

No.

U. S. 263-2

Office of State Engineer
DOCUMENT FILE

Dept. Agri. - Farm Service
Co.

Priority: July 21, 1939

Sec. 29 - F. S. L. 11, 55

1.79 as ft.

Midway No. 3 Reservoir

Form 24A

CERTIFICATE OF CONSTRUCTION OF WORKS

and

APPROPRIATION

U. S. Water Right No. 263-2

Midway No. 3 Reservoir

Name of Project

Fall 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 263 bearing date of
July 21, 1939 withdrawing from further appropriation 1.79 acre-
feet per annum of water for storage; of the waters of N. Fork Cold Springs Creek
County of Custer, State of South Dakota, at a point S. 39, 11'W.,
917 feet distant from the N $\frac{1}{2}$ Cor. Sec. 27, T. 5S., R. 5E
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 1.79 acre-feet
per year is thereby appropriated for the above purposes bearing date of
priority of July 21, 1939.

Witness my hand this 14th day of December 1939.

State Engineer.

WITHDRAWAL NO. JS 263Water Division No. 2Full River Water District

CERTIFICATE OF EXAMINATION OF WORKS

Report of Examining Engineer

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.Date November 9, 1939By M. E. Von SeggernMidway No. 3 Reservoir

Project Name and Number

North Fork Cold Springs 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 16 1939, I have made a thorough examination of Midway No. 3 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 263 issued upon Notice of Intention bearing date July 17, 1939, authorizing the withdrawal from further appropriation of 1.79 acre feet, or second feet of the waters of North Fork Cold Springs Creek tributary of Cold Springs 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 80 ft. Maximum height to spillway flow line 6.5 ft. Freeboard 2.0 ft.
 Section: Upstream slope 2:1
 Downstream slope 1.5:1
 Top width 9.0 ft.
 Yardage (Approx.) 610 cu. yds.
 Reservoir: Area Normal Pool Level 0.36 acres
 Capacity 0.71 acre feet
 Nature of Shore line grassy
 Spillway: Type open channel Location right end
 Width 25 ft. Depth 2 ft.
 Capacity 385 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

The outlet of the reservoir or the point of diversion of the ditch, canal or pipe line is located S. 39° 11' West 917
feet distant from the N¹/₂ Corner of Section 27 Township 5S.
Range. 5E.

The works are capable of utilizing 1.79 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 1934

Witness my hand, this 9th day of November A.D. 19 39

M. E. Don Leggeru
Examining Engineer

• Profile Center Line Spillway: .

Sta. 0+00 0+33 0+66

Fall 0.0 0.0 1.5

LETTER OF AUTHORIZATION
for
Inspection

October 16, 1939

M. E. Von Gerssorn

Custer, South Dakota

Midway No. 3 Reservoir
Name of Project
Water Division No. 2
Fall River Water District
N. Fork Cold Springs 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. 263, on N. Fork Cold Springs Creek (stream) County of Custer on the Farney 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 Midway No. 3 Reservoir reservoir, ditch, or pipe line constructed and owned by the United States of America, Department of Agriculture, Forest Service, on the Farney 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.

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

US No. 263

Midway No. 3 Reservoir
Name of Project
Custer County
County

Water Division No. 2
Fall River Water District
North Fork Cold Springs 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 North Fork Cold Springs Creek, the annual amount of 1.79 acre-feet of water to maintain storage in Midway No. 3 reservoir created by damming said stream at a point S. 39° 11' W., 917 feet distant from the SE Corner of Section 27, Township 5 S Range 5 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 _____ feet 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.

W. C. Tucker
State Engineer

RECEIVED
JUL 21 1939
OFFICE OF STATE ENGINEER
PIERCE, S. DAK.

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

Denver, Colorado.

July 17, 1939.
Date

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 Midway No. 3

1. Representative of the United States of America authorized to act in procurement of water rights.

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. **Midway No. 3 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. **North Fork Cold Springs Creek**

7. The outlet of the reservoir or the point of diversion of ditch,

canal or pipe line is located 3. 39° 11' West, 917 feet

distant from the N¹ Corner of Section 27 Township 5 S

Range 5 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**

The available capacity of reservoir in acre feet.

Ans. **0, 71 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. **1.79 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