

No. 112426-2

**Office of State Engineer  
DOCUMENT FILE**

Forest Agv. Forest Service  
Custer Co.

Priority: Aug. 26, 1939

Sec. 29, T 5 S, R 4 E

A.C. 1 Crib in feet

## CERTIFICATE OF CONSTRUCTION OF WORKS

and

## APPROPRIATION

U. S. Water Right No. 426-2Upper Hand Spring Fire Line  
Name of Project

Guster \_\_\_\_\_ County \_\_\_\_\_

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 426 bearing date of Aug. 26, 1939  
 withdrawing from further appropriation a maximum of 0.01 cubic feet  
 per second of water to be diverted through the Upper Hand Spring Pipe Line  
 ditch, canal or pipe line at a point located on the \_\_\_\_\_ bank Upper Hand Spring,  
N. 76 15' W., 465 feet distant from the SE Corner of  
Section 29 Township 5S Range 4E for the purpose of livestock,  
domestic, 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 0.01 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 23rd day of January 19 40.\_\_\_\_\_  
State Engineer

Form 23A

Form 23A

WITHDRAWAL NO. US 426Water Division No. 2Fall River Water District

## CERTIFICATE OF EXAMINATION OF WORKS

Report of Examining Engineer

JAN 22 1940

OFFICE OF STATE ENGINEER  
PIERRE, S. D.Date December 11, 1939  
By M. E. Von SeggernUpper Hand Spring Pipe Line  
Project Name and NumberUpper Hand 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 Upper Hand Spring 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 426 issued upon Notice of Intention bearing date August 24 1939, authorizing the withdrawal from further appropriation of 0.01 acre feet, or second feet of the waters of Upper Hand Spring, tributary of Hand Spring 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 foot per sec.  
 Outlet: Size \_\_\_\_\_ Control \_\_\_\_\_  
 Location \_\_\_\_\_  
 Ditches: On Earth \_\_\_\_\_ Open rock \_\_\_\_\_  
 Pipe Iron pipe Length 310 ft. long.  
 Section 1" in diameter Capacity 0.01 c.f.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. 76° 15' W. 165  
feet distant from the SE Corner of Section 29 Township 5E  
Range. 4E

The works are capable of utilizing \_\_\_\_\_ acre-feet of water  
annually or 0.01 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 35.

M. E. Von Seggern  
Examining Engineer

LETTER OF AUTHORIZATION  
for  
InspectionOctober 31, 1934W. L. Von SogornUpper Hand Spring Pipe Line  
Name of Project

Water Division No. 2

Fall River Water District

Upper Hand 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. W. S. 426, on Upper Hand Spring (stream) County of Custer on the Horney 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 Upper Hand Spring Pipe Line reservoir, ditch, or pipe line constructed and owned by the United States of America, Department of Agriculture, Forest Service, on the Horney 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.

WITHDRAWALS No. USUpper Hand Spring Pipe Line  
Name of ProjectFORM 17A  
**RECEIVED**  
1939Water Division No. 2OFFICE OF STATE ENGINEER  
Fall River 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 Upper Hand Spring 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<sup>1</sup><sub>4</sub> of Section, 29, Township 5S., 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. 426

Upper Hand Spring Pipe Line  
Name of Project  
Custer  
County

Water Division No. 2  
Fall River Water District  
Upper Hand 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 Upper Hand Spring a maximum of 0.91 cubic feet per second to be diverted through the Upper Hand Spring Pipe Line ditch, canal or pipe line at a point located on the \_\_\_\_\_ bank \_\_\_\_\_ N. 70 15' West, \_\_\_\_\_ 436 feet distant from the \_\_\_\_\_ SE Corner of Section 29, Township 58. 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 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 31 1939  
OFFICE OF STATE ENGINEER  
PIERRE, S. DAK.

Upper Hand Spring  
Pipe Line

Project

Denver, Colorado.

Harney  
South Dakota

Forest

August 21, 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

Upper Hand Spring 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. Upper Hand Spring 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. Upper Hand Spring

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

canal or pipe line is located N. 76°, 15' West, 465 feet

distant from the SE Corner of Section 26 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. 0.01 c. f. p. s.

11. Acre foot 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. 0.01 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. 310 ft. long. Grade 2.6 ft. per 100 ft.

ALLEN S. PECK,

Regional Forester

By

M. W. Thompson

Acting .