

No. 118165-2

Office of State Engineer  
DOCUMENT FILE

Sept. 1939 - Prattville, Ala.  
Birmingham, Ala.

July 7, 1939 - Priority date

July 17, 1939 - L.S. 17.5

13.25 - receipt for appropriation

A. J. Brown

CERTIFICATE OF CONSTRUCTION OF WORKS

and

APPROPRIATION

U. S. Water Right No. 165-2

LU-SD-39-1 Job No. 243-31  
Name of Project

Red River Water District

TO ALL WHOM IT MAY CONCERN:

This is to Certify, that the United States of America, Department of  
Agriculture, Settlement Administration, has complied with the  
State Laws and has been issued a withdrawal No. U.S. 165 bearing date of  
July 7, 1939 withdrawing from further appropriation 13.23 acre-  
feet per annum of water for storage; of the waters of Red River in the  
County of Pennington, State of South Dakota, at a point in the  
SE<sup>1</sup> of the NW<sup>1</sup> of Sec. 3, T. 2 S., R. 17 E. RMP  
for Stock Water 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 13.23 acre-feet  
per year is thereby appropriated for the above purposes bearing date of  
priority of July 7, 1939.

Witness my hand this 7th day of July 1939.

\_\_\_\_\_  
State Engineer.

Form A

CERTIFICATE OF WITHDRAWAL  
of  
WATER FOR APPROPRIATION  
to the  
UNITED STATES OF AMERICA  
DEPARTMENT OF AGRICULTURE  
RESETTLEMENT ADMINISTRATION

Withdrawal No. U.S.175

LU-SD-58-1 Job No. 243-34  
Name of Project

Pennington  
County

Dry Draw  
Water Division No. 2  
Mad River District  
Source of Appropriation-Stream

The United States of America, Department of Agriculture, Resettlement Administration, 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 Mad River District, the annual amount of 13.23 acre-feet of water to maintain storage in No. 243-34 reservoir created by damming said stream at a point in the SW 1/4 Sec. 3, T.28., R.17E., NW feet distant from the Corner of Section, Township Range. The purpose of such storage is for Stock water.

This is to certify that there is hereby reserved, of the heretofore unappropriated waters of Mad River District a maximum of 13.23 cubic feet per second to be diverted through the Mad River ditch, canal or pipe line at a point located on the Mad River bank 13.23 feet distant from the Corner of Section Township Range for the purpose of Stock water during the months of July.

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 7th day of July 1939.

\_\_\_\_\_  
State Engineer

PETITION

RECEIVED  
JUL 7 1939  
OFFICE OF STATE ENGINEER  
PIERRE, S. DAK.

TO

STATE ENGINEER  
STATE OF SOUTH DAKOTA  
PIERRE, SOUTH DAKOTA

Comes now Oscar Hermstad, Project Manager, Bad Lands - Fall River Land Adjustment Project, Resettlement Administration, U. S. Department of Agriculture, whose post office is Rapid City, South Dakota, a citizen of the United States, above the age of 21 years, being in possession of the following described land in the name of the United States, being desirous of obtaining a certificate from the State Engineer in accordance with Sec. 8239, Revised Code of the State of South Dakota, so petitions the State Engineer to wit:

In support of said petition, your affiant deposes and says:

(1) That notice of appropriation, copy of which is hereto annexed and made a part of this petition was posted under the date of June 3, 1939 and recorded under date of June 9, 1939.

(2) That the dam referred to in said notice was completed under date of April 22, 1939.

(3) That said dam is 191 feet in length and 11.0 feet in height.

(4) That said dam is located upon the land described as follows:

SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec. 3; T 2-S; R 17-E; B.N.M. Pennington County

(5) That said land is to be used for Stock Water purposes.

Wherefore your affiant respectfully requests that a certificate be issued to him in accordance with the law in such case made and provided.

Subscribed and sworn to before me this 6th day of July, 1939

Oscar Hermstad  
Project Manager

Blanche M. Moore  
Notary Public

My commission expires:  
October 1, 1941

Description of Dam

1. Height above low point of valley at centerline of dam: 11.0 ft.
2. Length along centerline at top of dam: 194 ft.
3. Width of top: 10.0 ft.
4. Upstream slope: 3 ft. horizontally to 1 ft. vertically.
5. Downstream slope: 2 ft. horizontally to 1 ft. vertically.
6. Volume in embankment: \_\_\_\_\_ cu. yds.
7. Distance above high-water line to top of dam: 5 ft.
8. Distance above water surface to top of dam when spillway is discharging maximum run-off: 3.5 ft.

D. Description of SpillwayNatural Sod Spillway

1. Bottom width: 30 ft.
2. Slope of sides: \_\_\_\_\_ (Give ratio horizontal to vertical.)
3. Gradient of spillway ditch: 3.0 ft. per hundred ft.
4. Maximum discharge: 304.8 cu. ft. per second.
5. Depth of water in spillway at time of maximum discharge: 1.5 ft.

(Note: The surface of water in the spillway must be at least 30" below the top of the dam when the spillway is discharging the maximum run-off of the drainage basin.)

E. Description of Reservoir

1. Area when filled to level of spillway: 3.71 acres.
2. Area when 1' below spillway: 1.27 acres.
3. Area at depth of two feet: \_\_\_\_\_ acres.
4. Volume when filled to level of spillway: 13.23 acre-ft.
5. Volume when 1' below spillway: 3.27 acre-feet.
6. Volume at depth of two feet: \_\_\_\_\_ acre-feet.
7. Average depth when full: 6.0 feet.

(over)

DESCRIPTION OF EARTH IMPOUNDING DAM  
RESERVOIR AND SPILLWAY TAM NO. 226JOB NUMBER ~~xxxx~~ 243-34Soil Conservation Service  
Land Utilization Division  
Lincoln, NebraskaREGION 1  
JUL 7 1951  
Region IProject South Dakota  
StateLU-SD-38-1 OF STATE ENGINEER  
Number  
PERRINE, B. DALL

## A. Location of Dam and Reservoir

SE 1/4 NW 1/4 of the Sec. 3; Township 2 S; Range 17 E  
of the Black Hills Meridian; County Pennington

## B. General Data

1. Area of drainage basin above dam:
- 120 Acres
- ~~approximately~~

(Note: For areas greater than 5 sq. miles give size to nearest sq. mi.; for areas smaller than 5 sq. miles give area to nearest tenth.)

2. Average annual precipitation on water shed in inches:
- 15.81

3. Give amount of rainfall in inches and duration of the heaviest downpour that can be expected based upon reliable records or information of the vicinity.

a. 5.18 inches  $R = 2.25"/\text{hour}$   
 $S = 0.3$   
b. 2 1/2 Hours ~~approximately~~  $S = 16'/1000'$   
 $H = 0.035$

- c.
- U. S. Weather Bureau

Source of information.

4. Give description of water shed.

- a. The slopes are soil-covered,
- ~~approximately~~

Grass Land

(Note: Answer (a) by striking out words not needed. Only a general description is wanted. If desired, a word or two may be given in the space that is provided.)

- b. Average length of drainage basin
- 0.9
- miles.

- c. Average width of drainage basin
- 0.2
- miles.

5. Maximum run-off of drainage area at the damsite
- 120
- 
- cu. ft. per second.

(over)

LOCATION NOTICE

KNOW ALL MEN BY THESE PRESENTS:

That Oscar Hermstad, Project Manager, Bad Lands - Fall River Land Adjustment Project, Land Utilization Division, Soil Conservation Service, U.S. Department of Agriculture, whose post office is Rapid City Dakota, a citizen of the United States, above the age of 21 years, in full possession of the following described land in the name of the United States to wit:

Tract 1026

SD 1 NW 1/4, Section 3, Township 28, Range 17 E, B. H. M., in Pennington County, South Dakota.

Availing him self of the right granted him under the provisions of Chapter 2, Article 1, Paragraph 3239 of the Revised Code of 1919, has located and claims the right to construct a certain dam across a dry draw situated in the

SE 1/4 of the 1/4 of Section 3, township 28, range 17 E, B. H. M., for Livestock Purposes.

Said locator claims for the above purpose 161,607 cubic feet of water plus losses due to annual evaporation during the following described annual periods January 1st to December 31st, inclusive, each year.

Said location was made on the \_\_\_\_\_ day of \_\_\_\_\_, 1939.

Witness my hand and seal this 3rd day of June, 1939.

Oscar Hermstad  
Locator, Project Manager  
Soil Conservation Service, LV Division  
U.S. Department of Agriculture

STATE OF SOUTH DAKOTA )  
                                  : ss  
County of Pennington )

On the 3rd day of June, 1939, before me

Blanche M. Moore a Notary Public in and for the County and State aforesaid, personally appeared \_\_\_\_\_

Oscar Hermstad to me personally known to be the person who executed the foregoing instrument and acknowledged that he executed the same for the use and purposes therein set forth.

Witness my hand and official seal the day and date above written.

My Commission Expires: Oct. 1, 1941

Blanche M. Moore  
Notary Public