

394-2

Office of State Engineer
DOCUMENT FILE

Archie H. Tate
Mission, S. Dak.

Sec. 19 - 38 N. - 38 W.
Todd County

Kcha Paha River District
Source: Antelope Creek

Engineer: Florka Colgan
607 1/2 St. Joe St.
Rapid City, S. Dak.

Map No. 347-2

Also see Water Right # 314-2

No. 394-2

Division No. 2

Kcha Paha River District

PERMIT

to appropriate water from

Antelope Creek

Todd County, South Dakota.

Name of applicant

Archie H. Tate

Name of diversion works

Green Valley Irrigation Project.

Date of first receipt at office of State

Engineer April 27, 1953

Returned to applicant for Correction

----- 19

Corrected application received

----- 19

Date of water right

April 27, 1953

Recorded in Book 3 Page 47

One-fifth of work to be completed

December 12, 1955

Whole work to be completed

June 12, 1959

Final proof of use of water

June 12, 1958

Approved June 12, 1953

DEAN W. LOCKS, State Engineer.

NO. 314-2

Water Division No. 2 Kava Paha River
(Blanks to be filled by the State Engineer.)

District **DEWID**
9:00 A.M.
APR 27 1953

APPLICATION FOR PERMIT

To appropriate Water within the State of South Dakota

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

(NOTE--Draw a line through items not applicable.)
Archib H. Tato

1. Name of applicant Mission Todd S. Dak.
Postoffice address _____, 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 address 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 Direct Labor by direct labor) _____
- (b) Cash on hand, \$ 6000 (c) Treasury stock, \$ _____
- (d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion work _____

3. Quantity of water claimed 1.17 cubic feet per second.

4. Source of water supply Antelope Creek

5. Location of point of diversion From the NW Cor. of the SW 1/4 of Sec. 19, T.38N., R. 20W.,
59 degrees 51 minutes East 2379.8' Right

6. Annual periods during which water is to be used _____ on _____ bank.
April 20 to October 1

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? 81.91

(a) Number of acres to be irrigated _____ 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 _____

(d) Method of developing power _____

8. Estimated cost of works:

(a) Head gates, \$.....	(b) Pumping plant, \$ 2500
(c) Fluming, \$.....	(d) Canal-earth, \$.....
(e) Other structures <u>Sprinkler System</u> \$ 3500	Rock, \$ 6000
	Total, \$ 6000

9. Description of diversion works:

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

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 of back face.....; material used in construction.....

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

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

(c) * Head gate: Width 600 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 5 years.

11. Time required for complete application of water to the proposed beneficial use 5 years.

12. Choice of newspaper for publication of notice of intention to appropriate Todd County Tribune

STATE OF SOUTH DAKOTA

County of Todd } ss.

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

Signed Archie H. Tate

Subscribed and sworn to before me this 23 day of April, 1933

C. W. Jeger
 Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

Remarks by State Engineer:

This allotment does not provide any right over or in conflict with existing permits or rights or with riparian vested rights.

STATE OF SOUTH DAKOTA

County of Hughes } S. Pierre, South Dakota, June 12, 1953

This is to certify that the foregoing application was received at this office at 9:00 o'clock A. M. upon the 27th day of April, 1953 and that after examination it was found to comply with the South Dakota water laws, was published in accordance with the provisions thereof and consideration given to any and all information presented.

No protests were received.

Handwritten signature of Dean W. Loucks

DEAN W. LOUCKS, State Engineer.

Number of permit 394-2
Date of first receipt of application April 27, 1953
Date of return to applicant for correction
Date of receipt of corrected application
Date from which applicant may claim right April 27, 1953
Approved June 12, 1953, Recorded in Book 2 Page 47

This is to certify that I have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and I 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 December 12, 1955
2nd. The whole of said work is to be completed on or before June 12, 1958
3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is June 12, 1958
4th. The water appropriated shall be used for the purpose of providing Sprinkler 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 1.17 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 June 12, 1958; said water to be used during the following described annual period:

April 20 to October 1, inclusive

Witness my hand this 12th day of June, 1953

Handwritten signature of Dean W. Loucks

DEAN W. LOUCKS, State Engineer.

Certificate of Construction issued, 1953

Water License issued, 1953

LEGAL SUBDIVISIONS TO BE IRRIGATED

No. of Acres

Description

4.41
19.47
4.89
36.54
0.01
9.22
7.37

NE of NW of Sec. 19, T. 38N., R. 28 W.
NW of NE of Sec. 19, T. 38N., R. 28 W.
SE of NW of Sec. 19, T. 38N., R. 28 W.
SW of NE of Sec. 19, T. 38N., R. 28 W.
SE of NE of Sec. 19, T. 38N., R. 28 W.
NW of SE of Sec. 19, T. 38N., R. 28 W.
NE of SW of Sec. 19, T. 38N., R. 28 W.

81.91 Acres

Total acreage

Archie Tate Application for Water Rights to Irrigate
with a Sprinkler System.

Nozzle Size to be used $1\frac{3}{64}$ " x $\frac{5}{32}$ "

Below is a table showing the discharge in gallons per minute,
with varying pressures for the above nozzle.

<u>Gallons per Minute</u>	<u>Pressure</u>
9.23	25#
10.1	30#
11.2	35#
11.8	40#
12.6	45#
13.3	50#
14.1	55#
14.7	60#

STATE OF SOUTH DAKOTA

WATER LICENSE No. 394-2....

WHEREAS, On the 27th day of April A. D. 1953

Archie H. Tata

of Mission County of Todd and State of

South Dakota duly made application (No. 394-2) to us for a permit to use 1.17

cubic feet per second of the waters of Antelope Creek

County of Todd, State of South Dakota, for irrigation

purposes; and

WHEREAS, On the 12th day of June A. D. 1953

Permit No. 394-2 was issued to said applicant for the diversion of said water, and providing for the

completion of the works of diversion therein described on or before the 12th day of

June A. D. 1958 and for the application to beneficial use of said

water on or before the 12th day of June A. D. 1958

and,

WHEREAS, On the 13th day of May A. D. 1958

the holder of said permit duly made proof of the completion of adequate works for the diversion of 1.17

cubic feet per second of said waters, as evidenced by our Certificate No. 394-2

dated January 2, 1958 confirming the completion of works of sufficient capacity for

diverting and conveying to the place of intended use 1.17 cubic feet per second of water, with date of

priority of April 27, 1953 and and

WHEREAS, On the 13th day of May A. D. 1958

proof was duly made of the application to beneficial use of 1.17 cubic feet per second of said water;

on 81.91 acres located in the NE1/4 SW1/4, NW1/4 SE1/4, SE1/4 NE1/4, W1/4 NE1/4, and

E1/4 NW1/4, all in Sec. 19, T 38 N, R 28 W more particularly described in

the Certificate of Completion of Works No. 394-2.

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 Archie H. Tate
 of Mission, South Dakota the holder and owner of said permit No. 394-2
 a water right, dating from April 27, 1953 to the use of 1.17
 cubic feet per second of the waters of Antelope Craek
 in the County of Todd and State of South Dakota, or so much thereof as may be
 necessary for the purposes hereinafter mentioned, to be diverted at S 89° 31' E, 2379.8 feet from
the W $\frac{1}{2}$ Cor., Sec. 19, T 38 N, R 28 W
 and conducted to and upon the NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{4}$ NW $\frac{1}{4}$ all in
Sec. 19, T 38 N, R 28 W more particularly described in Certificate
of Completion of Works No. 394-2
 for the purpose of irrigation

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

WITNESS, My hand and seal of our office at Pierre, South Dakota,
 this 2nd day of January A. D. Nineteen
 Hundred and fifty-nine

State Water Resources Commission
 By:
J.W.GRIMES, Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Ac't. _____ c. f. s. _____

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____

Permit No. **394-2**
Kaya Paha
Water Division No. **2** **River** Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

Archie H. Tata

This is to Certify, That

of **Mission**, County of **Todd**, and State of **South Dakota**, the holder of Permit No. **394-2**, issued upon Application No. **394-2**, bearing date of priority of **April 27, 1953**, authorizing the diversion of **1.17** cu. ft. per second of the waters of **Antelope Creek** County of **Todd**, State of South Dakota, at **E 89° 31' E, 2379.8 feet from the W $\frac{1}{2}$ Cor., Sec. 19, T 38 N, R 28 W** for **irrigation**

purposes, has fully 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 **1.17** cu. ft.

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

to-wit:	NE$\frac{1}{4}$NW$\frac{1}{4}$)	4.41 acres
	NWPNE$\frac{1}{4}$)	19.47 acres
	SE$\frac{1}{4}$NW$\frac{1}{4}$) all in Sec. 19	4.89 acres
	SW$\frac{1}{4}$NE$\frac{1}{4}$) T 38 N, R 28 W	36.54 acres
	SE$\frac{1}{4}$NE$\frac{1}{4}$)	.01 acres
	NW$\frac{1}{4}$SW$\frac{1}{4}$)	9.22 acres
	NE$\frac{1}{4}$SW$\frac{1}{4}$)	7.37 acres
	Total	81.91 acres

Witness my hand this **2nd** day of **January** **59** A. D. 19

State Water Resources Commission

By: **J. W. CRIMES,** Chief Engineer, Executive Officer

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County of Todd } ss.

Leona P. Tigert being duly sworn, deposes and says the annexed printed copy of Notice of Intention to appropriate Water was taken from the Todd County Tribune 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 Mission County of Todd and State of South Dakota; that the said notice was published in said newspaper on the following dates:

- Thursday, May 7, 1903
- Thursday, May 14, 1903
- Thursday, May 21, 1903
- Thursday, May 28, 1903

in each and every issue of the full number thereof, the first publication being made on the 7th day of May 1903 and the last publication on the 28th day of May 1903, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was Ass't. Bus. Mgr. the printer and publisher of the said newspaper.

Leona P. Tigert

Subscribed and sworn to before me this 1st day of June A. D. 1903

C. W. Tigert
Notary Public Todd County, S. D.

No. 394-2
(First Publication May 7, 1903)
APPROPRIATION OF WATER
Office of State Engineer,
Pierre, S. D. April 30, 1903

Notice is hereby given that Archie H. Tate whose postoffice address is Mission, 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 1.17 cubic feet of water per second of time from the Antelope Creek through the Green Valley Irrigation Project, to point of diversion of which is to be located on the right bank of said stream S. 89 degree 31 minutes E. 2379.8 ft. from NW Cor of SW 1/4 Sec. 19, Twp. 38N Range 28W. Said water to be used for the purpose of providing irrigation on the following described land: NE 1/4 SW 1/4, NW 1/4 SE 1/4 E 1/4 NW 1/4, W 1/4 NE 1/4 and SE 1/4 NE 1/4 Sec. 19, T 38N, R. 28 W.

This application will be taken up by the State Engineer at his office at Pierre for consideration by Mr. A. R. Jensen and family at the home of their daughter, Mrs. A. R. Jensen, Tuesday evening, May 12, 1903, at the home of Mrs. Willis Groves re Mrs. and Mrs. Harold Ringst and family at the Angus Kingst home.

OFFICE OF STATE ENGINEER
PIERRE, S. D.

Permit No. 394-2

Keya Paha

Water Division No. 2

River Water District

Certificate of Examination of Works

Report of Examining Engineer

To the State Water Resources Commission, Pierre, South Dakota:

Dear Sirs: I hereby certify that in accordance with your ~~request~~ authorization dated ~~XXXX~~ On August 25, 1958

~~XXXX~~, I have ~~thereby~~ made a thorough examination of the diversion works constructed by

Archie H. Tate of Mission

Todd County, South Dakota, holder of Permit No. 394-2, Issued

upon Application No. 394-2, bearing date of priority of April 27, 1953, authorizing the

diversion of 1.17 cu. ft. per second of the waters of Antelope Creek for irrigation

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

The diversion works comprise: F-M centrifugal pump, Size #4-5532 with a pressure gage; M-farmall, Ford, and Farmall Super "A" tractors; 1110 ft. of 5" pipe and 210 feet of 4 inch pipe and about 1/2 miles of adequate ditching; and adequate facilities of estimating flow rates at this time.

and the system is in the following condition: Very good

The point of diversion is located S 89° 31' E, 2379.8 feet from the W 1/2 Cor., Sec. 19, T 38 N, R 28 W

The works are capable of diverting and conveying to the place of use 1.17 cu. ft. per second of water, which is to be used for irrigation

The legal sub-divisions to be irrigated are: NE 1/4 SW 1/4, NW 1/4 SE 1/4, SE 1/4 NE 1/4, W 1/4 NE 1/4 and E 1/4 NW 1/4 all in Sec. 19, T 38 N, R 28 W

comprising a total of 81.91 acres of land.

The domestic use intended comprises

The utilization for power, mining or other beneficial uses comprises:

Witness my hand, this 2nd day of

January

A. D. 19 59

--SEAF--

Les Wyberny,

Examining Engineer.

MR. TATE WAS IN THE OFFICE
2-26-65 TO TRY AND DETERMINE
WHAT COULD BE DONE ABOUT
GETTING HIM SOME WATER.
SINCE LAMONDANUP PUT
IN HIS CLAIM, HE DOES NOT
HAVE SUFFICIENT WATER TO
IRRIGATE.

SOUTH
Dakota Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

No. 394A-2

394-2

DEC 16 1987

Archie Tate
733 N. Main
Valentine, Nebraska 69201

Dear Mr. Tate:

Enclosed herewith is, Water License No. 394A-2. This is the final water right document completing your process of obtaining a water right.

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.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

JH:mjs

Enclosures
Note:

Applicable portions of Water Right No. 394-2 are being incorporated into this Water License No. 394A-2.

WNR-817 3/83

Transmittal of Water License