

No. *44505-2*

Office of State Engineer
DOCUMENT FILE

Dept. Agri. - Forest Service
Bureau Co.

Priority: Oct 27, 1939

Gen. L. T. K. at

1.1. accept.

Bennett Canyon

CERTIFICATE OF CONSTRUCTION OF WORKS

and

APPROPRIATION

U. S. Water Right No. 505-2

Montgomery Crib Reservoir
Name of Project

Full 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 505 bearing date of October 27, 1939 withdrawing from further appropriation 1.15 acre-feet per annum of water for storage; of the waters of Donnell Canyon Stream, County of Custer, State of South Dakota, at Point N. 5 45' E., 1040 feet distant from the S. Cor. Sec. 19, T. 6S., R. 2E. for domestic, livestock, fish culture, fire protection, & irrigation 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 information filed in the office of the State Engineer, and 1.15 acre-feet per year is thereby appropriated for the above purposes bearing date of priority of October 27, 1939.

Witness my hand this 21st day of January 1940.

State Engineer.

WITHDRAWAL NO. US 505Water Division No. 2Fall River Water District

CERTIFICATE OF EXAMINATION OF WORKS

Report of Examining Engineer

Date January 18, 1940
By M. E. Von SoggenSTATE ENGINEER
PIERRE, S. DAK.Project Name and Number
Montgomery Crib ReservoirBennett Canyon
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 Montgomery Crib 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 505 issued upon Notice of Intention bearing date October 25 1935, authorizing the withdrawal from further appropriation of 1.15 acre feet, or second feet of the waters of Bennett Canyon, tributary of Piss Creek for Livestock, fish culture, domestic, fire protection, irrigation, and 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 130 ft. Maximum height to spillway flow line 4.5 ft. Freeboard 1.5 ft.
Section: Upstream slope 2½:1
Downstream slope 2:1
Top width 5 ft.
Yardage (Approx.) 310 cu. yds.
Reservoir: Area Normal Pool Level 0.22 acres
Capacity 0.49 acre feet
Nature of Shore line crassy
Spillway: Type earth channel Location left end
Width 12 ft. Depth 2 ft.
Capacity 90 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 N. 5° 45' W. 1040 feet distant from the 3 $\frac{1}{4}$ Corner of Section 19 Township 6 S Range. 2E

The works are capable of utilizing 1.15 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 and water for livestock

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

The project was completed 1934

Witness my hand, this 15th day of January A.D. 19 40.

M. E. Von Sagen
Examining Engineer

Profile Centerline	Spillway	
Station	<u>0 + 00</u>	<u>0 + 40</u>
Fall	<u>0.0</u>	<u>-1.5</u>

LETTER OF AUTHORIZATION
for
InspectionNovember 24, 1939M. E. Von SengerMontgomery Crib Reservoir
Name of Project

Water Division No. 2

Fall River Water District

Bennett CanyonSource of Appropriation
(Stream)Gustor, South Dakota

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. 113 505, on Bennett Canyon (stream) County of Gustor on the Horney 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 Montgomery Crib reservoir, ditch, or pipe line constructed and owned by the United States of America, Department of Agriculture, Forest Service, on the Horney 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.

FORM 17A

FORM 17A

WITHDRAWALS No. US 5-5
Montgomery Crib Reservoir
Name of Project

Water Division No. 2

Fall River Water District

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 Montgomery Crib 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 SW $\frac{1}{4}$ of Section, 19, Township 6S., Range 2E.
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.

RECEIVED
NOV 10 1939

OFFICE OF THE
ENGINEER

James L. Brocklee
JAMES L. BROCKLEE
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. 505

Montgomery Crib Reservoir
Name of Project

Water Division No. 2
Fall River Water District
Montgomery Canyon
Source of Appropriation - Stream

Custer
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 heretofore:

This is to certify that there is hereby reserved, of the heretofore unappropriated waters of Montgomery Canyon, the annual amount of 1.15 acre-foot of water to maintain storage in Montgomery Crib reservoir created by damming said stream at a point N. 5 45' E., 1040 feet distant from the SE Corner of Section 10, Township 62 Range 2E. 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 right 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 27th 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

Denver, Colorado.

October 25, 1939.

Date

Montgomery Crib Resv. Project

Hainey National Forest
South Dakota

Notice of Intencion 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 _____

Montgomery Crib 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. Montgomery Crib Reservoir

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

Ans. Custer

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

Ans. Bennett Canyon

7. The outlet of the reservoir or the point of diversion of ditch,
canal or pipe line is located N. 5° 45' W. 1040 feet

distant from the S $\frac{1}{2}$ Corner of Section 19 Township 6S.
Range, 2E.

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

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

9. The available capacity of reservoir in acre feet.

Ans. 0.49 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. 1.15 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

Clifford Smith
Acting Regional Forester