

No.

11346-2

Office of State Engineer
DOCUMENT FILE

Dept. Appl. - *Levee & Marine*
Cutter Co.

Priority - *Aug. 28, 1939*

Sec. 35, T. 5 S. R. 4 E

CERTIFICATE OF CONSTRUCTION OF WORKS

and

APPROPRIATION

U. S. Water Right No. 396-2Witch Pipe Line

Name of Project

Custer CountyFall River 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. JS 396 bearing date of August 28, 1939
withdrawing from further appropriation a maximum of 0.018 cubic feet
per second of water to be diverted through the Witch Pipe Line
ditch, canal or pipe line at a point located on the bank Witch Spring
N. 56° 30' W., 1480 feet distant from the SE Corner of
Section 35 Township 58 Range 4E for the purpose of domestic,
livestock, fire protection and irrigation during the months of
annually; has fully complied with the provisions
of the laws of the State of South Dakota relating to completion of the works
as 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
a maximum amount of 0.018 cubic feet per second during the period of
annually is thereby appropriated for the above purposes
bearing date of priority of August 28, 19 39.

Witness my hand this 21st day of December 19 39.State Engineer

WITHDRAWAL NO. US 396Water Division No. 2Fall River Water District

CERTIFICATE OF EXAMINATION OF WORKS

Report of Examining Engineer

RECEIVED
DEC 13 1939Date December 15, 1939By M. R. Von SeggernOFFICE OF STATE ENGINEER
Witch Pipe Line, S. DAK.

Project Name and Number

Witch SpringSource of Appropriation
(Stream)

To the State Engineer, Pierre, South Dakota:

Dear Sir: I hereby certify that in accordance with your letter of authorization dated November 13, 1939 I have made a thorough examination of Witch Pipe Line 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 396 issued upon Notice of Intention bearing date August 24, 1939, authorizing the withdrawal from further appropriation of acre feet, or 0.018 second feet of the waters of Witch Spring, tributary of Cold Brook for livestock, domestic, fire protection, irrigation purposes. I have to report on the condition of the same as follows:

The impounded and diversion works comprise:

Dam: Type Foundation
 Size: Max. Length Maximum height to spillway flow line
 Section: Upstream slope Freeboard
 Downstream slope
 Top width
 Yardage (Approx.)
 Reservoir: Area Normal Pool Level acres
 Capacity acre feet
 Nature of Shore line
 Spillway: Type Location
 Width Depth
 Capacity cubic feet per sec.
 Outlet: Size Control
 Location
 Ditches: Open Earth Open rock
 Pipe iron Length 210 ft.
 Section 7.0 in diameter Capacity 0.018 a.f.p.s.
 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. 56° 30' W 1,480
feet distant from the SE Corner of Section 35 Township 58
Range, 4E

The works are capable of utilizing _____ acre-feet of water
annually or 0.018 second-feet of water.

The legal subdivisions to be irrigated are _____

comprising a total of _____ acres of land.

The domestic and stockwater uses comprise household purposes, water
for livestock, fire protection and irrigation

The utilization for Public recreational, game and fish propagation and
fire protection comprises _____

The project was completed before August 8, 1939

Witness my hand, this 15th day of December A.D. 19 39.

M. E. Von Legeen
Examining Engineer

LETTER OF AUTHORIZATION
for
Inspection

November 13, 1939

M. E. Von SeggernCuster, South DakotaWitch Pipe Line
Name of Project
Water Division No. 2
Fall River Water District
Witch Spring;
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. 398, on Witch Spring (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 reservoir, Witch Pipe Line 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 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.

FORM 17A

WITHDRAWALS No. US 384

FORM 17A

Witch Pipe Line

Name of Project

1939

Water Division No. 2Fall River Water District

NOTICE OF COMPLETION OF WORKS

P.O. Denver, Colorado,Date October 27, 1939.

TO THE STATE ENGINEER OF SOUTH DAKOTA, PIERRE:

Dear Sir: Notice is hereby given of the completion of the construction of reservoir,
Witch Pipe line 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 SE $\frac{1}{4}$ of Section, 35, Township 5S., Range 4E.
4. Said water to be used for livestock, domestic, fire protection, irrigation, 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 M. E. Von Seggern.
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. Brockmiller
 JAMES L. BROCKMILLER
 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. 393

Witch Spring
Name of Project

Water Division No. 1
Red River Water District

Custer
County

Witch Spring
Source of Appropriation - Stream

The United States of America, Department of Agriculture, Forest Service, having filed "Notice of Intention" to utilize an 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 51.0137 1939 Revised Code of South Dakota, now therefore:

This is to certify that there is hereby reserved, of the heretofore unappropriated waters of _____, the annual amount of _____ acre-feet of water to maintain storage in _____ reservoir created by damming said stream at a point _____ feet distant from the _____ Corner of Section _____, Township _____, Range _____. The purpose of such storage is _____

This is to certify that there is hereby reserved, of the heretofore unappropriated waters of Witch Spring, a maximum of 0.010 cubic feet per second to be diverted through the Witch Spring 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 livestock, domestic, fire protection, irrigation 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 28th day of August 1939.

State Engineer

E
WATER RESOURCES
Water Rights

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

RECEIVED

AUG 28 1939

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

Witch Pipe Line Project

Denver, Colorado.

Harney Forest
South Dakota

August 24, 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 bene-
ficial 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 _____

Reservoir, or to satisfy the requirements of the

Witch Pipe Line

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. Witch Pipe Line

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. Witch Spring

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

canal or pipe line is located N. 56° 30' West, 1480 feet

distant from the SE Corner of Section 35 Township 5 S,

Range 4 E.

8. Uses to which water directly diverted or diverted and stored, is to be put.

Ans. Livestock, domestic, fire protection, irrigation.

9. The available capacity of reservoir in acre feet.

Ans.

10. The carrying capacity, of ditch, canal or pipe line in cubic feet per second.

Ans. 0.018 c.f.p.s.

11. Acre feet of water to be appropriated annually for diversion and storage in reservoir.

Ans.

12. Cubic feet of water per second to be appropriated for direct diversion by ditch, canal, or pipeline.

Ans. 0.018 c.f.p.s.

13. Location of lands to be irrigated.

Ans.

14. Class of plans accompanying "Notice of Intention".

Ans. None. Iron Pipe, $1\frac{1}{2}$ " in dia., 210 ft. long. Grade 1' per 100 ft.

ALLEN S. PECK,

Regional Forester

By


M. W. Thompson

Acting .