

WATER PERMIT NO. 236A-1

Name of Applicant: Dean R. Tarter

Address: HC 59 Box 4, Camp Crook SD 57724

Phone: 605 797-4487

Amount of Water Claimed: 1.1 cfs

Total Acres: 90.29

Source of Water Supply: Little Missouri River

Water to be used for: irrigation

County: Harding

Type of Waste Disposal System:

Location: 8 miles north of Camp Crook

PRIORITY

Date Received: 2-22-2002

Fee: \$50

Corrected Application Received:

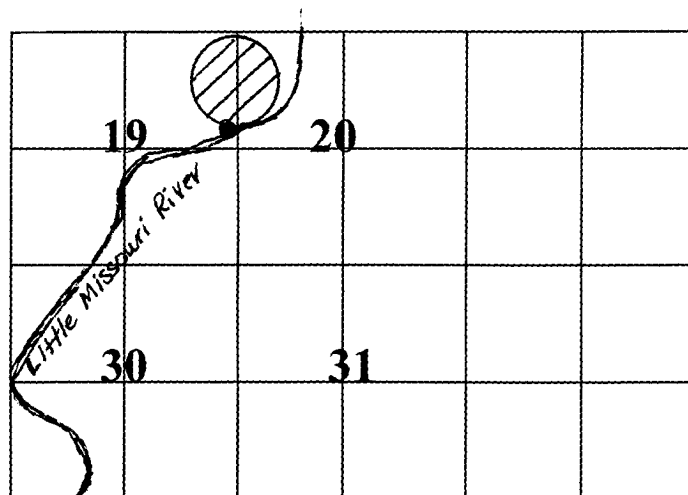
Period of Annual Use: April 1 – October 31

Remarks: change diversion point and land irrigated on Water Right No. 236-1

Diversion Point: SE ¼ NE ¼ Sec 19-T20N-R2E

Land to be Irrigated: E ½ NE ¼ Sec 19 and

W ½ NW ¼ Sec 20; all in T20N-R2E



Depth of Well: NA

Well Driller: : NA

Remarks:

Type of Map: topo

Prepared by: Jerry L Nelson, NRCS

Reviewed and the Number Assigned on: 2-22-2002

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 236A-1

Date of first receipt of application February 22, 2002.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 236A-1 to Dean R. Tarter, HC 59 Box 4, Camp Crook SD 57724 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 236A-1 changes the diversion point and lands irrigated authorized by Water Right No. 236-1. Water Right No. 236-1 authorized 1.1 cubic feet of water per second from the Little Missouri River to irrigate 80.29 acres. This permit changes the Little Missouri River diversion point to the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 19-T20N-R2E. The location of the 80.29 acres will be the E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 19 and W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 20; all in T20N-R2E. No increase in the diversion rate or number of acres irrigated is authorized by this permit.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The date from which applicant may claim right is September 10, 1951.
4. The date of approval of Permit No. 236A-1 is April 22, 2002.
5. One-fifth of the construction is to be completed on or before October 22, 2004.
6. All construction is to be completed on or before April 22, 2007.
7. Water is to be put to beneficial use on or before April 22, 2011.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Garland Erbele

Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

MAY 31 2002

date



FORM 2: Application for irrigation in South Dakota
(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>236A1</u> (office use only) Hydrologic Unit <u>10/10201</u>
	Basin <u>Little Missouri</u>
	Newspaper <u>Nation's Center News, Spearfish</u>

RECEIVED
FEB 22 2002
WATER RIGHTS
PROGRAM

Application

For Permit To

Appropriate Water For Irrigation

Type of Application: New Vested Right x Amendment/Correction to Permit No. 236-1
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)
Change diversion point and land to be irrigated, and annual period use.

- Name of Applicant Dean R. Tarter Phone 605-797-4487
(check one) x Owner Tenant/lessee
Mailing Address HC 59 Box 4 Camp Crook State SD 57724
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 1.1 *CFS or **GPM ***AF Total Acreage 80.29
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Little Missouri River
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 2900 ft. N and 10 ft. W of the SE corner of Section 19 T 20 N R 2 E (SE 1/4 NE 1/4)
County Harding
- County or counties where water will be used Harding
- Annual period during which water is to be used April 1 to October 31
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
E 1/2 NE Sec. 19 T 20 N R 2 E	42.29		
W 1/2 NW Sec. 20 T 20 N R 2 E	38.0		

- Give a description of the project. (Attach sheet if more space is needed)
Pump water out of the Little Missouri River to a center pivot to irrigate approximately 80.0 acres.

STATE OF SOUTH DAKOTA) SS
County of Harding

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

I, Dean R. Tarter, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature Dean R. Tarter

Subscribed and sworn to before me this 20th day of February 20 02

David S. Engel
Express Term of Office

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NO 417092

Pierre, February 22, 2002

RECEIVED OF Dean Tarter, HC 59 Box 4, Camp Crook, SD 57724

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

Fee for Application for Permit No. <u>236A-1</u> to Appropriate Water, to construct and to put water to beneficial use _____	50	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>236A-1</u> _____	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	100 00

By Darland Ebel
Chief Engineer



Water Rights Division - DENR

Conversation or File Documentation

Name of Person: Dean R. Tarter

File No. 236A-1

Address: HC 59 Box 4, Camp Crook SD 57724 **County:** Harding

Date: February 26, 2002 **Telephone:** (605) 797-4487

RE: Water Permit Application No. 236A-1

Comments: I told Dean that I needed to know the reasons why he wanted to change the lands that he is irrigating. I told him that we have a law that requires the reasons for moving the lands that are irrigated. He told me one of the reason for moving the irrigated lands was he would be able to get a center pivot in the new lands to be irrigated. The other reason for moving the lands to be irrigated was because he now owns the land in Sections 19 and 20 in T20N-R2E. This was not true when Water Right No. 236-1 was applied for.

I told Dean that this should be all the information that I need from him. I told him if I needed more information from him I would call him back.



Stacy J. Johnson

Natural Resources Project Engineer

REPORT ON WATER PERMIT APPLICATION NO. 236A-1

Dean R. Tarter
March 21, 2002

Dean R. Tarter has filed an application for a water permit to change the diversion point and irrigated lands authorized by Water Right No. 236-1. The annual period of use will also be changed by Water Permit Application No. 236A-1. This application proposes to change the Little Missouri River diversion point to the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 19 T20N-R2E. Water Right No. 236-1 authorizes 1.1 cubic feet of water per second (cfs) from the Little Missouri River to irrigate 80.29 acres. The location of the 80.29 acres will be the E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 19 and W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 20; all in T20N-R2E. No increase in the diversion rate or number of irrigated acres is authorized by this application.

The applicant currently holds Water Right No. 236-1.

Review of the Proposed Project and Existing Water Rights

The proposed project is located approximately 9.5 miles northeast of the city of Camp Crook in Harding County.

This application proposes to change the annual period of use, change the location of the diversion point, and change the lands to be irrigated. The existing water right is authorized for an annual period of use from April 15th to November 15th. This project proposes changing the annual period of use to April 1st to October 31st. South Dakota Codified Law (SDCL) 46-2A-8 gives the Water Management Board the discretion to vary the periods of annual use.

The applicant's existing water right authorizes diversion points on the Little Missouri River along the left bank from the northeast corner of Lot 7 Section 19 and the southeast corner of Lot 2 Section 30, T20N-R2E. This application proposes to move the diversion point location to the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 19 T20N-R2E on the Little Missouri River. SDCL 46-5-13.1 allows a change in location of a diversion point if the chief engineer makes a finding that the change does not increase the potential for interference with existing diversions. Other existing Water Rights on the Little Missouri River should not be affected if the diversion point location change is approved.

Water Right No. 236-1 authorizes irrigation of acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 19 and the NE $\frac{1}{4}$ NW $\frac{1}{4}$, and NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 30 T20N-R2E. This application proposes to move the irrigated acres to 40.29 acres in the E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 19 and 38.0 acres in the W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 20; all in T20N-R2E.

SDCL 46-5-34 allows for water permit/water right holders to amend the lands that they irrigate in their permit/right if doing so allows them to use the water beneficially or economically for irrigation. In a telephone conversation with the Water Rights Program, Mr. Tarter said that he wants to change the location of the lands to be irrigated. This change would allow the full rotation of a center pivot on the new lands to be irrigated. The other reason for the change is because Mr. Tarter now owns the land that he will be irrigating in Sections 19, and 20 T20N-R2E. This was not the case when Water Right No. 236-1 was obtained. The reasons he stated for the changes are reasonable.

SDCL 46-5-30.4 allows this application to retain the Water Right No. 236-1 priority date of September 10, 1951. There are three senior water rights located downstream of the proposed project. If this application is approved, it will continue to be a junior water right to the three downstream water rights. This project should not adversely impact these water rights.

No increase in the diversion rate or number of irrigated acres is authorized by this application. If this application is approved, Water Right No. 236-1 and Permit No. 236A-1 should be incorporated together when licensed.

Conclusions

1. Water Permit Application No. 236A-1 proposes to change the annual period of use, change the location of the diversion point, and change the location of the lands irrigated on Water Right No. 236-1.
2. South Dakota Codified Law (SDCL) 46-2A-8 gives the Water Management Board the discretion to vary the periods of annual use.
3. SDCL 46-5-13.1 allows for a change in location of a diversion point if the chief engineer makes a finding that the change does not increase the potential for interference with existing diversions. Other existing Water Rights on the Little Missouri River should not be affected if the diversion point location change is approved.
4. SDCL 46-5-34 allows for water permit/water right holders to amend the lands that they irrigate in their permit/right if doing so allows them to use the water beneficially or economically for irrigation. Mr. Tarter is changing the lands that he irrigates for economic reasons.
5. SDCL 46-5-30.4 allows this application to retain the Water Right No. 236-1 priority date of September 10, 1951.
6. There are three senior water rights located downstream of the proposed project. If this application is approved, it will continue to be a junior water right to the three downstream water rights. This project should not adversely impact these water rights.
7. No increase in the diversion rate or number of irrigated acres is authorized by this application.
8. If this application is approved, Water Right No. 236-1 and Permit No. 236A-1 should be incorporated together when licensed.



Stacy J. Johnson

Natural Resources Project Engineer

Reviewed by:



Lynn Beck

Natural Resources Engineering Specialist

References

Water Rights Program file, "Water Rights Nos. 236-1, 247-1, 251-1B, and 1302-1", DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501.



Area of Water Permit Application No. 236A-1

E 1/2 NE 1/4 = 42.29 Acres to be irrigated

Proposed Diversion Point

Water Permit No. 236-1 Diversion Point

Lands irrigated by Water Permit No 236-1

R2E

W 1/2 NW 1/4 = 38 Acres to be irrigated

20

Water Permit No. 247-1

T20N

Little Missouri River

Water Right No. 236-1 Diversion Point

30

29

Stacy J Johnson 3-4-02

Stacy J Johnson
Natural Resources Project Engineer
SD DENR Water Rights Program



0.5 0 0.5 1 Miles Scale



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 236A-1, Dean Tarter**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 236A-1, Dean Tarter, HC 59, Box 4, Camp Crook SD 57724.

The Chief Engineer is recommending APPROVAL of Application No. 236A-1 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) it is in the public interest with the following qualifications:

1. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
March 27, 2002



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

**NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.**

March 27, 2002

Dean R. Tarter
HC 59 Box 4
Camp Cook, SD 57724

Dear Mr. Tarter:

Water Permit Application No. 236A-1 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Nation's Center News printed at Spearfish, SD (Ph # 605-642-2761). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 27, 2002

Nation's Center News
PO Box 7
Spearfish, SD 57783

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 236A-1 to Appropriate Water to be published twice. Please publish the first notice on April 3, 2002 with the second publication 7 days later.

The applicant must verify to you that the notice is to be published, before you make the first publication **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Dean R. Tarter, HC 59 Box 4, Camp Cook, SD 57724 (Ph # 605-797-4487).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

No. 236A-1

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

Date _____

We are in receipt of your letter of March 27, 2002 enclosing Notice of Hearing to Appropriate Water by Application No. 236A-1 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

Instruction to Newspaper - Publish first Notice on April 3, 2002 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 236A-1 to Amend Water Right No. 236-1

Notice is given that Dean R. Tarter, HC 59 Box 4, Camp Crook SD 57724 has filed an application for a water permit to change the diversion point and lands irrigated authorized by Water Right No. 236-1. Water Right No. 236-1 authorized 1.1 cubic feet of water per second from the Little Missouri River to irrigate 80.29 acres. This application proposes to change the Little Missouri River diversion point to the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 19-T20N-R2E. The location of the 80.29 acres will be the E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 19 and W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 20; all in T20N-R2E. No increase in the diversion rate or number of acres irrigated is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 236A-1 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 22, 2002.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF HARDING

Stewart Huntington of said County and State being first duly sworn, on his oath says: That the NATION'S CENTER NEWS is a legal daily newspaper of general circulation, printed and published in the City of Buffalo, in said County and State by Stewart Huntington, and has been such a newspaper during the times hereinafter mentioned; and that said newspaper has a bonafide circulation of at least 200 copies weekly, and has been published within said County in the English language for at least one year prior to the first publication of the notice herein mentioned, and is printed in whole or in part in an office maintained at the place of publication; and That I, Stewart Huntington, the undersigned, am the Publisher of said newspaper and have personal knowledge of all the facts stated in this affidavit; and that the advertisement headed:

Notice of Hearing on Application No 236A-

a printed copy of which is hereto attached, was printed and published in said newspaper for 2 successive and consecutive weeks, the first publication being made on the 4th day of Apr, 2002, and the last publication on the 11th day of Apr, 2002, that the full amount of fees charged for publishing same, to-wit: The sum of \$ 38.56, insures solely to the benefit of the publisher of the NATION'S CENTER NEWS, that no agreement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any other person whomsoever.

Stewart Huntington

Subscribed and sworn to before me this 11th day of Apr, 2002

Quentin Johnson

Notary Public, Lawrence County, South Dakota

My commission expires: 10-24-2004

Notice is given that Dean R. Tarter, HC 59 Box 4, Camp Crook SD 57724 has filed an application for a water permit to change the diversion point and lands irrigated authorized by Water Right No. 236-1. Water Right No. 236-1 authorized 1.1 cubic feet of water from the Little Missouri River to irrigate 80.29 acres. This application proposes to change the Little Missouri River diversion point to the SE 1/4 NE 1/4 Section 19-T20N-R2E. The location of the 80.29 acres will be the E 1/2 NE 1/4 Section 19 and W 1/2 NW 1/4 Section 20; all in T20N-R2E. No increase in the diversion rate or number of acres irrigated is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 236A-1 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 22, 2002.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary Department of Environment and Natural Resources.

#467
April 10

RECEIVED

APR 15 2002

WATER RIGHTS
PROGRAM



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAY 31 2002

Dean R. Tarter
HC 59 Box 4
Camp Crook, SD 57724

Dear Mr. Tarter:

Enclosed is Water Permit No. 236A-1 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**

Date 7-18-02

TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

RECEIVED
JUL 22 2002
WATER RIGHTS
PROGRAM

FROM:

Walter R. Tarter
(name)

HC 59 Box 4
(address)

Camp Crook S.D.
(city, state, zip) 57724

605-797-4487
(phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

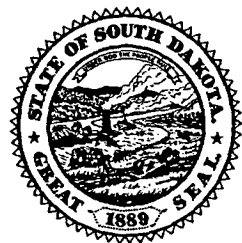
Water Permit No. 236A-1 states that the water use system is to be constructed by
4-23-2007, and water is to be put to beneficial use by 4-22-2011.
(date) (date)

The water use system was completed on 7-17-02.
(date)

Applying the water to beneficial use was completed on 7-18-02.
(date)

You may schedule an investigation so that the water license may be issued.

Walter R. Tarter
(signature)





236A-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 17, 2003

NOTICE

TO: DEAN R TARTER, HC 59 BOX 4, CAMP CROOK, SD 57724
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaires

Our records indicate that the 2002 Irrigation Questionnaires have not been submitted for Permit Nos. 236A-1, 236-1 & 1286-1. The request for the Questionnaires was dated October 11, 2002. The Water Management Board has directed that owners of water permits who have not submitted the 2002 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 236-1 & 1286-1 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 236A-1 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at 8:30 am, March 5, 2003 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 236A-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 236-1 & 1286-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 questionnaires are received in this office on/or before February 28, 2003, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



Track & Confirm

Delivery Status

You entered 2301 0370 0000 7541 4647

Your item was delivered at 11:28 am on January 18, 2003 in CAMP CROOK, SD 57724. The item was signed for by D TARTER.

[Request Delivery Record >](#)

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)



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DEAN R TARTER
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PS Form 153, February 2001



236A-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 22, 2003

236-1
236A-1
1286-1

Dean R Tarter
HC 59 Box 4
Camp Crook SD 57724

Dear Mr. Tarter:

I am writing to acknowledge receipt of your 2002 irrigation questionnaires. You may disregard the January 17, 2003, "Notice" concerning reporting requirements for Water Permit or Right Nos. 236-1, 236A-1 and 1286-1.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

11-1-03

TO Dept of Environment
and Natural Resources.

RECEIVED

NOV - 3 2003

WATER RIGHTS
PROGRAM

Dear Sirs.

Would you please send me
another irrigation questionnaire for
the year 2003. We seem to have
misplaced the one you sent us last
week.

Sincerely

Dean R. Carter

HC 59 Box 4
Camp Creek & Rd.

52724

P.S. Permit Nos. are 236A-1, 236-1
and 1286-1

Sent 11-3-03

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 236A-1

I have this day, **November 2, 2016**, made a thorough examination of the water use system constructed by **Dean Tarter, 11943 North Camp Crook Rd., Camp Crook, So. Dak. 57724** of Permit No. 236A-1, bearing the priority of 9/10/1951 authorizing 80.29 acres of irrigation from the Little Missouri River in Harding County. Water Permit **236A-1** changed the location of the diversion point and the location of lands irrigated authorized by Water Right **236-1**. Water Right **236-1** authorized 1.1 cfs from the Little Missouri River to irrigate **80.29** acres with a priority date of 9/10/1951.

Inspection contact & relationship to permit holder, if applicable: **Dean Tarter, owner**
605-797-4487

A. Works used to divert the water:

Pump:

- 1) Make Berkeley
- 2) Model B3JPBM
- 3) Size 13.5" impeller
- 4) Capacity 700 GPM

Power:

- 1) Source Diesel
- 2) Horsepower rating 40+ hp

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

- 1) Type PVC pipeline
- 2) Size 8" inches
- 3) Length 1,063 feet

Comments:

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Zimmatic 507
- 2) Machine length 930' feet
- 3) Number of towers 5
- 4) End gun Yes (total wetted radius 985')
- 5) Capacity 700 GPM
- 6) Acres 70

D. Chemigation Equipment: none

E. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Yes
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period: Yes
List any extended period of nonuse: **None**
- 3) Exceptions to compliance are: **none**

F. Condition and Location:

1. The system is in good condition with the point of diversion located as follows:
2,324' S and 221' W of the NE corner Section 19 T20N R 2E (45.683535, -103.91649)
2. The works are capable of diverting and conveying to the place of use 1.56 cu. ft. per second of water (700 gpm) which is to be used for sprinkler irrigation. Water has been put to beneficial use to the maximum extent as follows:

Section 19 T20N R2E

NW ¼ NE ¼ 0.6 ac.

NE ¼ NE ¼ 28.1 ac.

SW ¼ NE ¼ 0.5 ac.

SE ¼ NE ¼ 25.2 ac.

Section 20 T20N R2E

NW ¼ NW ¼ 8.4 ac.

SW ¼ NW ¼ 7.2 ac.

comprising a total of 70.0 acres of land and the license should be issued for 1.0 cfs.

3. All structures, wells and lands on map Yes

G. Comments or other permit(s) associated with the project:

Water Permit 236A-1 changed the location of the diversion point and the location of lands irrigated authorized by Water Right 236-1. Water Right 236-1 authorized 1.1 cfs from the Little Missouri River to irrigate **80.29** acres with a priority date of 9/10/1951. The license is issued for **1.0 cfs** based on the statutory limit of 1 cfs for each 70 acres.



Steven Quissell
Water Rights Inspector
DENR, Water Rights Program

Date report completed: 11/3/2016



trailer mounted pump

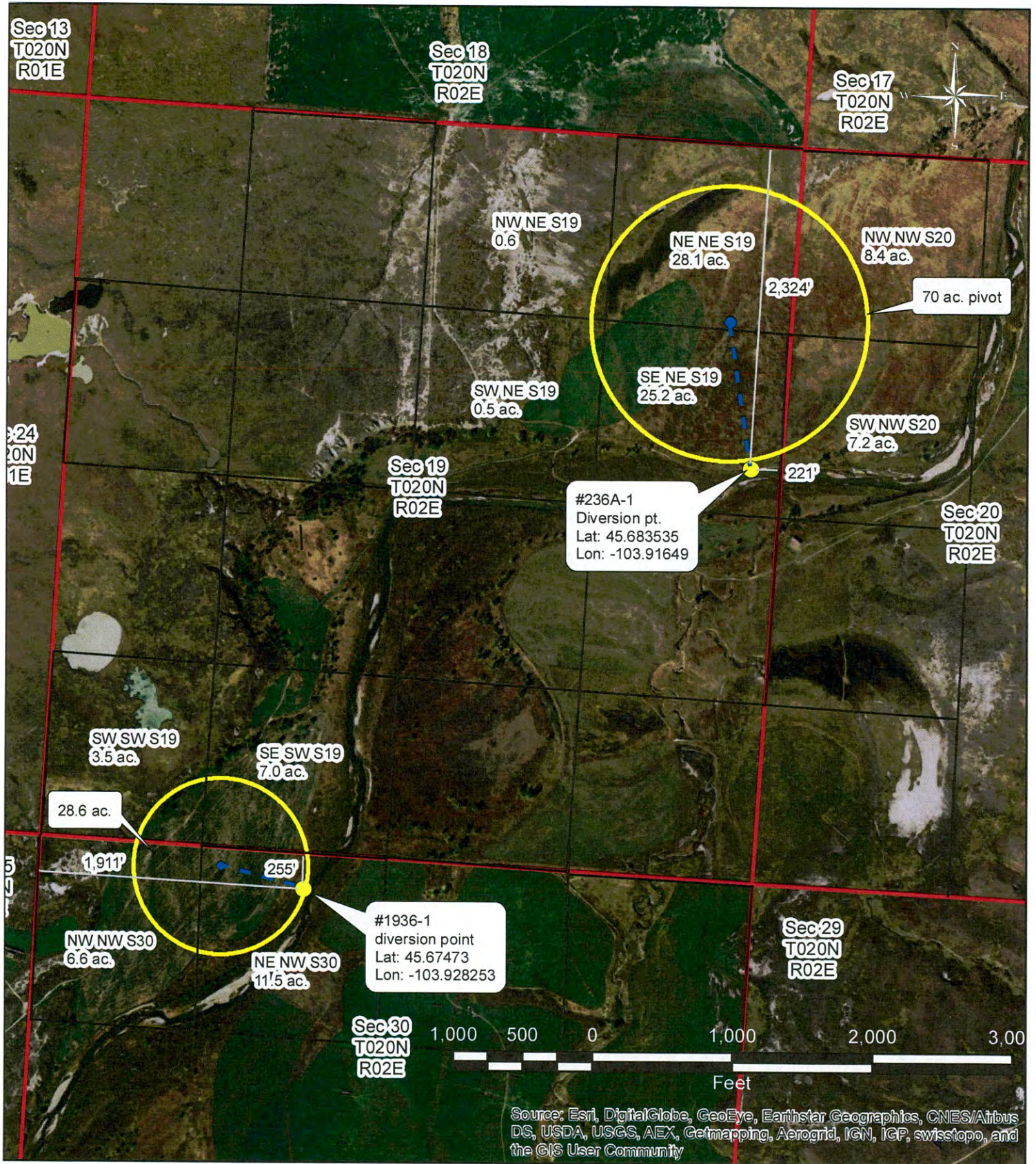


Little Missouri River downstream of diversion 11/2/16



5 tower pivot covering 70 acres

Water Right #1936-1 and #236A-1
Dean Tarter
11/2/2016



Steven Quissell

Steven Quissell
Water Rights Inspector
DNR Water Rights Program



Licensing of Acreage Outside of Permitted Area

NAME: Dean Tarter

ADDRESS: 11943 North Camp Rd, Camp Crook SD 57724

DATE: November 4, 2016 COUNTY: Harding TELEPHONE: (605) 797-4487

AUTHORITY

Pursuant to SDCL 46-5-30.5, acreage developed for irrigation outside of the area described on the permit may be licensed provided the following conditions are met:

NO INCREASE IN PERMITTED ACREAGE OR WATER APPROPRIATED:

The acreage developed for irrigation is 70.0 acres as compared to 80.29 acres authorized by 236-1. 236A-1 changes the diversion point and lands irrigated authorized by 236-1 which authorized 1.1 cfs from the Little Missouri River to irrigate 80.29 acres. 236A-1 is for no increase in diversion rate or number of acres irrigated. Upon licensing 236-1 and 236A-1 should be incorporated.

UNPERMITTED ACREAGE:

- **Contiguous to Permitted Acreage**

Section 19-T020N-R02E:

E½ NE¼ 11.0 acres

NW¼ NE¼ 0.6 acres

SW¼ NE¼ 0.5 acres

- **Owned by Same Property Owner**

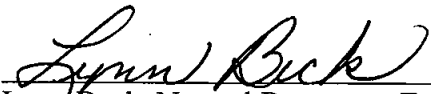
yes

- **Developed Prior to Expiration of Construction Period**

yes

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the 12.1 acre area be included in the water license.



Lynn Beck, Natural Resources Engineer III
Water Rights Program

The Chief Engineer makes a finding pursuant to SDCL 46-5-30.5 that:

This acreage change does not impair existing water rights and the overall project, as developed, is consistent with the original application. Licensing of the unpermitted acreage may occur without application or publication pursuant to SDCL 46-2A-4.



Jeanne Goodman, Chief Engineer
Water Rights Program

236A-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>



236A-1
236-1
1936-1

AUG 03 2017

Dean R Tarter
11943 N Camp Rd
Camp Crook SD 57724

Dear Mr. Tarter:

Enclosed are Water License Nos. 236A-1 and 1936-1. These are the final water right documents completing your process of obtaining a Water Right. Also, included with the licenses is a map prepared by the staff engineer who conducted the investigation.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

Note: The applicable portions of No. 236-1 are incorporated into Water License No. 236A-1.

enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 236A-1

(1) Dean R Tarter, 11943 N Camp Rd, Camp Crook SD 57724 made Application No. 236A-1, February 22, 2002 for a water permit to change the location of irrigated land and the diversion point from the Little Missouri River, Harding County, South Dakota for irrigation purposes. Permit No. 236A-1, with a priority date of September 10, 1951 was approved April 22, 2002 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before April 22, 2007 and for the application to beneficial use of water on or before April 22, 2011.

An investigation conducted for licensing purposes found acreage developed for irrigation outside of the area described on the permit. Pursuant to SDCL 46-5-30.5, the Chief Engineer makes a finding that existing water rights will not be impaired and the overall project, as developed, is consistent with the original application.

Water Right No. 236-1, with a priority date of September 10, 1951 authorized 1.10 cubic feet of water per second to irrigate 80.29 acres. The applicable portions of No. 236-1 are incorporated into No. 236A-1.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 236A-1 is issued a license, bearing a priority date of September 10, 1951 to appropriate 1.0 cubic feet of water per second from the Little Missouri River to irrigate 70 acres.

The diversion point is located: 2,324 feet S and 221 feet W of the NE corner of Section 19-T20N-R2E (SE 1/4 NE 1/4). The acres authorized for irrigation are as follows:

<u>Section 19-T20N-R2E</u>		<u>Section 20-T20N-R2E</u>	
NW 1/4 NE 1/4	0.6 acres	NW 1/4 NW 1/4	8.4 acres
NE 1/4 NE 1/4	28.1 acres	SW 1/4 NW 1/4	7.2 acres
SW 1/4 NE 1/4	0.5 acres		
SE 1/4 NE 1/4	25.2 acres		

Total 70 acres

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Permit No. 236A-1 including the following qualifications:

- Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

AUG 03 2017

date





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

November 6, 2024

236A-1
1936-1

Dean R Tarter
11943 N Camp Crook Rd
Camp Crook SD 57724

Dear Mr. Tarter:

The Water Rights Program is in receipt of the 2024 Irrigation Questionnaires you submitted for Water Right Nos. 236A-1 & 1936-1.

A review of the submissions has found both questionnaires to be incomplete and they are being returned to you so that you may either include the diversion rate and hours of monthly operation, or PSI, depth to water, and kilowatt hours. Please note that your 2024 Irrigation Questionnaires will not be counted as "returned" until a complete and accurate submissions are made.

Please try the online reporting option available at <https://danr.sd.gov/iq/> Your password is HUSQBL.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

NOTE: The Irrigation Questionnaire submit for Water Right No. 1286-1 was found to be complete.

enclosures