

Considered: _____

WATER PERMIT NO. 394A-2

HAP No. same

Name of Applicant Archie H. Tate

Post Office Address Box 28, Mission SD 57555

Amount of Water Claimed (total) 1.33 cfs (0.16 add'l) Total Acres 93.3 (11.4 add'l)

Source of Water Supply Antelope Creek and storage dam

Water to be used for irrigation County Todd

About 3 1/2 miles S of Mission

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

F.F. & C.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY _____ Date Received May 29, 1986 Fee \$150.00 Remarks _____

Corrected Application Received March 2, 1987 Period of Annual Use Apr 1 - Oct 31

WATER QUALITY APPROVAL RECEIVED 7/15/86 APPROVED/CONDITIONAL (Circle one)

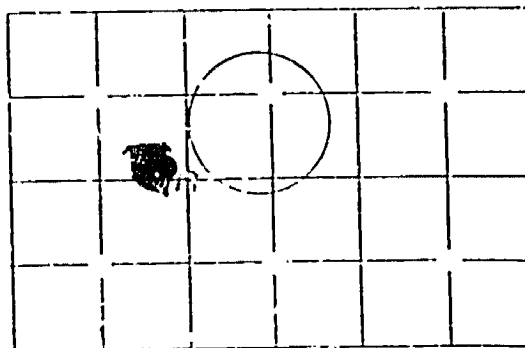
Will Description same as Application YES ☒ NO _____ REMARKS _____

Diversion Point Storage dam: SE 1/4 NW 1/4 section 19-

T38N-R28W

Land to be Irrigated NE 1/4, NW 1/4 SE 1/4 section 19-

T38N-R28W



Well Log: Driller NA Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

Type of Map topo & aerial photo PREPARED BY R. A. Hodi Reviewed and the Number

assigned on March 12, 1987 By Ron Durrell

Mail to: Water Rights Div.
DWNR, Foss Bldg.
Pierre, SD 57501

No. <u>394A-2</u>	Hydrologic Unit <u>10150006</u>
Map No. <u>same</u>	Basin <u>Niobrara Trip.</u>
Newspaper <u>Todd County Tribune</u>	

Application For Permit To Appropriate Water Within The State Of ~~SOUTH~~ **SOUTH DAKOTA**

Type of Application: Check one or more of the following:

New ☒ Vested Right ☐ Future Use ☐☒ Application to amend Permit No. 394-2 with old priority date retained, except for add'l acres, storage☐ Change diversion point(s) ☐ Add diversion point(s) ☒ Change acreage ☐ Other ☐ & diversion rate☒ Application to: ☐ Change use ☐ Change diversion point(s) ☒ Add diversion point(s)☒ Add Acreage ☒ Increase diversion rate ☒ Other ADD STORAGE See Permit No. 394-2☐ Application to: ☐ Use ☐ Transfer water reserved by Future Use Permit No. _____1. Name of Applicant Archie H. Tate Phone No. _____Post Office Address Box 28 Mission South Dakota State 57555
(Street, R.R. or Box) City Zip Code2. Amount of water claimed (c.f.s.) 1.33 total 0.16 add'l, 79 acre feet Total acres irrigated 93.3 (11.4 add'l)3. Source of Water supply Antelope Creek and storage dam4. Location of point of diversion storage dam: SE1/4 Section 19-T38N-R28WCounty Todd5. Counties where water will be used Todd6. Annual period during which water is to be used April 1 - October 31

7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr
NW1/4 Section 19-T38N-R28W	15.0
NE1/4 Section 19-T38N-R28W	9.0
SW1/4 Section 19-T38N-R28W	38.0
SE1/4 Section 19-T38N-R28W	25.0

Land Description	No. Acres Irr
NW1/4 Section 19-T38N-R28W	5.0
NE1/4 Section 19-T38N-R28W	1.3

Attach sheet if more space is needed

8. Give a brief description of proposed project. When available include a preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

This application proposes to amend Water Right No. 394-2 to change the location of lands to be irrigated. The above described acreage is irrigated in place of acreage formerly irrigated in the E1/4NW1/4, NE1/4SW1/4 and portions of the NW1/4SE1/4 and NW1/4NE1/4 all in Section 19-T38N-R28W. This application also proposes to authorize an additional water appropriation of 0.16 cfs, storage of 79 acre-feet of water annually and irrigation of an additional 11.4 acres located in the SE1/4NE1/4 Section 19-T38N-R28W. Water Right No. 394-2 authorizes an appropriation of 1.17 cfs for irrigation of 81.9 acres.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map (see instruction)

STATE OF SOUTH DAKOTA
County of ToddI, Archie H. Tate the applicant, certify that I have read the foregoing application, have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

KAREN SCHLAACK

SEAL NOTARY PUBLIC SEAL
SOUTH DAKOTA
My Commission Expires Apr. 1, 1993

Signed Archie H. Tate

And day of March 1987
Karen Schlaack

IRRIGATION WATER PERMIT APPROVAL

The Water Management Board hereby approves Water Permit Application No. 394A-2
 to irrigate 11.4 acres in the SE1/4 Section 19 from Antelope Creek and a storage dam
(legal description of land)
on Antelope Creek in the SE1/4 Section 19; all in T38N-R28W

_____ for
(diversion point, source, depth of water, etc.)

Archie H. Tate Box 28
(Applicant) (Street, RR or Box)
Mission, South Dakota 57555 With the following qualifications:
(City) (State) (Zip Code)

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.

Date of first receipt of application May 28, 1986
 Date Soil Water Compatibility Permit received July 15, 1986
August 6 1986
 Date of return to applicant for correction, amendments or changes required February 3, 1987
August 18 1986
 Date of receipt of corrected application March 2, 1987 Approved July 8, 1987

The Water Management Board approved this Water Permit No. 394A-2 authorizing the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Water Permit approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is May 28, 1986.
2. One-fifth of the work is ~~to be~~ completed ~~on or before~~ 49.
3. The whole of said work is ~~to be~~ completed ~~on or before~~ 49.
4. The time limit for proof of beneficial use of water is 49.
5. 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 unlawfully impaired by this appropriation.
6. The amount of the appropriation herein granted shall not exceed 79 acre feet annually
0.16 cubic feet per second; neither shall it exceed 2 acre feet per acre per year or 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____. The water is to be used during the following described annual period: April 1 - October 31

WATER MANAGEMENT BOARD
 By: John Hatch
Chief Engineer JOHN HATCH
 Division of Water Rights
 Dept. of Water and Natural Resources
AUG 19 1987

Supplemental Information:

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth of Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well: _____
- On applicants property _____ On property owned by others _____

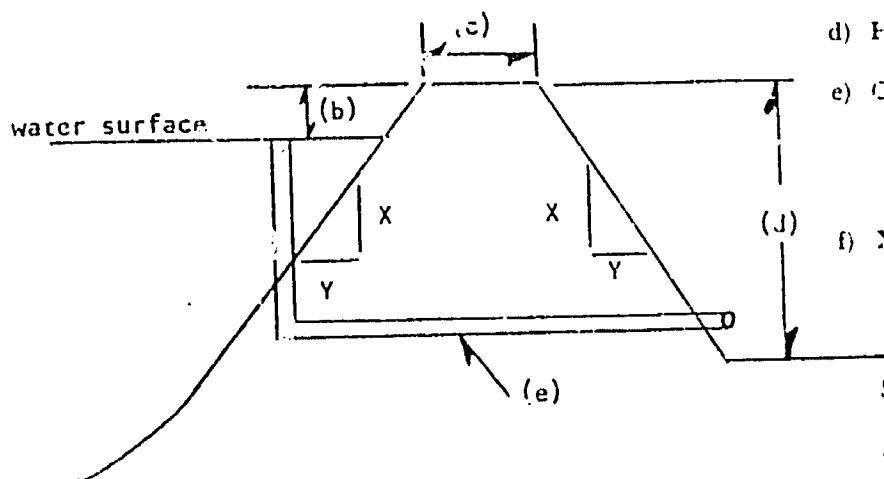
2. Dugout Information Estimates

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam please give their name and address _____



- b) Freeboard 6.8'
- c) Crest Width 35'
Crest Length 770'
- d) Height 14.0'
- e) Outlet Dimensions:
Pipe diameter 36"
Spillway width 250'
- f) X & Y Slope
Upstream 4/1
Downstream 2/1
- Surface Area of Impoundment 19.0 A.
- Storage 79.0' acre feet
- Drainage area above dam 45.720 Acres

Archie H. Tate
Signature of Applicant

March 1987
(date)

page 1 of 1

Parties of Record before Water Management Board on Water
Permit Application No. 394A-2, Archie H. Tate

FOR:

AGAINST:

1. Archie H. Tate
Box 28
Mission SD 57555

2. Quame E. Tate
Box 28
Mission SD 57555

3. _____

4. _____

5. _____

Report on Application No. 394A-2
Archie H. Tate
March 13, 1987

Background

On April 9, 1986, an inspection of Water Right No. 394-2 was conducted by Greg Powell and Rassool Ahadi. The Application is for a permit to transfer the location of irrigated land. Water Right No. 394-2 authorizes diversion of 1.17 cfs from Antelope Creek to irrigate 81.9 acres in Section 19, T38N-R28W in Todd County.

This Application proposes to transfer irrigation of 25.4 acres from lands specified on Water Right No. 394-2 to lands irrigated in the E1/2 NE1/4, SW1/4 NE1/4, NE1/4 SE1/4 Section 19, T38N-R28W. The priority date established by Water Right No. 394-2 for irrigation of 81.9 acres with a diversion rate 1.17 cfs is not changed by transfer of irrigation lands. This Application is also to authorize an additional 11.4 acres located in the SE1/4 NE1/4 Section 19, T38N-R28W and storage of 79 acre-feet of water annually in an existing dam.

The storage dam which was constructed in 1975 is located near the center of the Section 19, T38N-R28W. The dam is classified as a category 3 dam. The drainage area for the dam is approximately 71 square miles. In accordance with Section 74:02:08:02 of the Safety of Dams Rules, effective July 1, 1987, Archie Tate's dam may be exempt from the spillway requirements. However, an inspection was conducted on June 30, 1987. The spillway was surveyed to determine if it was capable of passing the 25 year flood. Based on the calculations, the drop inlet, three culverts, plus the secondary spillway are capable of discharging 1500 cfs which is greater than the calculated 1300 cfs derived from the 25 year flood event. Therefore, the dam complies with the Safety of Dams Rules for spillway requirements of a category 3 dam.

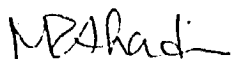
Water Rights Division Files

Water Rights Division files show one water right exists downstream from the proposed project area, Water Right No. 417-2, George and Richard Clausen has a priority date of November 3, 1955. The water right authorizes 4.18 cfs from the Antelope Creek. The land is located approximately 3 miles north of the storage dam.

Mission Dam is also located on Antelope Creek, approximately 5 miles downstream from the Tate dam. At the location of the Mission Dam, the drainage area is 89.3 square miles. The storage capacity of Mission Dam is 1216 ac.ft.

Conclusions

- 1) There are no complaints in the Water Rights Division files regarding the construction of the dam, storage of water, or the use of the water from the dam since the dam was completed in 1975.
- 2) The applicant has stored water and used the amount of water proposed since the dam was built. No complaints have been received regarding shortage of the water due to the water use by the applicant from downstream users in the area.
- 3) The drainage area is capable of providing the quantity of water necessary to serve the project with no adverse impact on the water users downstream from the proposed irrigation area.
- 4) Approval of this permit is in the public interest and constitutes beneficial use of the waters of the state.
- 5) It is recommended that Application No. 394A-2 be approved with the low flow bypass qualification.

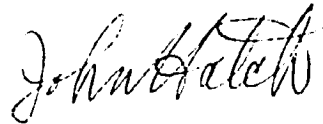


Rassool Ahadi
Natural Resources Engineer

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 394A-2

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 394A-2, Archie H Tate, Box 28, Mission SD.

The Chief Engineer is recommending DEFERRAL of Application No. 394A-2 until it can be determined if the construction of the dam complies with Water Management Board Rules Chapter 74:02:08 Safety of Dams.

A handwritten signature in cursive script, reading "John Hatch". The signature is written in dark ink and is positioned above the printed name and date.

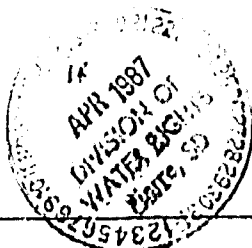
JOHN HATCH, Chief Engineer
April 2, 1987

Form 8 - Proof of Publication - Notice of
Intent to Appropriate Water

No. 394A-2

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Yankton) ss.



I, Kenneth K. Foss hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Yankton County, South Dakota

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 Yankton

County of Yankton and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

April 7, 1987

April 15, 1987

Kenneth K. Foss
(Signature)

P. J. Foss
(Title)

4/16/87
(Date Signed)

Cost of Printing: 7/10 line @ 21.00 = 147.00

plus 20% discount on 2nd insertion = 21.00

Total cost of printing = 168.00

Notice of Hearing

on Application No. 394A-2 to Appropriate Water and
to Amend Water Right No. 394-2

Notice is hereby given that Archie H. Tate whose mailing
address is Box 28, Mission, South Dakota has made an
application for a permit to transfer the location of irrigated
lands. Water Rights No. 394-2 authorizes diversion of
1.17 cubic feet of water per second to irrigate 81.9
acres located in the E1/2NW1/4, W1/2NE1/4, SE1/4NE1/4,
NE1/4SW1/4, NW1/4SE1/4 Section 19-T38N-R28W. This
application proposes to transfer irrigation of 25.4 acres
from lands specified on Water Right No. 394-2 to lands
irrigated in the E1/2NE1/4, SW1/4NE1/4, NE1/4SE1/4
Section 19-T38N-R28W. The priority date established by
Water Right No. 394-2 for irrigation of 81.9 acres with a
diversion rate of 1.17 cfs is not changed by the transfer
of irrigated lands. This application is to also authorize an
additional water appropriation of 0.16 cfs for irrigation
of an additional 11.4 acres and storage of 79 acre-feet
of water annually in an existing dam. The storage div.
is located in the SE1/4NW1/4 and the additional irrigated
acreage is located in the SE1/4NE1/4; all in Section 19-
T38N-R28W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of
the Water Rights Division recommends DEFERRAL of
Application No. 394A-2 until it can be determined if the
construction of the dam complies with Water Management
Board Rules Chapter 74:02:08, Safety of Dams.

This application will be considered by the Water
Management Board at room 216, Joe Foss Building, 523
E. Capitol, Pierre, South Dakota, May 6, 1987 at 10:00
a.m. The recommendation of the Chief Engineer is not final
or binding upon the Board and the Board is authorized to
1) approve, 2) approve with qualifications, 3) defer, or 4)
deny this application after it reaches a conclusion based
thereon must be filed with the Chief Engineer by April
24, 1987.

Publ.: April 8 and 15, 1987.

SNR-808-7/79

Proof of Publication

DWNR 806-11/85

No. 394A-2

Instruction to Newspaper - Publish first publication of the following Notice on or before April 8, 1987 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 394A-2 to Appropriate Water
and/or to Amend Water Permit or Water Right No. 394-2

Notice is hereby given that Archie H. Tate whose mailing address is Box 28, Mission, South Dakota has made an application for a permit to transfer the location of irrigated lands. Water Right No. 394-2 authorizes diversion of 1.17 cubic feet of water per second to irrigate 81.9 acres located in the E¹/₄NE¹/₄, W¹/₄NE¹/₄, SE¹/₄NE¹/₄, NE¹/₄SW¹/₄, NW¹/₄SE¹/₄ Section 19-T38N-R28W. This application proposes to transfer irrigation of 25.4 acres from lands specified on Water Right No. 394-2 to lands irrigated in the E¹/₄NE¹/₄, SW¹/₄NE¹/₄, NE¹/₄SE¹/₄ Section 19-T38N-R28W. The priority date established by Water Right No. 394-2 for irrigation of 81.9 acres with a diversion rate of 1.17 cfs is not changed by the transfer of irrigated lands. This application is to also authorize an additional water appropriation of 0.16 cfs for irrigation of an additional 11.4 acres and storage of 79 acre-feet of water annually in an existing dam. The storage dam is located in the SE¹/₄NW¹/₄ and the additional irrigated acreage is located in the SE¹/₄NE¹/₄; all in Section 19-T38N-R28W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends DEFERRAL of Application No. 394A-2 until it can be determined if the construction of the dam complies with Water Management Board Rules Chapter 74:02:08, Safety of Dams.

This application will be considered by the Water Management Board at room 216, Joe Foss Building, 523 E. Capitol, Pierre, South Dakota, May 6 19 87 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and the Chief Engineer by April 24, 1987. The petition may be informal, but it must include a statement describing the petitioners interest in the application, the reasons for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2 46-5-30.4, 46-5-31; (ground) 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; (future use) 46-5-38 thru 46-5-40; (transfer lands) 46-5-30.4, 46-5-33 thru 46-5-35; (10,000 AFA) 46-5-20.1, 46-5-20.2; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15 (future use) 74:02:01:24 thru 74:02:01:25; (10,000 AFA) 74:02:01:15:02 thru 74:02:01:15:05.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, 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.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNR, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by April 24, 1987.



Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

Water Rights Division
605 773-3352

April 3, 1987

Todd County Tribune
Box 229
Mission, South Dakota 57555

Dear Sir:

Enclosed is a Notice of Intent to Appropriate Water by Archie H. Tate
Application No. 394A-2, in Todd County, South Dakota. Please
publish this notice once each week for two consecutive weeks in your paper. The
first publication should be on, or before April 8, 1987.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you
make the first publication. The applicant is to pay the cost of publication and
should make the necessary arrangements with you to pay these costs

A copy of BOTH publications must be sent to the Water Rights Division. IMMEDIATELY
after the FIRST publication, return a copy of the notice with the FIRST Publication
Transmittal form on the bottom of this page. The first copy is needed to check
the publication for errors so any corrections can be made before the second
notice is published.

Please be sure the SECOND publication is returned with the enclosed Proof of
Publication form. The permit application cannot be considered by the Water
Management Board until proof of publication has been received.

Thank you for your assistance.

Sincerely,

RON DUVALL
Natural Resources Engineer

cc: applicant

***** CUT HERE *****

FIRST
Publication
Transmittal

No. _____

Date _____

TO: Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

We are in receipt of your letter dated _____ and Notice of Hearing to
Appropriate Water by Application No. _____. The notice was first published
in our issue dated _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

NAME _____ NEWSPAPER _____

Equal Opportunity Employer



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

Water Rights Division
(605) 773-3352

April 3, 1987

NOTE:

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

Archie H. Tate
Box 28
Mission, South Dakota 57555

Dear Mr. Tate:

Your Application No. 394A-2 for a permit to appropriate water for
irrigation use, has been examined and found to
comply with the South Dakota Water Laws and applicable rules. A notice of
your intent to appropriate water has been sent to the Publisher of the

Todd County Tribune printed at Mission

South Dakota. For your information, a copy of this notice, the recommendation
of the Chief Engineer and a report on the application are enclosed. Please
review this notice prior to publication and notify this office, if you have
any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPER IMMEDIATELY TO AUTHORIZE PUBLICATION
OF YOUR NOTICE OF INTENT TO APPROPRIATE WATER AND TO ARRANGE FOR PAYMENT.
Early contact with the paper can eliminate delays. The publisher has been
instructed to publish your notice once each week for two consecutive weeks
with the last publication to occur at least twenty days before the board
meeting. We must receive Proof of Publication before the application can be
considered by the Water Management Board.

Sincerely,

RON DUVALL
Natural Resources Engineer

enclosures



Department of Water & Natural Resources

Joe Foss Building
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
(605) 773-3352

April 23, 1986

Archie H. Tate
Box 28
Mission, South Dakota 57555

Dear Mr. Tate:

Enclosed you will find the required form to obtain a water permit to appropriate water from your stockdam in SE1/4NW1/4 Section 19, T38N-R28W.

Please sign the application in the presence of a notary public. You should be able to obtain the dam specifications from SCS office in Todd County.

If you have any questions please feel free to contact this office.

Sincerely,

A handwritten signature in dark ink, appearing to read "Rassool Ahadi". The signature is written in a cursive, flowing style.

Rassool Ahadi
Natural Resources Engineer

RA:ms
Enc.



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

August 6, 1986

Archie Tate
Box 28
Mission SD 57555

Dear Mr. Tate:

This letter is in response to your water permit application for a 79 acre-feet storage dam.

The permit application is complete except for the application fee of \$150.00. The fee is based on the amount of storage. The first 120 acre-feet or any portion of 120 acre-feet is \$150.00. The permit application can be processed upon receipt of the fee.

Please contact us if you have any questions.

Sincerely,

A handwritten signature in cursive script, reading "Ron Duvail".

RON DUVAL
Natural Resource Engineer

RD:ks

Helentine Hub-
Aug 15 - '86

South Dakota Water &
Natural Natural Resources

Enclosed find check for water
permit.

Remember you said, you would
pay for the water testing did at
Brookings. They have billed me.

As ever
Archie H. Tate



Water Rights Division - DWNR
Conversation or File Documentation

File No. _____

NAME OF PERSON OR FILE: Archie Tate
ADDRESS: Box 28 Mission SD COUNTY Todd
DATE: Feb. 2, 1987 TELEPHONE _____
RE: _____
COMMENTS:

Legal Descp.	Irrigated	License No. 394-2
NWNE 19-38N-28W	15	19.5
NE NE	9	0
SWNE	38	36.5
* SE NE	25	0
NWSE	5	9.7
NE SE	1.3	0

Acres to be transferred	Acres not covered
4.5 ac. from NWNE sec(394-2)	9 ac. in NE NE
4.2 ac. " NWSE	1.5 ac. " SWNE
4.4 ac. " NE NW	1.3 ac. " NE SE
4.9 ac. " SE NW	* 25 ac. " SE NE
7.4 ac. " NE SW	36.8 acres not covered by W.R. 394-2
25.4 to transfer	

36.8
- 25.4
11.4 ac additional acres which need a new priority date.
* The 11.4 additional acres are to be located in the SE NE.

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: Ron Duvall

SOUTH Dakota Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-5181

WATER RIGHTS DIVISION
(605) 773-3352

February 3, 1987



Archie H. Tate
Box 28
Mission, South Dakota 57555

Dear Mr. Tate:

This letter is in response to your water permit application and our phone conversation on February 2, 1987.

Enclosed is a copy of your original permit application and a second application completed to allow a transfer of irrigation acreage and additional acreage to be irrigated. An explanation of the permit application is given on the enclosed application. Please review the application and contact us if you have any questions. The forms need to be signed and notarized before being returned to the Division of Water Rights.

Sincerely,

A handwritten signature in cursive script that reads "Ron Duvall".

Ron Duvall
Natural Resources Engineer

PD:ms
Enc.

Water Rights Division - DVHR
Conversation or File Documentation

File No. 374A-2

NAME OF PERSON OR FILE: Archie Tate
ADDRESS: _____ COUNTY Todd
DATE: 4/3/87 TELEPHONE _____
RE: _____
COMMENTS:

Dave Stellan from the SCS office in White River called and said the SCS did not do any design work on the dam involved in Tate's Water Right Application. He did have some information on the spillways. He said there were two or three 36 inch dia. primary spillways and a 250' wide secondary spillway with 1250 cfs capacity.

From USGS "Techniques for estimating Flood Peaks, Volumes, and Hydrographs on Small Streams in South Dakota"

$$DA = 71.5$$

$$\text{slope} = 15' / \text{mile}$$

$$SI = 4.08$$

$$Q_{25} = 83.4 A^{0.60} S^{0.44} SI^{-0.72}$$

$$= 83.4 (71.5)^{0.60} (15)^{0.44} (4.08)^{-0.72}$$

$$= 83.4 (12.96) (3.29) (0.36)$$

$$= 1292 \text{ cfs}$$

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.

4/82

NAME: Tim Schaal



April 21, 1987

Mr. John Hatch
Chief Engineer
Water Rights Division

Dear Sir;

As owner of the center pivot system and having the lease of the land from my father, Archie Tate, I support this application of Water Permit No. 394A-2 and ask permission to speak at the Water Management Board meeting if necessary on May 6, 1987.

Thank You

Duane E Tate

Duane E. Tate

Box 28
Mission, S.D.
57555

Copy to;

Archie H. Tate
Box 29,
Mission, S.D.
57555

**South Dakota Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

May 12, 1987

NOTICE

TO: Archie H Tate and Duane E Tate
Box 28
Mission SD 57555

FROM: John Hatch, Chief Engineer *John Hatch*
Water Rights Division
605 773-3352

SUBJECT: Reconsideration of Deferred Water Permit Application
No. 394A-2, Archie H Tate

The Water Management Board will reconsider Water Permit Application No. 394A-2 at 11:15 am in Room 216, Joe Foss Building, 523 East Capitol, Pierre SD. Application No. 394A-2 was deferred May 7, 1987, to allow time for an on-site inspection and also to allow revisions to Safety of Dams Rules to become effective. Applicable provisions of the Notice published April 8 and April 15 will still apply at this hearing. The agenda time is an estimate. The actual time of hearing on Application No. 394A-2 may be later than 11:15 am due to prior agenda items.

cc: Harold Deering, Assistant Attorney General
John Guhin, Assistant Attorney General

CERTIFICATION

I hereby certify that on May 12, 1987 I have personally deposited with the U.S. Mail, postage prepaid envelopes containing Notice for Reconsideration of Deferred Application No. 394A-2 to those people listed on the Parties of Record sheet.

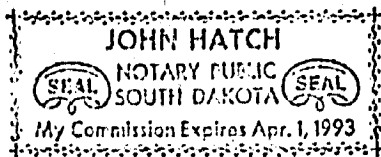
Barren-Schtaak.

KAREN SCHLAAK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 12th day of May, 1987.

John Hatten
Notary Public



Water Rights Division - DWR
Conversation or File Documentation

File No. _____

NAME OF PERSON OR FILE: Archie Tate

ADDRESS: _____ COUNTY Todd

DATE: 7/1/87 TELEPHONE _____

RE: _____

COMMENTS:

An inspection of Archie Tate Dam was made on 6/30/87 and the following information was found:

Top of Dam Elev. 100.7 ± 103.8

Elev. 48" Drop Inlet 96.2

Elev. Top of 48" Culvert 101.7

Elev. Top of 2-30" Culverts 100

Q 48" Drop Inlet From SCS Eng Manual

$Q = A \sqrt{\frac{2.48 H}{1 + K_e + K_p}}$ where $A_{48} = 12.56 \text{ ft}^2$ $n = 0.024$

$K_p = 0.0168$ $K_{e1} = 1.0$

$Q = (12.56) \sqrt{\frac{2(32.2)(4.9)}{1 + 1 + 0.0168(9.0)}}$ $L = 90 \text{ ft}$ $H = 4.5 \text{ ft}$

$Q = 115 \text{ cfs}$

Q 2-30" Culverts

$Q = C_d A \sqrt{2gh}$

$A_{30} = 4.9 \text{ ft}^2$

$= 2(.62)(4.9) \sqrt{2(32.2)(1.95)}$

$h = 1.95$, $C_d = 0.62$

$Q = 68 \text{ cfs}$

Q 48" Culvert

$Q = C_d A \sqrt{2gh}$

$A_{48} = 12.56 \text{ ft}^2$

$= (.62)(12.56) \sqrt{2(32.2)(2.7)}$

$h = 2.7$, $C_d = 0.62$

$= 102 \text{ cfs}$

Total $Q = 1250 + 102 + 68 + 115 = 1535 > 1292$

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.

∴ OK for 25% stream

NAME: Tim Schaal



**Department of
Water & Natural Resources**

Jon Foss Building
Pierre, South Dakota 57501

Water Rights Division
605 773-1352

AUG 19 1987

Archib H. Tate
Box 28
Mission, South Dakota 57555

Dear Sir:

Enclosed herewith is your Water Permit No. 394A-2 as approved by the Water Management Board authorizing your water diversion system and apply the water to beneficial use, not exceeding the limits as specified in said water Right Permit No. 394A-2.

The final inspection has been completed on this Permit, and we are ready to issue the Water License. Statutes require we charge \$50 for the inspection and issuance of the final papers. Upon receipt of this amount, the final papers will be sent to you.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH: ms
enclosure

Form 12

394A-2

Permit No. 394-2

Nebraska Trib. Water District

Report Of Examination Of Works And/Or Application Of Water To Beneficial Use

TO: Chief Engineer, Division of Water Rights, DWR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Archie Taleof 733 N. Main, Valentine, NE 69361 holder of
Permit No. 394A-2, bearing the priority of May 28, 1986 April 27 1953 authorizing
the diversion of 0.16 cfs " 79 acre feet (394A-2) cu. ft. per second of the waters of Antelope Creekfor irrigation purposes, in Todd County.

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

A. Works used to divert the water:

Motor: G.E. made model, 50 HP; Pump Empe Correll, 400-500 GPM capacity

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

8" PVC Pipes, 1300 ft. long.

C. Works used to apply water to beneficial use:

Pivot Minigator, with 8 wheels 1000 ft. long 75 PSI, with 450 GPMThe system is in the following condition goodThe point of diversion is located SE 1/4 NW 1/4 Sec. 19, T38N-R28W.approximately 2550 ft. S, 2320 ft. E from NW Corner Sec. 19, T38N-R28WThe works are capable of diverting and conveying to the place of use 1.0cu. 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:

Sec. 19, T38N-R28WNW 1/4 NE 1/4 15 SE 1/4 NE 1/4 25SW 1/4 NE 1/4 38 NE 1/4 SE 1/4 13NE 1/4 NE 1/4 9 NW 1/4 SE 1/4 50comprising a total of 93.3 acres of land and the license should be used for 1.0 cfsApplicable permit qualifications have been complied with ☒ Yes ☐ No and 79 acre feet of storageExceptions to compliance are: _____ Date 7/16/86

(signature)

NP Shah

State of South Dakota
Water License No. 394A-2

(1) Archie Tate
of 733 H. Main, Valentine, Nebraska 69201
made Application No. 394A-2, May 28, 1986 for a water permit to appropriate
0.16 cubic feet per second ~~of water from~~ and to store 79 acre feet of water in a dam on Antelope
Todd County, South Dakota for irrigation purposes.
Permit No. 394A-2, with a priority date of May 28, 1986
was approved July 8, 1987 and issued to applicant(s) for diversion of water with construction of the described
water supply system ~~to be completed on or before~~ and ~~for~~ the application to beneficial use of said
water ~~on or before~~ completed.

Water Permit No. 394A-2 authorizes an additional water appropriation of 0.16 cubic feet
of water per second and storage of 79 acre feet of water annually with an additional
11.4 acres irrigated on Water Right No. 394-2.

The applicable portions of Water Right No. 394-2 are being incorporated into this Water
License No. 394A-2. The priority dates are as follows:

0.84 cfs - priority date of April 27, 1953 (Water Right No. 394-2)
0.16 cfs - priority date of May 28, 1986 (Water Permit No. 394A-2)
79 acre feet of storage annually - priority date of May 28, 1986 (Permit No. 394A-2)

and

(2) It is certified that the application has complied with the provisions of South Dakota State Law relating to completion of
the construction of the water supply system and is entitled to divert 1.0 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is 2550 feet South and 2320 feet East of the
NW Corner of Section 19, T38N, R28W.

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, to irrigate the following:

T 38N, R28W Section 19 NW $\frac{1}{4}$ NE $\frac{1}{4}$ 15.0 Acres

SW $\frac{1}{4}$ NF $\frac{1}{4}$ 38.0 Acres

NE $\frac{1}{4}$ NE $\frac{1}{2}$ 9.0 Acres

SE $\frac{1}{2}$ NE $\frac{1}{4}$ 25.0 Acres

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 1.3 Acres

NW $\frac{1}{4}$ SE $\frac{1}{4}$ 5.0 Acres

TOTAL 93.3 ACRES

(4) Pursuant to §46-5-30.1 Archie Tate

of 733 N. Main, Valentine, Nebraska 69201

Incorporated
the holder(s) and/or owner(s) of Water Permit No. 394A-2 is issued a license to appropriate water, the right to ~~use~~ store
79 acre feet of water annually and divert
1.0 cubic feet per second of water from Antelope Creek with a priority date
0.84 cfs from April 27, 1953 and 0.16 cfs and
79 acre feet of storage from May 28, 1986 from the location specified in (2) of this license. The water to be
conducted to and upon lands specified in (3) of this license for the purpose of irrigation

This license is subject to any limitations or qualifications listed in Incorporated Water Permit No. 394A-2 and subject
to South Dakota State Law.

John Hatch
Chief Engineer, Water Rights Division
Department of Water and Natural Resources

JOHN HATCH

DEC 16 1987

LICENSE FOR PERMIT NUMBER 394A-2, Archie Tate

1. Legal location of wells: NA

dams & structures: SE 1/4 NW 1/4 Sec 19, T38N-R28W, Antelope Creek

2. Well Information: Well Drilling Firm NA

No. of wells — Depth —

Casing a) diameter — Screen a) type —
b) length — b) length —
c) type — Static Water Level —

Pump a) make EMPO Cornell Motor a) make G.E
b) model 3YBPM50-2 b) model no. 5K1247XP207A
c) size 8.25 c) horsepower rating 50 HP
d) capacity 400-500 GPM d) motor efficiency rating —
e) turbine pump
no. of stages —

3. Distribution lines:

a) size of lines 6"
b) type PVC
c) length 1300 ft.

4. Dam information:

a) height to crest —
b) height to spillway —
c) crest width —
d) crest length —
e) spillway length —
f) spillway width —
g) approx. storage —
h) Distribution lines or canals:
1) size —
2) type —
3) length —

i) Outlet tubes:

1) diameter —
2) type —
3) valued (Y/N) —
4) valve type —
5) location on structure —

5. System Type: a) sideroll:

1) length — feet
2) diameter of pipe —
3) make, model & number of sprinklers —
4) spacing of sprinklers —
5) nozzle size —

b) towline:

1) length — feet
2) make, model & number of sprinklers —
3) spacing of sprinklers —
4) nozzle size —

5. System Type: c) center pivot

- 1) make Electrovalve (Mini)
- 2) number of towers 8
- 3) distance between towers
134
- 4) overall length 1000
- 5) End gun (Y/N) Y
- 6) high or low pressure lt
- 7) make & size of nozzles
Reinbird
- 8) PSI reading while system is
running 75
- 9) GPM 450

g) Gun

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____
- 6) hose size _____
- 7) hose length _____

d) Gate Pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

e) Siphons

- 1) number _____
- 2) size _____

f) Portable boom

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____

h) Hydromatic

- 1) make _____
- 2) model _____
- 3) serial number _____
- 4) length _____
- 5) nozzle size _____
- 6) spacing _____
- 7) PSI _____
- 8) capacity (GPM) _____

YES

NO

Check Items

✓

1. Soil and water permit lands agree with lands being irrigated and lands listed on permit.

✓

2. Special Qualifications to permit being abided by.

✓

3. All Structures, wells and lands on map.

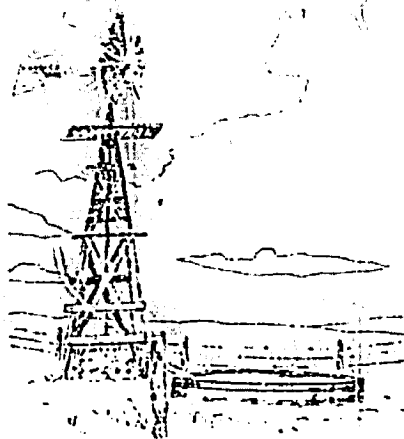
REMARKS:

from the desk of
Archib H. Tate

Please send any mail or
correspondence pertaining to
me to 733 N. Main,
Valentine, Neb. 69201

Thank you.

Archib H. Tate



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, August 19, 1980

RECEIVED OF Archie Tate 730 N. Main St., Valentine, NE 69201

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

Fee for Application for Permit No. <u>394A-3</u> to Appropriate Water, to construct works and to put water to beneficial use	150	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. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	150 00

By John Hatch
Chief Engineer JOHN HATCH (MS)

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, September 15, 1967

RECEIVED OF Archie Tate, 735 N. Main, Valentine, NE 69201

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
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>3945-2</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By [Signature]
Chief Engineer JOHN HATCH (ES)

No. 394A-2



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

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:ms

Enclosures

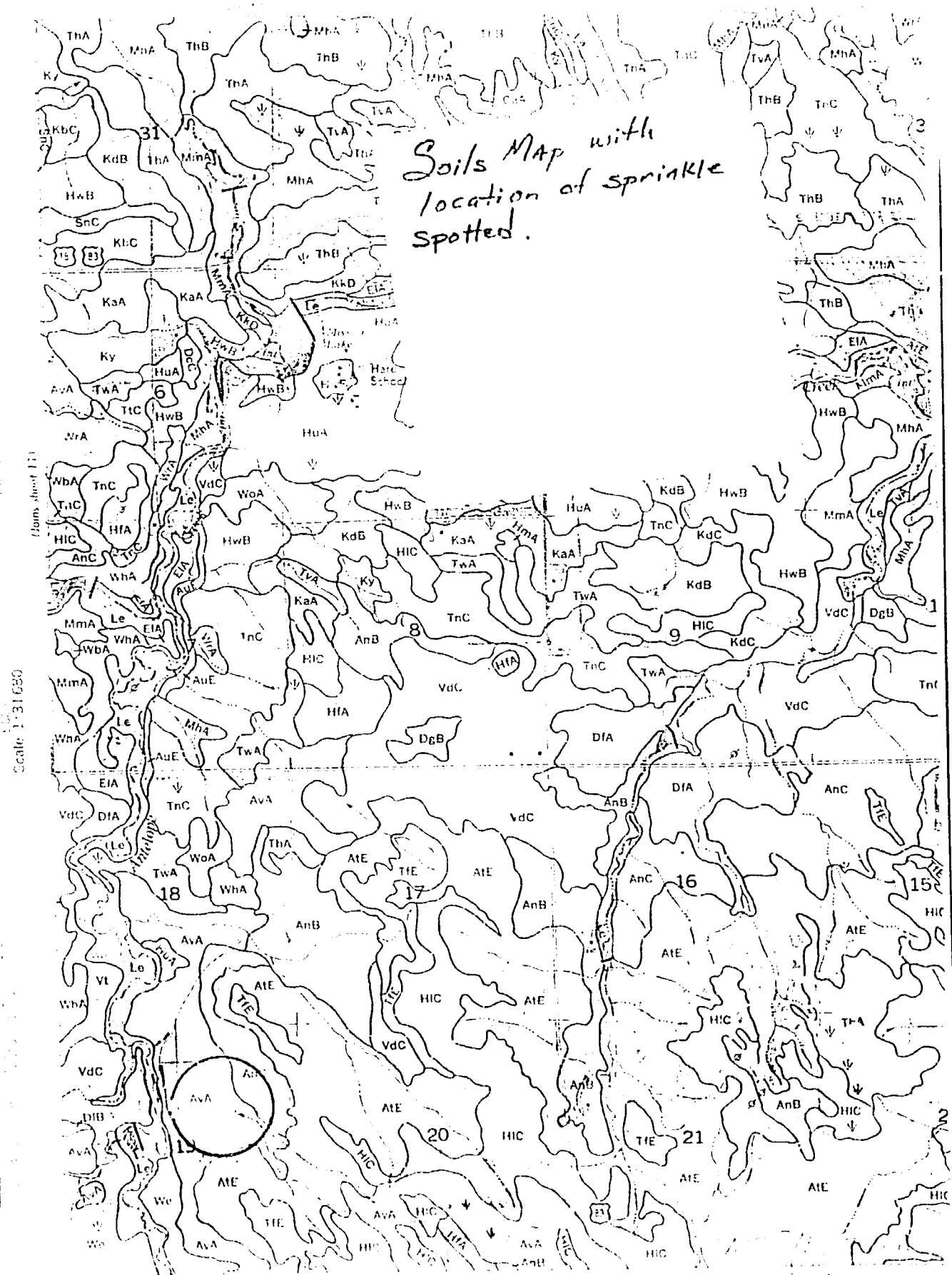
Note:

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

1



Soils Map with
location of sprinkle
spotted.

Scale 1:31680
(from sheet 17)

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

Division of Conservation

Office Use Only

WR#

OWNERS NAME: Archie H. Tate OWNERS ADDRESS: Valentine, AR 67291

COUNTY LAND LOCATED IN: Tyler S.D. PHONE: 405-320-2667

TENANT'S NAME AND ADDRESS: _____

LEGAL DESCRIPTION: (Show Legal Descriptions to Nearest 10 Acres)

1. WELL LOCATION _____

Depth _____

2. SURFACE WATER SOURCE AND DIVERSION LOCATION: SE of NW 1/4 Section 19

Diversion Location: SALE

Legal Description	Acres	Legal Description	Acres
<u>SW 1/4 of NE 1/4 Section 19</u>	<u>39</u>	<u>All in T. 23 N. R.</u>	
<u>NW 1/4 of NE 1/4 Section 19</u>	<u>16</u>	<u>28 1/2</u>	
<u>NE 1/4 of NE 1/4 Section 19</u>	<u>7</u>	<u>N 1/2</u>	
<u>SE 1/4 of NE 1/4 Section 19</u>	<u>25</u>	<u>100</u>	

3. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED _____

LEGAL DESCRIPTION: Same as above

IN WHAT NAME: Archie Tate

4. LOCATION OF AREA TO BE IRRIGATED NOTE: SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)

5. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: X GUN: _____ (Specify)

6. CROPS TO BE IRRIGATED: ALFALFA and FEED

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)	
7. WATER SAMPLE NUMBER: <u>1</u>	10. ADJUSTED (SAR): <u>0.81</u>
8. SALINITY (EC X 10 ⁶): <u>290</u>	11. PERCENT SODIUM: <u>17.0</u>
9. SODIUM (SAR): <u>0.48</u>	

I hereby certify that I personally obtained or that I personally observed that taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see instruction sheet) were followed, and that the sample was taken at _____ a.m./p.m., on _____, 19____, at the following location: _____

by (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

Signature, of Water Sampler

I understand that the Division of Conservation or agents thereof may obtain water samples from wells and surface bodies to be used for irrigation purposes to validate water samples taken at the time of application. The Department of Agriculture may also gather technical information necessary to protect the land. (46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS

____ DAY OF _____, 19____

Archie H. Tate
(NOTARY PUBLIC)

APPLICANT'S SIGNATURE

Archie H. Tate
Director, Division of Conservation

Date: _____

APPROVED: _____ REQUIREMENTS
DISAPPROVED
WAIVER

Soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.

2105

RECEIVED

FEDERAL BUREAU OF INVESTIGATION
DIVISION OF CONSERVATION

UNIT OF ANTIQUITY

UNIT DESCRIPTION: 10/1/4 10/1/2 10/1/3 10/1/4 10/1/5
10/1/6 10/1/7 10/1/8 10/1/9 10/1/10

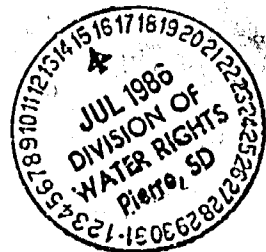
SOIL REQUIREMENTS:

10/1/1 10/1/2 10/1/3 10/1/4 10/1/5

RECOMMENDATIONS:

We recommend the use of a form of conservation tillage to conserve soil moisture and control wind erosion. This is important because of the sandy nature of the soils.

We have also noted that areas along the eastern and southern edges of the project contain soils which are shallow and may be eroding on steep slopes; we recommend the use of grass and/or alfalfa in these areas.



Handwritten signature
SIGNED: _____
DATE: _____
BY: _____



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 30, 2001

394A-2

Duane Tate
Box 28
Mission, SD 57555

Dear Mr. Tate:

Thank you for the prompt return of your 2001 irrigation questionnaire.

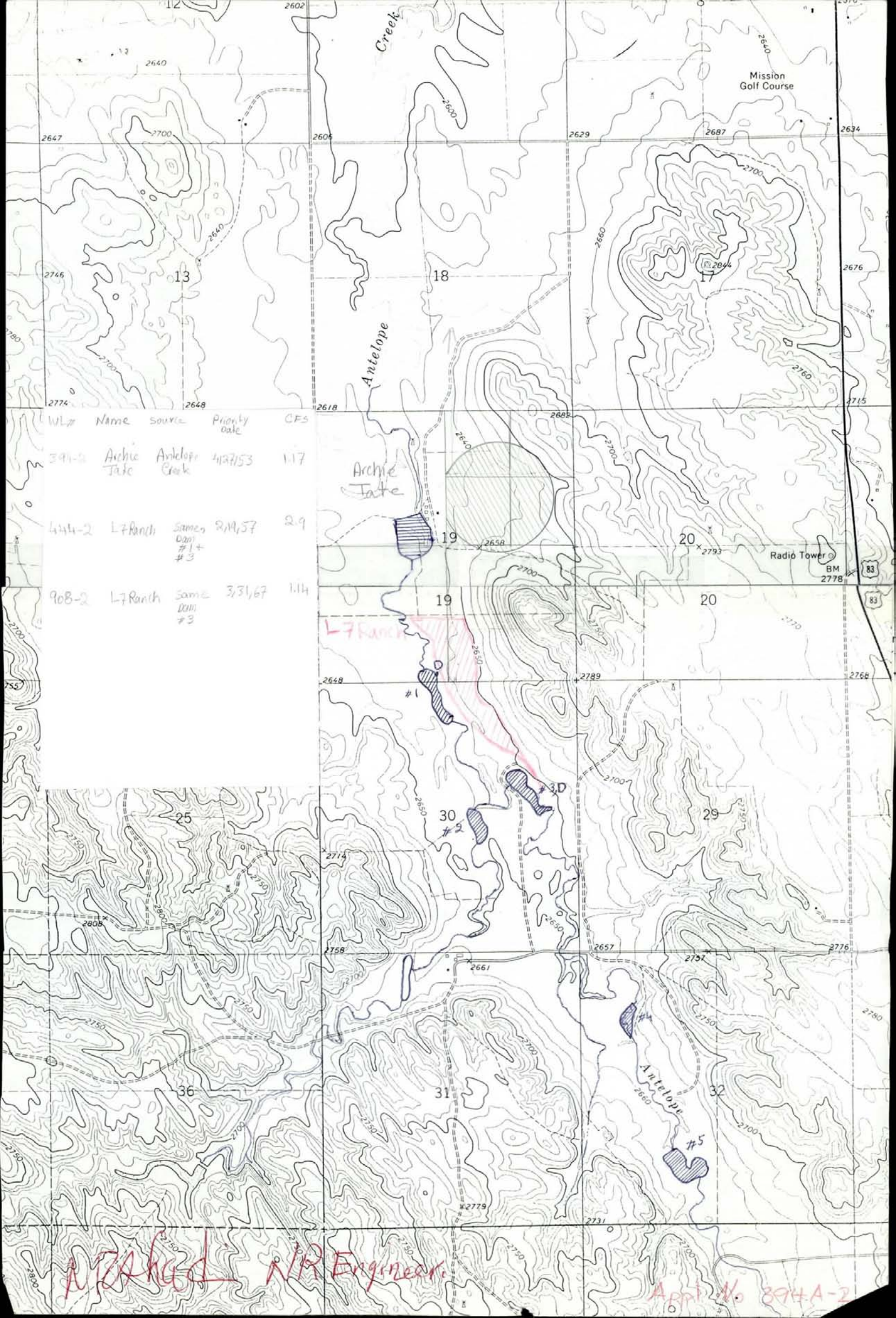
You indicated on the questionnaire that chemigation was used and you would like a form for reporting the use. Effective January 3, 2000, irrigators applying fertilizer or chemicals through their irrigation systems no longer have to report the information along with their irrigation questionnaires. We still want you to tell us "Yes" or "No" on the forms that chemicals were applied; however we no longer require records to be kept and submitted to us with the dates and hours that a chemical was applied.

Irrigators are still responsible for maintaining the equipment in good operating condition to ensure that chemicals and/or fertilizer can be applied without contamination of the water supply.

If you have any questions, please get in touch with me.

Sincerely,

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



WL#	Name	Source	Priority Date	CFS
391-2	Archie Tate	Antelope Creek	4/27/53	1.17
444-2	L7 Ranch	Same Dam #1 + #3	2/11/57	2.9
908-2	L7 Ranch	Same Dam #3	3/31/67	1.14

A. J. R. L. N.R. Engineer.

Appt. No. 3914-A-2

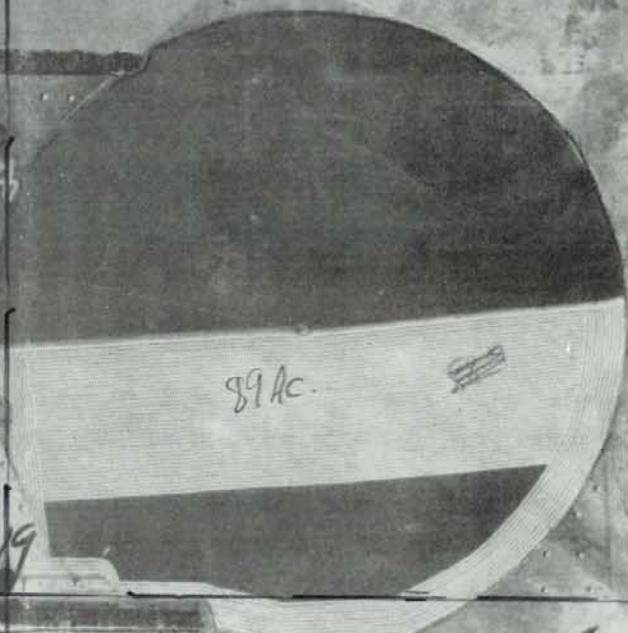
NOT TO SCALE

117 118 -R

R-28

118-R

Primary SPWY sites (3)



T-38

OLD fill with tube 16.3

ARCHIE TATE

SCALE 1" = 660'
OR 8" = 1 MILE

90.4
90.4

Appl No 394A-2

38-28

R. Shadi Engineer

NOT TO SCALE

117 118 -R

118-R

Not in map

15

9

15

~~38~~

25

82.7

19

5.0

1.3

14.2

Not in map

16.3

Not in map

ARCHIE TATE

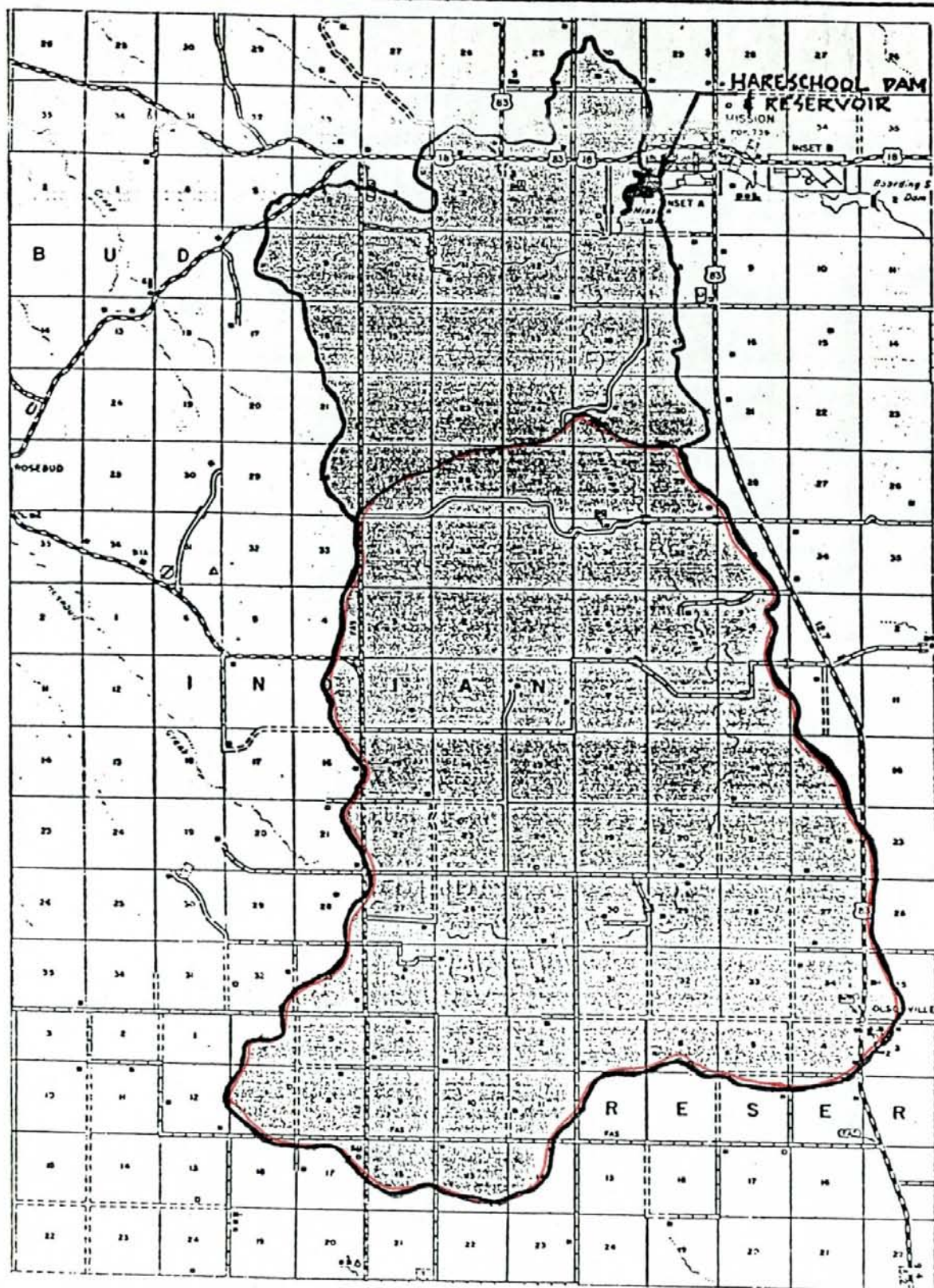
90.4

90.4

Appl. No 394A-2

38-28

R.A. Hutch Engineer



Proposed storage dam Watershed area (≈ 71 ~~mi~~^{mi²})