

No. 111-100-2

Office of State Engineer
DOCUMENT FILE

Dept. Agric. Forest Service
Custer Co.

Priority: June 14, 1937

Sec. 1, T. 3. S. R. 2. E.

1.15 acre lot

Stream: French Creek

FORM A

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

U. S. No. 100
Division No. 2
Fall River Water District

Herber Reservoir
Name of Project
Custer
County

French Creek
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 French Creek, the annual amount of 1.15 acre-feet of water to maintain storage in Herber reservoir created by damming said stream at a point N. 0° 9' E. 320 feet distant from the NE Corner of Section 1, Township 33 Range 2E. The purpose of such storage is Livestock, Fish Culture, Domestic, Fire Protection, Irrigation, Recreation

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 _____

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 14th day of June 1939.

State Engineer

E
WATER RESOURCES
Water Rights

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

100-2
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JUN 17 1939

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

Herber Reservoir Project

Denver, Colorado.

Harney Forest
South Dakota

June 14 1939

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 Hober 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. Heber Reservoir

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

Ans. Custer County

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

Ans.

7. The outlet of the reservoir or the point of diversion of ditch,
canal or pipe line is located N 0° 9' E. 320 feet

distant from the N 1/4 Corner of Section 1 Township 3 S
Rango. 2 E.

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

Ans. Livestock, Fish Culture, Domestic, Fire Protection, Irrigation, Recreation

9. The available capacity of reservoir in acre foot.

Ans. 0.4 Acre Foot

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. 1.15 Acre Foot

Ans.

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

Ans.

13. Location of lands to be irrigated.

Ans.

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

Ans. Standard Plans

ALLEN S. FECK,

Regional Forester

By

Glenn

Acting .

Form 241

CERTIFICATE OF CONSTRUCTION OF WORKS

and

APPROPRIATION

U. S. Water Right No. 100-2

Har or Reservoir

Name of Project

Fall River 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. U.S. 100 bearing date of
June 14, 1939 withdrawing from further appropriation 1.15 acre-
feet per annum of water for storage; of the waters of Branch Creek
County of Custer, State of South Dakota, at a point Stream
N.00, 9' East, 320' from the N. Cor. Sec. 1, T.38., R.2E.
for livestock, fish culture, domestic, fire protection, irrigation ^{recreation} purposes;
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 1.15 acre-feet
per year is thereby appropriated for the above purposes bearing date of
priority of June 14, 1939

Witness my hand this 27th day of September 1939.

State Engineer.

Form 23A

WITHDRAWAL NO. U.S. 100Water Division No. 2Fall River

Form 23A

R-2

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AUG 14 1939

Water District

RECEIVED

SEP 18 1939

CERTIFICATE OF EXAMINATION OF WORKS

Report of Examining Engineer

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.Date July 21, 1939
By Walter WalklingHarber Reservoir
Project Name and NumberFrench Creek
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 July 10 1939, I have made a thorough examination of Harber 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. U. S. 100 issued upon Notice of Intention bearing date June 14 1939, authorizing the withdrawal from further appropriation of 1.15 acre feet, or second feet of the waters of French Creek, tributary of Chocoma River for livestock, fish culture, domestic, fire protection, irrigation, recreation 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 84 feet Maximum height to spillway flow line 2.1 feet Breastboard 1.6 feet
Section: Upstream slope 3:1
Downstream slope 2:1
Top width 6 feet
Yardage (Approx.) 95 Cu. Yds.
Reservoir: Area Normal Pool Level 0.25 acres
Capacity 0.40 acre feet
Nature of Shore line grassy
Spillway: Type Open channel Location East side
Width 2' Depth 1.6'
Capacity 80 cubic feet per sec.
Gutlet: Size None Control Open rock
Location Open rock
Ditches: Pipe Length Open rock
Section Capacity
Location or as shown on plans

The system is in the following condition: Good except for seepage

The outlet of the reservoir or the point of diversion of the ditch, canal or pipe line is located N. CO., 3^d East, 320 feet
feet distant from the N¹/₄ Corner of Section 1 Township 3 S
Range, 2 E.

The works are capable of utilizing 1.15 acre-feet of water
annually or second-feet of water.

The legal subdivisions to be irrigated are

comprising a total of acres of land.

The domestic and stockwater uses comprise household use and
water for livestock.

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 1935.

Witness my hand, this 1 day of August A.D. 19 39.

Walter H. H. H. H.
Examining Engineer

Profile, Centerline, Spillway

<u>Station</u>	<u>Elevation feet</u>	<u>Remarks</u>
<u>C/O</u>	<u>100</u>	<u>Crest</u>
<u>O/16</u>	<u>98.9</u>	

LETTER OF AUTHORIZATION
for
InspectionJuly 10, 1939Walter WalkingHorner reservoir
Name of ProjectLapid City, South DakotaFull River Water District
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. 100, on French Creek (stream) County of Custer on the Harnoy 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 Horner reservoir reservoir, ditto, or pipe line constructed and owned by the United States of America, Department of Agriculture, Forest Service, on the Harnoy 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 test.

Very truly yours,

State Engineer.

LETTER OF AUTHORIZATION
for
InspectionWalter W. H. KingWard King, S. D.July 10 1939Ward King, S. D.

Name of Project

S. M. King, White RiverSource 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. 115,115, on Yacoubi Creek (stream) County of Butte on the Forest 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 reservoir, ditch, or pipe line constructed and owned by the United States of America, Department of Agriculture, Forest Service, on the Forest 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 judicially 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
State Engineer.

WITHDRAWALS No. U. S. 900

JUL 10 1939

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.Herber Reservoir
Name of ProjectWater Division No. 2Fall River Water District

NOTICE OF COMPLETION OF WORKS

P.O. Denver, ColoradoDate July 7, 1939

TO THE STATE ENGINEER OF SOUTH DAKOTA, PIERRE:

Dear Sir: Notice is hereby given of the completion of the construction of Herber reservoir, ditch, or pipe line constructed and owned by the United States of America, Department of Agriculture, Forest Service on the Harney 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 SW 1 SE 1 of Section, 36, Township 2 S., Range 3E..
4. Said water to be used for livestock, fish culture, domestic, fire-protection, irrigation and recreation 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 Walter Walkling.
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