

No. U.S. 2129-2

**Office of State Engineer  
DOCUMENT FILE**

Rept. 1910 Reclamation (bnd)

Ball River

N.W. 1/4 Sec 18 T. 11 S. R. 9 E

Priority Oct 25, 1937

32.26 ac ft. appl

By: B. B. B.

Form 24A

CERTIFICATE OF CONSTRUCTION OF WORKS

and

APPROPRIATION

U. S. Water Right No. 209-2

17-38-1 Job No. 220-55  
Name of Project

White River Water District

TO ALL WHOM IT MAY CONCERN:

This is to Certify, that the United States of America, Department of  
~~Agriculture, Reclamation Administration~~, has complied with the  
State Laws and has been issued a withdrawal No. U.S. 260 bearing date of  
October 25, 1937 withdrawing from further appropriation 32.36 acre-  
feet per annum of water for storage; of the waters of Stream  
County of Fall River, State of South Dakota, at point S. 37° 50' E.

1870 from the NW Cor. Sec. 16, T. 115, R. 92.  
for Steel 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 32.36 acre-feet  
per year is thereby appropriated for the above purposes bearing date of  
priority of October 25, 1937.

Witness my hand this 13th day of September 1939.

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

Form A

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

Withdrawal No. U.S. 239

LD-32-1 Job No. 226-55

Name of Project

Enl. Sixar

County

Factor Division No. 2

White River Water District

**Dry-Draw**

Source of Appropriation-Stream

The United States of America, Department of Agriculture, Reclamation 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 61-137-139 Revised Code of South Dakota, now therefore;

This is to certify that there is hereby reserved, of the heretofore unappropriated waters of White River, District No. 10, the annual amount of 32.36 acre-feet of water to maintain storage in No. 55 reservoir created by damming said stream at a point described as follows: S. 37° 50' E., W. 1570 feet distant from the NE 1/4 Corner of Section 10, Township 11E, Range 9E, to the North. The purpose of such storage is for Stock Water. (end of dam)

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 25th day of October 1937.

State Engineer

DESCRIPTION OF EARTH IMPOUNDING DAM  
RESERVOIR AND SPILLWAY DAM NO. 226

JOB NUMBER 226 - 55

Resettlement Administration  
Lincoln, Nebraska

Region VII

Project South Dakota LD-SD-1  
State Number

## A. Location of Dam and Reservoir Tract 3193

W 1/4 of the Sec. 18; Township 11 S; Range 9 E  
of the Big Horn Meridian; County Fall River

## B. General Data

1. Area of drainage basin above dam:
- 1.5
- sq. miles.

(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:
- 19.81

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.

R = 1.7 in. per 60 min.a. 4.88 inches.C = .3b. 24 hours minutes.S = 9/1000c. U. S. Weather BureauH = .035

Source of information.

4. Give description of water shed.

a. The slopes are sod-covered, ~~cultivated~~, ~~bare~~,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
- 2
- miles.

c. Average width of drainage basin 0.75 miles.

5. Maximum run-off of drainage area at the damsite:
- 6.65
- 
- cu. ft. per second.

(over)

C. Description of Dam

1. Height above low point of valley at centerline of dam: 15.5 ft.
2. Length along centerline at top of dam: 260.9 ft.
3. Width of top: 10 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: 5536 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 Spillway

1. Bottom width: 40 ft.
2. Slope of sides: 1½ : 1 (Give ratio horizontal to vertical.)
3. Gradient of spillway ditch: 0.10 ft. per hundred ft. possible
4. Maximum discharge: 242.0 cu. ft. per second.
5. Depth of water in spillway at time of maximum discharge: 2.5 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: 6.61 acres.
2. Area when half-full: 3.50 acres.
3. Area at depth of two feet: .05 acres.
4. Volume when filled to level of spillway: 38.36 acre-ft.
5. Volume when half-full: 5.82 acre-foot.
6. Volume at depth of two feet: .05 acre-foot.
7. Average depth when full: 5.25 feet.

(over)

# LOCATION NOTICE

KNOW ALL MEN BY THESE PRESENTS:

That Oscar Hermstad, Project Manager, Rea. 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, to wit:

Tract 3193, SW 1/4, NW 1/4, W 3/4 SE 1/4

, Section 18, Township 11 S, Range 9 E, B. H. M., in Fall River County, South Dakota.

Availing him self of the right granted him under the provision of Chapter 2, Article 1, Paragraph 8239 of the Revised Code of 1919, has located and claims the right to construct a certain dam across a dry draw situated in the NW 1/4 of the NW 1/4 of section 18, township 11 S, range 9 E, B.H.M., for Live Stock Purposes.

Said locator claims for the above purpose 1,409,602 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 4th day of June, 1936.  
Witness by hand and seal this 30th day of June, 1937.

Oscar Hermstad  
Locator, Project Manager  
Resettlement Administration,  
U. S. Department of Agriculture

STATE OF SOUTH DAKOTA )  
County of Pennington ) ss

On the 30th day of June, 1937, before me  
K. K. Damon a Notary Public in and

for the County and State aforesaid, personally appeared Oscar Hermstad,  
Project Manager, 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 July 10, 1939.

K. K. Damon  
Notary Public

RECEIVED

OCT 25 1937

OFFICE OF STATE ENGINEER  
PIERRE, S. DAK.

PETITION

TO DEAN W. LOUCKES  
STATE ENGINEER  
STATE OF SOUTH DAKOTA  
PIERRE, SOUTH DAKOTA

Comes now Oscar Hermstad, Project Manager, Bad Land - 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 date of July 15, 1937, and recorded under date of September 7, 1937.

(2) That the dam referred to in said notice was completed under date of July 16, 1936.

(3) That said dam is 280.9 feet in length and 15.5 feet in height.

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

NE 1/4 of Section 18, Twp 11 South, Rge 9 East,  
BHM, Fall River County, South Dakota.

(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.

FOR HENRY A WALLACE

SECRETARY USDA Oscar Hermstad

Subscribed and sworn to before me this 23rd day of Sept., 1937.

[Signature]  
Notary Public

My commission expires: July 10, 1939.

RECEIVED

OCT 25 1937

OFFICE OF STATE ENGINEER  
PIERRE, S. DAK.

TO THE STATE ENGINEER, PIERRE, S. DAK.  
FROM THE STATE ENGINEER, PIERRE, S. DAK.

RE: [Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

## Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. US289-2

I have this day, **June 1, 2016**, made a thorough examination of the water use system constructed by USDA and now owned by **White Ranch LLC, 13310 Spring Canyon Rd., Hot Springs, SD 57747** of Permit No. US289-2, bearing the priority of 10/25/1937 authorizing the diversion and storage of 32.36 acre-feet waters of a dry draw tributary of **Slim Butte Creek/White Clay Creek** for fish and wildlife and domestic purposes, in Fall River County.

Inspection contact & relationship to permit holder, if applicable:

**Tom White, owner**  
**605-890-1876**

### **A. Dam Information:**

- 1) Height to crest 15.5 feet from downstream toe
- 2) Height to primary (**earth**) spillway 10.5 feet from d.s. toe
- 3) Height to secondary spillway n/a feet from d.s. toe
- 4) Crest width 12 feet
- 5) Crest length 261 feet
- 6) Primary Spillway width 40 feet
- 7) Secondary Spillway width n/a feet
- 8) Approx. storage to primary spillway 22.6 ac-ft  
(storage volume as constructed reported as 34.8 ac-ft)
- 9) Approx. storage to crest 115 ac-ft

Date constructed: July 15, 1936

### **B. Works used to put water to beneficial use:**

This is an earth fill embankment believed to have been constructed by the CCC. The front slope of the dam below spillway elevation is rock faced. There is no mechanical spillway. A concrete weir constructed at the outlet of the earth spillway has deteriorated and is no longer fully effective. The structure is in remarkably good condition considering its age. The front and back slopes, dam crest and spillway are all well vegetated. The dam has some silt accumulation and is currently estimated to hold 8.5' of water and the owner says it is a reliable water source.

### **C. Compliance with Permit Requirements:**

- 1) Permit qualifications being abided by: N/A  
List any extended period of nonuse: **none**
- 2) Exceptions to compliance are: none

**E. Condition and Location:**

1. The system is in **good** condition with the point of diversion located as follows:  
**NW ¼ NW ¼ S18 T11S R9E (1,035' S and 1,222' E of NW corner Section 18 T11S R9E)**  
**43.097718, -103.105672**

The works are capable of diverting to the place of use and storing **22.6** acre-feet of water which is to be used for **fish and wildlife and domestic use**. Water has been put to beneficial use to the maximum extent and the license should be issued for **22.6 acre-feet** storage.

2. All structures, wells and lands on map **Yes**

**F. Comments or other permit(s) associated with the project:**

The current storage volume of this dam is less than the 25 ac-ft amount requiring a water permit by State statute, however the owner wishes to keep the water right.



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Steven Quissell  
Water Rights Inspector  
DENR, Water Rights Program

Date report completed: **6/2/2016**

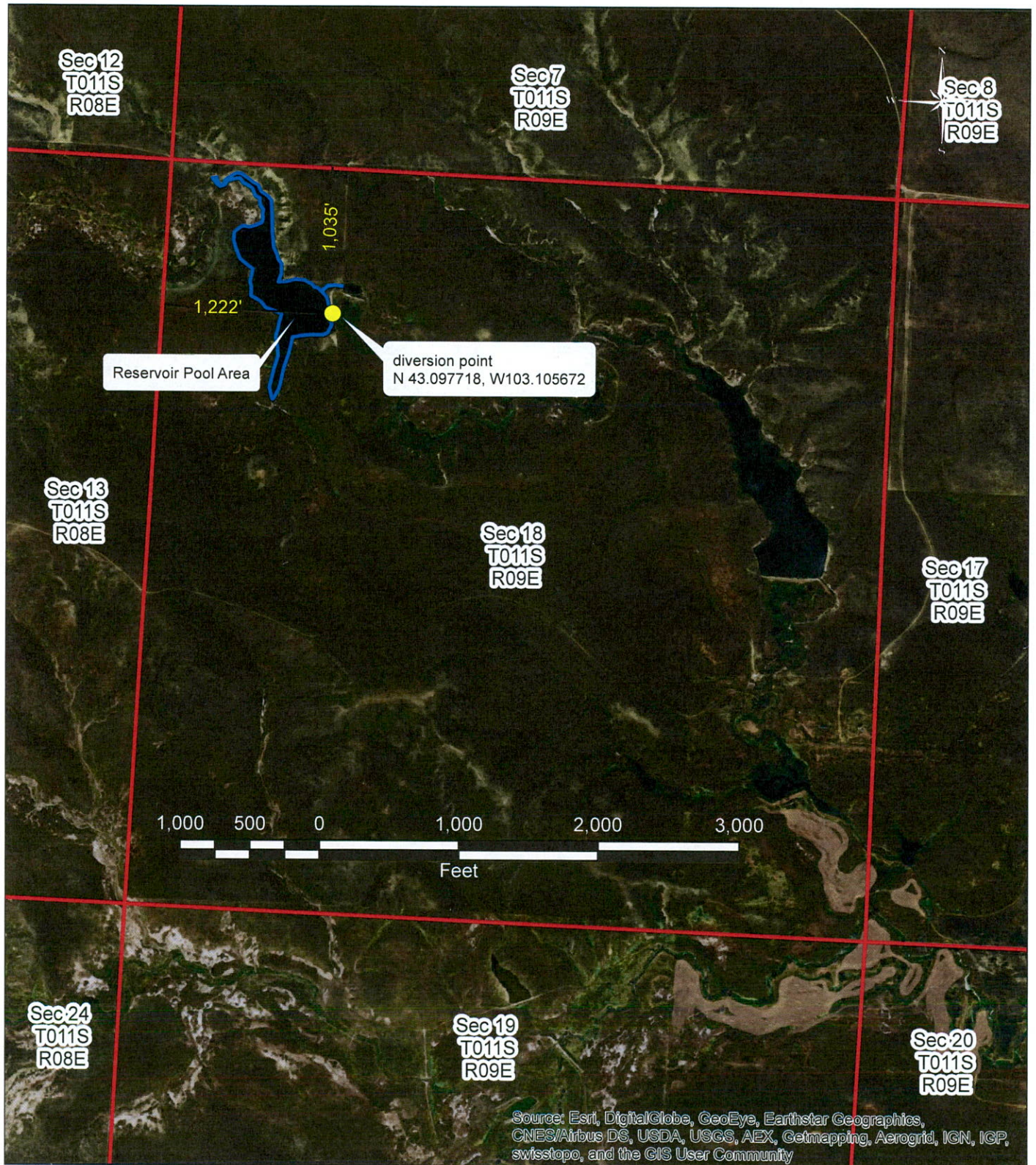


reservoir pool, spillway in foreground,  
embankment on left



pool and front face of dam in foreground

Water Right #US289-2  
White Ranch LLC  
6/1/2016



Steven Quissell  
Water Rights Inspector  
DENR Water Rights Program



# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 6/9, 20 16

RECEIVED OF White Ranch LLC 13310 Spring Canyon Rd Hot Springs SD 57747

The following amount in fees for services rendered as provided for by law:

|                                                                                                                |       |       |
|----------------------------------------------------------------------------------------------------------------|-------|-------|
| Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use | 50    | 00    |
| Fee for Application for Permit No. _____ to Appropriate Water for Future use                                   |       |       |
| Fee to retain Future Use Permit No. _____ after period of seven years.                                         |       |       |
| Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____            |       |       |
| Fee for Filing Transfer Form <u>US289-2</u>                                                                    |       |       |
| Fee for _____                                                                                                  |       |       |
| Fee for Issuing New Well Driller's License No. _____ for C.Y. _____                                            |       |       |
| Fee for Renewal of Well Driller's License No. _____ for C.Y. _____                                             |       |       |
| Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____                                         |       |       |
| Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____                                      |       |       |
| (Any Other Work Provided by Law)                                                                               | TOTAL | 50 00 |

No. **07853**

By J. Kevin Goodman Jr.  
Chief Engineer

RECEIVED

JUN 09 2016

WATER RIGHTS  
PROGRAM

SD EForm - 0495LD V2

## NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Mail to: PMB 2020  
DENR - Water Rights Program  
523 E Capitol Ave  
Pierre, SD 57501-3182

Water Right/Permit No. US289-2Date: 6/1/2016I/We request that Water Right/Permit No. 05289-2 formerly owned by:USDA - Forest Service - Buffalo Gap Natl. Grasslands be transferred to:New Owner Name: White Ranch LLCAddress: 13310 Spring Canyon RdCity, State, Zip Hot Springs SD 57747 Telephone No. 605-890-1876

Title to the following described land(s)/property has been transferred as described above:

W<sup>1</sup>/<sub>2</sub> NW<sup>1</sup>/<sub>4</sub> Section 18, T11S, R9E

☒ I understand that the validity of Water Right/Permit No. US289-2 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, White Ranch LLC, the new owner, certify that the above information is true and correct.

White Ranch LLC  
X by Tom White  
(signed by new owner)

**NOTE:** Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182

[denr.sd.gov](http://denr.sd.gov)

US 289-2

**JUL 01 2016**

White Ranch LLC  
c/o Tom White  
13310 Spring Canyon Rd  
Hot Springs SD 57747

Dear Mr. White:

Enclosed is US Withdrawal Water License No. US 289-2. This is the final water right document completing the process of obtaining a Water Right. Enclosed is the receipt for payment of the Notice of Transfer of Ownership. Also, included with your license is a map prepared by the staff engineer who conducted the investigation.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

Jeanne Goodman, Chief Engineer  
Water Rights Program  
(605) 773-3352

enclosures

## STATE OF SOUTH DAKOTA

### US WITHDRAWAL WATER LICENSE NO. US289-2

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(1) The United States Department of Agriculture filed US Withdrawal No. US289-2 to impound 32.36 acre feet of water in a dry draw from a tributary to Slim Butte Creek and White Clay Creek, Fall River County, South Dakota for domestic livestock watering purposes. US Withdrawal No. US289-2 has a priority date of October 25, 1937.

On June 9, 2016, US Withdrawal No. US289-2 was transferred to White Ranch LLC, c/o Tom White, 13310 Spring Canyon Rd, Hot Springs SD 57747.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of US Withdrawal Water License No. US289-2 is issued a license, bearing a priority date of October 25, 1937, to impound 22.6 acre feet of water in a dry draw from a tributary to Slim Butte and White Clay Creek for domestic livestock watering purposes.

The location of the storage dam (spillway) is 1,035 feet south and 1,222 feet east of the NW corner of Section 18-T11S-R9E (NW 1/4 NW 1/4) with water impounded in the same area.

(3) This license is subject to South Dakota Water Law.

  
\_\_\_\_\_  
Jeanne Goodman, Chief Engineer  
Water Rights Program  
Department of Environment and Natural Resources

JUL 01 2016  
\_\_\_\_\_  
date

