

No. 41 398-2

Office of State Engineer
DOCUMENT FILE

Dept. Agr. - Rand Lumber
Custer Co.

Priority: 8-28-37

Sec. 35 & 51 R 4E

CERTIFICATE OF CONSTRUCTION OF WORKS

and

APPROPRIATION

U. S. Water Right No. 398-2Henderson Pipe Line

Custer _____ County

Name of Project

Fall 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. US 328 bearing date of August 28, 1939 withdrawing from further appropriation a maximum of 0.006 cubic feet per second of water to be diverted through the Henderson Pipe Line ditch, canal or pipe line at a point located on the _____ bank Henderson Spring N. 57° 00' W., 1576 feet distant from the S Corner of Section 36 Township 7S 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 0.006 cubic feet per second during the period of annually is thereby appropriated for the above purposes bearing date of priority of August 28, 1939.

Witness my hand this 21st day of December 1939.

State Engineer

Water Division No. 2

Tell River Water District

Report of Examining Engineer

OFFICE OF THE ATTORNEY GENERAL
PIERCE, FENNER & SMITH

By M. E. Von Senger

Henderson Pipe Line
Project Name and Number
Henderson Spring

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 November 13 1939 I have made a thorough examination of _____ 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 398 issued upon Notice of Intention bearing date August 24 1939, authorizing the withdrawal from further appropriation of _____ acre feet, or 0.006 second feet of the waters of Henderson Spring, tributary of Henderson Draw 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:

The impounded and diversion works comprise:

Dam: Type _____ Foundation _____

Size: Max. Length _____ Maximum height to spill-
way flow line _____ Freeboard _____

Section: Upstream slope _____
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.
 Catlet: Size _____ Control _____
 Location _____
 Ditches: Open Earth _____ Open rock _____
 Pipe _____ iron pipe _____ Length _____ 575 ft.
 Section 1" diameter _____ Capacity _____ 0.005 c.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. 57° 0' W 1575 feet distant from the S Corner of Section 35 Township 5S Range 4E

The works are capable of utilizing _____ acre-feet of water annually or 0.006 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. Van Leysen
Examining Engineer

LETTER OF AUTHORIZATION
for
Inspection

November 13, 1939

M. E. Von SeggernCuster, South DakotaHenderson Pipe LineName of Project
Water Division No. 2
Fall River Water District
Henderson SpringSource 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 Henderson 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, Henderson 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 this examination and report and taking the testimony.

Very truly yours,

State Engineer.

FORM 17A

WITHDRAWALS No. US 396Henderson Pipe Line
Name of Project

FORM 17A

RECEIVED
NOV 1 1939Water Division No. 2Fall River Water District
PIERRE, S. DAK.

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 Henderson Pipe Line 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 SW $\frac{1}{4}$ of Section, 35, Township 5E., 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. Van Soggen.
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. Fitch
JAMES L. FITCH
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

Henderson Pipe Line
Name of Project

Water Division No. 2
Fall River Water District
Henderson Spring
Source of Appropriation - Stream

Hunter
County

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 _____, 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 _____ a maximum of 0.006 cubic feet per second to be diverted through the Henderson Pipe Line ditch, canal or pipe line at a point located on the _____ bank _____ N. 57°00' West, _____ 1575 feet distant from the _____ Corner of Section _____ Township _____ Range _____ 4E. 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 24th 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.

Henderson Pipe Line Project
Harney Forest
South Dakota

Denver, Colorado.

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 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 _____

Reservoir, or to satisfy the requirements of the

Henderson 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. Henderson 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. Henderson Spring

7. The outlet of the reservoir or the point of diversion of ditch,
canal or pipe line is located N. 57° 00' West, 1575 feet

distant from the $\frac{81}{4}$ 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. 0.006 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. 0.006 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" in dia. 575 ft long. Grade 1 ft. per 100 ft.

ALLEN S. PECK,

Regional Forester

By

W. W. Thompson
W. W. Thompson

Acting .