

No. 4113

Office of State Engineer
DOCUMENT FILE

Dept. Agt. R. L. Lammert, Adm.

Full River Co.

Sec. 18 T. 8 S. R. 9 E.

Priority Date 5/19/37

141,180 cu ft. approx.

Wm. R. Rouse

Form 24A

CERTIFICATE OF CONSTRUCTION OF WORKS

and

APPROPRIATION

LD-SD-1 Job No. 226-83

Name of Project

U. S. Water Right No. 349-2

E. Cheyenne 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. US 349 bearing date of October 25, 1937, withdrawing from further appropriation 141.18 acre-

feet per annum of water for storage; of the waters of a Dry Draw in the

County of Fall River, State of South Dakota, at a point N. 43° 30' W.

1905' from the S2 Cor. S. 10, T. 8S., R. 9E.

for stock 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 information filed in the office of the State Engineer, and 141.18 acre-feet

per year is hereby 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
WATER FOR APPROPRIATION
to the
UNITED STATES OF AMERICA
DEPARTMENT OF AGRICULTURE
RESETTLEMENT ADMINISTRATION

Withdrawal No. US 349

LD-SD-1 Job No. 226-83

Name of Project

Water Division No. 2
S. Cheyenne Water District

Full Name

Source of Appropriation-Stream

County

The United States of America, Department of Agriculture, Resettlement 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 61.0137 1039 Revised Code of South Dakota, now therefore;

This is to certify that there is hereby reserved, of the heretofore unappropriated waters of S. Cheyenne District No. 33, the annual amount, 141.18 acre-feet of water to maintain storage in Reservoir created by damming said stream at a point described as follows: N. 43 30 W., 1985 feet distant from the SE Corner of Section 18, Township 35, Range 9E, to Southeast. 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 S. Cheyenne District No. 33, a maximum of 141.18 cubic feet per second to be diverted through the ditch, canal or pipe line at a point located on the West bank, 141.18 feet distant from the SE Corner of Section 18, Township 35, Range 9E, for the purpose of stock water during the months of June, July, August, September, October, November, December

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 - 83

Resettlement Administration
Lincoln, Nebraska

Region VII

Project South Dakota
StateLD-SD-1
Number

A. Location of Dam and Reservoir

NE 1/4 of the Sec. 18 ; Township 8 S ; Range 9 E ;

of the Black Hills Meridian; County Fall River

B. General Data

1. Area of drainage basin above dam:
- 4.0
- 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 watershed 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.

a. 6.88 inches.

R = 2.25

G = .3

b. 24 hours minutes.

S = 10/1000

c. U. S. Weather Bureau

H = .035

Source of information.

4. Give description of water shed.

a. The slopes are sod-covered, ~~cultivated~~, ~~barren~~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 4.0 miles.c. Average width of drainage basin 1.0 miles.

5. Maximum run-off of drainage area at the dam to:
- 438
-
- cu. ft. per second.

(over)

C. Description of Dam

1. Height above low point of valley at centerline of dam: 25.7 ft.
2. Length along centerline at top of dam: 494 ft.
3. Width of top: 10 ft.
4. Upstream slope: 4 ft. horizontally to 1 ft. vertically.
5. Downstream slope: 3 ft. horizontally to 1 ft. vertically.
6. Volume in embankment: 19,000 cu. yds. inc. 15% shrinkage.
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: 2.6 ft.

D. Description of Spillway

1. Bottom width: 70 ft.
2. Slope of sides: 1 1/2 : 1 (Give ratio horizontal to vertical.)
3. Gradient of spillway ditch: 0.10 ft. per hundred ft.
4. Maximum discharge: 450 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: 16.45 acres.
2. Area when half-full: 5.89 acres.
3. Area at depth of two feet: .19 acres.
4. Volume when filled to level of spillway: 141.18 acre-ft.
5. Volume when half-full: 28.37 acre-feet.
6. Volume at depth of two feet: .19 acre-foot.
7. Average depth when full: 10.5 feet.

(over)

LOCATION NOTICE

KNOW ALL MEN BY THESE PRESENTS:

That Oscar Hermstad, Project Manager, Bad 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 3467 NW $\frac{1}{4}$ SE $\frac{1}{4}$; S $\frac{1}{4}$ SE $\frac{1}{4}$

Section 16, Township 8 S, Range 9 E, D. H. M., in Fall River County, South Dakota.

Availing him self of the right granted him under the provisions 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 $\frac{1}{4}$ of the SE $\frac{1}{4}$ of section 18, township 8 S, range 9 E, B.H.M., for Live Stock Purposes.

Said locator claims for the above purpose 6,149,801 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 7th day of August, 1936.

Witness my hand and seal this 15th 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.

K. K. Damon
Notary Public

My Commission Expires:
July 10, 1939.

RECEIVED

OCT 25 1937

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

PETITION

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

Comes now Osoar Hermstad, Project Manager, Bad 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, 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 November 20, 1936.

(3) That said dam is 494 feet in length and 25.7 feet in height.

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

NW 1/4 of Section 18, Twp 8 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

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

J. J. Dancy
Notary Public

My commission expires: July 10, 1939.

SECRETARY ADVISE

LEON HEWELL & ASSOCIATES

OCT 25 1937

OFFICE OF STATE ENGINEER
FIRKNE, S. DAK.

DATE: 10/11/1961. TIME: 10:00 AM.

NUMBER OF RECEPTION IS LAB & GROUP 380 & 200

(b) (7) - (D) [REDACTED]

(2) DATE: 4/2/78 TIME: 10:00 BY: [illegible]

100-106450-1030

[illegible]

1. Name of the person: JOHN P. JARA

1. ANALYSIS OF THE INFORMATION IN THE ATTACHED DOCUMENTS AND REPORTS:

100-443887-100

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 01-08-2001 BY 60322 UCBAW

... ..

the following described land is the same as the land shown on page

97. The purpose of the present report is to provide a summary of the work done by the Commission on the subject of the "Nationality of the Child" during the period 1950-1954.

~~CONFIDENTIAL - SECURITY INFORMATION~~

7. On 11/11/01, the defendant was interviewed by the FBI and advised that he had no recollection of the events of 9/11 and that he did not know any of the individuals involved in the attacks.

Q. Now, I am going to ask you to look at the next page, page 10, and I am going to ask you to read the last sentence of the letter to the President.

1983-1984

100-443887-1000

Figure 1. Schematic representation of the experimental design. The subjects were divided into two groups: the control group and the experimental group. The control group was divided into two subgroups: the control group and the experimental group. The experimental group was divided into two subgroups: the control group and the experimental group. The control group was divided into two subgroups: the control group and the experimental group. The experimental group was divided into two subgroups: the control group and the experimental group.

Water Rights Division -DENR
Conversation or File Documentation

NAME OF PERSON OR FILE: USDA Forest Service

ADDRESS: 209 N. River St., Hot Springs, SD 57747 COUNTY: Fall River

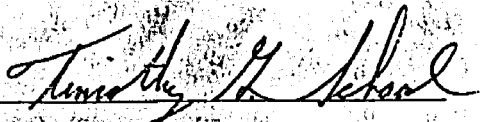
DATE: January 21, 1998 TELEPHONE: 745-4107

RE: NRCS P&S for Boechert Dam in SE 1/4 Sec. 18-T8S-R9E (US #349-2)

I talked to Steve Quissell, from the NRCS in Rapid City, today about their Plans and Specifications for the repair of the USDA Forest Service Boechert Dam, located in the SE 1/4 of Sec. 18-T8S-R9E, in Fall River County. We talked about US Withdrawal Permit No. 349-2, and I asked how long the emergency spillway has been washed out. He indicated that it has not been more than 2 years.

We discussed the Water Management Board hearing regarding USDA Forest Service Water Permit Application No. 2408-2. The application was for a dam located on the West Fork of Hay Canyon and Boechert Dam is located on the East Fork of Hay Canyon and above the same downstream landowner and Water Right holder (Tim Fitzner, Vested Right No. 1873-2). He was not aware of this and I told him I would talk to the Forest Service about it.

I talked to Bob Novotney from the USDA Forest Service in Hot Springs. He also indicated that the emergency spillway for Boechert Dam has not been washed out for more than two years. At first, he indicated that they did not plan to discuss the repair of Boechert Dam with Mr. Fitzner, since the dam was already covered by US Withdrawal Permit No. 349-2. I told Mr. Novotney that considering Mr. Fitzner's concerns with Water Permit No. 2408-2, I thought Mr. Fitzner should be notified. I also told him if they did not want to notify him we would, but I thought it would be best if they notified him. I told Mr. Novotney that the Forest Service could point out that the repair of Boechert Dam will actually reduce the amount of water stored from 141.18 acre-feet to 81.7 acre-feet by adding a drop inlet primary spillway structure. He said they would probably send Mr. Fitzner a letter with a copy to us.


Timothy G. Schaal, P.E.
Natural Resources Engineer III
Water Rights Program



United States
Department of
Agriculture

Natural Resources
Conservation
Service

Federal Building, Room 239
515 9th Street
Rapid City, SD 57701-2863

January 14, 1999

Gale Selken
DENR
Joe Foss Building
523 E Capitol
Pierre, SD. 57701-3181

RE: USFS Beechert Dam, Fall River Co., SD.
Review of Construction Plans



Attached for review and approval by your engineering staff is a set of plans for a dam located on the Buffalo Gap National Grasslands in Fall River co., South Dakota.

These plans are for rehabilitation of an existing dam of which the emergency spillway has been washed out for a number of years. The dam has a water permit on file.

The original dam did not have a principal spillway. The dam rehabilitation is designed with a principal spillway to handle a 5 yr. storm and emergency spillway to handle a 25 yr. storm with a 50 yr. freeboard storm without overtopping structure.

STRUCTURE DATA:

Location - SE1/4 Sec 18-T8S-R9E

Drainage Area - 2721 ac.

Fill Height - 23.8 ft.

Effective Height - 19.3 ft.

Storage: Emergency Spillway - 147 ac-ft.

Principal Spillway - 81.7 ac-ft.

Top of Dam - 246.5 ac-ft.

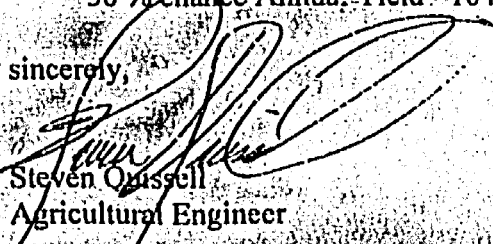
Storage X Effective Height - 2840

Peak Flow, 25 yr. Storm - 962 cfs.

Emergency Spillway flow @ 25 yr Storm - 503.4 cfs.

50 % chance Annual Yield - 104.3 ac-ft.

sincerely,


Steven Quissell
Agricultural Engineer

cc: Dwight Male, SCE, NRCS, Huron
Rod Baumberger, ASTC, NRCS, Rapid City
Ron Siers, DC, NRCS, Hot Springs
Bob Novotney, USFS, Hot Springs

The Natural Resources Conservation Service works hand-in-hand with the American people to conserve natural resources on private lands.

AN EQUAL OPPORTUNITY EMPLOYER

USDA Forest Service
Buckhorn Dam(Repair of an existing dam covered by US Withdrawal No. 349-2)
Original Storage Capacity: 141.18 A.Ft

Top of Dam Elev. - 100.8
 1st Spillway Elev. - 95.3
 2nd Spillway Elev. - 97.8
 Dis. Top Elev. - 77.0

Cat. 3 - Low Hazard Dam

Ht = 23.8 ft

Normal Storage Capacity - 81.7 A.Ft
 Int. Storage Capacity - 147.0
 Max Storage Capacity - 246.5

Int. Capacity x Eff. Height = $147 \times 19.3 = 2837 < 3000$: 25 year
Min. Spillway Design

From USGS WRI 80-80 "Tech. for Est. Flood Peaks ... in SD"

DA = 4.25 mi.²
 Slope = 60 ft/mile
 S = 1.76

$$Q_{100} = 83.4 A^{.6} S^{.4} S^{.72}$$

$$= 83.4 (4.25)^{.6} (60)^{.4} (1.76)^{.72}$$

$$= 83.4 (2.34) (6.06) (0.67)$$

$$= 810 \text{ cfs}$$

$$Q_{100} = 132 A^{.6} S^{.4} S^{.67}$$

$$= 132 (4.25)^{.6} (60)^{.4} (1.76)^{.67}$$

$$= 132 (2.56) (6.58) (0.68)$$

$$= 1525 \text{ cfs}$$

2nd Spillway Flow - $Q = C L H^{3/2}$ $C = 2.6$ $H = 3$

$$= 2.6 (10.43)$$

$$= 1350 \text{ cfs}$$

Section 74.02.08.09

NRCS Annual Yield

1. Topo Map - OK
2. Dam Aris. Prob. - OK
3. Dam Max. X-Sec. - OK
4. Area - Capacity - OK
5. Outlet Details - OK
6. Discharge Capacity - OK
7. Spillway Details - OK
8. Specs. - SHL - OK
9. EPP - Cat. 3 N/A - OK

DA = 4.25 mi.² = 2720 A. ISO = 1%
CN = 80

80% chance = 0.13
 $0.13 \times 2720 / 1.2 = 3.0 \text{ A. Ft.}$

50% chance = 0.46
 $0.46 \times 2720 / 1.2 = 104.3 \text{ A. Ft.}$

10% chance = 2.0
 $2.0 \times 2720 / 1.2 = 453 \text{ A. Ft.}$

1873-2, William Fitzner
807-2, B&V Thompson Ranch
1750-2, Donald Fish

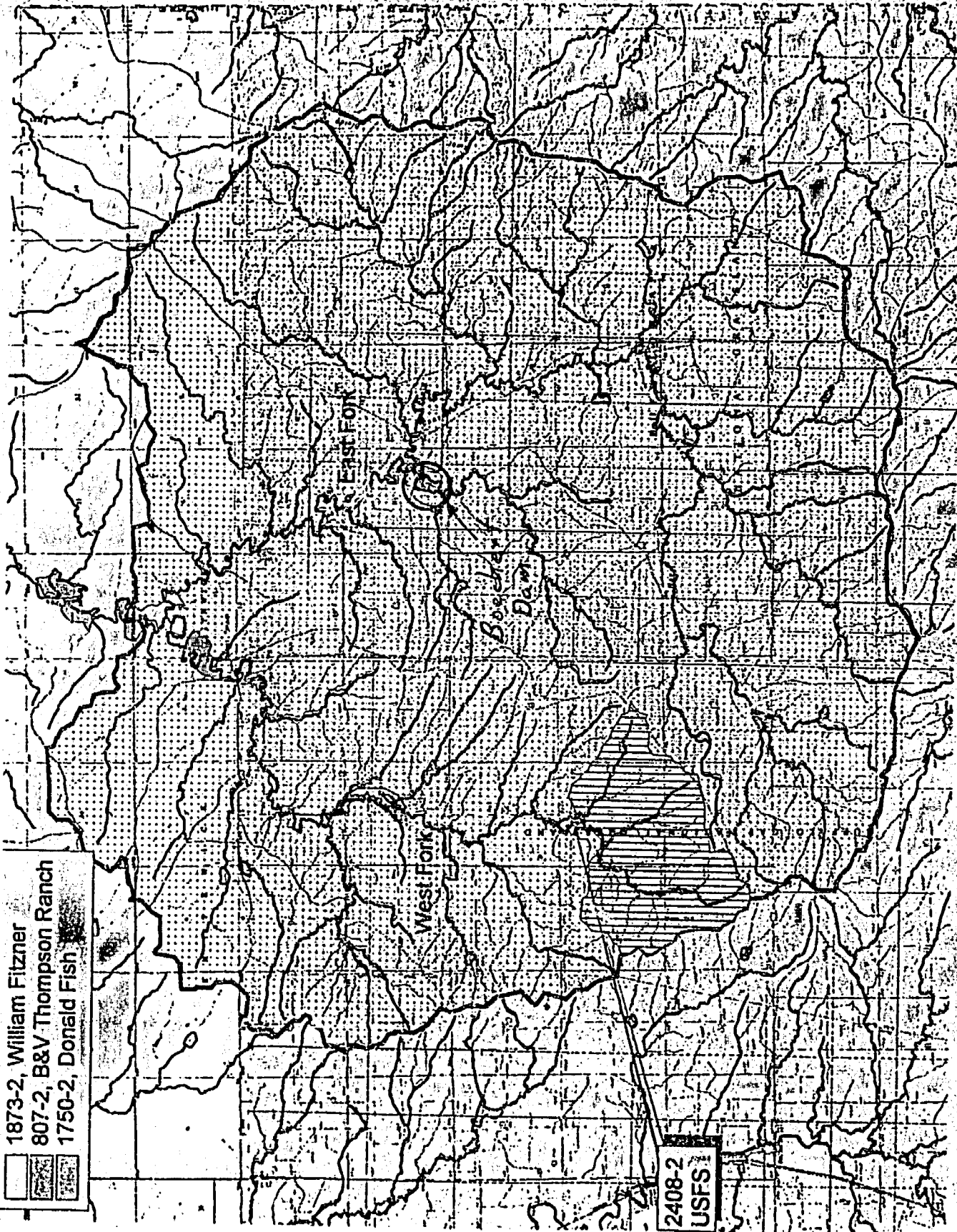
East Fork

West Fork

Donkey Dam

2408-2

USFS





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 22, 1999

Bob Novotney
US Forest Service
209 N. River
Hot Springs, SD 57747

Dear Mr. Novotney:

We have reviewed the plans and specifications for the NRCS Boechert Dam Restoration project located in Section 18-T8S-R9E, in Fall River County. The plans and specifications as submitted are approved. Boechert Dam is authorized under existing US Withdrawal Permit No. 349-2, which authorizes storage of 141.18 acre-feet of water. The restoration project includes the addition of a drop inlet primary spillway structure, which will reduce the storage capacity to 81.7 acre-feet of water. After the project is completed, an inspection will be conducted and US Withdrawal Permit No. 349-2 will be licensed to reflect the change in storage capacity.

Our review was to determine compliance with the requirements of the Water Management Board Safety of Dam Rules, Chapter 74:02:08. Approval of these plans and specifications does not release the US Forest Service, as owner of the dam, from the responsibility for operating and maintaining the dam in good repair to ensure their safety.

Also, approval of these plans and specification is made with the understanding that the US Forest Service will contact downstream landowners and Water Right holders regarding the restoration of this dam.

If you have any questions, please feel free to contact us.

Sincerely,

Gale N. Selken, P.E.
Natural Resources Engineer IV
for John Hatch, Chief Engineer
Water Rights Program
(605) 773-3352

c: Steve Quissell, NRCS Rapid City



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

July 14, 2025

US349-2

Fall River Ranger District
1801 HWY 18 Bypass
Hot Springs SD 57747

To whom it may concern:

I am writing today in regard to US Withdrawal Permit No. 349-2 (US349-2), originally authorizing the impoundment of 141.18 acre-feet of water in Boechert (Bockert) Dam, located in W ½ SE ¼ Section 18-T8S-R9E, Fall River County, South Dakota.

In 1999, the South Dakota Water Rights Program reviewed and approved plans and specifications for the NRCS Boechert (Bockert) Dam Restoration Project, which would repair the breached dam and reduce the storage capacity to 81.7 acre-feet of water.

Based on FSA imagery, it does not appear that the dam was ever repaired, thus subjecting US349-2 to cancellation due to abandonment, and/or forfeiture, pursuant to SDCL 46-5-7.

Please contact me to discuss cancellation of the above-mentioned US Withdrawal Permit.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

cc: Nebraska National Forests and Grasslands, Supervisor's Office
125 N. Main Street, Chadron, NE 69337

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Matt w/ Fall River Ranger Station – Hot Springs SD

DATE: 07/21/2025

TELEPHONE: +1 605-515-9941

RE: Boechert/Bockert Dam (Sec 18-T8S-R9E)

COMMENTS:

Matt called after receiving my letter dated July 14, 2025. After speaking with a few people in his office who had been employed w/ the US Forest Service back in 1999, after the dam failed, it was confirmed that the dam was repaired based on the plans and specs approved by the Water Rights Program and Safety of Dams, however, a few years later a portion of the repaired dam washed out again.

It was my understanding from our conversation that Boechert Dam has partial water retention. Matt also indicated that the US Forest Service has been trying to obtain funding to repair this and other larger dams both in South Dakota and the Nebraska nat'l grasslands.

I recommended he or other staff in his area speak with Andy Bruels program or Game, Fish, and Parks? With the current political climate, I am unsure how available funds (state or federal) would be to aid in these repairs.



Amanda Dewell
Water Rights Program