

No. *US 382-2*

**Office of State Engineer
DOCUMENT FILE**

Dept Agri. Forest Service

Auster. Co

Priority: Aug 25, 1939

Sec. 20, T 38, R 5E

365 ac fl.

Bismark Co

LETTER OF AUTHORIZATION
for
Inspection

December 16 1939

George A. DavidsonCuster, South DakotaBismarck Reservoir
Name of Project
Water Division No. 2
Little Creek Water District
Bismarck 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. 382, on Bismarck 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.

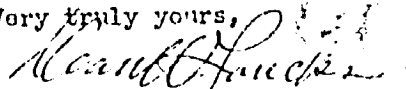
You are, therefore, hereby authorized to arrange with the holder of said withdrawal for an examination of the Bismarck reservoir,

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 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.

Form 23A

Form 23A

WITHDRAWAL NO. U.S. 382

Water Division No. 2Ball Creek Water District

CERTIFICATE OF EXAMINATION OF WORKS

Report of Examining Engineer

Date March 20, 1940
By George A. DavidsonRECEIVED
MAR 30 1940OFFICE OF STATE ENGINEER
PIERRE, S. DAK.Bismark Reservoir
Project Name and NumberBismark 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 December 18, 1939, I have made a thorough examination of Bismark 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. U.S. 382 issued upon Notice of Intention bearing date August 22, 1939, authorizing the withdrawal from further appropriation of 365 acre feet, or second feet of the waters of Bismark Creek, tributary of French 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 273 ft. Maximum height to spillway flow line 28 ft. Freeboard 10 ft.
 Section: Upstream slope 3 : 1
 Downstream slope 2 : 1
 Top width 14 ft.
 Yardage (Approx.) 27,000 cu. yards
 Reservoir: Area Normal Pool level 23.18 acres
 Capacity 297 acre feet
 Nature of Shore line grassy
 Spillway: Type open crest Location right hand
 Width 50 ft. Depth 10 ft.
 Capacity 6,250 cubic feet per sec.
 Cutlet: Size concrete 3' x 5' Control 14" gate valve
 Location center of dam
 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 N. 76° 19' E. 815.1 feet distant from the W₁ Corner of Section 22 Township 3 S Range. 5E

The works are capable of utilizing 365 acre-feet of water annually or second-feet of water,

The legal subdivisions to be irrigated are none

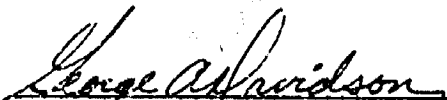
comprising a total of acres of land.

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 1938

Witness my hand, this 20th day of March A.D. 19 40.


Examining Engineer

CERTIFICATE OF CONSTRUCTION OF WORKS
and
APPROPRIATION

U. S. Water Right No. 362-2

~~Elm Fork Project~~

Water District
Buttle Creek

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 382 bearing date of
August 25, 1939 withdrawing from further appropriation 365 acre-
feet per annum of water for storage; of the waters of Buttle Creek
County of Custer, State of South Dakota, at a point N. 76 19'E.
for 815.1 feet distant from the W₁ Cor. Sec. 22, T. 3S., R. 6E. purposes;
domestic, livestock, fish culture, fire protection, recreational
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 365 acre-foot
per year is thereby appropriated for the above purposes bearing date of
priority of 193.

Witness my hand this August 25, 9 day of April 193
13th 7 40

State Engineer.

FORM 17A

WITHDRAWALS No. US 382

FORM 17A

Bismarck Reservoir

Name of Project

RECEIVED

Water Division No. 2Bottle Creek Water District
DAK.

NOTICE OF COMPLETION OF WORKS

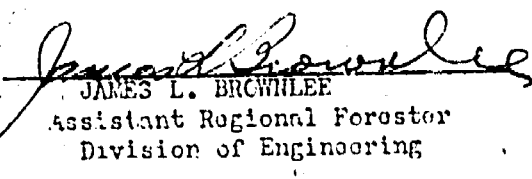
P.C. Denver, Colorado,Date October 28, 1939

TO THE STATE ENGINEER OF SOUTH DAKOTA, PIERRE:

Dear Sir: Notice is hereby given of the completion of the construction of Bismarck 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, 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, 2, Township 3S., 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
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.

U. S. No. 392

Bismarck Reservoir
Name of Project

Water Division No. 2
Rattle Creek Water District
Bismarck, S. D.
Source of Appropriation - Stream

Custer
County

The United States of America, Department of Agriculture, Forest Service, having filed "Notice of Intent" 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 Bismarck Creek, the annual amount of 366 acre-feet of water to maintain storage in Bismarck reservoir created by damming said stream at a point N. 76° 10' E., 015.1 feet distant from the SE Corner of Section 2, Township 38 Range 5E. The purpose of such storage is livestock, fish culture, domestic, fire protection, irrigation, reclamation.

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 August 1939.

Grant L. Touche
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. D.

Bismarck Reservoir Project

Denver, Colorado.

Harney Forest
South Dakota

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 Bismarck

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. Bismarck 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. Bismarck Creek

7. The outlet of the reservoir or the point of diversion of ditch,
canal or pipe line is located N.76°, 19' E., 815.1 feet

distant from the W $\frac{1}{2}$ Corner of Section 22 Township 3 S
Range. 5 E.

8. User 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. 297 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. 265 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. Special Plan

ALLEN S. FECK,

Regional Forester

By W. W. Thompson
Acting .