

No. 11477-2

Office of State Engineer
DOCUMENT FILE

Dept. Agric. Forest Service

Pennington Co

Priority, Oct 16, 1935

See 17, T. 1 S. R. 4 E

1.04 acre

CERTIFICATE OF CONSTRUCTION OF WORKS
and
APPROPRIATION

U. S. Water Right No. 477-2

Upper Newton Fork Reservoir
Name of Project

Battle Creek 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 477 bearing date of
October 16, 1939 withdrawing from further appropriation 1.04 acre-
feet per annum of water for storage; of the waters of Newton Fork Creek,
County of Pennington, State of South Dakota, at a point N. 38 30' E.,
940 feet distant from the W. Cor. Sec. 17, T. 1 S., R. 4 E.
for domestic, livestock, 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 1.01 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.

WITHDRAWAL NO. US 477Water Division No. 2Battle Creek Water District

CERTIFICATE OF EXAMINATION OF WORKS

Report of Examining Engineer

RECEIVED
JAN 23 1940Date January 17, 1940By W. E. Von SeggernOFFICE OF STATE ENGINEER
Upper Newton Fork Reservoir
Project Name and NumberNewton Fork Creek
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 24 1939 I have made a thorough examination of Upper Newton Fork 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 477 issued upon Notice of Intention bearing date October 12 1939 authorizing the withdrawal from further appropriation of 1.04 acre feet, or second feet of the waters of Newton Fork Creek, tributary of Spring Creek 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 85 Ft Maximum height to spillway flow line 5 Ft Freeboard 4.5 Ft
 Section: Upstream slope 2:1
 Downstream slope 2:1
 Top width 4 Ft
 Yardage (Approx.) 370 Cu Yds.
 Reservoir: Area Normal Pool Level 0.2 acres
 Capacity 0.44 acre foot
 Nature of Shore line Grassy
 Spillway: Type Bubble Channel Location Right End
 Width 15 Ft Depth 2 Ft
 Capacity 70 cubic feet per sec.
 Outlet: Size _____ 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 N 38° 30' E 940 feet distant from the W_{1/2} Corner of Section 17 Township 1 S Range. 4 E

The works are capable of utilizing 1.04 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 1934

Witness my hand, this 17th day of January A.D. 19 40.

M. E. Von Lyden
Examining Engineer

Profile Centerline Spillway

Station
Fall

0 + 00
0.0

0 + 50
-1.0

1 + 10
-5.0

LETTER OF AUTHORIZATION
for
Inspection

November 24, 1939

M. E. Von SeggernCuster, South DakotaUpper Newton Fork Reservoir
Name of Project
Water Division No. 2
Battle Creek Water District
Newton Fork Creek
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, 1933 Revised Code of South Dakota and identified as Withdrawal No. US 477, on Newton Fork Creek (stream) County of Pennington 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 Upper Newton Fork 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.

WITHDRAWALS No. US 47Upper Newton Fork Reservoir
Name of ProjectRECEIVED
NOV 11 1939Water Division No. 2Pierre Area Water District
PIERRE, S. DAK.

NOTICE OF COMPLETION OF WORKS

P.O. Denver, Colorado,Date November 9, 1939.

TO THE STATE ENGINEER OF SOUTH DAKOTA, PIERRE:

Dear Sir: Notice is hereby given of the completion of the construction of Upper Newton Fork 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 NW 1/4 of Section, 17, Township 1 S., Range 4 E.
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
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. 477

Upper Newton Fork Reservoir
Name of Project
Fennington
County

Water Division No. 2
Battle Creek Water District
Newton Fork Creek
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 Newton Fork Creek, the annual amount of 1.04 acre-feet of water to maintain storage in Upper Newton Fork reservoir created by damming said stream at a point N. 35 30' E., 940 feet distant from the W₁ Corner of Section 17, Township 18, 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 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 1938

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 STATE ENGINEER
PIERRE, S. DAK.

Upper Newton Fork
Reservoir 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 _____

Upper Newton Fork Reservoir, or to _____ by 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. Upper Newton Fork 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. Newton Fork Creek.

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

canal or pipe line is located N 38° 30' E 940 foot

distant from the W₁ Corner of Section 17 Township 1 S.

4 E. Range.

(7) 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. 0.44 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. 1.04 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.

H. D. Cochran
Acting Regional Forester