

No. *U.S. 403-2*

Office of State Engineer
DOCUMENT FILE

Dept. Agr. - Forest Service
Pennington Co.
Priority: Aug. 28, 1937
Sec. 25, T. 1 S. R. 6 E.

CERTIFICATE OF CONSTRUCTION OF WORKS

and

APPROPRIATION

U. S. Water Right No. 403-2Foster Gulch 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 403 bearing date of August 28, 1939 withdrawing from further appropriation 0.81 acre-feet per annum of water for storage; of the waters of Foster Gulch Stream, County of Pennington, State of South Dakota, at a point S. 83 45' E., 2685 feet distant from the NW Cor. Sec. 35, T. 15., R. 3E. for livestock, fish culture, domestic, fire protection, recreation 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 1.0137, that said works are completed in accordance with information filed in the office of the State Engineer, and 0.81 acre-feet per year 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.

Form 23A

Form 23A

WITHDRAWAL NO. US 403Water Division No. 2Battle Creek Water District

CERTIFICATE OF EXAMINATION OF WORKS

Report of Examining Engineer

Date December 13, 1939By M. E. Von Saggorn

OFFICE OF STATE ENGINEER

Foster Gulch Reservoir

Project Name and Number

Foster GulchSource 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 Foster Gulch 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.403 issued upon Notice of Intention bearing date August 24 1939, authorizing the withdrawal from further appropriation of 0.81 acre feet, or second feet of the waters of Foster Gulch, tributary of Battle 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, wood and rock Foundation earth
 Size: Max. Length 60 ft. Maximum height to spillway flow line 2.5 ft. Freeboard 2.0 ft.
 Section: Upstream slope 4:1
 Downstream slope 4:1
 Top width 1 ft.
 Yardage (Approx.) 120 cu. yds.
 Reservoir: Area Normal Pool Level 0.19 acres
 Capacity 0.24 acre feet
 Nature of Shore line Grassy
 Spillway: Type Weir Location Center
 Width 20 ft. Depth 2 ft.
 Capacity 185 cubic feet per sec.
 Size none Control
 Location
 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 S.83°46'E 2685 feet distant from the NW Corner of Section 35 Township 1S Range. 6E

The works are capable of utilizing 0.81 acre-feet of water annually or 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 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 1935

Witness my hand, this 13th day of December A.D. 1939.

M. E. Von Seggern
Examining Engineer

LETTER OF AUTHORIZATION
for
InspectionNovember 13, 1939H. E. Von SaggernCuster, South DakotaFoster Gulch Reservoir
Name of Project
Water Division No. 2
Battle Creek Water District
Foster Gulch
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. 403, on Foster Gulch (stream) County of Pennington 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 Foster Gulch 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 17A

WITHDRAWALS No. US 465

Foster Gulch Reservoir

Name of Project

FORM 17A
RECEIVED
OCT 1 1939

OFFICE OF STATE ENGINEER

Battle Creek Water District

Water Division No. 2

NOTICE OF COMPLETION OF WORKS

P.O. Denver, Colorado,

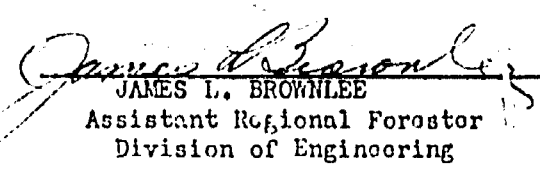
Date October 27, 1939.

TO THE STATE ENGINEER OF SOUTH DAKOTA, FIFRRE:

Dear Sir: Notice is hereby given of the completion of the construc-
tion of Foster Gulch 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 hereto-
fore 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 with-
drawal is United States of America, Department of Agri-
culture, 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 NW 1 of Section,
35, Township 18, Range 6E.
4. Said water to be used for livestock, fish culture, 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 here-
after reported by the Examining Engineer W. 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
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.

Withdrawal No. U.S. 403

Foster Gulch Reservoir
Name of Project

Water Division No. 2
Little Creek Water District

Pennings
County

Foster Gulch
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 Foster Gulch, the annual amount of 0.81 acre-feet of water to maintain storage in Foster Gulch reservoir created by damming said stream at a point 83° 45' East, 2685 feet distant from the SE Corner of Section 35, Township 18, Range 6 E. 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 23th 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.

Foster Gulch Reservoir 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 Foster Gulch

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.

13. Location of lands to be irrigated.

Ans.

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

Ans. Standard plans

ALLEN S. FECK,

Regional Forester

By

M. W. Thompson
M. W. Thompson

Acting .