

No. *US 548-2*

**Office of State Engineer  
DOCUMENT FILE**

*Dept. Agr. - Forest Service*

*9.6 av. ft.*

*Serial, T. N. R3E*

Form 24A

CERTIFICATE OF CONSTRUCTION OF WORKS

and

APPROPRIATION

U. S. Water Right No. 548-2

Kimney Canyon No. 2 Dam and Weir  
Name of Project

Lapid 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 548 bearing date of May 25, 1940 withdrawing from further appropriation 9.6 acre-feet per annum of water for storage; of the waters of Kimney Canyon Stream, County of Pennington, State of South Dakota, at a point S. 66 15' E., 861 ft. distant from the N. E. Cor. Sec. 21 T.1N., R.3E. for livestock, domestic, fire protection, irrigation, fish culture, recreation. 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 9.6 acre-feet per year is thereby appropriated for the above purposes bearing date of priority of May 25, 1940

Witness my hand this 2nd day of December 1940.

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

WITHDRAWAL NO. U.S. 548Water Division No. 2Rapid Creek Water District

## CERTIFICATE OF EXAMINATION OF WORKS

Report of Examining Engineer

RECEIVED  
NOV 22 1940Date October 9, 1940  
By E. E. Von SeggernOFFICE OF STATE ENGINEER  
PIERRE, S. DAK.  
Kinney Canyon No. 2 Reservoir  
Project Name and NumberKinney 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 September 20 1940, I have made a thorough examination of Kinney Canyon No. 2 Reservoir 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 548 issued upon Notice of Intention bearing date May 22 1940, authorizing the withdrawal from further appropriation of 9.6 acre feet, or second feet of the waters of Kinney Canyon, tributary of Castle Creek for livestock, fish culture, domestic, fire protection, recreation and irrigation 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 157' Maximum height to spillway flow line 11' Fr. board 2'  
 Section: Upstream slope 2:1  
 Downstream slope 1 1/2:1  
 Top width 6'  
 Yardage (Approx.) 84 cu. yds.  
 Reservoir: Area Normal Pool Level 1. acres  
 Capacity 6. acre feet  
 Nature of Shore line Grassy and flat slope

Spillway: Type Open channel rock lined Location Right end  
 Width 16' Depth 2'  
 Capacity 150 cubic feet per sec.  
 Outlet: Size CYP 12" Control Flash boards  
 Location 70' from east end dam

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. 66° 15' E. 881 feet distant from the N $\frac{1}{2}$  Corner of Section 21 Township 1 N. Range. 3 E.

The works are capable of utilizing 9.6 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, fire protection and irrigation.

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 1936

Witness my hand, this 9th day of October A.D. 19 40.

M. E. Donaghy  
Examining Engineer

|                           |                                 |  |  |  |
|---------------------------|---------------------------------|--|--|--|
| Profile Centerline S      | ay                              |  |  |  |
| Station 0 plus 00, 0 plus | 1 plus 00, 2 plus 00, 2 plus 65 |  |  |  |
| Fall 0.0 0.6 1.8 5.9 10.0 |                                 |  |  |  |

LETTER OF AUTHORIZATION  
for  
Inspection

September 20, 1934

W. E. Von Sapporn

Custer, South Dakota

Kinney Canyon No. 2 Reservoir  
Name of Project  
Water Division No. 2  
Lapid Creek Water District  
Kinney Canyon  
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. U.S. 548, on Kinney Canyon (stream) County of Pennington on the Black Hills 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 Kinney Canyon No. 2 Reservoir reservoir, ditch, or pipe line constructed and owned by the United States of America, Department of Agriculture, Forest Service, on the Black Hills 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.

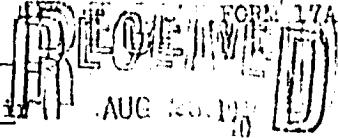
Very truly yours,

State Engineer.

FORM 17A

WITHDRAWALS No. US 548

Kinney Canyon No. 2 Reservoir  
Name of Project



Water Division No. 2

OFFICE OF STATE ENGINEER  
PIERRE S. DALLER  
Rapid Creek S. Dak. District

NOTICE OF COMPLETION OF WORKS

P.O. Denver, Colorado,

Date August 20, 1940.

TO THE STATE ENGINEER OF SOUTH DAKOTA, PIERRE:

Dear Sir: Notice is hereby given of the completion of the construction of Kinney Canyon No. 2 reservoir, ditch, or pipe line constructed and owned by the United States of America, Department of Agriculture, Forest Service on the Black Hills 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 1/4 of Section, 21, Township 1 N, Range 3 E.
4. Said water to be used for Livestock, fish culture domestic, fire protection, recreation, 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. 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  
Assistant Regional Forester  
Division of Engineering  
*Carl A. Gould* acting

FORM A

CERTIFICATE OF WITHDRAWAL  
of  
WATER FOR APPROPRIATION  
to the  
UNITED STATES OF AMERICA  
DEPARTMENT OF AGRICULTURE  
FOREST SERVICE.

U. S. 513

Kinney Canyon #2 Reservoir

Name of Project

Pennington

County

Water Division No.2

Lapid Creek Water District

Kinney Canyon

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 Kinney Canyon, the annual amount of 9.6 acre-feet of water to maintain storage in Kinney Canyon No.2 reservoir created by damming said stream at a point

S. 34 15' E., 881  
feet distant from the NE Corner of Section 21, Township 15  
Range 3E. The purpose of such storage is livestock, fish

game, fire protection, recreation and irrigation

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 28th day of May 1934.

State Engineer

E  
WATER RESOUR  
Water Rights

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

RECEIVED  
MAY 25 1940

OFFICE OF STATE ENGINEER  
PIERRE, S. DAK.

Kinney Canyon #2 Reservoir Project.

Denver, Colorado.

Black Hills Forest  
South Dakota

May 22, 1940.  
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 \_\_\_\_\_

Kinney Canyon #2 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. Kinney Canyon #2 Reservoir.

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

Ans. Pennington.

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

Ans. Kinney Canyon. Tributary Castle Creek.

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

canal or pipe line is located S66° 15'E 881 feet

distant from the N $\frac{1}{2}$  Corner of Section 21 Township 1N  
Range. 3E.

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

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

9. The available capacity of reservoir in acre feet.

Ans. 6.6 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. 9.6 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.

*G. Stahl*  
Acting Regional Forester