

No. *US #23-2*

**Office of State Engineer
DOCUMENT FILE**

Dept. Agr. Forest Service
Custer Co.

Priority Aug 26, 1937

See 17, 75 & R 25

0.228 cu ft

CERTIFICATE OF CONSTRUCTION OF WORKS
and
APPROPRIATION

U. S. Water Right No. 423-2Custer CountyLower McKenna Pipe Line

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 423 bearing date of August 26, 1939
withdrawing from further appropriation a maximum of 0.026 cubic feet
per second of water to be diverted through the Lower McKenna Pipe Line
ditch, canal or pipe line at a point located on the bank Lower McKenna
Spring S.52 O.W., 997 feet distant from the E $\frac{1}{4}$ Corner of
Section 17 Township 5S Range 2E for the purpose of livestock, domestic,
fire protection, 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 0.026 cubic feet per second during the period of
annually is thereby appropriated for the above purposes
bearing date of priority of August 26, 1939

Witness my hand this 27th day of November 19 40

State Engineer

Form 23A

Form 23A

WITHDRAWAL NO. US 423Water Division No. 2Fall River Water District

CERTIFICATE OF EXAMINATION OF WORKS

Report of Examining Engineer

Date December 11, 1939By M. E. Von SeggernLower McKenna Pipe Line
Project Name and NumberLower McKenna 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 October 31 1939 I have made a thorough examination of Lower McKenna Pipe Line reservoir, Lower McKenna Pipe Line constructed by the United States of America, Department of Agriculture, Forest Service, Region 2, Denver, Colorado, holder of withdrawal No. US 423 issued upon Notice of Intention bearing date August 24 1939, authorizing the withdrawal from further appropriation of acre feet, or 0.026 second feet of the waters of Lower McKenna Spring, tributary of Lower McKenna 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.
Size Control
Location Open Earth Open rock
Ditches: Pipe Iron pipe Length 50 ft.
Section 1" in diameter Capacity 0.026 c.f.p.s.
Location or as shown on plans

The system is in the following condition: Poor - pipe broken at joint

The outlet of the reservoir or the point of diversion of the ditch,
canal or pipe line is located S. 52° 0' West 997
feet distant from the E $\frac{1}{2}$ Corner of Section 17 Township 5S.
Range, 2E.

The works are capable of utilizing _____ acre-feet of water
annually or 0.026 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 1935

Witness my hand, this 11th day of December A.D. 19 39.

M. E. Von Seggern
Examining Engineer

LETTER OF AUTHORIZATION
for
Inspection

October 31, 1939

U. E. Von SeggernCuster, South DakotaLower McKenna Pipe Line
Name of Project
Water Division No. 2
Fall River Water District
Lower McKenna 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. 423, on Lower McKenna (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 Lower McKenna 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 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 423Lower McKenna Pipe Line
Name of ProjectWater Division No. 2RECEIVED
OFFICE OF THE REGIONAL FORESTER
Fall River, Ark. Water District

NOTICE OF COMPLETION OF WORKS

P.O. Denver, Colorado,Date October 25, 1939.

TO THE STATE ENGINEER OF SOUTH DAKOTA, PIERRE:

Dear Sir: Notice is hereby given of the completion of the construction of Lower McKenna 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 SE $\frac{1}{4}$ of Section, 17, Township 5S., Range 2E.
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. 423

Lower McKenna Pipe Line
Name of Project

Water Division No. 2
Fall River Water District

Custer
County

Lower McKenna 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 Lower McKenna Spring a minimum of 0.026 cubic feet per second to be diverted through the Lower McKenna Pipe Line ditch, canal or pipe line at a point located on the _____ bank _____

S. 52, 001 West, 997
_____ feet distant from the _____ Corner of Section 17, Township 68, Range 2E 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 26th 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 26 1939
OFFICE OF STATE ENGINEER
PIERRE, S. DAK

Lower McKenna
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 1933 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

Lower McKenna 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.

13. Location of lands to be irrigated.

Ans.

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

Ans. None. Iron pipe, 1" in dia. 50ft. long. Grade 15' per 100 ft.

ALLEN S. PECK,

Regional Forester

By

M. W. Thompson

M. W. Thompson

Acting .