

No. *U.S. 254-2*

**Office of State Engineer
DOCUMENT FILE**

*Dept. Agr. Forest Service
Custer Co.*

Priority: 7-21-39

Sec 35, T 34 R 3 E

0.24 acre feet

CERTIFICATE OF CONSTRUCTION OF WORKS

and

APPROPRIATION

Lightning Creek Reservoir
Name of Project

U. S. Water Right No. 254-2

Yall River 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 254 bearing date of July 21, 1939 withdrawing from further appropriation 0.26 acre-feet per annum of water for storage; of the waters of Lightning Creek Stream, County of Custer, State of South Dakota, at a point N. 56 52' E., 2813 feet distant from the SW Cor. Sec. 35, T. 35, R. 3E. 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 information filed in the office of the State Engineer, and 0.24 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.

Form 23A

Form 23A

WITHDRAWAL NO. US 254Water Division No. 2Pall River

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 H.E. Von SeggernLightning Creek Reservoir

Project Name and Number

Lightning CreekSource 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 Lightning Creek 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 254 issued upon Notice of Intention bearing date July 18, 1939, authorizing the withdrawal from further appropriation of 0.24 acre feet, or 11 second feet of the waters of Lightning Creek tributary of Pleasant Valley 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 38 ft. Maximum height to spillway flow line 3.0 ft. Freeboard 1.0 ft.
 Section: Upstream slope 1.5:1
 Downstream slope 2:1
 Top width 11 ft.
 Yardage (Approx.) 73 cu.yds.
 Reservoir: Area Normal Pool Level 0.06 acres
 Capacity 0.06 acre feet
 Nature of Shore line grassy
 Spillway: Type gravel channel Location left end of dam
 Width 8 ft. Depth 1.5 ft.
 Capacity 40 cubic feet per sec.
 Outlet: Size none Control none
 Location none
 Ditches: Open Earth none Open rock none
 Pipe none Length none
 Section none Capacity none
 Location or as shown on plans none

The system is in the following condition: Fair - water has eroded earth
away at lower end of spillway and corner of dam

The outlet of the reservoir or the point of diversion of the ditch,
canal or pipe line is located N. 58° 52' E. 2613
feet distant from the S 1 Corner of Section 35 Township 38
Range. 3E.

The works are capable of utilizing 0.24 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 livestock
water

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 13th day of December A.D. 1939.

M. E. Von Slegern
Examining Engineer

Profile Center line Spillway

Sta. 0 plus 00, 0 plus 15,
Fall 0 .8

LETTER OF AUTHORIZATION
for
Inspection

October 31, 1939

H. H. Voel Suggern

Custer, S. Dakota

Lightning Creek Reservoir
Name of Project
Water Division No. 2
Fall River Water District
Lightning Creek
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. 286 on Lightning 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 Lightning 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 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.

FORM 17A

WITHDRAWALS No. US 254

FORM 17A

Lightning Creek Reservoir

Name of Project

Water Division No. 2

STATE ENGINEER
Fall River Water District

NOTICE OF COMPLETION OF WORKS

P.O. Denver, Colorado;

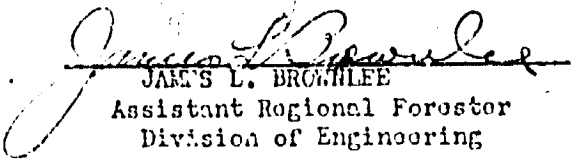
Date October 25, 1939.

TO THE STATE ENGINEER OF SOUTH DAKOTA, PIERRE:

Dear Sir: Notice is hereby given of the completion of the construction of Lightning Creek reservoir, ditch, or pipe line constructed and owned by the United States of America, Department of Agriculture, Forest Service on the Herney 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 SW $\frac{1}{4}$ of Section, 35, Township 3S., Range 3E.
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

FORM A

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

US NO. 254

Lightning Creek Reservoir

Name of Project

Water Division No. 2

Fall River Water District

Custer County

Lightning Creek

County

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 Lightning Creek, the annual amount of 0.24 acre-feet of water to maintain storage in Lightning Creek reservoir created by damming said stream at a point

U. S. 56° 52' N., 2613 feet distant from the SW Corner of Section 35, Township 3 N. Range 3 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 Lightning Creek 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 SW 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.

Robert H. Loucks
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.

Lightning Creek Reser-Project
voir

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 Lightning Creek 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. Lightning Creek 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. Lightning Creek
7. The outlet of the reservoir or the point of diversion of ditch, canal or pipe line is located N. 56°, 52' E., 2615 feet distant from the SW Corner of Section 35 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. 0.08 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. 0.24 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. J. Stahl,

Acting Regional Forester