

No. 48467-2

**Office of State Engineer  
DOCUMENT FILE**

Dept. Agr. Forest Service  
Aster Co

Priority: Oct. 16, 1939

Sec. 3, T 2 S. R 2 E

0.011 cu ft.

## CERTIFICATE OF CONSTRUCTION OF WORKS

and

APPROPRIATION

U. S. Water Right No. 467-2Wells Pipe Line  
Name of ProjectCuster 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 467 bearing date of Oct. 16, 1939 withdrawing from further appropriation a maximum of 0.011 cubic feet per second of water to be diverted through the Wells Pipe Line ditch, canal or pipe line at a point located on the bank Wells Spring N. 8 15' W. 880 feet distant from the SE Corner of Section 31 Township 2S Range 2E 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 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 0.011 cubic feet per second during the period of annually 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

WITHDRAWAL NO. US 467Water Division No. 2Fall River Water District

## CERTIFICATE OF EXAMINATION OF WORKS

Report of Examining Engineer

RECEIVED  
JAN 26 1940Date January 16, 1940By M. E. Von SeggernOFFICE OF STATE ENGINEER  
Pierre, S. DAK.  
Wells Pipe Line  
Project Name and NumberWells Spring  
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 reservoir, Wells 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 47 issued upon Notice of Intention bearing date October 12, 1939, authorizing the withdrawal from further appropriation of acre feet, or 0.011 second feet of the waters of Wells Spring, tributary of Gillette 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 Iron Pipe Length 100 Ft  
Section 1" Capacity 0.011 c.f.p.s.  
Location or as shown on plans   
Grade 3 Ft per 100 Ft.

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 8° 15' W 880  
feet distant from the SE Corner of Section 31 Township 2 S  
Range. 2 E

The works are capable of utilizing \_\_\_\_\_ acre-feet of water  
annually or 0.011 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, water for live  
stock, fire protection and irrigation.

The utilization for Public recreational, game and fish propagation and  
fire protection comprises \_\_\_\_\_

The project was completed Before August 29, 1939

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

M. E. V. Seeger  
Examining Engineer

LETTER OF AUTHORIZATION  
for  
Inspection

November 17, 1939

M. E. Von SeggernCuster, South DakotaWells Pipe Line  
Name of Project  
Water Division No. 2  
Fall River Water District  
Wells 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 467, on Wells 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, 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 467Wells Pipe Line

Name of Project

FORM 17A

RECEIVED  
NOV 1 1939Water Division No. 2OFFICE OF STATE ENGINEER  
Fall River Water District

## NOTICE OF COMPLETION OF WORKS

P.O. Denver, Colorado,Date October 28, 1939.

TO THE STATE ENGINEER OF SOUTH DAKOTA, PIERRE:

Dear Sir: Notice is hereby given of the completion of the construction of reservoir,

Wells 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 SE  $\frac{1}{4}$  of Section, 31, Township 2S., 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 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. 467

Wells Pipe Line

Name of Project

Water Division No. 2

Fall River Water District

CusterWells Spring

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 \_\_\_\_\_ a maximum of 0.011 cubic feet per second to be diverted through the Wells Pipe Line ditch, canal or pipe line at a point located on the \_\_\_\_\_ bank \_\_\_\_\_

\_\_\_\_\_ N. 8 15' W. \_\_\_\_\_ SPO  
feet distant from the \_\_\_\_\_ SE Corner of Section \_\_\_\_\_ 31, Township 2 S. Range \_\_\_\_\_ 2E. for the purpose of \_\_\_\_\_

Live-stock, Domestic, Fire Protection and 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 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  
1939

OFFICE OF THE STATE ENGINEER  
PIERRE, S. DAK.

Wells  
Pipe Line Project  
Harney Forest  
South Dakota

Denver, Colorado.

October 12, 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 \_\_\_\_\_

\_\_\_\_\_ Reservoir, or to satisfy the requirements of the  
\_\_\_\_\_ Wells 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. Wells 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. Wells Spring.

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

canal or pipe line is located N 8° 15' W 880 foot

distant from the SE Corner of Section 31 Township 2 S

Range. 2 E.

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

Ans. Livestock, Domestic, Fire Protection, and Irrigation.

9. The available capacity of reservoir in acre feet.

Ans.

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

Ans. 0.011 C. F. P. S.

11. Acre feet 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. 0.011 C. F. P. S.

13. Location of lands to be irrigated.

Ans.

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

Ans. 1" iron pipe 100 feet long, grade 3 feet per 100 feet.

*H. L. Cashman*  
Acting Regional Forester