

No.

US 557-2

Office of State Engineer  
DOCUMENT FILE

Dept. Agr. Forest Service

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Rev. 16, 77 S. 1535

Form 24A

CERTIFICATE OF CONSTRUCTION OF WORKS

and

APPROPRIATION

U. S. Water Right No. 557-2

Lay 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 557 bearing date of  
August 23, 1940 withdrawing from further appropriation 0.2 acre-  
feet per annum of water for storage; of the waters of Dry Gulch,  
County of Fall River, State of South Dakota, at a point S. 10 4' W.,  
1393 ft. distant from the SW Cor. Sec. 16 T.7S., R.3E.  
for domestic, livestock, fire protection, recreation, fish culture <sup>irrigation</sup> 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 0.2 acre-foot  
per year is thereby appropriated for the above purposes bearing date of  
priority of August 23, 1940

Witness my hand this 27th day of November 1940

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

WITHDRAWAL NO. US 557Water Division No. 2Fall River Water District

## CERTIFICATE OF EXAMINATION OF WORKS

Report of Examining Engineer

Date November 22, 1940By M. E. Von SeggernFay Reservoir

Project Name and Number

Dry GulchSource of Appropriation  
(Stream)

To the State Engineer, Pierre, South Dakota:

Dear Sir: I hereby certify that in accordance with your letter of authorization dated October 10, 1940, I have made a thorough examination of Fay reservoir, dry 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 557 issued upon Notice of Intention bearing date August 19, 1940, authorizing the withdrawal from further appropriation of 0.2 acre foot, or second feet of the waters of Dry Gulch, tributary of Red Canyon 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                         | <u>Earth</u>                     | Foundation                           | <u>Earth</u>    |
| Size: Max. Length                 | <u>55'</u>                       | Maximum height to spillway flow line | <u>6.0'</u>     |
| Section: Upstream slope           | <u>3:1</u>                       | Freeboard                            | <u>1.5'</u>     |
| Downstream slope                  | <u>1 1/2:1</u>                   |                                      |                 |
| Top width                         | <u>10'</u>                       |                                      |                 |
| Yardage (Approx.)                 | <u>270 cu. yds.</u>              |                                      |                 |
| Reservoir: Area Normal Pool Level | <u>0.03</u>                      | acres                                |                 |
| Capacity                          | <u>0.11</u>                      | acre foot                            |                 |
| Nature of Shore line              | <u>Grassy and steep</u>          |                                      |                 |
| Spillway: Type                    | <u>Open channel rock baffles</u> | Location                             | <u>Left end</u> |
| Width                             | <u>10'</u>                       | Depth                                | <u>1.5'</u>     |
| Capacity                          | <u>61</u>                        | cubic feet per sec.                  |                 |
| Outlet: Size                      | <u>None</u>                      | 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. 18° 4' W., 1393 feet distant from the SW Corner of Section 16 Township 7 S. Range. 3 E.

The works are capable of utilizing 0.2 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 June 24, 1935

Witness my hand, this 22nd day of November A.D. 1940.

M. E. Von Senger  
Examining Engineer

Profile Centerline Spillway  
Station 0+00 0+50 0+95 1+22  
Fall 0.0 1.0 1.8 9.9

LETTER OF AUTHORIZATION  
for  
Inspection

Custer IC, 193/40

M. E. Von SengerCuster, South DakotaMay Reservoir  
Name of Project  
Water Division No. 2  
Fall River Water District  
Dry Gulch  
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 557, on Dry Gulch (stream) County of Fall River on the Harnoy 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 dry reservoir, ditch, or pipe line constructed and owned by the United States of America, Department of Agriculture, Forest Service, on the Harnoy 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. U.S. 557Fay Reservoir

Name of Project

Water Division No. 2

OFFICE OF STATE ENGINEER  
 PIERRE, S. DAK.  
Fall River Water District

## NOTICE OF COMPLETION OF WORKS

P.O. Denver ColoradoDate October 8, 1940

TO THE STATE ENGINEER OF SOUTH DAKOTA, PIERRE:

Dear Sir: Notice is hereby given of the completion of the construction of Fay 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, 20, Township 7 S., Range 3 E.
4. Said water to be used for livestock, fish culture, domestic, fire protection, recreation and 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 Senger.
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. 557

Fay Reservoir  
Name of Project  
Fall River  
County

Water Division No. 2  
Fall River Water District  
Dry Gulch  
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 Dry Gulch, the annual amount of 0.2 acre-foot of water to maintain storage in Fay Reservoir reservoir created by damming said stream at a point S. 18 - 4'W., 1393 feet distant from the SW Corner of Section 16, Township 7S Range 3E. The purpose of such storage is livestock, fish culture, domestic, 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 23rd day of August 1940.

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

B  
WATER RESOURCES  
Water Rights

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

RECEIVED  
AUG 22 1940

OFFICE OF STATE ENGINEER  
PIERRE, S. DAK.

Fay Reservoir Project

Harney National Forest  
South Dakota

Denver, Colorado.

August 19, 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 unap. of the public waters of the State of South Dakota in an amount sufficient to maintain storage in \_\_\_\_\_

Fay 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. Fay Reservoir

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

Ans. Fall River

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

Ans. Dry Gulch - tributary of Red Canyon

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

canal or pipe line is located S18°41' W 1393 feet  
distant from the SW Corner of Section 16 Township 7S  
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. .11 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. .2 acre feet

12. Cubic feet of water per second to be appropriated for direct diversion by ditch, canal, or pipeline.

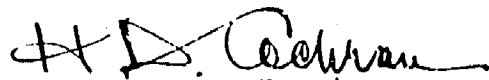
Ans.

13. Location of lands to be irrigated.

Ans.

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

Ans. Standard plans

  
Acting Regional Forester