

No. *US 445-2*

**Office of State Engineer  
DOCUMENT FILE**

*Dept Agric. Forest Service*

*Priority: Feb. 16, 1939*

*Sec. 8, F.S.L.R.I.E*

Form 24A

CERTIFICATE OF CONSTRUCTION OF WORKS  
and  
APPROPRIATION

U. S. Water Right No. ~~445-2~~

~~State of South Dakota~~  
~~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. ~~60-445~~ bearing date of  
~~October 10, 1939~~ withdrawing from further appropriation ~~0.075~~ acre-  
feet per annum of water for storage; of the waters of ~~Schramm Creek~~,  
County of ~~Custer~~, State of South Dakota, at ~~a point 3.75 45+2.~~,  
~~4115 ft. distant from the NE Cor. Sec. 8 T. 35., R. 15.~~  
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 ~~0.075~~ acre-feet  
per year is thereby appropriated for the above purposes bearing date of  
priority of ~~October 10,~~ 193~~9~~.

Witness my hand this ~~27th~~ day of ~~November~~ 193~~9~~/~~40~~

\_\_\_\_\_  
State Engineer.

WITHDRAWAL NO. US 445Water Division No. 2Fall River Water District

## CERTIFICATE OF EXAMINATION OF WORKS

Report of Examining Engineer

RECEIVED  
JAN 29 1940OFFICE OF STATE ENGINEER  
PIERRE, S. DAK.Date January 16, 1940By M. E. Von SeggernThomas No. 4 Reservoir  
Project Name and NumberSchram Draw  
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 November 17, 1939, I have made a thorough examination of Thomas No. 4 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. US 445 issued upon Notice of Intention bearing date October 13, 1939, authorizing the withdrawal from further appropriation of 0.076 acre feet, or second feet of the waters of Schram Draw, tributary of Red Bird Canyon 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 20 Ft Maximum height to spill-  
 flow line 2.5 Ft Freeboard 0  
 Section: Upstream slope 1:1  
 Downstream slope 1:1  
 Top width 4 Ft  
 Yardage (Approx.) 7 Cu Yds  
 Reservoir: Area Normal Pool Level 0.015 acres  
 Capacity 0.031 acre feet  
 Nature of Shore line Grassy  
 Spillway: Type None Location \_\_\_\_\_  
 Width \_\_\_\_\_ Depth \_\_\_\_\_  
 Capacity \_\_\_\_\_ cubic feet per sec.  
 Outlet: Size None Control \_\_\_\_\_  
 Location \_\_\_\_\_  
 Ditches: Open Earth \_\_\_\_\_ Open, c&ck \_\_\_\_\_  
 Pipe \_\_\_\_\_ Length \_\_\_\_\_  
 Section \_\_\_\_\_ Capacity \_\_\_\_\_  
 Location or as shown on plans \_\_\_\_\_

The system is in the following condition: Fair-leaks a little

The outlet of the reservoir or the point of diversion of the ditch, canal or pipe line is located S. 79° 45' 4115  
feet distant from the NE Corner of Section 8 Township 3 S  
Range. 1 E

The works are capable of utilizing 0.076 acre-feet of water  
annually or 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.

The utilization for Public recreational, game and fish propagation and fire protection comprises Bathing, rearing fish & water supply for fire fighting equipment.

The project was completed Before September 6, 1939

Witness my hand, this 16th day of January A.D. 1940.

M. E. Van Leeghen  
Examining Engineer

LETTER OF AUTHORIZATION  
for  
Inspection

November 17, 1939

M. E. Von SeggernCuster, South DakotaThomas No. 4 Reservoir

Name of Project

Water Division No. 2Fall River Water DistrictSchram DrawSource 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 445, on Schram Draw (stream) County of Custer on the Harnoy 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 Thomas No. 4 reservoir,

ditch, or pipe line constructed and owned by the United States of America, Department of Agriculture, Forest Service, on the Harnoy 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. US 44Thomas No. 4 Reservoir

Name of Project

RECEIVED  
FORM 17AWater Division No. 2OFFICE OF THE ASSISTANT REGIONAL FORESTER  
Fall River 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 Thomas No. 4 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 NE  $\frac{1}{4}$  of Section, 9, Township 3S., Range 1E.
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  
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  
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. 445

Thomas No. 4 Reservoir  
Name of Project

Water Division No. 2  
Fall River Water District

Custer  
County

Sohran Draw  
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 Sohran Draw, the annual amount of 0.078 acre-feet of water to maintain storage in Thomas No. 4 reservoir created by damming said stream at a point

S. 70' 45' E. 4115  
feet distant from the NE Corner of Section 8, Township 58,  
Range 15. 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 unappropriated waters of \_\_\_\_\_ a maximum of \_\_\_\_\_ cubic foot 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 16th day of October 1939.

\_\_\_\_\_  
State Engineer

E  
WATER RESOURCES  
Water Rights

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

RECEIVED  
OCT 13 1939

OFFICE OF STATE ENGINEER  
PIERRE, S. DAK.

Thomas No. 4  
Reservoir Project  
Harnoy Forest  
South Dakota

Denver, Colorado.

October 13, 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 61.0157 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 \_\_\_\_\_

Thomas No. 4 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. Thomas No. 4 Reservoir.

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

Ans. Custer County.

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

Ans. Schram Draw.

7. The outlet of the reservoir or the point of diversion of ditch,  
canal or pipe line is located S 79° 45' E 4115 foot

distant from the NE Corner of Section 8 Township 3 S  
Range. 1 E.

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

Ans. Livestock, Fish Culture, Domestic, Fire Protection, Irrigation, and  
Recreation.

9. The available capacity of reservoir in acre feet.

Ans. 0.031 acre feet.

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

Ans.

11. Acre foot of water to be appropriated annually for diversion and  
storage in reservoir.

Ans. 0.076 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.**

*C. H. Ashman*  
Acting Regional Forester