

No. 21538-1

**Office of State Engineer
DOCUMENT FILE**

Dept. Agri. Forest Service
O. b. l. as. fl.
Sec 9, T. 24 R. 5 E

CERTIFICATE OF CONSTRUCTION OF WORKS

and

APPROPRIATION

U. S. Water Right No. 638-1

Spruce Gulch No. 1 Reservoir
Name of Project

Elk Creek Water District

TO ALL WHOM IT MAY CONCERN:

This is to Certify, that the United States of America, Department of
Agriculture, Forest Service, has complied with the
State Laws and has been issued a withdrawal No. US 638 bearing date of
May 25, 1940 withdrawing from further appropriation 0.61 acre-
feet per annum of water for storage; of the waters of Spruce Gulch,
County of Lawrence, State of South Dakota, at a point S. 30 40' E.,
2713 ft. distant from the N $\frac{1}{2}$ Cor. Sec. '9 T.2N., R.5E.
for domestic, livestock, fire protection, irrigation, fish culture, recreation,
has fully complied with the provisions of the laws of the State of South
Dakota relating to completion of the works set out and described in
Section 61.0137, that said works are completed in accordance with infor-
mation filed in the office of the State Engineer, and 0.61 acre-feet
per year is thereby appropriated for the above purposes bearing date of
priority of May 25, 1940.

Witness my hand this 30th day of November 1940.

State Engineer.

WITHDRAWAL NO. U.S. 538Water Division No. 1Elk Creek Water District

CERTIFICATE OF EXAMINATION OF WORKS

Report of Examining Engineer

RECEIVED
NOV 12 1940Date October 9, 1940
By M. E. VonSegernOFFICE OF STATE ENGINEER
Spruce Gulch Reservoir
Project Name and NumberSpruce Gulch
Source of Appropriation
(Stream)

To the State Engineer, Pierre, South Dakota:

Dear Sir: I hereby certify that in accordance with your letter of authorization dated September 20 1940, I have made a thorough examination of Spruce Gulch No. 1 reservoir, ditch, or pipe line constructed by the United States of America, Department of Agriculture, Forest Service, Region 2, Denver, Colorado, holder of Withdrawal No. US 538 issued upon Notice of Intention bearing date 2 1940, authorizing the withdrawal from further appropriation of 0.61 acre feet, or second feet of the waters of Spruce Gulch, tributary of Jim Creek for livestock, fish culture, domestic, fire protection, recreation and irrigation purposes. I have to report on the condition of the same as follows:

The impounded and diversion works comprise:

Dam: Type Earth fill Foundation Earth
 Size: Max. Length 45' Maximum height to spillway flow line 7' Freeboard 3'
 Section: Upstream slope 2:1
 Downstream slope 2:1
 Top width 7'
 Yardage (Approx.) 275 cu. yds.
 Reservoir: Area Normal/Pool Level 0.1 acres
 Capacity 0.31 acre feet
 Nature of Shore line Grass and trees
 Spillway: Type Rubble channel Location Right end
 Width 10' Depth 3'
 Capacity 170 " cubic feet per sec.
 Outlet: Size C&P 12" Control Flash boards
 Location Center of dam
 Ditches: Open Earth Open rock
 Pipe Length
 Section Capacity
 Location or as shown on plans

The system is in the following condition: Good

The outlet of the reservoir or the point of diversion of the ditch, canal or pipe line is located S. 30° 40' E., 2713
feet distant from the N $\frac{1}{2}$ Corner of Section 9 Township 2 N.
Range, 5 E.

The works are capable of utilizing 0.61 acre-foot of water
annually or second-foot of water.

The legal subdivisions to be irrigated are _____

comprising a total of _____ acres of land.

The domestic and stockwater uses comprise household purposes, water
for livestock, fire protection and irrigation.

The utilization for Public recreational, game and fish propagation and
fire protection comprises bathing, rearing fish and water supply for
fire fighting equipment.

The project was completed 1934

Witness my hand, this 9th day of October A.D. 19 40.

M. E. Van Liggeren
Examining Engineer

Profile Centerline Spillway
Station 0 plus 00; 0 plus 45
Fall 0.0 0.3

LETTER OF AUTHORIZATION
for
Inspection

September 20, 1940

M. E. Von SeggenCuster, South DakotaSpruce Gulch No. 1 Reservoir
Name of Project
Water Division No. 1
Elk Creek Water District
Spruce Gulch
Source of Appropriation
(Stream)

Dear Sir:

The United States of America, Department of Agriculture, Forest Service, Denver, Colorado, having filed "Notice of Intention" to utilize certain specified waters of the State, and there having been issued a withdrawal from further appropriation as provided in Section 61.0137, 1939 Revised Code of South Dakota and identified as Withdrawal No. U.S. 538, on Spruce Gulch (stream) County of Lawrence on the Black Hills National Forest, has informed this office that the construction for the diversion, storage, appropriation and application of water to beneficial use has been fully completed and is ready for examination.

You are, therefore, hereby authorized to arrange with the holder of said withdrawal for an examination of the Spruce Gulch No. 1 Reservoir, ditch, or pipe line constructed and owned by the United States of America, Department of Agriculture, Forest Service, on the Black Hills National Forest and also an inspection to determine the amount of water stored and applied to beneficial use.

In this examination you will ascertain whether or not the constructed works comply fully with the plans submitted and are capable of using quantities of water as set forth in the "Notice of Intention", and give in complete form all the information which is suggested by the statements in the Certificate of Inspection which is herewith enclosed, in the attached instructions, and such other information as will enable the State Engineer to act intelligently and judiciously in the matter of determining the status of completion of the projects.

You should also arrange with the holder of the withdrawal for the payment of your fee for this service and such proper expenses as you incur in making this examination and report and taking the testimony.

Very truly yours,

State Engineer.

FORM 17A

WITHDRAWALS No. US 538

Spruce Gulch No. 1 Reservoir
Name of Project

RECEIVED
FORM 17A
AUG 22 1940

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

Water Division No. 1

Elk Creek Water District

NOTICE OF COMPLETION OF WORKS

P.O. Denver, Colorado

Date August 20, 1940.

TO THE STATE ENGINEER OF SOUTH DAKOTA, PIERRE:

Dear Sir: Notice is hereby given of the completion of the construction of Spruce Gulch No. 1 reservoir, ditch, or pipe line constructed and owned by the United States of America, Department of Agriculture, Forest Service on the Black Hills National Forest. The project provides for the diversion and storage or direct diversion of quantities of water as shown on the plans and reports submitted and the project has been completed in accordance with the said plans and reports, terms and conditions of withdrawals heretofore issued by the State Engineer of the State of South Dakota or as shall be hereafter reported by the Examining Engineer.

1. The proper name of the Federal Agency holding said withdrawal is United States of America, Department of Agriculture, Forest Service.
2. The name and postoffice address of the proper corresponding official for said Federal Agency is Regional Forester, Denver, Colorado.
3. The project is located in E $\frac{1}{2}$ of Section, 9, Township 2 N, Range 5E.
4. Said water to be used for livestock, fish culture, domestic, fire protection, recreation, irrigation purposes.
5. The amount of water which said completed works are capable of impounding or conducting to the place of intended use is as shown by information previously submitted or as shall be hereafter reported by the Examining Engineer M.E. Von Saggern.
6. The amount of land for which said water is available is _____ acres, particularly described as follows: _____

I hereby certify that the facts set forth in the above notice are true.

JAMES L. BROWNLEE

Assistant Regional Forester
Division of Engineering

Carl A. Gould
Carl A. Gould Acting

FORM A

CERTIFICATE OF WITHDRAWAL
of
WATER FOR APPROPRIATION
to the
UNITED STATES OF AMERICA
DEPARTMENT OF AGRICULTURE
FOREST SERVICE.

U.S. No. 530

Spruce Gulch No.1 Reservoir
Name of Project

Lawrence
County

Water Division No.1
Elk Creek Water District
Spruce Gulch
Source of Appropriation - Stream

The United States of America, Department of Agriculture, Forest Service, having filed "Notice of Intention" to utilize certain heretofore unappropriated public waters of the State of South Dakota, in accordance with the requirements of the statutes of the State of South Dakota, such statutes and authority being contained in Section 61,0137 1939 Revised Code of South Dakota, now therefore:

This is to certify that there is hereby reserved, of the heretofore unappropriated waters of Spruce Gulch, the annual amount of 0.61 acre-foot of water to maintain storage in Spruce Gulch No. 1 reservoir created by damming said stream at a point S. 30 40' E., 2,713 feet distant from the NE Corner of Section 9, Township 2N Range 5E. The purpose of such storage is livestock, fish culture, domestic, fire protection, recreation and irrigation

This is to certify that there is hereby reserved, of the heretofore unappropriated waters of _____ a maximum of _____ cubic feet per second to be diverted through the _____ ditch, canal or pipe line at a point located on the _____ bank _____ feet distant from the _____ Corner of Section _____, Township _____ Range _____ for the purpose of _____ during the months of _____

This certificate and withdrawal shall in no manner prejudice, alter, amend or affect the rights of any prior appropriator or prior appropriation of water, nor of any application for appropriation pending on the date of this certificate, but the rights and privileges of any and all such prior appropriators or applicants for appropriation of water shall remain inviolate and intact, the same as if the within withdrawal had not been made.

This certificate shall be and is subject to cancellation in accordance with the provisions of the statutes hereinbefore referred to and under the authority of which this certificate is issued.

In accordance with the provisions of the statutes hereinbefore referred to, this certificate is executed at the State Capitol at Pierre, South Dakota, this 25th day of May 1940.

State Engineer

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WATER RESOURCES
Water Rights

NOTICE OF INTENTION
to the
STATE ENGINEER
of the
STATE OF SOUTH DAKOTA

RECEIVED
MAY 27 1940

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

Spruce Gulch #1 Reservoir Project

Denver, Colorado.

Black Hills Forest
South Dakota

May 22, 1940.
Date

Notice of Intention to divert, store and appropriate water for
beneficial uses from certain streams in South Dakota by the United States
of America, Department of Agriculture, Forest Service.

The United States of America, Department of Agriculture, Forest Service, through its officers duly appointed to administer the National Forests in South Dakota, hereby notifies the State Engineer of South Dakota of its intentions to appropriate, by construction, diversion, storage and beneficial use, the unappropriated public waters of South Dakota, under Section 61.0137 of the 1939 Revised Code of South Dakota. Application is hereby made for the withdrawal of certain unappropriated public waters of the State of South Dakota in an amount sufficient to maintain storage in _____
_____ Spruce Gulch #1 _____ Reservoir, or to satisfy the requirements of the _____
_____ ditch, canal or pipe line,
and the following information is furnished:

1. Representative of the United States of America authorized to act in procurement of water rights.

Ans. Regional Forester, United States Department of Agriculture,
Forest Service, Region 2, Denver, Colorado.

2. Name of intending appropriator.

Ans. United States of America, Department of Agriculture, Forest Service.

3. Name and address of agency representing intending appropriator.

Ans. United States Department of Agriculture, Forest Service, Region
2, Denver, Colorado.

4. Name of reservoir, ditch, canal or pipe line.

Ans. Spruce Gulch #1 Reservoir.

5. County in which water is to be diverted, stored and appropriated.

Ans. Lawrence

6. Name of stream from which water is to be diverted, stored and appropriated.

Ans. Spruce Gulch. Tributary Jim Creek.

7. The outlet of the reservoir or the point of diversion of ditch,

canal or pipe line is located S30° 40'E 2713 foot

distant from the N¹ Corner of Section 9 Township 2N
Range. 5E.

8. Uses to which water directly diverted or diverted and stored, is to be put.

Ans. Livestock, fish culture, domestic, fire protection, recreation,
and irrigation.

9. The available capacity of reservoir in acre feet.

Ans. 0.31 acre feet

10. The carrying capacity of ditch, canal or pipe line in cubic feet per second.

Ans.

11. Acre foot of water to be appropriated annually for diversion and storage in reservoir.

Ans. 0.61 acre feet

12. Cubic feet of water per second to be appropriated for direct diversion by ditch, canal, or pipeline.

Ans.

13. Location of landr to be irrigated.

Ans.

14. Class of plans accompanying "Notice of Intention".

Ans. Standard plans

[Signature]
Acting Regional Forester