

No. *U.S. 400-2*

**Office of State Engineer
DOCUMENT FILE**

*Dept. Agric. - Forest Service
Custer Co.*

Priority: Aug. 28, 1937

Sec. 5, 4 - S. R. H. E.

CERTIFICATE OF CONSTRUCTION OF WORKS

and

APPROPRIATION

U. S. Water Right No. 400-2Custer CountyPanner Joe Pipe LineName of ProjectPattle 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 400 bearing date of August 28, 1939 withdrawing from further appropriation a maximum of 0.012 cubic feet per second of water to be diverted through the Panner Joe Pipe Line ditch, canal or pipe line at a point located on the _____ bank Panner Joe Spring N. 2°29' E., 2923 feet distant from the S $\frac{1}{2}$ Corner of Section 5 Township 3S 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 0.012 cubic feet per second during the period of annually is thereby appropriated for the above purposes bearing date of priority of August 23, 19 39.

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

State Engineer

Form 23A

Form 23A

WITHDRAWAL NO. US 400Water Division No. 2Pettie Creek Water District

CERTIFICATE OF EXAMINATION OF WORKS

RECEIVED
DEC 18 1939

Report of Examining Engineer

Date December 15, 1939By W. F. Von KesterOFFICE OF STATE ENGINEER
Pierre, S. DAK.

Project Name and Number

Panner Joe 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 Panner Joe reservoir, Panner Joe Pipe Line 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 400 issued upon Notice of Intention bearing date August 24 1939, authorizing the withdrawal from further appropriation of acre feet, or 0.012 second feet of the waters of Panner Joe Spring, tributary of Panner Joe 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:

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 pipe Length 16 ft.
 Section 1" diameter Capacity 0.012 c.f.p.s.
 Location or as shown on plans

The system is in the following condition: Fair

The outlet of the reservoir or the point of diversion of the ditch,
canal or pipe line is located N2°25'E 2923
feet distant from the S₁ Corner of Section 5 Township 3S
Range. 4E

The works are capable of utilizing _____ acre-feet of water
annually or 0.012 second-feet of water.

The legal subdivisions to be irrigated are _____
_____ comprising a total of _____ acres of land.

The domestic and stockwater uses comprise house 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 7, 1939

Witness my hand, this 15th day of December A.D. 1939.

M. E. VonLeagon
Examining Engineer

LETTER OF AUTHORIZATION
for
Inspection

November 13, 1939

H. E. Von Soggean

Custer, South Dakota

Panner Joe Pipe Line
Name of Project
Water Division No. 2
Battle Creek Water District
Panner Joe 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 61.037, 1939 Revised Code of South Dakota and identified as Withdrawal No. U.S. 400, on Panner Joe 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, Panner Joe 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 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 17A

WITHDRAWALS No. US 400

RECEIVED
NOV 1 1939

Panner Joe Pipe Line
Name of Project

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

Water Division No. 2

Battle Creek 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,

Panner Joe 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 NE $\frac{1}{4}$ of Section, 5, Township 3S., 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. Brownlee
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. 400

Panner Joe Pipe Line
Name of Project

Water Division No. 2
Fattle Creek Water District

Custer
County

Panner Joe Spring
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 _____, 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 0.012 cubic feet per second to be diverted through the Panner Joe Pipe Line ditch, canal or pipe line at a point located on the _____ bank _____ N. 21 28' East, _____ 2023 feet distant from the _____ Corner of Section _____, Township _____ Range _____ for the purpose of live stock, 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 29th 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

Panner Joe
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 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

Panner Joe 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 1, 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. Panner Joe 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. Panner Joe Spring

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

canal or pipe line is located N. 20, 28' East, 2923 feet

distant from the S $\frac{1}{4}$ Corner of Section 5 Township 3 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. 0.012 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. 0.012 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. 16 ft. long. Grade 3.5 ft. per 100 feet.

ALLEN S. PECK,

Regional Forester

By

M. W. Thompson

Acting .