

No. 48383-2

Office of State Engineer
DOCUMENT FILE

Dept Agric. Forest Service
Pennington Co
Sec 30 T1 S R5E
Priority: Aug. 25, 1957
48 ac. fl. appx.
Newton Fork Cr.

CERTIFICATE OF CONSTRUCTION OF WORKS

and

APPROPRIATION

U. S. Water Right No. 333-2

Major Reservoir
Name of Project

Battle Creek Water District

TO ALL WHOM IT MAY CONCERN:

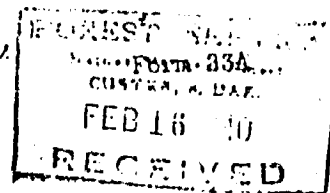
This is to Certify, that the United States of America, Department of
Agriculture, Forest Service, has complied with the
State Laws and has been issued a withdrawal No US 383 bearing date of
August 25, 1939 withdrawing from further appropriation 48 acre-
feet per annum of water for storage; of the waters of Newton Fork Creek,
County of Pennington, State of South Dakota, at a point S. 0 30' E.,
2360 feet distant from the N. E. Cor. Sec. 30, T. 1 S., R. 5 E.
for domestic, livestock, fish culture, fire protection, recreational 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 48 acre-feet
per year is thereby appropriated for the above purposes bearing date of
priority of August 25, 1939.

Witness my hand this 13th day of April 1940.

A. C. Smith
State Engineer.

Form 23A

WITHDRAWAL NO. US 383

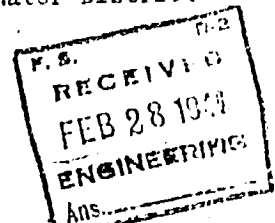


Water Division No. 2

Battle Creek Water District

CERTIFICATE OF EXAMINATION OF WORKS

Report of Examining Engineer



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

RECEIVED
MAR 30 1940

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

Major Reservoir
Project Name and Number

Newton Fork 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 Dec. 18 1939 I have made a thorough examination of Major 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. US383 issued upon Notice of Intention bearing date August 22 1939, authorizing the withdrawal from further appropriation of 48 acre feet, or second feet of the waters of Newton Fork Creek, tributary of Spring Creek 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
Size: Max. Length 360 ft. Maximum height to spillway flow line 8 ft. Freeboard 6 ft.
Section: Upstream slope 3:1
Downstream slope 2:1
Top width 10 ft.
Yardage (Approx.) 3700 cu. yds.
Reservoir: Area Normal Pool Level 6.2 acres
Capacity 29.66 acre feet
Nature of Shore line Grassy
Spillway: Type Concrete Location North end
Width 40 ft. Depth 6 ft.
Capacity 2,000 cubic feet per sec.
Outlet: Size 2 ft. x 2 ft. Control Sluice Gate
Location centerline dam
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.0°30' E. 2,360
feet distant from the N¹ Corner of Section 30 Township 18.
Range. 5E

The works are capable of utilizing 48 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 1936

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

George Davidson
Examining Engineer

LETTER OF AUTHORIZATION
for
InspectionDecember 18, 1939George A. DavidsonCuster, South DakotaMajor Reservoir
Name of Project

Water Division No. 2

Battle Creek Water District

Hewton Fork 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. 383, on Hewton Fork Creek (stream) County of Pennington on the Harnay 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.

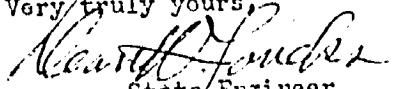
You are, therefore, hereby authorized to arrange with the holder of said withdrawal for an examination of the Major reservoir,

ditch, or pipe line constructed and owned by the United States of America, Department of Agriculture, Forest Service, on the Harnay 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.

OFFICE OF STATE INMATE
Battle Creek Water District

Date October 28, 1939.

TO THE STATE ENGINEER OF SOUTH DAKOTA

Dear Sir: Notice is hereby given of the completion of the construction of Major 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 SW¹₄ of Section,
29, Township 1S., 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 heroby 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. 333

Major Reservoir
Name of Project
Pennington
County

Water Division No. 2
Battle Creek Water District
Newton Fork 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 Newton Fork Creek, the annual amount of 40 acre-feet of water to maintain storage in Major Reservoir reservoir, created by damming said stream at a point S. 00° 30' E., 2350 feet distant from the E. Corner of Section 30, Township 15, Range 5E. 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 25th day of August 1939.

W. H. L. L. L.
State Engineer

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.

Major Reservoir Project
Farney 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 Major

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. Major 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. Newton Fork Creek

7. The outlet of the reservoir or the point of diversion of ditch,
canal or pipe line is located S. 00°, 50' E., 2360 feet

distant from the E 1/4 Corner of Section 30 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. 29.66 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. 48. 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. PECK,

Regional Forester

By

M. W. Thompson
Acting.