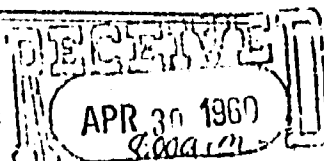


1. Considered Answer 7 19 68
2. Name of Applicant Andrew F. Lach
3. Post Office Address Smith
4. Amount of water claimed 3.2
5. Source of water supply near Meadows
6. Water to be used for Irrigation
Acres to be irrigated 770
7. Water to be diverted and used in Merced County about
4 1/2 miles 3 3 of Smith
8. Proof of Publication Received 103
Not Received
9. Application Approved V
Subject to
Not approved
Action deferred

10. Remarks:

No. 464-1 464-1Water Division No. 1 Sulphur Creek District
(Blanks to be filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

STATE WATER RESOURCES COM. PIERRE, SOUTH DAKOTA

To appropriate Water within the State of South Dakota

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

1. Name of applicant ANDREW FISCHBACHPostoffice address FAIRBANKS, County MEADE, State S. DAK.I. ~~Is~~ corporation

(a) Name of name

(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 and DIRECT LABOR(b) Cash on hand, \$ Ample

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$ Govt. cost-share2. Name of diversion work ANDREW FISCHBACH IRRIGATION PROJECT #13. Amount of water claimed 3.2 cubic feet per second or 672 acre feet maximum4. Source of water supply Surface Runoff dry draw5. Location of point of diversion See attached sheeton bank County.6. Annual period or periods during which water is to be used When available during growing season.

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Gravity Irrigation(a) Number of acres to be irrigated 24 acres.(b) Legal subdivisions to be irrigated See attached sheet

(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.)~~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

Map No 405-1

3. Estimated cost of work:

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

(c) Plumbing, \$.....

(d) Canal-earth, \$.....500

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

Rock, \$.....

(e) Other structures Plugs and Reservoir.....\$2,000

Total, \$.....

9. Description of diversion works:

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

Plugs #1 and 2 will divert floodwater. Plug #3 will act as a reservoir

II. Dimensions of works.

(a) Dam; Height.....15.....feet; length at bottom.....150.....feet; length at top.....400.....feet; thickness at bottom.....87.....feet; thickness at top.....12.....feet; slope at front water face.....3:1.....; slope at back face.....2:1.....material used in construction.....Earth.....

(b) Reservoir; Capacity when filled.....31.....acre feet. Surface area at highwater mark.....7.....acres.

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

(c) Head-gate Width.....feet; height.....feet;
Material.....

(d) Canal: Total length.....1.5 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.....5.....years.
11. Time required for complete application of water to the proposed beneficial use.....5 + 4 = 9.....years.
12. Choice of newspaper for publication of notice of intention to appropriate.....

FAITH INDEPENDENT

STATE OF SOUTH DAKOTA

County of.....ss.

I, ANDREW FISCHBACH

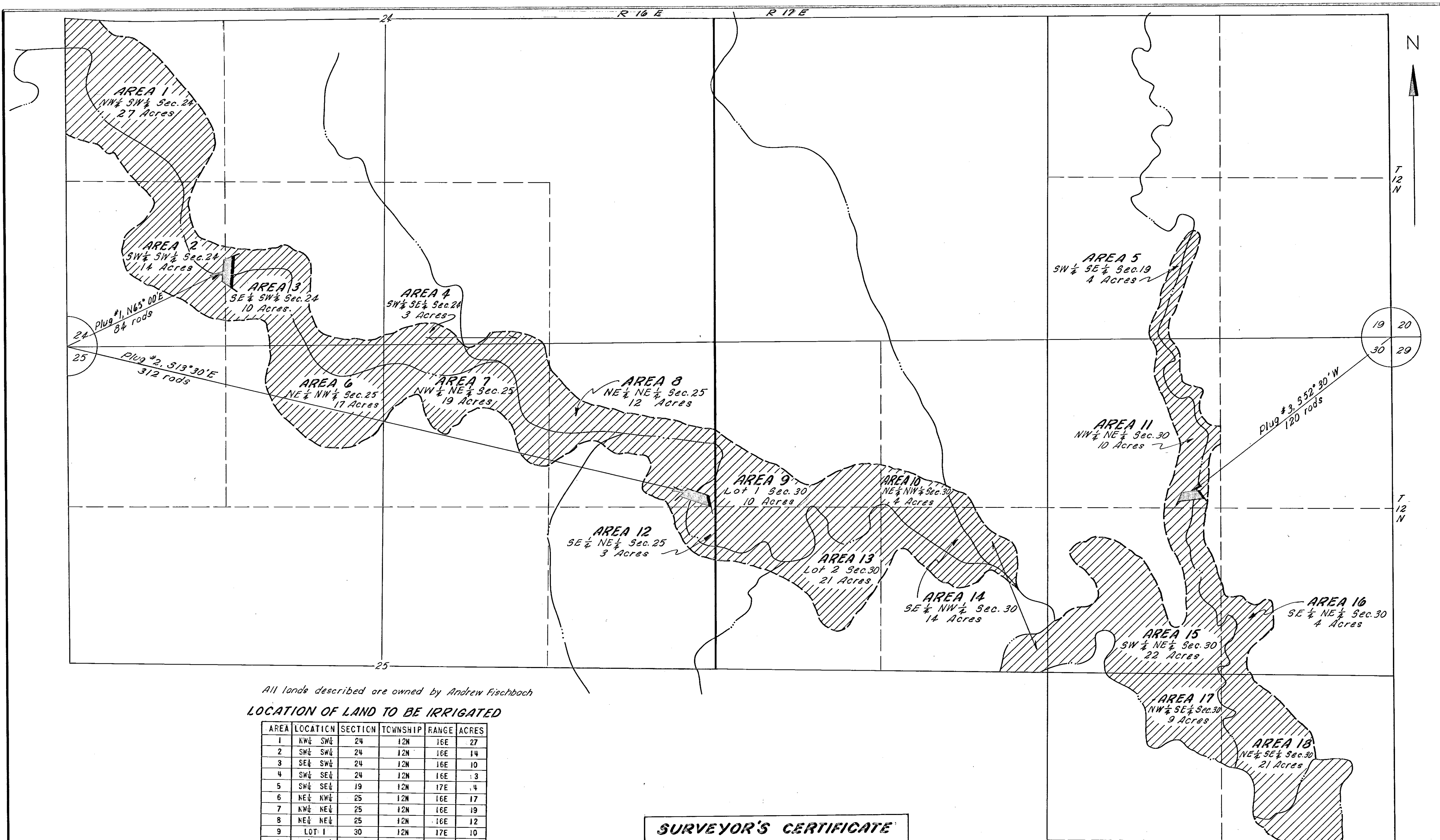
on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed.....

Subscribed and sworn to before me this.....28.....day of.....1960

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.



All lands described are owned by Andrew Fischbach
 LOCATION OF LAND TO BE IRRIGATED

AREA	LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
1	NW 1/4 SW 1/4	24	12N	16E	27
2	SW 1/4 SW 1/4	24	12N	16E	14
3	SE 1/4 SW 1/4	24	12N	16E	10
4	SW 1/4 SE 1/4	24	12N	16E	3
5	SW 1/4 SE 1/4	19	12N	17E	4
6	NE 1/4 NW 1/4	25	12N	16E	17
7	NW 1/4 NE 1/4	25	12N	16E	19
8	NE 1/4 NE 1/4	25	12N	16E	12
9	LOT 1	30	12N	17E	10
10	NE 1/4 NW 1/4	30	12N	17E	4
11	NW 1/4 NE 1/4	30	12N	17E	10
12	SE 1/4 NE 1/4	25	12N	16E	3
13	LOT 2	30	12N	17E	21
14	SE 1/4 NW 1/4	30	12N	17E	14
15	SW 1/4 NE 1/4	30	12N	17E	22
16	SE 1/4 NE 1/4	30	12N	17E	4
17	NW 1/4 SE 1/4	30	12N	17E	9
18	NE 1/4 SE 1/4	30	12N	17E	21
TOTAL					224

Land to be irrigated

SURVEYOR'S CERTIFICATE

I, KENNETH L. HUBER, DO HEREBY CERTIFY THAT THIS MAP IDENTIFIES A REASONABLY ACCURATE RECORD OF THE LAND OF THE ANDREW FISCHBACH IRRIGATION PROJECT #1 AND HAS BEEN PREPARED BY THE SOIL CONSERVATION SERVICE FOR THE TRI-COUNTY SOIL CONSERVATION DISTRICT.

SIGNATURE: *Kenneth L. Huber*
 TITLE: AG. ENGR.
 U. S. DEPARTMENT OF AGRICULTURE
 SOIL CONSERVATION SERVICE

SUBSCRIBED AND SWORN TO BEFORE ME THIS 5TH DAY OF April, 1962, A.D.

Kurt J. Vartenweiser
 NOTARY PUBLIC

MY COMMISSION EXPIRES 1-5, 1967.

Scale: 1" = 400'

ANDREW FISCHBACH IRRIGATION PROJECT NUMBER 1

Meade County, South Dakota

U. S. DEPARTMENT OF AGRICULTURE
 SOIL CONSERVATION SERVICE

Designed	Date	Approved by
Drawn		Title
Traced		Title
Checked	12-59	Sheet No. / of

Remarks by State Water Resources Commission:

The diversion rate limitation of 1 cubic foot per second for each 70 acres irrigated shall not apply to this Dry Draw Irrigation diversion during periods of flood flows, when such flows are in excess of the amount of water required to satisfy domestic use requirements and other water rights.

STATE OF SOUTH DAKOTA
County of Hughes ss.

Pierre, South Dakota, June 9, 1960

This is to certify that the foregoing application was received by the Commission at 8:00 o'clock

9 a.m. upon the 30th day of April, 1960

State Water Resources Commission

By:

Barton Jones
for Chief Engineer, Executive Officer

Number of permit 464-1

Date of receipt of application April 30, 1960

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 April 30, 1960

Approved June 8, 1960, Recorded in Book 6 Page 75

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 alterations and conditions:

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

December 8, 1962

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

June 8, 1965

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

June 8, 1969

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 3.2 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

and beneficially applied for irrigation on or before _____, 19____
during the following described annual period:

June 8, 1969

Witness my hand this

9th day of June, 1960

State Water Resources Commission

By:

Barton Jones
Chief Engineer, Executive Officer

Certificate of Construction Issued

JULY 22, 1971

Water License Issued

JULY 22, 1971

APPLICATION FOR PERMIT

ANDREW FISCHBATH

Attached sheet # 1

5. Location of points of diversion:

Plug # 1: 84 rods N, 65°00' E of SW corner of sec. 24, T 12N, R 16E.

Plug # 2: 312 rods S, 13°30' E of NW corner of sec. 25, T 12N, R 16E.

Plug # 3: 120 rods S, 52°30' E of the NE corner of sec. 30, T 12N
R 17E. On both banks Meade County.

7. I.

b. Legal subdivisions to be irrigated:

AREA	LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
1	NW $\frac{1}{4}$ of SW $\frac{1}{4}$	24	12N	16E	27.0
2	SW $\frac{1}{4}$ of SW $\frac{1}{4}$	24	12N	16E	14.0
3	SE $\frac{1}{4}$ of SW $\frac{1}{4}$	24	12N	16E	10.0
4	SW $\frac{1}{4}$ of SE $\frac{1}{4}$	24	12N	16E	3.0
5	SW $\frac{1}{4}$ of SE $\frac{1}{4}$	19	12N	17E	4.0
6	NE $\frac{1}{4}$ of NW $\frac{1}{4}$	25	12N	16E	17.0
7	NW $\frac{1}{4}$ of NE $\frac{1}{4}$	25	12N	16E	19.0
8	NE $\frac{1}{4}$ of NE $\frac{1}{4}$	25	12N	16E	12.0
9	Lot 1	30	12N	17E	10.0
10	NE $\frac{1}{4}$ of NE $\frac{1}{4}$	30	12N	17E	4.0
11	NW $\frac{1}{4}$ of NE $\frac{1}{4}$	30	12N	17E	10.0
12	SE $\frac{1}{4}$ of NE $\frac{1}{4}$	25	12N	16E	3.0
13	Lot 2	30	12N	17E	21.0
14	SE $\frac{1}{4}$ of NE $\frac{1}{4}$	30	12N	17E	14.0
15	SW $\frac{1}{4}$ of NE $\frac{1}{4}$	30	12N	17E	22.0
16	SE $\frac{1}{4}$ of NE $\frac{1}{4}$	30	12N	17E	4.0
17	NW $\frac{1}{4}$ of SE $\frac{1}{4}$	30	12N	17E	9.0
18	NE $\frac{1}{4}$ of SE $\frac{1}{4}$	30	12N	17E	21.0

TOTAL 224.0

WATER LICENSE NO. ... 464-1

(1) WHEREAS, On the 30th day of April A. D. 19 60
Andrew Fishbach
 made Water Right Application No. 464-1 for a permit to use 3.2 cubic feet per second of the waters
 of local watershed
 County of Meade State of South Dakota, for irrigation
 purposes; and
 (2) WHEREAS, On the 9th day of June A. D. 19 60
 Permit No. 464-1, with a date of priority of April 30, 1960
 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 8th day of June A. D. 19 65 and for the
 application to beneficial use of said water on or before the 8th day of June 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 3.2 cubic feet
 per second 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.

for irrigating the following land

T12N, R16E	Acres	T12N, R17E	Acres
Section 24 NW $\frac{1}{4}$ SW $\frac{1}{4}$	27	Section 19 SW $\frac{1}{4}$ SE $\frac{1}{4}$	4
SW $\frac{1}{4}$ SW $\frac{1}{4}$	14	Section 30 Lot 1	10
SE $\frac{1}{4}$ SW $\frac{1}{4}$	10	NE $\frac{1}{4}$ NW $\frac{1}{4}$	4
SW $\frac{1}{4}$ SE $\frac{1}{4}$	3	NE $\frac{1}{4}$ NE $\frac{1}{4}$	10
Section 25 NE $\frac{1}{4}$ NW $\frac{1}{4}$	17	SE $\frac{1}{4}$ NE $\frac{1}{4}$	4
NW $\frac{1}{4}$ NE $\frac{1}{4}$	19	Lot 2	21
NE $\frac{1}{4}$ NE $\frac{1}{4}$	12	SE $\frac{1}{4}$ NW $\frac{1}{4}$	14
SE $\frac{1}{4}$ NE $\frac{1}{4}$	2	SW $\frac{1}{4}$ NE $\frac{1}{4}$	22
		NE $\frac{1}{4}$ SE $\frac{1}{4}$	21
		NW $\frac{1}{4}$ SE $\frac{1}{4}$	9
		Total	224 Acres

LM 1-27-4. IT IS FURTHER CERTIFIED THAT THE PROVISIONS OF THE NATIONAL BUREAU OF LANDS FOR PERMANENT RECORDS
 AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF LANDS FOR PERMANENT RECORDS
 REPRODUCTION. REFLECTION 26X
 FILE NO. 15
 4-9-82
 DATE RECORDED

(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 Andrew Fishbach

_____ of Faith, S.D.
the holder _____ and owner _____ of said permit No. 464-1 a water right, dating from April 30, 1960
_____ to use of 3.20 cubic feet per second of the waters
of local watershed

in the County of Meade and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at between points N. 65° E. 84 rods from the SW Corner,
Section 24, T12N, R16E, and S. 52° 30' W., 120 rods from the NW Corner,
Section 30, T12N, R17E

and conduct to and upon portions of Sections 24 and 25, T12N, R16E, and Sections 19 and 30, T12N,
R 17E, described on the face of this License

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 464-1 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 22nd day of June A. D.
Nineteen Hundred and Seventy-one

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J.W. GRIMES

Permit No. 464-1Water Diversion No. 1 SULPHUR CREEK Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Andrew Fishbach

the holder of

Permit No. 464-1, issued upon Application No. 8464-1, bearing date of priority of April 30,
1960 authorizing the diversion of 2.2 cu. ft. per second of the waters oflocal watershed County of Meade, State of South Dakota at xxbetween points N. 65° E, 84 rods from the SW Corner, Section 24, T12N, R15E,
and S. 52° 30' W., 120 rods from the NW Corner, Section 30, T12N, R17E, for irrigation

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 up to 20 cu. ft. per second of water.

Date July 22, 1971

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

Permit No. 464-1Water Division 1 SULPHUR CREEK Water DistrictREPORT 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 ANDREW FISHBACH of FAITH holder of Permit No. 464-1, bearing date of priority of APRIL 30, 1960 authorizing the diversion of 3.2 cu. ft. per second of the waters of LOCAL WATERSHED for IRRIGATION purposes, in MEADE 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:

STORAGE DAM W/ APPROX 30 ACRE FEET STORAGE
12" CMP W/ HEADGATE

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

1600' OF 8 1/4" RUBBER PIPE

C. Works used to apply water to beneficial use.

LEVELLED STRIPS 60' TO 100' WIDE WITH BORDERS
90' OF 10" GATED PIPE. LOWER AREA WATERED
BY SERIES OF PLUGS AND DIKES

The system is in the following condition: GOOD

The point of diversion is located BETWEEN POINTS N 65° E, 84 RODS FROM THE SW
CORNER, SECTION 24, AND S 62° 30' W, 120 RODS FROM THE NW CORNER,
SECTION 30, T12N, R17E

The works are capable of diverting and conveying to the place of use UP TO 20 CFS.cu. ft. per second of water which is to be used for IRRIGATION

Water has been put to beneficial use to the maximum extent as follows:

T12N, R16E		T12N, R17E	
SECTION 24	SECTION 25	SECTION 19	SECTION 30
NW 1/4 SW 1/4 27 AC.	NE 1/4 NW 1/4 17 AC.	SW 1/4 SE 1/4 4 AC.	LOT 1 12 AC.
SW 1/4 SW 1/4 14 "	NW 1/4 NE 1/4 19 "		NE 1/4 NW 1/4 4 "
SE 1/4 SW 1/4 10 "	NE 1/4 NE 1/4 12 "		NW 1/4 NE 1/4 10 "
SW 1/4 SE 1/4 3 "	SE 1/4 NE 1/4 3 "		SE 1/4 NE 1/4 4 "
			LOT 2 21 "
			SE 1/4 NW 1/4 14 "
			SW 1/4 NE 1/4 22 "
			NE 1/4 SE 1/4 21 "
			NW 1/4 SE 1/4 9 "

comprising a total of 224 acres of land.Date JULY 1, 1971

[Signature]
(Signature)

WATER RIGHT SPECIALIST
WATER RESOURCES COMMISSION

OVERSIZE

DOCUMENT IS

SUPPLEMENTARY

TO MICROFILM FILE

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Meade } ss.

Kenneth Howell being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the

Faith Independent a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the

City of Faith County of Meade and State of South Dakota; that the said notice was published in said newspaper on the following dates:

May 11, 1960

May 18, 1960

May 25, 1960

June 1, 1960

in each and every issue of the full number thereof, the first publication being made on the 11 day of May

1960 and the last publication on the 1 day of

June 1960, 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.

Kenneth Howell

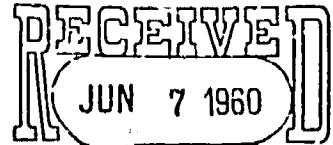
Subscribed and sworn to before me this 2 day of June A. D. 1960

Estelle Howell

Notary Public Meade County, S. D.

Estelle Howell

My Commission Expires May 5, 1963



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

NOTICE OF INTENTION TO APPROPRIATE WATER

Notice is hereby given that Andrew Fischbach whose office address is Faith, 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 cubic feet of water per second of flow from dry draws through the Faith Aish Irrigation Project, No. 1, the points of diversion of which are to be located in the SW 1/4, Sec. 24, T. 12N R. 16E, NE 1/4, Sec. 30, T. 12N R. 16E and in the NW 1/4 of the NE 1/4 of Sect. 30, T. 12N R. 16E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SW 1/4, Sec. 22; NE 1/4, NW 1/4, NE 1/4, and SE 1/4, NE 1/4, Sec. 23, all in T. 12N R. 16E; SW 1/4, Sec. 19; NW 1/4, NE 1/4, and N 1/2, Sec. 30, T. 12N R. 17E.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 7th day of June, 1960 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
and, May 11-18-23, June 1

(First Publication: on or before May 12, 1960.)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., May 2, 1960

Notice is hereby given that Andrew Fischbach whose postoffice address is Faith 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 3.2 cubic feet of water per second of time from ~~the~~ dry draws through the Fischbach Irrigation Project, #1, the point of diversion of which ~~is~~ are to be located on ~~in~~ in the NE¹ NE¹ Sec 24, and NE⁴ NE⁴, Sec 25, T 12N R 16E and NW 1/4 of the NE 1/4 of Section 30 in the 12N Range 17E portions of the following described land:

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 7th day of June, 1960, 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

cc: Kenneth Howell - Publisher
Faith Independent /
Faith, South Dakota

By:

Burton F. Jones
Water Right Specialist