posting and date of recording notice of appropriation.

Ans. See REMARKS SECTION ON FORM 2

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Antelope Creek - S 42° 40' E 102 Rds from Cen. of Sec. 26 - N 28° 30' E
167 Rds from Cen. Sec. 26 - N 75° 30' E 63 Rds from SW Cor. of Sec. 26

Ques. 5. Describe your works of diversion giving length and height of each dam and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use, and date of completion of same.

Ans. _____

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

Ans. Water Spreading - List enclosed.

Ques. 7. If for other than irrigation purpose, state how applied, amount, of horse power generated, etc.

Ans. _____

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. 2.69 cfs/sec or 565.2 Acre F.T.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. _____

Ques. 10. State when, how, in what amount and to what extent, the water diverted under above mentioned permit has been used.

Ans. This water spreading system was put
into use in 1925 and has been used to
a full extent of the water available
then until the present

(Sign) Rudolf Koller

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Sturgis, County of Meade

State of South Dakota, on this 18th day of JANUARY A. D. 1961

Witnessed,

John D. Binnick - Notary Public
My Commission Expires 12/1/61

I, the undersigned, do hereby certify that I am a duly qualified elector residing in the immediate vicinity of the diversion works designated in the foregoing testimony, that I have no interest in the works, water or land above described, that I have read the foregoing testimony and that I know of my own personal knowledge that the matters therein stated are true.

A. O. Reuniger
Christ Becker

Location No. _____	PROOF OF APPLICATION OF WATER TO BENEFICIAL USE	PETITION OF HOLDER	Amount of Water _____ c. f. s.	Source _____	County _____	Purpose _____	Place of Use _____	Date of recording _____	Received and filed _____
--------------------	--	--------------------	--------------------------------	--------------	--------------	---------------	--------------------	-------------------------	--------------------------

May 22, 1962

Mr. Rudolf Kolb
Bison, South Dakota

Dear Mr. Kolb:

Mr. Duane Hibner of Bison telephoned us this morning to report that there was no flow below your irrigation dam on Antelope Creek because you were in the process of filling, and irrigating from your dam. Mr. Hibner also reported that while there was no flow on Antelope Creek below your dam, Rabbit Creek was flowing bank full.

I must point out that your vested water right No. 526-1 does authorize you to hold water in storage. However, while you are filling your dam and while you are irrigating from your dam, it is a requirement that you, at the same time, allow water to by-pass your dam for downstream domestic and livestock watering uses. If there are no additional sources of water flowing into Antelope Creek downstream from your dam, we estimate the amount that should by-pass your dam to keep the water flowing in the remainder of Antelope Creek at 3 cubic feet per second.

When the flows upstream from your dam are less than 3 cubic feet per second, outflows, including seepage from your dam should equal the inflows.

Sincerely,

JWG:DD:ls
cc Mr. Duane Hibner
Bison, South Dakota

J. W. GRIMES

Form 20.

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights Commission
Foss Building
Pierre, South Dakota 57501

Date: May 25, 1978

This is to notify you that title to the lands described as follows:

188.4 acres in Sections 25, 26 and 35, T16N, R12E, B1M.

formerly owned by Rudolf Kolb

has been transferred to Eldred C. Kolb

together with any rights to the beneficial use of water thereon as evidenced by
Water Right Permit No. 526-1 as provided for in Section 61.0127 of the 1960
Supplement to the South Dakota Code of 1939.

You are therefore hereby requested to file this "Notice of Transfer of Water
Permit" in its appropriate file at the Office of Water Rights Commission as
evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover
filing fees as required under Section 61.0159 of the 1960 Supplement to the South
Dakota Code of 1939..

STATE OF SOUTH DAKOTA)
) SS.
County of Perkins)

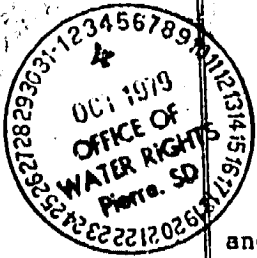
I, Amelia Kolb being first duly sworn on my oath depose
and say: That my relation to the above described undertaking is that of Owner,
that I have read the above foregoing statement, and I know of my own personal
knowledge that the information herein stated is true.

Amelia Kolb
Amelia Kolb (Signed)

Subscribed and sworn to before me this 1 day of June
19 78.

Robert F. Kelley
(Notary Public)
Robert F. Kelley
South Dakota

My commission expires June 30, 1983



ASSIGNMENT OF WATER PERMIT AS SECURITY

This assignment is granted by Eldred C. Kolb and Doris Kolb, husband and wife of Bison, South Dakota 57620 hereafter referred to as borrowers to the Farmers Home Administration, United States Department of Agriculture, P.O. Box 821, Huron, South Dakota 57350 hereafter referred to as the government and as a supplement to real estate mortgage covering the real property described below and other real property dated the 25th day of May, 1978 which was recorded in the office of the Register of Deeds of Perkins County, South Dakota on the 25th day of May, 1978 at 2:55 p.m. in Book 276 of Mortgages on page 90 IHA. The borrowers acknowledge that the water permit hereafter described is appurtenant to part of the land included in said real estate mortgage and is subject to the lien of said mortgage. The borrowers hereby specifically amend the mortgage to include as security the water permit described below.

For the purpose of securing the principal sum of \$102,000.00 with interest at the rate of 3% per annum due in installments with final installment due May 25, 1998 as evidenced by that certain note given by borrowers to the government dated May 25, 1978 and performance of all of the terms and conditions of said note and of the real estate mortgage described above the borrowers hereby assign and transfer to the government all of their right, title and interest in Water Right Permit #526-1 as issued by the Water Rights Commission of the State of South Dakota pertaining to right to the beneficial use of water on approximately 188.4 acres included in the following real property located in Perkins County, South Dakota:

TWP 46 NORTH RGE 12, EBHM, PERKINS COUNTY, SD:
SEC 25: W₂
SEC 26: ALL
SEC 35: W₂, NE₄ & N₂SE₄

Any default in the performance of the terms and conditions of the said note or of the said above described real estate mortgage shall be a default under the terms of this instrument. Until any such default and foreclosure of the real estate mortgage described above and transfer of title to such real estate to the purchaser at such foreclosure, the borrowers shall continue to enjoy possession and right to exercise all of the water rights under such permit for the benefit of the above described real estate and upon any such foreclosure and transfer of title on foreclosure sale, all of such water rights shall vest in the purchaser of such real estate on foreclosure sale. The borrowers warrant, undertake

The Water Rights Commission is requested to file this instrument in its appropriate file at the office of the Water Rights Commission, Foss Building, Pierre, South Dakota 57501 as evidence of this transfer as security. A fee of \$2.50 is hereto attached covering filing fees.

Doris Kolb
Doris Kolb

That they have read the above and foregoing statement and know of their own personal knowledge that the information stated is true.

E. C. C. No. 16

Doc. No. 16

Glenn A. Hanson
Glenn A. HANSON
Notary Public, South Dakota
Comm. Exp.: 9-27-87

STATE OF SOUTH DAKOTA)
)SS
 COUNTY OF PERKINS)

On this the 3rd day of October, 1979, before me,
Cindy L. Benson, the undersigned officer, personally appeared
 Eldred C. Kolb and Doris Kolb, husband and wife, known to me to be the persons
 whose names are described on the foregoing instrument and acknowledged that
 they executed the same for the purposes therein contained.

In Witness Whereof, I hereunto set my hand and official seal.

Cindy L. Benson
 CINDY L. BENSON
 Notary Public, South Dakota
 Comm. Exp.: 7-23-80

COPY

 **Department of
Water & Natural Resources**

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

September 21, 1988

NOTICE

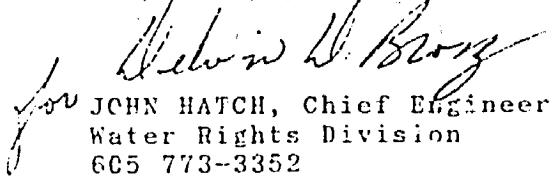
Eldred C. Kolb
HCR 69, Box 432
Bison SD 57620

Dear Mr. Kolb:

I am writing to notify you that pursuant to the Notice of Intent to Validate Vested Water Right Claims dated June 20, 1988 that I intend to oppose validation of your water right claim No(s). 526-1 until a field inspection has been completed. The claim has either never been inspected or an inspection was conducted so long ago that a new inspection is needed. An inspection is needed to determine the current state of your vested water right claim.

A staff member from the Division of Water Rights will be contacting you and scheduling an inspection of your water project. If we can answer any questions, please contact us.

Very truly yours,


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



SOUTH Dakota Department of
Water & Natural Resources

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

December 1, 1988

Vested Water Right
Claim No. 526-1

Eldred C. Kolb
HCR 69, Box 432
Bison SD 57620

Dear Mr. Kolb:

Enclosed is a copy of a letter received from the U.S. Department of Interior, Bureau of Reclamation. The Bureau of Reclamation is opposing those vested water right claims in Pennington, Perkins, Butte and Fall River counties which have never been investigated by the Division of Water Rights. Earlier, you received a letter stating that I was opposing your claim until an investigation can be completed.

After the investigation has been completed, you and the Bureau of Reclamation will be notified as to the date, place and time of the hearing on your vested water right claim. At that time all parties of record will have an opportunity to testify on the validation.

If we can answer any questions, please contact us.

Very truly yours,


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

cc: Bruce Layman, Bureau of Reclamation



 **Department of
Water & Natural Resources**

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

February 8, 1989

ELDRED KOLB
HCR 69 BOX 432
BISON, SD 57620

NOTICE

RE: Violation of Requirement to Submit 1988 Irrigation Questionnaire

Our records indicate that the 1988 Irrigation Questionnaire has not been submitted for Permit No(s). 526-1. The request for the Questionnaire was dated October 26, 1988. The Water Management Board had directed that owners of water permits who have not submitted the 1988 Irrigation Questionnaire be given notice of hearing to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:45 am, March 1, 1989 at the Howard Johnson's, Roosevelt Room, I-90 at LaCrosse, Rapid City SD.

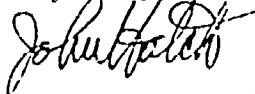
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s). 526-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
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 is received in this office before the March 1st hearing date, your name will be deleted from the agenda for the hearings.

Very truly yours,



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



 **Department of
Water & Natural Resources**

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

February 23, 1989

526-1

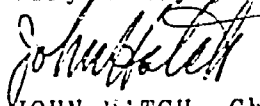
Eldred Kolb
HCR 69 Box 432
Bison, SD 57620

Dear Mr. Kolb:

I am writing to acknowledge receipt of your 1988 irrigation questionnaire for Water Permit No. 526-1. You may disregard the February 8, 1989, Notice of failure to submit the 1988 irrigation questionnaire. With receipt of the questionnaire your name has been deleted from the March Water Management Board meeting agenda.

If you have any questions, please contact Genny McMath, at (605) 773-3352.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division



RUDOLF'S HEADACHE #1

ALL LANDS DESCRIBED ARE OWNED BY RUDOLF KOLB.

SURVEYOR'S CERTIFICATE

STATE OF SOUTH DAKOTA } ss
COUNTY OF MEADE

I, Meric D. Giegar, Registered Land Surveyor, do hereby certify that this map was made from field notes and aerial photographs of the area and that to the best of my knowledge it correctly represents the land involved and the locations indicated.

IN WITNESS WHEREOF I have hereunto set my hand and official seal this 13th day of January, 1961.

Meric D. Giegar
Registered Land Surveyor #1007

STATE OF SOUTH DAKOTA } ss
COUNTY OF MEADE

On this 18th day of January, 1961, before me, James B. Kinney, the undersigned officer, personally appeared Meric D. Giegar, known to me to be the person whose name is subscribed to the above written instrument and acknowledged that he executed the same for the purpose therein contained.

IN WITNESS WHEREOF I have hereinto set my hand and official seal.

My commission expires 12/7/68

James B. Kinney
James B. Kinney Notary Public

AREA	LOCATION OF LAND	SEC.	T'SHP.	RANGE	ACRES
1	SE-SW	26	16N	12E	19.1
2	SW-SE	26	16N	12E	3.0
3	SW-SE	26	16N	12E	10.1
4	SW-SE	26	16N	12E	6.5
5	SE-SE	26	16N	12E	4.5
6	SW-SE	26	16N	12E	1.5
7	SE-SE	26	16N	12E	24.5
8	SW-SW	25	16N	12E	38.4
9	SE-SW	25	16N	12E	29.1
10	NE-NE	35	16N	12E	11.1
11	NE-NE	35	16N	12E	5.5
12	SW-SE	26	16N	12E	0.8
13	NE-NE	35	16N	12E	18.2
14	NE-NW	35	16N	12E	4.0
15	NE-NW	35	16N	12E	10.0
16	NW-NE	35	16N	12E	2.1

TOTAL 188.4

Permit No. 526-1Moreau 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 Eldred Kolb of Bison, SD holder of Permit No. 526-1, bearing the priority of January 1, 1935 authorizing the diversion of 2.69 cu. ft. per second and/or the storage of none listed acre-feet of the waters of surface water for irrigation purposes, in Perkins County.

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

A. Works used to divert the water:

All points of diversion located from the SE corner of Section 26 T16N-R12E:

Point 1 (dam) - 1700'W 1320'N, Point 2 (ditchplug) - 1130'W, Point 3 (ditchplug) - 4150'W 400'N.

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

Series of dikes

C. Works used to apply water to beneficial use:

Water spreading system

The system is in the following condition fair to poor. The point of diversion is located from the SE corner of Section 26 T16N-R12E: Point 1 - 1700'W 1320'N, Point 2 - 1130'W, Point 3 - 4150'W 400'N. The works are capable of diverting and conveying to the place of use 2.69 cu. ft. per second of water and/or storing none listed 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 land is located in T16N-R12E:

<u>SE1/4 SW1/4 Sec 26 - 29.2 ac</u>	<u>NE1/4 NW1/4 Sec 35 - 14 ac</u>
<u>SW1/4 SE1/4 Sec 26 - 11.8 ac</u>	<u>NW1/4 NE1/4 Sec 35 - 20.3 ac</u>
<u>SE1/4 SE1/4 Sec 26 - 29 ac</u>	<u>NE1/4 NE1/4 Sec 35 - 16.6 ac</u>
<u>SW1/4 SW1/4 Sec 25 - 38.4 ac</u>	<u>SE1/4 SW1/4 Sec 25 - 29.1 ac</u>

526-1

comprising a total of 188.4 acres of land and the license should be issued for 2.69 cfs and/or none listed acre-feet of storage.

Application permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are: none Date 6/5/1991



Mark D. Rath
Natural Resources Engineer II
DENR, Water Rights Division

526-1

SOUTH DAKOTA

VESTED WATER RIGHT NO. 526-1 FOR IRRIGATION

Date of Receipt of Claim January 23, 1961.

Date of Validation September 30, 1992.

The Water Management Board validated Vested Water Right Claim No. 526-1 for irrigation purposes for Eldred C. Kolb, HCR 69, Box 432, Bison, South Dakota, 57620 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 526-1 appropriates 2.69 cubic feet per second of water from Antelope Creek to irrigate 188.4 acres. The points of diversion are located in the SW1/4 SW1/4, NW1/4 SE1/4 Section 26; NW1/4 NE1/4 Section 35; all in T16N, R12E. The irrigated lands are located in the S1/2 SW1/4 Section 25; S1/2 SE1/4, SE1/4 SW1/4 Section 26; N1/2 NE1/4 and NE1/4 NW1/4 Section 35; all in T16N, R12E.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. Water is to be used during the following annual period: January 1 to December 31.
3. The priority date of the Vested Water Right is: January 1, 1935
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: _____

John H. Husted
Chief Engineer

MAR 11 1993

date

Division of Water Rights
Dept. of Environment and Natural Resources



526-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 11 1993

Eldred C. Kolb
HCR 69, Box 432
Bison SD 57620

Dear Mr. Kolb:

The Water Management Board has validated the enclosed Vested Water Right No. 526-1. This validation gives legal status to the claim and is the final document for your vested right.

As long as you use the water beneficially, as stated in the validation, 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

enclosure



United States Department of the Interior

BUREAU OF RECLAMATION

Great Plains Region
Belle Fourche Project Office
P.O. Box 226
Newell, South Dakota 57760-0226

WTR 4.10
BF-430

AUG 18 1993



Mr. John Hatch, Chief Engineer
Water Rights Division
South Dakota Department of Water and Natural Resources
523 E. Capitol
Pierre SD 57501-3181

Subject: Vested Water Right Claims in Western South Dakota (Your Letter
Dated April 20, 1993) (Water Rights)

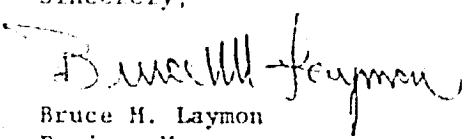
Dear Mr. Hatch,

We have reviewed the vested water right claims located in Perkins, Pennington, Fall River, and Butte Counties as listed in your letter dated April 20, 1993. We have also discussed these rights with contract water users. We appreciate the assistance of your staff in providing documentation of inspections and validation proceedings for specific claims as we requested.

We are satisfied with all of the actions taken by the board. Our intent in opposing validation of the water rights was to assure that all of the rights were reviewed prior to validation. That review has been completed by your staff. Thank you for notifying us of the board's actions and extending the opportunity to reconsider the actions if it would have been deemed necessary. We understand that future notification will be made in advance of board actions.

If we can be of further assistance, please contact Craig Kjar or me at (605) 456-2695.

Sincerely,


Bruce H. Laymon
Project Manager

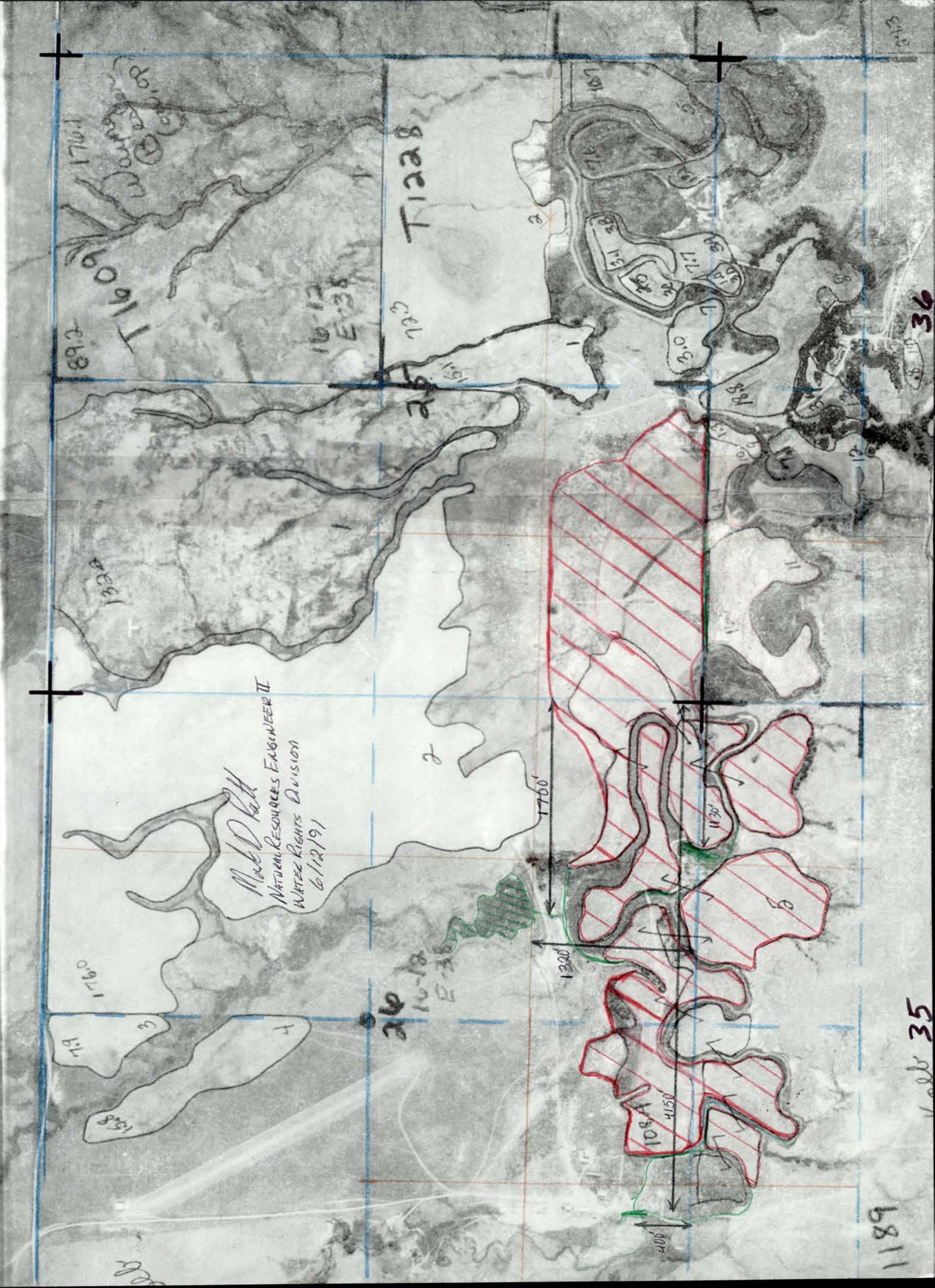
cc: Mr. Joe Kramer, Manager
Angostura Irrigation District
PO Box 346
Oral SD 57766

Mr. James E. Winterton, Project Manager
Belle Fourche Irrigation District
PO Box 225
Newell SD 57760

526-1



NOT TO SCALE



T1189

Eldred Kolb

35

16-12

E 38

T1201

Eldred Kolb (op)

L. Hoffinger (aw)

139.8



