

No.

418380-2

Office of State Engineer
DOCUMENT FILE

Dept Agr. Forest Service
Pennington Co.
Sec 28, T18, R5E
Priority Aug 25, 1939
76 ac ft
Spring Cr.

CERTIFICATE OF CONSTRUCTION OF WORKS

and

APPROPRIATION

380-2
U. S. Water Right No. _____

Mitchell 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
US 360
State Laws and has been issued a withdrawal No. _____ bearing date of
August 25, 1939

_____ withdrawing from further appropriation _____ acre-

feet per annum of water for storage; of the waters of _____ Spring Creek
County of _____ Pennington _____ a point 72 35' E.,
910 feet distant from the NW Cor. Sec. 28, T.1S., R. 5E.

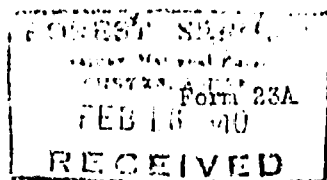
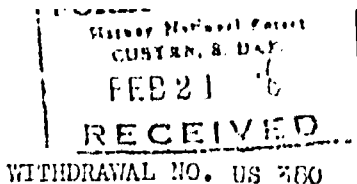
_____ domestic, livestock, fish culture, fire protection, recreational purposes;
for _____

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 _____ 76 acre-feet
per year is thereby appropriated for _____ purposes bearing date of
priority of _____ August 25, 1939.

Witness my hand this _____ 13th day of _____ April _____ 1939.

Alfred M. Tucker
State Engineer.

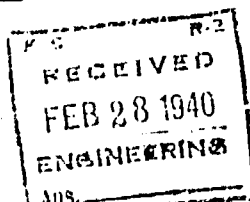
Form 23A

Water Division No. 2

Bata. Creek Water District

CERTIFICATE OF EXAMINATION OF WORKS

Report of Examining Engineer

Date Feb. 19, 1940By Geo. A. Davidson

Mitchell Reservoir

Project Name and Number

Spring CreekSource of Appropriation
(Stream)OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

To the State Engineer, Pierre, South Dakota:

Dear Sir: I hereby certify that in accordance with your letter of authorization dated Dec. 18 1939 I have made a thorough examination of Mitchell 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 380 issued upon Notice of Intention bearing date Aug. 22 1939, authorizing the withdrawal from further appropriation of 76 acre feet, or second feet of the waters of Spring Creek, tributary of Cheyenne River for livestock, fish culture, domestic, fire-protection, irrigation and 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 and rock
 Size: Max. Length 281 ft. Maximum height to spillway flow line 15 ft. Freeboard 10 ft.
 Section: Upstream slope 3:1
 Downstream slope 2:1
 Top width 14 ft.
 Yardage (Approx.) 10,000 cu. yds.
 Reservoir: Area Normal Pool Level 7.76 acres
 Capacity 53.35 acre feet
 Nature of Shore line Timber and grass

Spillway: Type Ogee Crest Location north end
 Width 50 ft. Depth 9 ft.
 Capacity 5200 cubic feet per sec.
 Outlet: Size 1' x 4' Control 24" gate valve
 Location centerline
 Ditches: Open Earth Open rock
 Pipe Length
 Section Capacity
 Location or as shown on plans

The system is in the following condition: Excellent

The outlet of the reservoir or the point of diversion of the ditch, canal or pipe line is located S. 72° 35' East, 910 ft.
~~from~~ distant from the NW Corner of Section 28 Township 18
Range. 5E

The works are capable of utilizing 76 acre-foot 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 1937

Witness my hand, this 19 day of February A.D. 1940.

George A. Davidson
Examining Engineer

LETTER OF AUTHORIZATION
for
InspectionDecember 18, 193⁹George A. DavidsonCuster, South DakotaMitchell ReservoirName of Project
Water Division No. 2
Battle Creek Water District
Spring 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. 380, on Spring Creek (stream) County of Pennington 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.

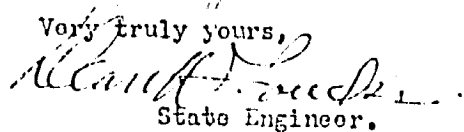
You are, therefore, hereby authorized to arrange with the holder of said withdrawal for an examination of the Mitchell reservoir,

di'ch, 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.

WITHDRAWALS No. US 380Mitchell Reservoir

Name of Project

RECEIVED
FORM 17A
1939OFFICE OF THE ENGINEER
F. M. S. D. K.Water Division No. 2Battle Creek Water District

NOTICE OF COMPLETION OF WORKS

P.O. Denver, Colorado,Date October 28, 1939.

TO THE STATE ENGINEER OF SOUTH DAKOTA, PIERRE:

Dear Sir: Notice is hereby given of the completion of the construction of Mitchell reservoir. ditch, or pipe line constructed and owned by the United States of America, Department of Agriculture, Forest Service on the Harney 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, 28, Township 1.S., Range 5E.
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 Kenneth Luther.
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
JAMES L. BROWNLEE
Assistant Regional Forester
Division of Engineering

FCRM A

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

U. S. No. 300

Mitchell Dam
Name of Project

Water Division No. 2

Little Creek Water District

Pomplington
County

Spring 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 Spring Creek, the annual amount of 76 acre-foot of water to maintain storage in Mitchell reservoir created by damming said stream at a point 70' 35" E., S10 feet distant from the NE Corner of Section 24, Township 18, Range 5E. The purpose of such storage is live stock, fish culture, domestic, fire protection, irrigation, recreation.

This is to certify that there is hereby reserved, of the heretofore unappropriated waters of Spring 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 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 August, 1939.

David L. Fisher
State Engineer

E
WATER RESOURCES
Water Rights

NOTICE OF INTENTION
to the
STATE ENGINEER
of the
STATE OF SOUTH DAKOTA

RECEIVED
AUG 25 1939
OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

Mitchell Reservoir Project
Harney Forest
South Dakota

Denver, Colorado.

August 22, 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 Mitchell 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. Mitchell Reservoir

5. County in which water is to be diverted, stored and appropriated.

Ans. Pennington County

6. Name of stream from which water is to be diverted, stored and appropriated.

Ans. Spring Creek

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

canal or pipe line is located S. 72° 35' E., 910 foot

distant from the NW Corner of Section 28 Township 1 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

9. The available capacity of reservoir in acre feet.

Ans. 53.35 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. 76. acre feet

12. Cubic foot 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. Special Plans

M. W. Thompson
Acting Regional Forester