

No. *U.S. 440-2*

**Office of State Engineer
DOCUMENT FILE**

*U.S. West Service
Spring Creek Reservoir*

CERTIFICATE OF WITHDRAWAL
of
WATER FOR APPROPRIATION
to the
UNITED STATES OF AMERICA
DEPARTMENT OF AGRICULTURE
FOREST SERVICE.

U. S. 440

Spring Creek Reservoir
Name of Project

Water Division No. 2
Fattle Creek Water District
Spring Creek
Source of Appropriation - Stream

Pennington
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 there-fore:

This is to certify that there is hereby reserved, of the heretofore un-
appropriated waters of Spring Creek, the annual amount
of 1700 acre-feet of water to maintain storage in Spring Creek
reservoir created by damming said stream at a point
South 1.030
feet distant from the NE Corner of Section 20, Township 2S,
Range 4E. The purpose of such storage is Livestock, fish
culture, domestic, fire protection, irrigation and recreation

This is to certify that there is hereby reserved, of the heretofore un-
appropriated 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 applicant 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 re-
ferred to, this certificate is executed at the State Capitol at Pierre,
South Dakota, this 22nd day of September 1939.

State Engineer

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WATER RESOUR
Water Rights

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

RECEIVED
SEP 22 1939
OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

Spring Creek Reservoir Project

Denver, Colorado.

Harney National Forest
South Dakota

Sept. 20, 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 _____

Spring Creek 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. Spring Creek Reservoir

5. County in which water is to be diverted, stored and appropriated.

Ans. Pennington County

6. Name of stream from which water is to be diverted, stored and appropriated.

Ans. Spring Creek

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

canal or pipe line is located South 1,030 feet

distant from the NE Corner of Section 20 Township 2S

Range, 4E.

8. Uses to which water directly diverted or diverted and stored, is to be put.

Ans. Livestock, fish culture, domestic, fire protection
and irrigation, and recreation

9. The available capacity of reservoir in acre feet.

Ans. 1100 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. 1766 acre feet

12. Cubic feet of water per second to be appropriated for direct diversion by ditch, canal, or pipeline.

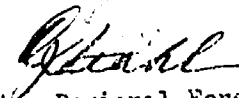
Ans.

13. Location of lands to be irrigated.

Ans. --

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

Ans. Plans will be submitted later


Acting Regional Forester

June 15, 1955

Withdrawal for file

Representative E. Y. Berry
Congress of the United States
Washington, D. C.

Re: Spring Creek
U. S. Water Right No. 440-2

Dear E.Y.:

US Withdrawal

This is in reply to your letter of June 10 in which you refer to the development of a reservoir on Spring Creek in the Black Hills by Mr. G. A. Munson of the Lithium Corporation. We have checked our files relative to the Water Right to which you refer and find that the number of the Water Right is 440-2 rather than 44082 and is located in Sec. 20- T 2S- R 4E rather than in T 1S. The amount of 1766 acre feet and the year 1939 agree with our records.

We find in the file a Notice of Intention dated September 20, 1939 and signed by Acting Regional Forester C. J. Dahl. There is considerable factual information listed on this Notice of Intention so we have copied same and are including a copy herewith.

We also have in the file a copy of the Certificate of Withdrawal No. US 440-2. This Withdrawal certifies that there is to be reserved of the unappropriated waters of Spring Creek the annual amount of 1766 acre feet of water to maintain storage in Spring Creek Reservoir created by damming said stream at a point South 1,030 feet distant from the NE corner of Section 20, Township 2S, Range 4E. The purpose of such storage is livestock, fish culture, domestic, fire protection, irrigation and recreation. The Withdrawal is dated the 26th day of September 1939.

There are some sixty-four water permits or water rights or Withdrawals listed on Spring Creek in our record. Most of them are small but there are a few larger ones. Among them is a Forest Service Right in Sec. 7 - T 1S- R 6E in Pennington County for 13,809 acre feet per year. This right has a priority of 8-25-39. Most of the other Withdrawals are comparatively small.

Sincerely,

DWL:RW
Enc.

DEAN W. LUCKS
State Engineer

**WATER RESOURCES
Water Rights**

**NOTICE OF INTENTION
to the
STATE ENGINEER
of the
state of south dakota**

Spring Creek Reservoir Project

Denver, Colorado.

**Harney National Forest
South Dakota**

Sept. 20, 1939.

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 Spring Creek Reservoir, or to satisfy the requirements of the _____ ditch, canal or pipe line, and the following information is furnished:

1. Representative of the United State 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. Spring Creek Reservoir

5. County in which water is to be diverted, stored and appropriated.

Ans. Pennington County

6. Name of stream from which water is to be diverted, stored and appropriated.

Ans. Spring Creek

7. The outlet of the reservoir or the point of diversion of ditch, canal or pipe line is located South 1,030 feet distant from the NE Corner of Section 20 Township 28 Range 1E.

8. Uses to which water directly diverted or diverted and stored, is to be put.

Ans. Livestock, fish culture, domestic, fire protection and irrigation
and recreation

9. The available capacity of reservoir in acre feet.

Ans. 1730 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. 1766 acre feet

12. Cubic feet of water per second to be appropriated for direct diversion by ditch, canal, or pipe line.

Ans. - -

13. Location of lands to be irrigated.

Ans. - -

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

Ans. Plans will be submitted later.

/s/ C.J. Dahl
Acting Regional Forester