

No. *115436-2*

**Office of State Engineer
DOCUMENT FILE**

Dept. Agric. Forest Service
Custer Co.

Priority Aug 26, 1939
Sec. 2, T4S, R2E

0.0900 Cubic feet

CERTIFICATE OF CONSTRUCTION OF WORKS

and

APPROPRIATION

U. S. Water Right No. 438-2Hill Pipe Line
Name of ProjectJuster CountyFall 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 438 bearing date of Aug. 26, 1939 withdrawing from further appropriation a maximum of 0.09 cubic feet per second of water to be diverted through the Hill Pipe Line ditch, canal or pipe line at a point located on the _____ bank Hill Spring, S. 28 30' W. _____ 1150 feet distant from the N. _____ Corner of Section 2 Township 43 Range 23 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 0.09 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

WITHDRAWAL NO. US 436Water Division No. 2Fall River Water District

CERTIFICATE OF EXAMINATION OF WORKS

Report of Examining Engineer

Date December 16, 1939By W. E. Von SeggernHill Pipe Line

Project Name and Number

Hill SpringSource 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 17 1939, I have made a thorough examination of reservoir,

Hill 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 436 issued upon Notice of Intention bearing date August 24 1939, authorizing the withdrawal from further appropriation of acre feet, or 0.009 second feet of the waters of Hill Spring, tributary of Hell Canyon 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.
 Outlet: Size Control
Location
 Ditches: Open Earth Open rock
Pipe Galv. iron pipe Length 20 ft.
Section 2" diameter Capacity 0.19 c.f.p.s.
Location or as shown on plan

The system is in the following condition: Fair

The outlet of the reservoir or the point of diversion of the ditch, canal or pipe line is located S.26°30'W 1150 feet distant from the N₁ Corner of Section 2 Township 4S Range. 2E

The works are capable of utilizing _____ acre-feet of water annually or 0.09 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 28, 1939

Witness my hand, this 16th day of December A.D. 1939.

M. E. Von Seggern
Examining Engineer

LETTER OF AUTHORIZATION

To
Inspection

November 17, 1939

M. E. Von SeggernCuster, South DakotaHill Pipe Line

Name of Project

Water Division No. 2

Fall River Water District

Hill SpringSource 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 456, on Hill Spring (stream) County of Custer in 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 Hill 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

WITHDRAWAL No. US 456

Hill Pipe Line

Name of Project

RECEIVED
NOV 1 1939

Water Division No. 2

OFFICE OF STATE ENGINEER
Fall River, S. DAK.
Water District

NOTICE OF COMPLETION OF WORKS

P.O. Denver, Colorado,

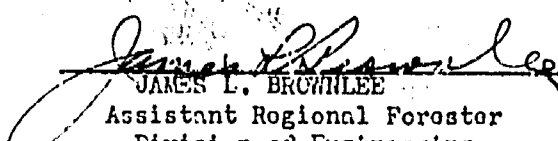
Date October 27, 1939.

TO THE STATE ENGINEER OF SOUTH DAKOTA, PIERRE:

Dear Sir: Notice is hereby given of the completion of the construction of reservoir,
Hill 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. 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 1/4 of Section, 2, Township 4S., 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 E. 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.

B. S. No. 436

Hill Pipe Line
Name of Project

Water Division No. 2
Fall River Water District
Hill Spring

Custer
County

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 _____ Hill Spring _____ a maximum of 0.09 cubic feet per second to be diverted through the Hill Pipe Line _____ ditch, canal or pipe line at a point located on the _____ bank _____ S. 26, 30° West, 1160

feet distant from the _____ Corner of Section 2, Township 43 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 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 28th 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

OFFICE OF THE STATE ENGINEER

Hill Pipe Line Project

Denver, Colorado.

Harney Forest
South Dakota

August 24, 1959
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

Hill 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. Hill 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. Hill Spring

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

canal or pipe line is located S. 26°, 30' West, 1150 foot

distant from the N¹/₄ Corner of Section 2 Township 4 S

Range, 2 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. 0.09, 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. 0.09 c. f. p. s.

13. Location of lands to be irrigated.

Ans.

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

Ans. None. Gal. iron pipe 2 " in dia. and 20 ft. long. Grade 7' per 100 ft.

ALLEN S. PECK,

Regional Forester

By

W. W. Thompson
M. W. Thompson

Acting .