

No. 118196-2

**Office of State Engineer
DOCUMENT FILE**

Dept. Agt. Forest Service
Custer Co.

Priority: Sec. 28, T. 2 S. R. 4 E. 39

Sec. 28, T. 2 S. R. 4 E.

0.08 acre lot

CERTIFICATE OF CONSTRUCTION OF WORKS

and

APPROPRIATION

U. S. Water Right No. 196-2

Downing Spring Reservoir
Name of Project

Battle 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 196 bearing date of
July 22, 1939 withdrawing from further appropriation 0.08 acre-
feet per annum of water for storage; of the waters of Downing Draw
County of Custer, State of South Dakota, at a point Stream
N. 43 25' E., 1283 feet distant from the SW Cor. Sec. 28, T. 2S., R. 4E.
for livestock, fish culture, domestic, fire protection, 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 0.08 acre-feet
per year is thereby appropriated for the above purposes bearing date of
priority of July 22, 1939.

Witness my hand this 21st day of December 1939.

State Engineer.

WITHDRAWAL NO. NO 1276Water Division No. 2Battle Creek Water District

CERTIFICATE OF EXAMINATION OF WORKS

Report of Examining Engineer

Date December 8, 1939.
By H. P. Von SengernOFFICE OF STATE ENGINEER
PIERRE, S. DAK.Downing Spring Reservoir
Project Name and NumberDowning Draw
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 1939, I have made a thorough examination of Downing Spring 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 198 issued upon Notice of Intention bearing date July 17 1932, authorizing the withdrawal from further appropriation of 0.03 acre feet, or second feet of the waters of Downing Draw, tributary of Thunderfoot 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 52 ft. 1 in. Maximum height to spillway flow line 3 ft. Freeboard 1 ft.
Section: Upstream slope 3:1
Downstream slope 2:1
Top width 6 ft.
Yardage (Approx.) 35 cu. yds.
Reservoir: Area Normal Pool Level 0.02 acres
Capacity 0.02 acre foot
Nature of Shore line grassy
Spillway: Type Dirt channel, riprapped Location right end of dam
Width 7 ft. Depth 1.5 ft.
Capacity 70 cubic feet per sec.
Outlet: Size none Control none
Location none
Ditches: Open Earth Open rock
Pipe Length
Section Capacity
Location or as shown on plans none

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 N. 43° 25' W. 1283 feet distant from the SW Corner of Section 28 Township 2S Range. 4E

The works are capable of utilizing 0.01 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, fish rearing and water supply for fire fighting equipment

The project was completed 1935

Witness my hand, this 8th day of December A.D. 1939.

M. E. Von Seggern
Examining Engineer

Profile Center Line Spillway

Sta. 0 plus 00,	0 plus 13,	0 plus 38
Ball 0	.3	1.5

LETTER OF AUTHORIZATION
for
InspectionSeptember 26, 1936M. E. Von SengernCuster, South DakotaDenain Spring Reservoir
Name of Project

Water Division No. 2

Little Creek Water District

Denain Spring
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. 196, on Denain Spring (stream) County of Custer on the Denain Spring 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 Denain Spring reservoir, ditch, or pipe line constructed and owned by the United States of America, Department of Agriculture, Forest Service, on the Denain Spring 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.

WITHDRAWALS No. U.S. 100**RECEIVED**

SEP 18 1939

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.Water Division No. 2Battle Creek Water DistrictDowning Spring Reservoir
Name of Project

NOTICE OF COMPLETION OF WORKS

P.O. Denver, ColoradoDate September 15, 1939

TO THE STATE ENGINEER OF SOUTH DAKOTA, PIERRE:

Dear Sir: Notice is hereby given of the completion of the construction of Downing Spring reservoir, den 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 1/4 Sec 28 of Section, 28, Township 2 S, Range 4 E.
4. Said water to be used for Live Stock, 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. W. Saggorn.
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
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.

. 3. 1936

Downing Spring Reservoir
Name of Project

Water Division No. 2

Battle Creek Water District

Custer County
County

Downing Draw
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 Downing Draw, the annual amount of 0.02 acre-feet of water to maintain storage in Downing Spring reservoir created by damming said stream at a point N. 43°, 25' E. 1263 feet distant from the SE Corner of Section 28, Township 23 Range 4 E. 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 _____ foot 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 heretofore referred to, this certificate is executed at the State Capitol at Pierre, South Dakota, this 22 day of July 1939.

State Engineer

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WATER RESOURCES
Water Rights

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

RECEIVED

JUL 22 1939

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

Downing Spring Reservoir Project

Denver, Colorado.

Harney Forest
South Dakota

July 19, 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 for the withdrawal of certain unappropriated public waters of the State of South Dakota in an amount sufficient to maintain storage in Downing Spring.

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. Downing Spring 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.

Ans. Downing Draw

7. The outlet of the reservoir or the point of diversion of ditch,
canal or pipe line is located N. 43°, 25' East, 1283 feet

distant from the SW Corner of Section 28 Township 2 S
Range. 4 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. 0.02 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. 0.08 acre feet.

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

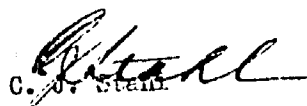
Ans.

13. Location of lands to be irrigated.

Ans.

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

Ans. Standard plans


C. O. Stahl

Acting Regional Forester