

No. 45,102-2

Office of State Engineer
DOCUMENT FILE

Dept. Agr. - Forest Service
Custer Co.

Priority June 14, 1937
Sec. 167-32 R. 3 E

0.071 acre full

Mill pt. Creek

CERTIFICATE OF CONSTRUCTION OF WORKS

and
APPROPRIATION

Mile High Reservoir No. 1

102-2

U. S. Water Right No. _____

Project _____

Water District _____

TO ALL WHOM IT MAY CONCERN:

This is to Certify, that the United States of America, Department of
Agriculture, Forest Service, U.S. has complied with the
State Laws and has been issued a withdrawal No. _____ bearing date of
June 14, 1939

withdrawing from further appropriation _____
feet per annum of water for storage; of the waters of _____
Custer Stream

County of _____ State of South Dakota, at _____
S. 44 E. 12 N. 1727' from the S. 4 Cor. Sec 10, T. 2 N., R. 3 E.
livestock, fish culture, domestic, fire protection, irrigation,
for _____ 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 _____ acre-foot
per year is hereby appropriated for the above purposes bearing date of
priority of _____ 193 _____
27th

Witness my hand this _____ day of September 9 193 _____

State Engineer.

LETTER OF AUTHORIZATION
for
Inspection

July 10, 1939

H. E. Von Sogorn

Mile High Reservoir No. 1
Name of Project

Custer, South Dakota

Fattie Creek 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. 102, on Mile High Creek (stream) County of Custer, on the Harney 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 Mile High Reservoir No. 1 reservoir, ditch, or pipe line constructed and owned by the United States of America, Department of Agriculture, Forest Service, on the Harney 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.

LETTER OF AUTHORIZATION
for
InspectionM. E. Kane, Engineer,Porter, W. D.July 10, 1937,
W. H. H. Reservoir No. 1
Name of ProjectLittle Creek 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 61.6137, 1939 Revised Code of South Dakota and identified as Withdrawal No. W. S. 102, on W. H. H. Reservoir No. 1 (stream) County of Butte on the Harney 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 W. H. H. Reservoir No. 1 reservoir, W. H. H. Reservoir No. 1 ditch, or pipe line constructed and owned by the United States of America, Department of Agriculture, Forest Service, on the Harney 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,

W. H. H. Reservoir No. 1
State Engineer.

RECEIVED

JUL 10 1939

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

FORM 17A

WITHDRAWALS No. U. S. R.

Mile High Reservoir No. 1
Name of Project

Water Division No, 2

Battle Creek Water District

NOTICE OF COMPLETION OF WORKS

P.O. Denver, Colorado,

Date July 7, 1939

TO THE STATE ENGINEER OF SOUTH DAKOTA, PIERRE:

Dear Sir: Notice is hereby given of the completion of the construction of Mile High Reservoir No. 1 reservoir, Harney ditch, or pipe line constructed and owned by the United States of America, Department of Agriculture, Forest Service on the Harney Forest. The project provided 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 NE 1/4 Sec 1 of Section, 10 Township 3 S, Range 3 E.
4. Said water to be used for livestock, fish culture, domestic, fire protection, irrigation, 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 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

FORM A

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

U. S. No. 102
Division No. 2
Battle Creek Water District

Milo High Reservoir #1
Name of Project

Custer
County

Milo High Creek trib. of 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 Milo High Creek trib. of French Creek, the annual amount of 0.071 acre-feet of water to maintain storage in Milo High #1 reservoir created by damming said stream at a point

S. 44² 5' W. 17²
feet distant from the S. E. Corner of Section 10, Township 38
Range 3E. 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 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 heretofore 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

DATE MICROFILMED

E
WATER RESOURCES
Water Rights

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

113-1
RECEIVED
JUN 17 1939
OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

Mile High Reservoir #1 Project

Denver, Colorado.

Harmay 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 01:0137 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 Mile High Reservoir #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,

13. Location of lands to be irrigated.

Ans.

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

Ans. Standard Plans

ALLEN S. PECK,

Regional Forester

By *Stan*

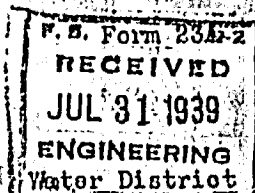
Acting.

Form 23A

WITHDRAWAL NO. U.S.102

Water Division No. 2

Battle Creek



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SEP 18 1939

CERTIFICATE OF EXAMINATION OF WORKS

Report of Examining Engineer

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

Date July 21, 1939
By M. E. Von Seggern

Mile High Reservoir No. 1
Project Name and Number

Mile High 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 Mile High Reservoir 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. U.S.102 issued upon Notice of Intention, bearing date June 14, 1939, authorizing the withdrawal from further appropriation of 0.071 acre feet, or second feet of the waters of Mile High Creek, tributary of French Creek 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 50 feet Maximum height to spillway flow line 2.0 feet Freeboard NONE
Section: Upstream slope 3:1
Downstream slope 3:1
Top width 4 feet
Yardage (Approx.) 22 Cu. Yds.
Reservoir: Area Normal Pool Level 0.019 acres
Capacity 0.014 acre feet
Nature of Shore line rocks and grass
Spillway: Type none-water flows over dam. Location _____
Width _____ Depth _____
Capacity _____ cubic feet per sec.
Outlet: Size None Control _____
Location _____
Ditches: Open Earth _____ Open rock _____
Pipe _____ Length _____
Section _____ Capacity _____
Location or as shown on plans _____

The system is in the following condition: Fair

The outlet of the reservoir or the point of diversion of the ditch, canal or pipe line is located S. 44⁰, 5' West, 1727
feet distant from the E¹ Corner of Section 10 Township 3 S.,
Range, 3 E.

The works are capable of utilizing 0.071 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 purposes 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 1934.

Witness my hand, this 29th day of July A.D. 19 34.

M. E. Von Leegen
Examining Engineer