1292-3

1. Considered 9-15, 1966

2. Name of Applicant Judson K. Cole

3. Post Office Address Madison

4. Amount of water claimed 10 gallons/minute

5. Source of water supply Ground water

6. Water to be used for Commercial

Acres to be irrigated —

7. Water to diverted and used in Moody County

about 2 miles S of Egan.

8. Proof of Publication Received 1st

Not Received

9. Application Approved

Subject to

Not Approved

Action deferred

10. Remarks:

Form 2—Application for Permit to Appropriate Water—Original

No. 1292-3

Water Division No. 3 Big Sioux River District
(Blanks to be Filled by the Engineer for the W. R. C.)

RECEIVED
JUN 30 1966
STATE WATER RESOURCES COMM
PIERRE SOUTH DAKOTA

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

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

1. Name of applicant Judson K. Cole
Postoffice address Box 684 Madison, County Lake, State So. Dak

I. 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)
Contract

(b) Cash on hand, $ Sufficient (c) Treasury stock, $

(d) Bonds to be issued, $ (e) Other resources, $

2. Name of diversion work

3. Amount of water claimed 10 Gal. per min. cubic feet per second

4. Source of water supply Ground Water

5. Location of point of diversion Moody County (NW¼) Section Nineteen Township 106 North, Range 49 West of the 5P.M. on bank Moody 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? Domestic

(a) Number of acres to be irrigated acres.

(b) Legal subdivisions to be irrigated
(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with 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.) Trunk stop on above location

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

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

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

Amount claimed for engine cooling None

(c) Location of plant

(d) Method of developing power Electric

(e) Point where water will be returned to stream

MAP No 906-3

8. Estimated cost of work:

(a) Head Gates, $..... (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.)

.....

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.....FEET DEPTH AT OUTLET—ACRES	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 .....3.....years.

11. Time required for complete application of water to the proposed beneficial use .....3..... years.

12. Choice of newspaper for publication of notice of intention to appropriate .....Colman Argus Colman So Dak.....

STATE OF SOUTH DAKOTA

County of .....Lake..... } ss.

I, ...Judson K. Cole....., 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 .....Judson K. Cole.....

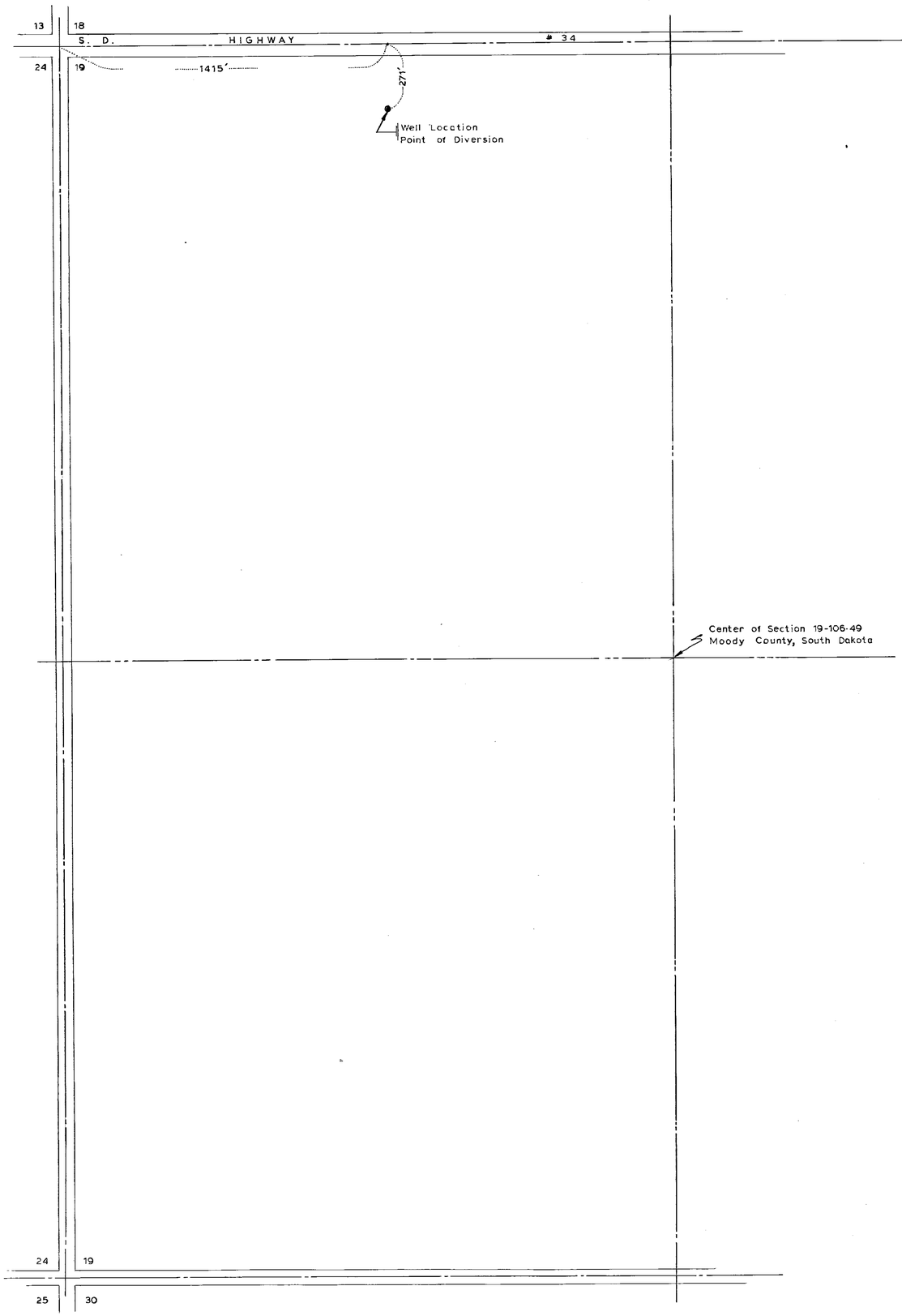
Subscribed and sworn to before me this .....28..... day of .....June..... 19..66.....

.....M. C. Shelby.....

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

66-3579 HW-8



1"=300'

JUDSON COLE WELL NO. 1

SCHOELL, MADSON & VOSLER
ENGINEERS & SURVEYORS
HURON, SOUTH DAKOTA

STATE OF SOUTH DAKOTA)
COUNTY OF BEADLE) SS

I hereby certify that at the request of Judson Cole, owner, I have determined, by field survey, the location, within his ownership boundaries, Judson Cole Well No. 1 for which application to appropriate water is made and that this map is a true and correct representation thereof. In witness whereof I place my hand and seal this ____ day of June, A.D., 1966.

Jack T. Vosler
Jack T. Vosler - Land Surveyor, South Dakota Registration No. 956

STATE OF SOUTH DAKOTA)
COUNTY OF BEADLE) SS

On this 17th day of June, A.D., 1966, before me, a notary public, personally appeared Jack T. Vosler, known to me to be a registered land surveyor and the person who executed the foregoing instrument, and he acknowledged to me that he executed the same as his own free act and deed.

Ronald L. Bogolin — Notary Public, Beadle County, South Dakota
July 30, 1972 — My commission expires

MAP No. 906-3 (APPL No. 1242-3)

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA
County of HUGHES } ss.

Pierre, South Dakota, SEPTEMBER 20, 1966

This is to certify that the foregoing application was received by the Commission at 1:00 o'clock P.m. upon the 30TH day of JUNE, 1966

State Water Resources Commission
By: Burton L. Jones
for Chief Engineer, Executive Officer

Number of permit 1292-3

Date of first receipt of application JUNE 30, 1966

Date of return to applicant for correction, amendments or changes required as follows: —, 19

Date of receipt of corrected application —, 19

Date from which applicant may claim right JUNE 30, 1966

Approved SEPTEMBER 15, 1966 Recorded in Book 9 Page 160

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 MARCH 15, 1966

2nd. The whole of said work is to be completed on or before SEPTEMBER 15, 1969

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is SEPTEMBER 15, 1969

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

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 10 GALLONS PER MINUTE ~~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 actually USED FOR COMMERCIAL USE and beneficially ~~applied for irrigation~~ on or before SEPTEMBER 15, 1969; said water to be used during the following described annual period:

CONTINUOUSLY

Witness my hand this 20TH day of SEPTEMBER, 1966

State Water Resources Commission
By: [signature]
Chief Engineer, Executive Officer

Certificate of Construction issued SEPTEMBER 26, 1969

Water License issued SEPTEMBER 26, 1969

Form 2A -- Wells (Supplement to Form 2)

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 8 inch, Depth 355 Ft

Type of casing Steel (wood, concrete, steel, etc.)

Size of casing 5 inch, Thickness of casing .258

Length of casing ..... If collection gallery, length, size and depth of gallery 320 Ft. 5 inch steel pipe

(b) Screens

Type of perforated screen Slotted Copper

Size of perforated screen 4 inch (diameter), 40 Ft. (length)

Thickness of gravel pack None, length of gravel pack .....

(c) Water Bearing Materials

Distance to water 130 Ft. Character of water bearing materials Sand

Thickness of water bearing material 40 Ft.

(d) Pump and Motor

Type of pump Propeller (centrifugal, propeller, mixed flow, etc.)

Name of pump Red Jacket, size 1 H.P.

Kind of motor Electric (gasoline, electric, diesel, etc.)

Horsepower 1 H.P. Name of Motor .....

(e) Complete well

Capacity 20 Gal. at drawdown of 150 Ft. Estimated cost 450.00

(f) Owner of land upon which well is located Judson F. Cole (Name),

Madison, S. Dak. (Address)

(g) Distance to nearest existing wells

On same owner's property three rods. On property owned by others ..... rods

Form 15.

Permit No. 1292-3

Water Diversion No. 3 BIG SIOUX RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Judson Cole

the holder of

Permit No. 1292-3, issued upon Application No. 1292-3, bearing date of priority of June 30, 1966 authorizing the diversion of 10 gallons per minute ~~cu. ft. per second~~ of the waters of ground water County of Moody, State of South Dakota at a point 1415 feet E. and 271 feet S. of the NW Corner, Section 19, T106N, R49W

, for commercial use in Cafe and Truck Stop

purposes, has complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 10 gallons per minute ~~cu. ft. per second~~ of water.

Date September 26, 1969

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

Form 10.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1292-3

(1) WHEREAS, On the 30th day of June A. D. 19 66

Judson Cole

made Water Right Application No. 1292-3 for a permit to use 10gallons per minute ~~cubic feet per second~~ of the waters of ground water

County of Hoody, State of South Dakota, for commercial use in Cafe and Truck Stop purposes and

(2) WHEREAS, On the 20th day of September A. D. 19 66

Permit No. 1292-3, with a date of priority of June 30, 1966

was issued to said applicant _____ for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 15th day of September A. D. 19 69 and for the application to beneficial use of said water on or before the 15th day of September A. D. 19 69

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 10 gallons per minute ~~xxxxxx~~ ~~xxxxxx~~ of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent,

used for commercial use in operation of Cafe and Truck Stop

(5) 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 Judson Cole of Madison the holder ____ and owner ____ of said permit No. 1292-3 a water right, dating from June 30, 1966 to use of 10 gallons per minute ~~subject to prior rights~~ of the waters of ground water in the County of Moody and State of South Dakota or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at ~~a point 1415 feet E. and 271 feet S. of the NW Corner,~~ Section 19, T106N, R49W and conduct to and upon the Cafe and Truck Stop for the purpose of commercial use

Subject to any limitations listed in Water Right Permit No. 1292-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota this 26th day of September A. D. Nineteen Hundred and Sixty-nine

WATER RESOURCES COMMISSION

By: _____

Chief Engineer, Executive Officer, J.W. GRIMES

Form 8—Notice of Intention to Appropriate Water

No. 1292-3

(First Publication on or before August 18, 1966)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., August 5, 1966

Notice is hereby given that Judson K. Cole whose postoffice address is Madison S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 10 gallons per minute of water from the ground water through the Cole #1, the point of diversion of which is to be located in the NE ¼ of the NW ¼ of Section 19 Twp. 106N Range 49W. Said water to be used for the purpose of providing commercial supplies for operation of a truck stop.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 15th day of September, 1966, at 2 P. M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission

By:

BURTON F. JONES
Water Right Specialist

CC: Lulu French, Publisher
Colman Argus
Colman, S.D.

Form 11—Proof of Publication—Appropriation of Water. No. 1292-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Moody } ss.

Lulu French being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appripriate Water was taken from the Colman Argus a newspaper which during the whole itme of publication of said notice herein after stated, has been and is printed and published in the City of Colman County of Moody and State of South Dakota; that the said notice was published in said newspaper on the followirg dates:

August 11, 1966

August 18, 1966

August 25, 1966

September 1, 1966

in each and every issue of the full number thereof, the first publication being made on the 11 day of August 19 66 and the last publication on the 1 day of September 19 66, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was the printer X and publisher X of the said newspaper.

Lulu French

Subscribed and sworn to before me this 20 day of September A. D. 19 66

Notory Public County, S. D.

RECEIVED
SEP 29 1966
STATE WATER RESOURCES COMM.

APPROPRIATION OF WATER

Office of State Water Rezources Commission, Pierre, S. Dak. August 5, 1966.

Notice is hereby given that Judson K. Cole whose address is Madison, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 10 gallons per minute of water from ground water through the Cole No. 1, the point of diversion of which is to be located in the NE¼ of the NW¼ of Section 19, Twp. 106 N, Range 49 W. Said water to be used for the purpose of providing commercial supplies for operation of a truck stop.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 15th day of September, 19667 at 2:00 p.m. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Rezources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission
By: Burton F. Jones,
Water Right Specialist.
(a 11-18-25; s 1)

Form No. 17.

Permit No.....

Water Division No..... .....Water District

Notice of Application of Water to Beneficial Use

(This blank must be filled out by holder of permit and forwarded to the State Water Resources Commission at least sixty days before the time set for application of water.)

(P. O.) Madison, S.D.

(Date) September 29, 1966

TO THE STATE WATER RESOURCES COMMISSION OF SOUTH DAKOTA, [illegible]:

DEAR SIRS: Notice is hereby given that on the ..... day of .....

19....., at 10 Gal per min County of ..... State of South Dakota,

before ..... proof will be submitted of the application to beneficial use
(Examining Engineer or Officer)

of ..... cubic [illegible] waters of .....

..... in accordance with the terms and conditions of Permit No. .....

heretofore issued by the Water Resources Commission of South Dakota.

1. The name and postoffice address of the person or corporation holding said permit are Judson K. Cole

Madison

2. The use to which said water has been applied is Lake So. Dak.

1292-3

3. The amount applied to beneficial use is

4. The place where said water is used is (if for irrigation, give full and accurate description of the lands irrigated) Truck Stop & Cafe

10 gal per min.

2½ acres

Moody County(NW ¼) Section nineteen Township 108 North, Range 49 West of the 5PM

5. The name of the canal or ditch or other works by which said water is conducted to such place of use is

6. The right to take the water from such works is based upon permit No.....

7. The source of supply from which such water is diverted is

8. The date of priority which said user is prepared to establish is

Judson K. Cole

(Sign) .....

Form 16

Permit No. 1

Water Division No. _____ _____ Water District

NOTICE OF COMPLETION OF WORKS

This blank must be filed out by the holder of permit and forwarded to the Executive Officer at least 60 days before the time set for completion of works

(P. O.) Madison, S.D

(Date) September 29, 1936

TO THE STATE WATER RESOURCES COMMISSION
OF SOUTH DAKOTA, PIERRE:

DEAR SIRS: Notice is hereby given of the completion of the works for the diversion of 10 Gal per minn cu. ft. per second of the waters of the state from _____ through the _____ for Commercial use purposes _____ in accordance with the terms and conditions of a certain permit heretofore issued by the Water Resources Commission of the State of South Dakota.

1. The name of the person or corporation holding said permit is Judson K. Cole

2. The postoffice address of such person or the place of business of such corporation is Madison County of Lake State of So. Dak.

3. The number of such permit is 1292-and the date set for the completion of such work is

4. Said water to be used for Truck Stop & Cafe purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 10 gal per m. cubic feet per second.

6. The amount of land for which said water is available is 2½ acres acres, particularly described as follows: Moody County(¼ ¼) Section nineteen Township 106 North, Range 49 West of the 5PM

I hereby certify that the facts set forth in the above notice are true.

(Signature of Owners) Judson K. Cole

Form 12.

Permit No 1292-3

Water Division 3 SIOUX RIVER Water District

REPORT OF EXAMINATION OF WORKS AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by Judoon K. Cole Box 684 of Madison, South Dakota holder of Permit No. 1292-3, bearing date of priority of June 30, 19 66 authorizing the diversion of 10 g.p.m. ~~cubic feet per second of the waters~~ of ground water for ~~small~~ commercial purposes, in Moody County.

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

The Water Use System consists of,

A. Works used to divert the water:

Well, 330 feet deep, cased with 4 inch dia., galvanized steel casing. Submersible pump, No. 1,767, Duplex

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

Two inch plastic pipe

C. Works used to apply water to beneficial use.

Taps and faucets in cafe and truck stop

The system is in the following condition: very good

The point of diversion is located 1415 feet east and 271 feet south of NW Corner of Section 19, T106N, R49W

The works are capable of diverting and conveying to the place of use 10 g.p.m.

~~xxxxxxxxxxxx~~ of water which is to be used for commercial use

Water has been put to beneficial use to the maximum extent as follows: commercial use in cafe and truck stop

~~xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx~~

Date August 18, 1969

Donald Driscoll
(Signature)
Donald Driscoll, Deputy Chief Engineer
Water Resources Commission