

No. U.S. 103-2

**Office of State Engineer
DOCUMENT FILE**

Alph. Agt. Faust Service
Crocker Co.

Priority June 14, 1939

See 10, 7, 3, 1, 3, 5

0.07 sec.

2.5 sec. Creek

Form 24A

CERTIFICATE OF CONSTRUCTION OF WORKS

and

APPROPRIATION

Mile High Reservoir No. 2

103-2

U. S. Water Right No. _____

Name of Project
Little Creek

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, 1930

_____ withdrawing from further appropriation _____ acre-feet per annum of water for storage; of the waters of _____ a point _____ Stream

County of _____ State of South Dakota, at _____ 8, 43-31 West, 1777' from the E $\frac{1}{2}$ Cor. Sec 10, T.39, R.3E.

for _____ 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 information filed in the office of the State Engineer, and _____ acre-feet

per year is thereby appropriated for the above purposes bearing date of June 14, 1930

priority of _____ 1930 September 9
Witness my hand this _____ day of _____ 1930.

State Engineer

FORM A

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

Mile High Reservoir #2
Name of Project

U. S. No. 103
Division No. 2
Battle Creek Water District

Custer
County

Battle 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 Battle Creek, the annual amount of 0.07 acre-feet of water to maintain storage in Mile High #2 reservoir created by damming said stream at a point 3.43 feet distant from the E. 1/4 corner of Section 30, Township 39 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 Battle Creek, a maximum of 0.07 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 E. 1/4 corner of Section 30, Township 39 Range 3E for the purpose of livestock, fish culture, domestic, fire protection, irrigation, recreation during the months of June.

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 10th day of June 1936.

State Engineer

E
WATER RESOUR.
Water Rights

103-2
NOTICE OF INTENTION
to the
STATE ENGINEER
of the
STATE OF SOUTH DAKOTA

RECEIVED

JUN 17 1939

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

Mile High Reservoir # 2 Project
Harney Forest
South Dakota

Denver, Colorado.

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 51.0137 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 # 2 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. Mile High Reservoir # 2

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 S. 43° 34' W 1777 foot

distant from the E. 1/4 Corner of Section 10 Township 3 S.
Range 3 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 feet.

Ans. 0.014 Acre Feet

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

Ans.

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

Ans. 0.07 Acre Feet

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. PECK,

Regional Forester

By *Allen*

Acting.

Form 23A

WITHDRAWAL NO. U.S. 103Water Division No. 2

Battle Creek

Form 23A

RECEIVED

JUL 31 1939

SEP 18 1939

CERTIFICATE OF EXAMINATION OF WORKS

Report of Examining Engineer

OFFICE OF STATE ENGINEER
PIERRE, S. D.A.K.Date July 21, 1939
By M. E. Von SeggernMile High Reservoir No. 2
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 Mile High Reservoir No. 2 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. 103 issued upon Notice of Intention bearing date June 14, 1939, authorizing the withdrawal from further appropriation of 0.07 acre feet, or 1/2 second feet of the waters of French Creek, tributary of Cheyenne 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 22 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.) 16 Cu. Yds.
Reservoir: Area Normal Pool Level 0.018 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. 43⁰, 54' West, 1777
feet distant from the E₂ Corner of Section 10 Township 5 S
Range, 3E.

The works are capable of utilizing 0.07 acre-feet 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 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 1954

Witness my hand, this 29th day of July A.D. 19 39.

M. E. Veri Liggan.
Examining Engineer

LETTER OF AUTHORIZATION
for
Inspection

July 10, 1939

M. E. Von SeggernMile High Reservoir No. 2
Name of ProjectCuster, South DakotaBattle 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, 1935 Revised Code of South Dakota and identified as Withdrawal No. U. S. 103 on French 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. 2 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 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.

LETTER OF AUTHORIZATION
for
InspectionM. E. Van Deggane,
Cheyenne, Wyo. State.July 10, 1937
Mike High Reservoir No. 2
Name of ProjectLittle Creek Water Right
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. 103, on Grand (stream) County of Beaver on the Grand 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 Mike High Reservoir No. 2 reservoir, ditch, or pipe line constructed and owned by the United States of America, Department of Agriculture, Forest Service, on the Grand 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,

W. C. Van Deggane
State Engineer.

FORM 17A

FORM 17A

WITHDRAWALS No. U. S. 35

Mile High Reservoir No. 2
Name of Project

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

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. 2 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 NE 1/4 SE 1/4 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 Seggern.
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