

No. 218446-2

**Office of State Engineer
DOCUMENT FILE**

Dept. Agr. Forest Service
Custer Co.

Sec. 8, T3S, R1E

Priority: Oct. 16, 1937

0.034 acre flat

CERTIFICATE OF CONSTRUCTION OF WORKS

and

APPROPRIATION

U. S. Water Right No. 446-2Thomas No. 5 Reservoir

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 446 bearing date of
October 10, 1939 withdrawing from further appropriation 0.034 acre-
 feet per annum of water for storage; of the waters of Sohram Draw
 County of Custer, State of South Dakota, at a point S. 15' E.,
4085 feet distant from the NE Cor. Sec. 8, T. 35., R. 1E.

for livestock, domestic, fish culture, 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 0.034 acre-feet
 per year is thereby appropriated for the above purposes bearing date of
 priority of October 16, 1939.

Witness my hand this 30th day of January, 1940.

 State Engineer.

WILL: RICAL NO. US 446Water Division No. 2Fall River**RECEIVED**
JAN 26 1940

CERTIFICATE OF EXAMINATION OF WORKS

Report of Examining Engineer

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.Date January 16, 1940By M. E. Von SaggernThomas No. 5 Reservoir
Project Name and NumberSchrau 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. 5 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 446 issued upon Notice of Intention bearing date October 13, 1939, authorizing the withdrawal from further appropriation of 0.034 acre feet, or second feet of the waters of Schrau 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 & Log Foundation Earth
 Size: Max. Length 20 Ft Maximum height to spillway flow line 3.0 Ft Freeboard 0
 Section: Upstream slope Vert.
 Downstream slope 1:1
 Top width 6 Ft
 Yardage (Approx.) 13 Cu Yds.
 Reservoir: Area Normal Pool Level 0.007 acres
 Capacity 0.013 acre feet
 Nature of Shore line Rocky
 Spillway: Type None. Location _____
 Width _____ Depth _____
 Capacity _____ cubic feet per sec.
 Outlet: Size None. Control _____
 Location _____
 Ditches: Open Earth _____ Open rock _____
 Pipe _____ Length _____
 Section _____ Capacity _____
 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 S. 79° 15' E. 4065
feet distant from the NE Corner of Section 8 Township 3 S
Range. 1 E

The works are capable of utilizing 0.034 acre-foot of water
annually or second-foot 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. 19 40.

M. E. Van Leeghem
Examining Engineer

LETTER OF AUTHORIZATION
for
InspectionM. E. Von SeggernCuster, South DakotaNovember 17, 1939Thomas No. 5 ReservoirName of Project
Water Division No. 2
Fall River Water District
Schram Draw
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 443, on Schram Reservoir (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 Thomas No. 5 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 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 446

FORM 17A

Thomas No. 5 ReservoirName of ProjectWater Division No. 2OFFICE OF STATE ENGINEER
PIERRE, S. DAK.
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. 5 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. F. 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. No. 440

Thomas No. 5 Reservoir
Name of Project

Water Division No. 2
Fall River Water District

Custer
County

Sohram 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 Sohram Draw, the annual amount of 0.034 acre-feet of water to maintain storage in Thomas No. 5 reservoir created by damming said stream at a point S. 79° 16' E., 4085

feet distant from the NE Corner of Section 8, Township 30, Range 1E. 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 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 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 16 1939
OFFICE OF THE STATE ENGINEER
PIERRE, S. DAK.

Thomas No. 5 Project
Reservoir.
at Harney 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 61.0137 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 _____

Thomas No. 5 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. 5 Reservoir.

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. Schram Draw.

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

canal or pipe line is located S 79° 15' E 4086 foot

distant from the NE Corner of Section 8 Township 3 S

Range. 1 E

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

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

9. The available capacity of reservoir in acre feet.

Ans. 0.013 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. 0.034 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. D. Cochran
Acting Regional Forester