

Wa . Right Number 1053-2

1. Considered May 19, 19 71 Vested Right - 1948

2. Name of Applicant Ingebert G. Fauske

3. Post Office Address Quinn, S.D.

4. Amount of water claimed 1.59

5. Source of water supply run-off and diversion dams

6. Water to be used for irrigation

Acre to be irrigated 110.98

7. Water to be diverted and used in Jackson County

about _____ Miles _____ of _____

8. Proof of Publication Received _____

Not received _____

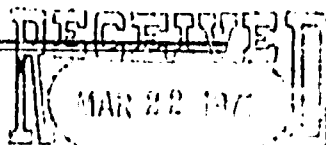
9. Application Approved _____

Subject to _____

Not approved _____

Action deferred _____

10. Remarks:

No. **1053-2**Water Division No. **2** **BAD RIVER** District
(Blanks to be filled by the Engineer for the W. R. C.)**VESTED RIGHT**
APPLICATION FOR PERMIT**To Appropriate Water within the State of South Dakota**

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

1. Name of applicant Torgbern G. FauskePostoffice address Quinn, County _____, State _____

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 this 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)

Contracted in 1913 -- S.C.S.

(b) Cash on hand, \$ _____

(c) Treasury stock, \$ _____

(d) Bonds to be issued, \$ _____

(e) Other resources, \$ _____

2. Name of diversion work Fauske No. 13. Amount of water claimed 1.58 cubic feet per second4. Source of water supply Surface run off and diversion dam5. Location of point of diversion 18 1/2 rods W. 50 rods N. of SE corner Sec. 19 2S, R. 18E_____ on _____ bank Jackson County.6. Annual period or periods during which water is to be used Growing season

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Water-graveling(a) Number of acres to be irrigated 142 1/2 acres.(b) Legal subdivisions to be irrigated See last page

(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 _____

(d) Method of developing power _____

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

Remarks by the Applicant:

The water spreading system was constructed in 1910 and this is an application for recognition of a vested water right.

Legal subdivisions on which Water Spreading System was constructed.

NW $\frac{1}{4}$ of NE $\frac{1}{4}$	Sec. 130-28-R. 18E.	-----	10.5A.
SW $\frac{1}{4}$ of SE $\frac{1}{4}$	Sec. 19 - 2S - R. 18E	-----	12.6A.
NW $\frac{1}{4}$ of SE $\frac{1}{4}$	Sec. 19 - 2S - R. 18E	-----	37.4A.
NE $\frac{1}{4}$ of SE $\frac{1}{4}$	Sec. 19 - 2S - R. 18E	-----	14.8A.
SE $\frac{1}{4}$ of SE $\frac{1}{4}$	Sec. 19 - 2S - R. 18E	-----	18.6A.
NE $\frac{1}{4}$ of SW $\frac{1}{4}$	Sec. 19 - 2S - R. 18E	-----	19.6A.
CB $\frac{1}{4}$ of SW $\frac{1}{4}$	Sec. 19 - 2S - R. 18E	-----	48A.

Total - 110.98A.

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.)

Dry draw dikes and apron ditches.....

II. Dimensions of works.

(a) Dam: Height 7 1/2 feet; length at bottom feet; length at top 223 feet; thickness at bottom feet; thickness at top 12 feet; slope at front water face 3:1; slope at back face 2:1 material used in construction Clay loam

(b) Reservoir: Capacity when filled Diversion dam acre feet. Surface area at highwater mark 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 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 completed years.

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

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

..... Karluka Press

STATE OF SOUTH DAKOTA

} ss.

County of JACKSON

I, Ingebert G. Faurke, 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 Ingebert G. FaurkeSubscribed and sworn to before me this 22 day of MARCH 1971

Notary Public (or other qualified officer.)

William F. CarlisleComm Expires 4-17-71

*Each diversion must have a headgate or measuring device.

Remarks by State Water Resources Commission:

"VESTED RIGHT" CLAIMER

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, MAY 24, 1971

This is to certify that the foregoing application was received by the Commission at 10:00 o'clock a.m. upon the 22nd day of MARCH, 1971.

State Water Resources Commission

By:

[Signature]
for Chief Engineer, Executive Officer

Number of permit 1053-2

Date of first receipt of application MARCH 22, 1971

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 1948, 19____

Approved MAY 19, 1971, Recorded in Book 11 Page 345

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 1.58 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 was

and beneficially applied for irrigation on or before JUNE 30, 1956; said water to be used during the following described annual period:

WHEN AVAILABLE DURING GROWING SEASON

Witness my hand this 24th day of MAY, 1971

State Water Resources Commission

By:

[Signature]
Chief Engineer, Executive Officer

Certificate of Construction issued MAY 24, 1971

Water License Issued MAY 24, 1971

Form 2B - Affidavit of Water Use (Supplement to Form 2)

NOTE: This Form is supplemental to Form 2, and is to be used when an affidavit pertaining to construction and water use, already completed, is needed.

AFFIDAVIT OF CONSTRUCTION OF WATER USE
SYSTEM AND APPLICATION OF WATER TO BENEFICIAL USE

Name of Applicant (Same as Form 2) INGEBERT G. FAUSKE

Post Office Address GUINN, State S. DAK.

If a Corporation show date and place of incorporation _____

13. Notice of Appropriation (If available)

Date of Posting NO PRIOR POSTING Date of Recording _____

Recording Data _____

14. Date of start of construction of water supply system 1948

15. Date that water was first applied to beneficial use 1948

16. Name of owner of original water supply system SAME

17. Amount of water originally applied to beneficial use 1.59 c. f. s.

18. Present Use of Water

Amount of water now being used 1.59 c. f. s.

Date that this amount of water was first used 1948

19. Chronological History of Water Use

SYSTEM WAS CONSTRUCTED IN 1948, AND
WATER HAS BEEN DIVERTED WHEN RUNOFF
OCCURRED SINCE IT WAS COMPLETED

Attach to this Form 2B, any copies of notices, postings, filings, publications, affidavits, or other records that apply. You may also attach any written statement by you, or by others, that you deem pertinent.

STATE OF SOUTH DAKOTA)
County of HUGHES) ss.

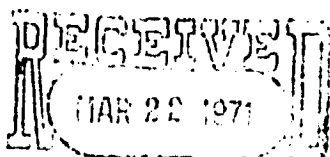
I, INGEBERT G. FAUSKE, the applicant, certify that I have read the foregoing and that the matters therein stated are true.

Signed Ingebert G. Fauske

Subscribed and sworn to before me this 22ND day of MARCH, 1971.

John W. Nieland, Not. Pub. S. D.
(Notary Public - or other qualified Officer)

I, the undersigned, do hereby certify that I know about the water use system described above that I have read the foregoing and that the matters therein stated are true.



STATE WATER RESOURCES

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1053-2

(1) WHEREAS, On the 22nd day of March A. D. 19 71Ingebert G. Fauskemade Water Right Application No. 1053-2 Vested Right for a permit to use 1.58 cubic feet per second of the waters of dry drawsCounty of Jackson, State of South Dakota, for irrigation

purposes, and

(2) WHEREAS, On the 24th day of May A. D. 19 71Vested RightPermit No. 1053-2, with a date of priority of 1948was issued to said applicant recognizing for the diversion of said water, ~~only for the~~ for the completion of construction of the water supply system therein described ~~and for the~~ ~~and for the~~ and ~~for the~~ application to beneficial use of said water ~~and for the~~ ~~and for the~~ ~~and for the~~

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 1.58 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,

water is used for irrigating the following land, all in T2S, R18ESection 19 SW $\frac{1}{4}$ SE $\frac{1}{4}$ 12.60 acresNW $\frac{1}{4}$ SE $\frac{1}{4}$ 34.40 acresNE $\frac{1}{4}$ SE $\frac{1}{4}$ 14.80 acresSE $\frac{1}{4}$ SE $\frac{1}{4}$ 18.60 acresNE $\frac{1}{4}$ SW $\frac{1}{4}$ 19.60 acresSE $\frac{1}{4}$ SW $\frac{1}{4}$.48 acresSection 30 NW $\frac{1}{4}$ NE $\frac{1}{4}$ 10.50 acresTotal 110.98 acres

(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 _____ **Ingebert G. Pauske**

Ingebert G. Fauske

_____ of _____ Quinn, South Dakota

Quinn, South Dakota

the holder _____ and owner _____ of Vested Right of said permit No. 1053-2 a water right, dating from 1948

Vested Right

1053-2

- a water right, dating from 1948

1948

_____ to use of 1.58 _____ cubic feet per second of the waters

1.58

of _____ dry draws

dry draws

in the County of Jackson and State of South Dakota, or so much thereof as may be necessary for the

Jackson

and State of South Dakota, or so much thereof as may be necessary for the

purposes hereinbelow mentioned, to be diverted at a point 18 1/4 rods West and 30 rods North of the

a point 184 rods West and 30 rods North of the

SE Corner, Section 19, T25, R18E

and conduct to and upon portions of Sections 19 and 30, T2S, R18E described on the face
of this License

portions of Sections 19 and 30, T2S, R18E described on the face

of this License

for the purpose of irrigation

irrigation

Subject to any limitations listed in Water Right Permit No. 1053-2 and subject to the laws of the State of South Dakota.

1053-2

and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota

this 24th day of May A. D.

24th

day of **May**

May

A 11

Nineteen Hundred and Seventy - one

Seventy - one

WATER RESOURCES COMMISSION

Be:

Chief Engineer, Executive Officer, J.W. GRIMES

Form 15.

Permit No. 1053-2

Water Diversion No. 2 BAD RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Ingebert G. Fauske

Vested Right Permit No. 1053-2, issued upon Application No. 1053-2, bearing date of priority of 1948
the holder _____ of _____
authorizing the diversion of 1.56 cu. ft. per second of the waters of _____
dry draws _____ County of Jackson, State of South Dakota at _____
a point 134 rods West and 80 rods North of the SE Corner, Section 19,
T2S, R18E
_____, 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 ~~shown~~ ^{recognized as} satisfactory
~~condition~~ for diverting and conveying to the place of intended use up to 10 cu. ft. per second of water.

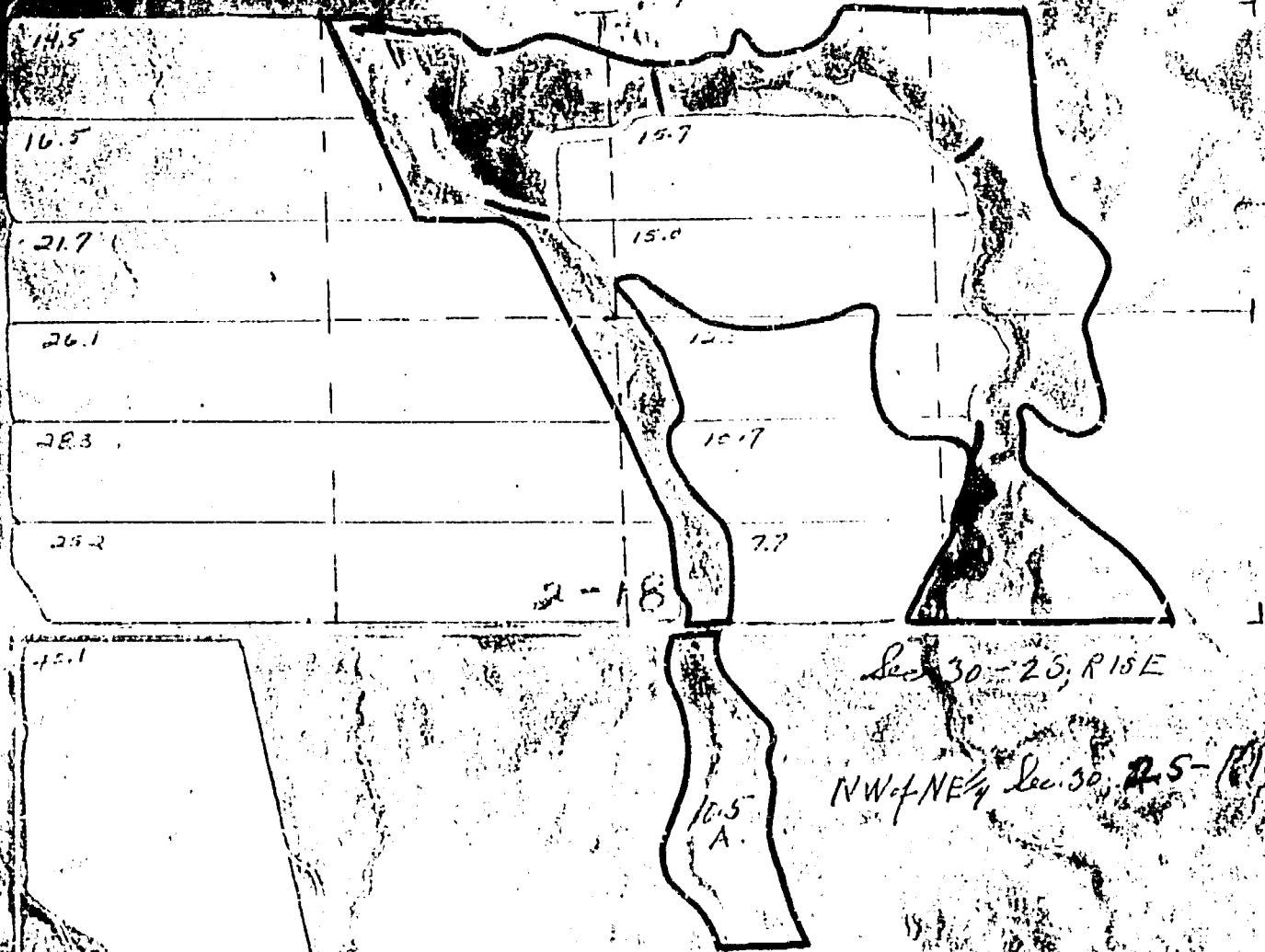
Date May 24, 1971

WATER RESOURCES COMMISSION

By:

J.W. GRINES, Executive Officer

5 1/2 Sec. 19 - 25 - R 18 E.



Sec 30 - 25, R 18 E

NW 1/4 NE 1/4 Sec 30, 25 - R 18 E.

SOUTH

Department of **Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3151

September 21, 1988

NOTICE

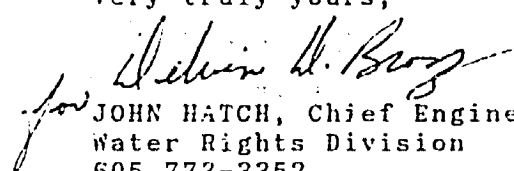
Ingebert G. Fauske
Quinn SD 57775

Dear Mr. Fauske:

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). 1053-2 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



Conversation or File Documentation

NAME OF PERSON OR FILE: Ingebert FauskeADDRESS: Quinn, SD 57775 COUNTY JacksonDATE: January 10, 1990 TELEPHONE 386-4581RE: Validation of Vested Right Claim No. 1053-2

COMMENTS:

On April 26, 1989, I made an investigation
of Vested Right Claim No. 1053-2. Mr. Fauske
accompanied me on the inspection. The project
appeared to be as described on the original
application and license.

The following lands are being irrigated by
Vested Right Claim No. 1053-2

Section 31-T2S-R18E NW1/4NE1/4 - 10.5 Acres

Section 19-T2S-R18E SW1/4SE1/4 - 14

N1/4SE1/4 - 36

NE1/4SE1/4 - 9

SE1/4SE1/4 - 18

NE1/4SW1/4 - 22

SE1/4SW1/4 - 1.5

Total = 111.0 Acres

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Tim L. Neal

SOUTH DAKOTA

VESTED WATER RIGHT NO. 1053-2 FOR IRRIGATION

Date of Receipt of Claim March 22, 1971.

Date of Validation May 6, 1992.

The Water Management Board validated Vested Water Right Claim No. 1053-2 for irrigation purposes for Ingebert G. Fauske, Quinn, SD, 57775 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1053-2 appropriates 1.58 cubic feet per second of water from a dry draw to irrigate 111 acres. The point of diversion is located in the SE1/4 SW1/4 SEC 19, T2S, R18E. The irrigated lands are located in the SE1/4, E1/2 SW1/4 SEC 19 and in the NW1/4 NE1/4 SEC 30; all in T2S, R18E.
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, 1948.
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.

QUALIFICATION

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.

WATER MANAGEMENT BOARD

By: _____

Ingebert G. Fauske
Chief Engineer

JUN 29 1992

date

Division of Water Rights
Dept. of Environment and Natural Resources



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 29 1992

Ingebert G Fauske
Quinn SD 57775

Dear Mr. Fauske:

The Water Management Board has validated the enclosed Vested Water Right No. 1053-2. 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

S $\frac{1}{2}$ Sec. 19 - 2S. - R18E.

19

15.7

15.0

12.5

10.7

7.7

2-18

Sec. 25, R18E

NW & NE $\frac{1}{4}$ Sec. 36, 2S - R18E.

10.5

24.7

26.1

28.3

25.2

42.1

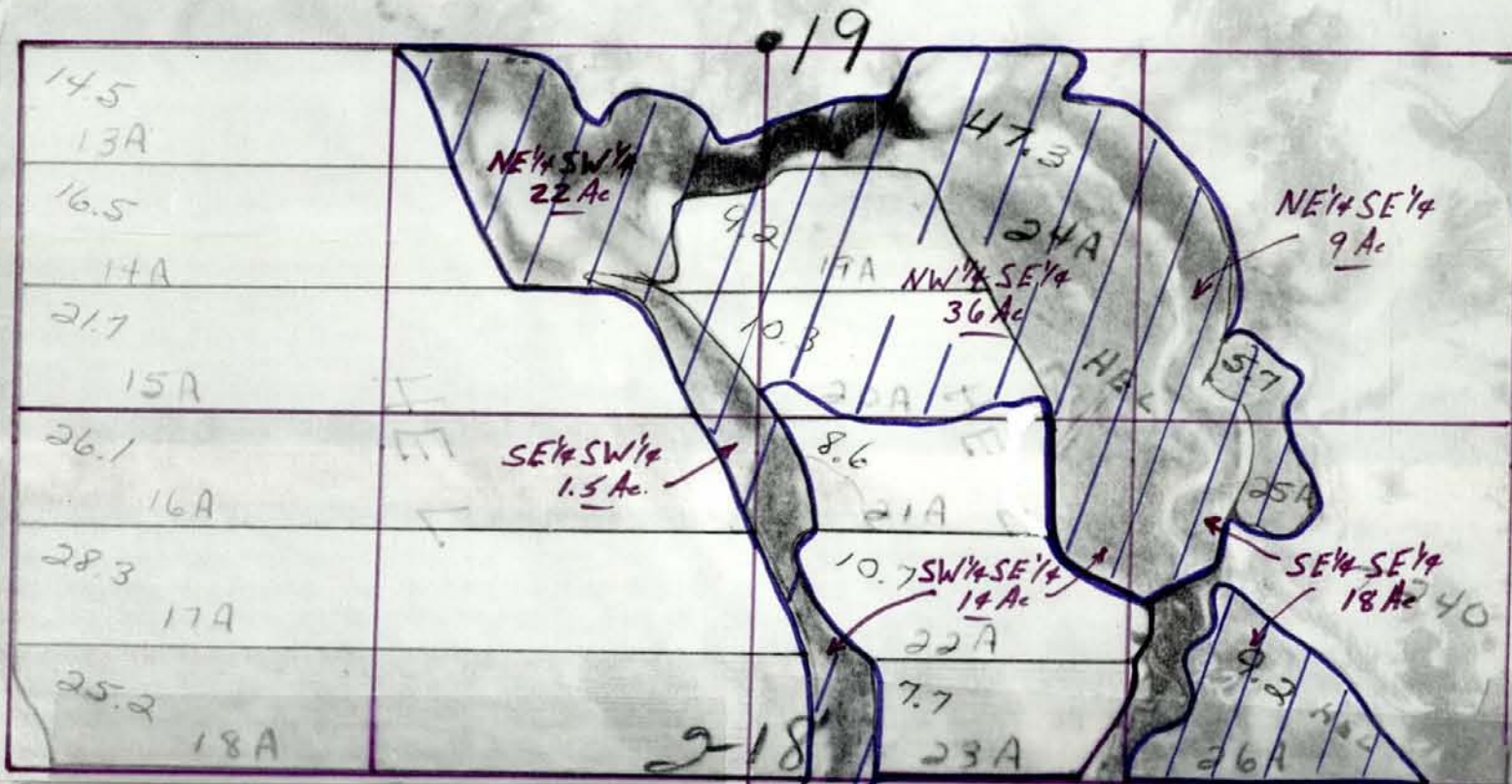
NOT TO SCALE

NOT IN FINAL
JACKSON

T239

2-18
64-L

19-T2S-R18E



2-18

113-R

30

30-T2S-R18E

Timothy L. Neal
January 10, 1990