

No.

4.1409-2

**Office of State Engineer
DOCUMENT FILE**

Dep. of - Forest Service

Pennington Co.

Aug 26, 1939

Sec. 12, T 2 S. R 1 E

CERTIFICATE OF CONSTRUCTION OF WORKS

and

APPROPRIATION

U. S. Water Right No. 409-2

Lodger Reservoir
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 409 bearing date of August 26, 1939 withdrawing from further appropriation 0.92 acre-feet per annum of water for storage; of the waters of Rodger Gulch Stream, County of Pennington, State of South Dakota, at a point S. 50 00' E. 2590 feet distant from the N. Cor. Sec. 12, T.2S., R.1E. 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 61.0137, that said works are completed in accordance with information filed in the office of the State Engineer, and 0.92 acre-feet per year is thereby appropriated for the above purposes bearing date of priority of August 26, 1939.

Witness my hand this 21st day of December 1939.

State Engineer.

WITHDRAWAL NO. US 409Water Division No. 2Fall River Water District

CERTIFICATE OF EXAMINATION OF WORKS

Report of Examining Engineer

RECEIVED
DEC 13 1939

OFFICE OF STATE ENGINEER

Date December 13, 1939By M. E. Von SengerRodger Reservoir
Project Name and NumberRodger Gulch
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 Rodger 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. 409 issued upon Notice of Intention bearing date August 23, 1939, authorizing the withdrawal from further appropriation of 0.92 acre feet, or second feet of the waters of Rodger Gulch, tributary of Red Bird Canyon 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 fill Foundation Earth
 Size: Max. Length 30 ft. Maximum height to spillway flow line 2.5 ft. Freeboard 2.0 ft.
 Section: Upstream slope 3:1
 Downstream slope 1.5:1
 Top width 4 ft.
 Yardage (Approx.) 60 cu. yds.
 Reservoir: Area Normal Pool Level 0.03 acres
 Capacity 0.02 acre feet
 Nature of Shore line Grassy

Spillway: Type natural Location round left end of dam

Width 15 ft. Depth 2 ft.
 Capacity 90 cubic feet per sec.
 Outlet: Size none Control Open rock
 Location Open rock
 Ditches: Open Earth Open rock
 Pipe Open rock
 Section Open rock Length Open rock
 Capacity Open rock
 Location or as shown on plans Open rock

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 3.50°0'E 2590
feet distant from the 1/2 Corner of Section 12 Township 2S
Range. 1E

The works are capable of utilizing 0.02 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 before July 17, 1939.

Witness my hand, this 18th day of December A.D. 19 39.

M. E. Von Seggern.
Examining Engineer

Profile Centerline Spill
Station 0 plus 00 - 0 plus 8 - 0 plus 18
Fall 0 .2 .5

LETTER OF AUTHORIZATION
for
Inspection

November 13, 1939

E. E. Von SeggernCuster, South DakotaRodger Reservoir
Name of Project
Water Division No. 2
Fall River Water District
Rodger 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. 409, on Rodger Gulch (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 Rodger Reservoir 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.

FORM 17A

WITHDRAWALS No. US 409Rodger Reservoir
Name of ProjectFORM 17A
RECEIVEDWater Division No. 2OFFICE OF STATE ENGINEER
Fall River Water District

NOTICE OF COMPLETION OF WORKS

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

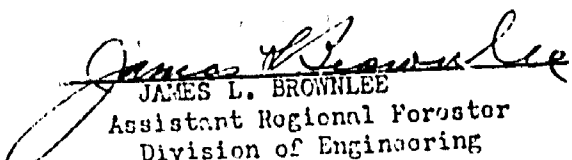
TO THE STATE ENGINEER OF SOUTH DAKOTA, PIERRE:

Dear Sir: Notice is hereby given of the completion of the construction of Rodger 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 NE 1 of Section, 12 Township 2S., Range 1E.
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 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
 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. 409

Rodger Reservoir
Name of Project

Water Division No. 2
Fall River Water District

Pennington
County

Rodger 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 Rodger Gulch, the annual amount of 0.92 acre-feet of water to maintain storage in Rodger reservoir created by damming said stream at a point 3.50' CO' E. 2590 feet distant from the N1 Corner of Section 12, Township 28, Range 1E. 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.

State Engineer

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WATER RESOURCES
Water Rights

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

RECEIVED

AUG 26 1939

OFFICE OF STATE ENGINEER
DENVER, COLORADO

Rodger Reservoir Project

Denver, Colorado.

Harney Forest
South Dakota

August 23, 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 Rodger

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. Rodger 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. Rodger Gulch

7. The outlet of the reservoir or the point of diversion of ditch,
canal or pipe line is located S. 50°, 00' E., 2590 feet

distant from the N. 1 Corner of Section 12 Township 2 S

Range. 1 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. 0.02 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. 0.92 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. Standard plans

ALLEN E. FECK,

Regional Forester

By

M. W. Thompson

M. W. Thompson

Acting.