

No. 48435-2

Office of State Engineer
DOCUMENT FILE

Dept. Agr. Forest Service
Custer Co.

Priority: Aug. 26, 1939
Sec. 5, T. 5 S., R. 3 E.

0.018 cubic feet

CERTIFICATE OF CONSTRUCTION OF WORKS

and

APPROPRIATION

U. S. Water Right No. 435-2Gurney Pipe LineCuster County

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 435 bearing date of Aug. 26, 1939

withdrawing from further appropriation a maximum of 0.018 cubic feet

per second of water to be diverted through the Gurney Pipe Line

ditch, canal or pipe line at a point located on the bank Gurney Spring,

N. 18 30' E., 760 feet distant from the W. Corner of

Section 5 Township 5S Range 3E for the purpose of domestic,

livestock, 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 0.018 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 1940.

 State Engineer

Form 23A

Form 23A

WITHDRAWAL NO. US 435Water Division No. 2Fall River Water District

CERTIFICATE OF EXAMINATION OF WORKS

Report of Examining Engineer

Date December 15, 1939By W. E. Von SeggernGurney Pipe Line

Project Name and Number

Gurney SpringSource 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 Gurney reservoir, Gurney Pipe Line ditch, a pipe line constructed by the United States of America, Department of Agriculture, Forest Service, Region 2, Denver, Colorado, holder of withdrawal No. US 435 issued upon Notice of Intention bearing date August 23 1939, authorizing the withdrawal from further appropriation of acre feet, or 0.018 second feet of the waters of Gurney Spring, tributary of East Pass Creek 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: Open Earth Open rock
 Pipe iron Length 410 ft.
 Section 12" in diameter Capacity 0.018 c.f.p.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. 18° 30' E. 750
feet distant from the W $\frac{1}{4}$ Corner of Section 5 Township 5S
Range. 3E

The works are capable of utilizing _____ acre-feet of water
annually or 0.018 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 before July 26, 1939.

Witness my hand, this 15 th day of December A.D. 19 39.

M. E. Van Legeen
Examining Engineer

LETTER OF AUTHORIZATION
for
InspectionNovember 17, 1939M. E. Von SeggernCuster, South DakotaGurney Pipe Line
Name of Project
Water Division No. 2
Fall River Water District
Gurney 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. US 435, on Gurney Spring (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 reservoir, Gurney Pipe Line 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 435

Gurney Pipe Line

Name of Project

RECEIVED
NOV 1 1939

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.
Fall River 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, PIERRE:

Dear Sir: Notice is hereby given of the completion of the construction of Gurney 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 NW $\frac{1}{4}$ of Section, 5, Township 5S., Range 3E.
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. 435

Gurney Pipe Line
Name of Project

Water Division No. 2
Fall River Water District

Custer
County

Gurney 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 _____ Gurney Spring, _____ a maximum of 0.018 cubic feet per second to be diverted through the _____ Gurney Pipe Line ditch, canal or pipe line at a point located on the _____ bank _____

N. 18, 30' East, 750
feet distant from the _____ Corner of Section 5, Township 59 Range 31, 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 24th day of August 1939.

State Engineer

E
WATER RESOURCES
Water Rights

RECEIVED

AUG 26 1939

OFFICE OF STATE ENGINEER
MURKIN

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

Gurney Pipe Line Project

Denver, Colorado.

Harney Forest
South Dakota

August 25, 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 bene-
ficial 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
_____ Gurney 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. Gurney 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. Gurney Spring

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

canal or pipe line is located N. 18° 30' East, 750 foot

distant from the W¹ Corner of Section 5 Township 5 S.

Range. 3 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 foot.

Ans.

10. The carrying capacity of ditch, canal or pipe line in cubic feet per second.

Ans. 0.018 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. 0.018 c. f. p. s.

13. Location of lands to be irrigated.

Ans.

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

Ans. None. Iron Pipe $1\frac{1}{2}$ " in dia. 410' long. Grade 1' per 100 ft.

ALLEN S. PECK,

Regional Forester

By

W. W. Thompson
W. W. THOMPSON

Acting .