

No. *115429-2*

**Office of State Engineer
DOCUMENT FILE**

Dept. Agr. Forest Service
Custer Co.

Priority: Aug. 26, 1938

Sec. 21, T. 5 S. R. 3 E

0.66 acre feet

Form 24A

CERTIFICATE OF CONSTRUCTION OF WORKS

and

APPROPRIATION

U. S. Water Right No. 429-2

Martin Pass Reservoir No. 1
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 429 bearing date of
August 26, 1939 withdrawing from further appropriation 0.66 acre-
feet per annum of water for storage; of the waters of E. Fork Hawkwright Creek
County of Custer, State of South Dakota, at a point S. 60 45' E.,
2850 feet distant from the W. Cor. Sec. 21, T. 5S., 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 61.0137, that said works are completed in accordance with infor-
mation filed in the office of the State Engineer, and 0.66 acre-feet
per year is thereby appropriated for the above purposes bearing date of
priority of August 26, 1939.

Witness my hand this 23rd day of January 1940.

State Engineer.

WITHDRAWAL NO. US 429Water Division No. 2Fall River Water District

CERTIFICATE OF EXAMINATION OF WORKS

Report of Examining Engineer

Date December 15, 1939By W. E. Von SeggornMartin Pass Reservoir No. 1
Project Name and NumberEast Fork Hawkwright Creek
Source of Appropriation
(Stream)OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

To the State Engineer, Pierre, South Dakota:

Dear Sir: I hereby certify that in accordance with your letter of authorization dated November 17, 1939 I have made a thorough examination of Martin Pass Reservoir No. 1 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. US429 issued upon Notice of Intention bearing date August 23, 1939, authorizing the withdrawal from further appropriation of 0.66 acre feet, or second feet of the waters of East Fork Hawkwright Creek, tributary of West Fork Hawkwright 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 fill	Foundation	earth
Size: Max. Length	70 ft.	Maximum height to spillway flow line	
	3.5 ft.	Freeboard	1.5 ft.
Section: Upstream slope	2:1		
Downstream slope	2:1		
Top width	6 ft.		
Yardage (Approx.)	160 cu. yds		
Reservoir: Area Normal Pool Level	0.14	acres	
Capacity	0.24	acre feet	
Nature of Shore line	grassy		
There is is a	spillway on each side of dam		
Spillway: Type	Earth channel	Location	1- Left end 2- right end
Width	1.8 ft. #2 - 6 ft.	Depth	1.5 ft.
Capacity (Both)	66	cubic feet per sec.	
Cutlot: Size	none	Control	
Location			
Ditches: Open Earth		Open rock	
Pipe		Length	
Section		Capacity	
Location or as shown on plans			

LETTER OF AUTHORIZATION
for
Inspection

November 17 1939

M. E. Von SeggernCuster, South DakotaMartin Pass Reservoir No. 1
Name of Project
Water Division No. 2
Fall River Water District
E. Fork Hawkright Creek
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. 429, on E. Fork Hawkright Creek (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 Martin Pass Reservoir No. 1 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 429

Martin Pass Reservoir No. 1
Name of Project

RECEIVED
NOV 1 1939

OFFICE OF STATE ENGINEER
S. DAK.
Fall River ~~Pike~~ District

Water Division No. 2

NOTICE OF COMPLETION OF WORKS

P.O. Denver, Colorado,

Date October 27, 1939.

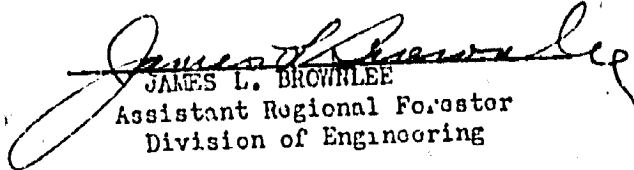
TO THE STATE ENGINEER OF SOUTH DAKOTA, PIERRE:

Dear Sir: Notice is hereby given of the completion of the construction of Martin Pass Reservoir No. 1 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 SW $\frac{1}{4}$ of Section, 21, Township 5S., Range 3E.
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 J. E. Von Sagen.
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. 420

Martin Insa Reservoir No. 1
Name of Project

Water Division No. 2
Fall River Water District
Elk Fork Lawler Creek
Source of Appropriation - Stream

Custor
County

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 Elk Fork Lawler Creek, the annual amount of 0.66 acre-foot of water to maintain storage in Martin Insa No. 1 reservoir created by damming said stream at a point 68.45' East, 2650 feet distant from the W. Corner of Section 21, Township 5S. Range 3E. 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 24th day of August 1939.

State Engineer

AUG 26 1989
OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

Martin Pass
Reservoir No. 1 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 Martin Pass Reservoir No. 1 ~~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. Martin Pass Reservoir No. 1

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. East Fork Hawkright Creek

7. The outlet of the reservoir or the point of diversion of ditch,
canal or pipe line is located S. 68°, 45' E., 2650 foot

distant from the W $\frac{1}{4}$ Corner of Section 21 Township 5 S.
Range, 3 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. 0.24 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. 0.66 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 S. PECK,

Regional Forester

By M. W. Thompson
M. W. Thompson Acting.