

No. *H.S. 253-2*

**Office of State Engineer
DOCUMENT FILE**

Dept. Agri. - Forest Service
Custer

Priority: 7-21-37

Sec. 3-13-45

Cont. 2. as fut.

CERTIFICATE OF CONSTRUCTION OF WORKS

and

APPROPRIATION

U. S. Water Right No. 253-2

Ellen 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 253 bearing date of
July 21, 1939 withdrawing from further appropriation 0.12 acre-
feet per annum of water for storage; of the waters of Laughing Water Creek,
County of Custer, State of South Dakota, at a point S. 21 4' W.,
1753 feet distant from the N. E. Cor. Sec. 3, T.3S., 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 0.12 acre-feet
per year is thereby appropriated for the above purposes bearing date of
priority of July 21, 1939.

Witness my hand this 21st day of December 1939.

State Engineer.

WITHDRAWAL NO. US 253Water Division No. 2Battle Creek Water District
DEC 18 1939

CERTIFICATE OF EXAMINATION OF WORKS

Report of Examining Engineer

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.Date December 13, 1939
By M.E. Von SeggernEllen Reservoir
Project Name and Number
Laughing Water 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 October 31 1939, I have made a thorough examination of Ellen Reservoir, 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. 253, issued upon Notice of Intention bearing date July 18 1939, authorizing the withdrawal from further appropriation of 0.12 acre feet, or second feet of the waters of Laughing Water 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 40 ft. Maximum height to spillway flow line 1.5 ft. Freeboard 1.0 ft.
 Section: Upstream slope 2:1
 Downstream slope 2:1
 Top width 2 ft.
 Yardage (Approx.) 23 cu.yds.
 Reservoir: Area Normal Pool Level 0.03 acres
 Capacity 0.03 acre feet
 Nature of Shore line grassy
 Spillway: Type natural Location right end of dam
 Width 16 ft. Depth 1 ft.
 Capacity 20 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: Good - about 0.5 ft.
of silt in bottom

The outlet of the reservoir or the point of diversion of the ditch,
canal or pipe line is located S21°41'W 1753
feet distant from the N $\frac{1}{2}$ Corner of Section 5 Township 33
Range. 4E

The works are capable of utilizing 0.12 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 1935

Witness my hand, this 15th day of December A.D. 19 39.

M. E. Van Dyke
Examining Engineer

Profile Center Line Millway
Sta. 0 plus 00, 0 plus 20,
Fall. 0 .2

LETTER OF AUTHORIZATION
for
InspectionOctober 31, 193⁹M. E. Von SeggernCuster, South DakotaEllen ReservoirName of Project
Custer Division No. 2
Battle Creek Water District
Laughing Water CreekSource 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. 263, on Laughing Water Creek (stream) County of Custer on the Harney National 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 Ellen reservoir, ditch, or pipe line constructed and owned by the United States of America, Department of Agriculture, Forest Service, on the Harney National 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,

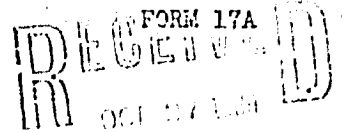
State Engineer.

FORM 17A

WITHDRAWALS No. US 253

Ellen Reservoir

Name of Project



Water Division No. 2

STATE OF SOUTH DAKOTA
BATTLE CREEK PI Water District

NOTICE OF COMPLETION OF WORKS

P.O. Denver, Colorado,

Date October 25, 1939.

TO THE STATE ENGINEER OF SOUTH DAKOTA, PIERRE:

Dear Sir: Notice is hereby given of the completion of the construction of Ellen reservoir, ditch, or pipe line constructed and owned by the United States of America, Department of Agriculture, Forest Service on the Barney National 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 NW 1/4 of Section, 3, Township 38., Range 4E.
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

UL .C. 253

Tutor Division No. 2
Cattle Creek Tutor District

Source of Appropriation - Stream

This is to certify that there is hereby reserved, of the heretofore unappropriated waters of San Antonio River, the annual amount of 0.12 acre-feet of water to maintain storage in the reservoir created by damming said stream at a point

Foot distant from the _____ Corner of Section _____ Township _____
Range _____. The purpose of such storage is _____, _____,
_____.

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 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 21 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 21 1939

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

Ellen Reservoir Project

Denver, Colorado.

Harney Forest
South Dakota

July 18, 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 Ellen

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. Ellen 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. Laughing Water Creek

7. The outlet of the reservoir or the point of diversion of ditch,
canal or pipe line is located S. 21⁰, 4' W., 1753 feet
distant from the N¹/₄ Corner of Section 3 Township 3 S
Range, 4 E.

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

Ans. Livestock, fish culture, domestic, fireprotection, irrigation, recreation

9. The available capacity of reservoir in acre feet.

Ans. 0.03 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. 0.12 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.

G. J. Stahl,


Acting Regional Forester