

No. *U. S. 596-2*

**Office of State Engineer
DOCUMENT FILE**

*U. S. Dept. of Interior
National Park Service*

*Mount Rushmore Water System
Pennington County*

Map No 364-2

Form 23 A

WITHDRAWAL NO. U.S. 596-2

Water Division No. 2

Battle Creek Water District

CERTIFICATE OF EXAMINATION OF WORKS

Report of Examining Engineer

Date July 11, 1949
By William E. Robertson, Regional Engr.

Mount Rushmore Water System, No. U.S. 596-2
Project Name and Number

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 June 13, 1949, I have made a thorough examination of the Mount Rushmore Water System, originally constructed by the Mount Rushmore National Memorial Commission but now under the jurisdiction of the United States of America, National Park Service, holder of withdrawal No. 596-2, issued upon Notice of Intention bearing date May 23, 1949, authorizing the withdrawal from further appropriation of acre feet, or 0.03 second feet of the waters of an unnamed spring area in Pennington County, South Dakota, tributary to the Cheyenne River, through Battle Creek and its unnamed tributaries for domestic, recreational, and fire protection purposes.

I have to report on the condition of the same as follows:

The impounded and diversion works comprise:

Dam: None.

Diversion: Water is collected at spring wells and conveyed to a concrete collecting reservoir of 33,500 gallons capacity by 185 feet of 4" cast iron pipe. The water is then pumped from the collecting reservoir by an Egersoll-Rand pump of 50 gpm. capacity, driven by a 15 H.P. electric motor through 2,200 feet of 2" steel pipe and 460 feet of 3" steel pipe to a distribution reservoir. Distribution to activities in the area is by means of 2" steel pipe from the 3" steel pipe pump line.

Storage Reservoir: The storage reservoir is of concrete with a capacity of 36,500 gallons.

The system is in the following condition: Good.

The point of diversion from the spring is at a point from which the S¹ corner of Section 7, T. 2S, R. 6E B.M. bears S. 60° 55'E, 787 feet.

The works are capable of utilizing the claimed 0.03 second feet of water.

The utilization for public recreation, domestic use, and fire protection comprises at the present time:

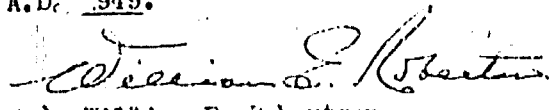
1. Water service to three residences.

2. Water service to two small dormitories housing approximately 25 people.
3. Water service to a dining room and fountain serving the public.
(See note below for 1948 travel*).
4. Water service to two public comfort stations.
5. Fire protection and fluctuating water demands are provided by the 36,500 gallon storage reservoir.

The project was completed in October 1938.

*NOTE: Public travel to the area in 1948 was approximately 600,000 persons. In each of the months of July and August of that year approximately 170,000 persons visited the area.

WITNESS my hand, this 11th day of July, A.D. 1949.


(Sgd.) William E. Robertson
Examining Engineer.

CERTIFICATE OF WITHDRAWAL OF

WATER FOR APPROPRIATION

No. W.S. 596-2

TO

UNITED STATES DEPARTMENT OF the Interior
BUREAU OF National Park Service

Panmington COUNTY

Mount Rushmore Spring
Name of Stream

The Associate Director A. E. Duparney, National Park Service

having made application for the withdrawal of certain heretofore unappropriated public waters of the State of South Dakota, and having complied with the requirements of the statute of the State of South Dakota providing for such withdrawal, such statute and authority being contained in and described as Vol. 2, Chapter 2, Article 1, Paragraph 2243 of the Revised Code of 1912, now therefore:

// This is to certify that there is hereby reserved, of the heretofore unappropriated waters of Mount Rushmore Spring the annual amount of entire available flow across foot of water to be diverted at a maximum rate of cubic foot per second of water: the point of diversion to be on the back a distance of 787 feet N60°55'W degrees from the N¹ Cor. of Section 18, Twp. 2 South, Range 6 East, which water is to be used for the irrigation of certain lands in parts of the, domestic, recreational and fire protection purposes, as the main water supply for Mount Rushmore National Memorial and the above said water is hereby withdrawn from future appropriation during the continuance of the right herein granted and contained.

This certificate and withdrawal shall in no manner prejudice, alter, amend or effect the rights of any prior appropriator or prior appropriation of water, nor of any application for appropriation pending upon 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 statute heretofore referred to and under the authority of which this certificate is issued.

In accordance with the provisions of the statute heretofore referred to, this certificate is executed at the State Capitol at Pierre, South Dakota, this 11th day of June 1949 XXXX

DWL:RV

DEAN W. LOUCKS
State Engineer.

Form 23A

WITHDRAWAL NO. U.S. 596-2

Water Division No. 2

Battle Creek Water District

CERTIFICATE OF EXAMINATION OF WORKS

Report of Examining Engineer

Date _____
By: W.E. Robertson, Regional Engineer

Mount Rushmore Water System
Project Name and Number

To the State Engineer, Pierre, South Dakota:
Spring
Source of Appropriation
(Stream)

Dear Sir: I heroby certify that in accordance with your letter of authorization dated _____, 19____, I have made a thorough examination of _____ pipe line constructed by the United States of America, _____, holder of withdrawal No. _____ issued upon Notice of Intention bearing date _____ 19____, authorizing the withdrawal from further appropriation of _____ acre feet, or _____ second feet of the waters of _____ tributary of _____ for _____ 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 _____ Max. Height to spillway _____
Flow line _____ Freeboard _____
Section: _____ Up stream slope _____
Down stream slope _____
Top width _____
Yardage (Approx.) _____

Reservoir: Area Normal Pool Level _____ acres
Capacity _____
Nature of shore line _____

Spillway: Type _____ Location _____

Width _____ Depth _____
Capacity _____ cubic feet per second
Outlet: Size _____ Control _____
Location _____

Ditches: Open Earth _____ Open rock _____
Pipe _____ Length _____
Section _____ Capacity _____
Location or as shown on plans _____

LETTER OF AUTHORIZATION
for
Inspection

June 12, 1949 HDSK

W. E. Robertson, Regional Engineer
Region Two Office
307 Federal Office Building
Omaha 2, Nebraska

Mount Rushmore Water System
Name of Project

Spring
Source of Appropriation
(Stream)

Dear Sir:

The United States of America, ~~Department of Agriculture, Forest Service,~~ The Dept. of Interior, National Park 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. 596-2, on Spring (stream) County of Pennington ~~on the~~ 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 water supply and diversion works ~~reservoir,~~ ~~ditch, or pipe line~~ constructed and owned by the United States of America, Department of ~~Agriculture, Forest Service, on the~~ Interior, National Park Service ~~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,

DEAN W. LOUCKS
State Engineer.

DWL:RW

cc: A. S. Barrary, Associate Director

State of South Dakota

Office of
State Engineer
Pierre

June 14, 1949

XX/86

A. E. Demaray, Associate Director

U. S. Dept. of the Interior
National Park Service
Washington 25, D. C.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 25, 1949
enclosing notice of completion of works.

Mr. F. E. Robertson, Regional Engineer, 307 Federal Office Bldg., Omaha 2, Nebraska
has been authorized to make the inspection of the diversion of works constructed under authority of permit No. U.S. 596-2, on 190
In case you so desire the inspection to determine the amount of water applied to beneficial use will be made at the same time as that of the constructed work, by the same examining officer.

If, for any sufficient reason, it would be inconvenient or impossible for either yourself or the examining officer to be present at the place and date above specified, a more convenient date may be mutually agreed upon, provided that this office be notified of such action at least two weeks before the date thus set, and, provided, that the dates designated are not later than the dates named in the application for the completion of the works and the application of the water to beneficial use.

Yours very truly,

DWL:RW

DEAN W. LOUCKS,

State Engineer.



ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

WASHINGTON 25, D. C.

RECEIVED
MAY 2 1949
MAY 31 1949

Mr. Dean W. Loucks,
State Engineer,
Pierre, South Dakota.

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

My dear Mr. Loucks:

We enclose a notice of intention of the United States to use waters of the State of South Dakota at Mount Rushmore National Memorial, under Section 61.0137 of the South Dakota Code of 1939, together with the tracing and a print of the map of the water system which bears our drawing number NPKS-MR-6750.

As indicated in the notice, the water has been diverted and used for a number of years. Proofs, to complete the Federal withdrawal, can be made during this year. In this connection, it will simplify the matter of Federal payments if you can appoint W. E. Robertson, Regional Engineer at our Region Two Office, 307 Federal Office Building, Omaha 2, Nebraska, to make the engineering examination and report. Mr. Robertson has been in charge of the maintenance and plans for modification of the system.

For administrative reasons, we should like to have all other matters relating to this water right addressed to this Office.

Sincerely yours,

A. E. Demaray
A. E. Demaray,
Associate Director.

Enclosure 192.

May 23, 1949.

Notice of Intention of the United States to Use
Waters of the State of South Dakota Under
Section 61.0137 South Dakota Code of 1939

RECEIVED

MAY 31 1949

To the State Engineer of South Dakota:

OFFICE OF STATE ENGINEER

Notice is hereby given in accordance with Section 61.0137 of the South Dakota Code of 1939 that the United States of America has been using, and intends to continue to use certain specified waters of the State of South Dakota for beneficial purposes, as follows, to-wit:

The project is designated as the Mount Rushmore Water System.

The water is diverted and used on the Federal lands in Mount Rushmore National Memorial which was established on lands of the Harney National Forest in Pennington County, South Dakota, under the act of February 25, 1929 (45 Stat. 1300).

The Mount Rushmore National Memorial was placed under the administrative jurisdiction of the National Park Service, Department of the Interior, Washington 25, D. C., under the Reorganization Plan No. 11, which was prepared by the President pursuant to the Reorganization Act of 1939, approved April 3, 1939 (4 Fed. Reg. 2731; 53 Stat. 1431, 1435) and became effective on July 1, 1939.

All matters relating to this water right should be referred to the Director, National Park Service, Washington 25, D. C., where routine action will be handled by A. van V. Dunn, Chief, Water Resources Branch.

The source of water supply is a spring area tributary to the Cheyenne River through Battle Creek and its nameless tributaries, in Pennington County.

The spring area is located in the $SE\frac{1}{4}$ $SW\frac{1}{4}$ of Section 7, T. 2 S., R. 6 E., B.H.M., and the main diversion of water from said spring area is made at a point whence the $S\frac{1}{4}$ corner of Section 7, T. 2 S., R. 6 E., B.H.M., bears S. $60^{\circ}55'$ E. 787 feet.

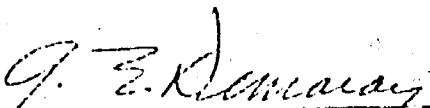
The water is collected at spring wells and conveyed to a concrete collecting reservoir of 33,500 gallon capacity by 185 feet of 4" C.I. pipe. The carrying capacity of said 4-inch pipe is far in excess of the available spring flow, which is approximately 0.03 cubic feet of water per second of time during normal years.

Water diversions and use were started by the Mount Rushmore National Memorial Commission, which was created by act of Congress on February 25, 1929 (45 Stat. 1300), during the year 1929.

The United States intends to use the entire flow available from said spring area for domestic, recreational, and fire protection purposes, as the main water supply for Mount Rushmore National Memorial, consisting of portions of Sections 7, 8, 17, 18, 19, 20, and 29, T. 2 S., R. 6 E., and Sections 12 and 13, T. 2 S., R. 5 E., B.H.M., in Pennington County, South Dakota.

Standard tracing and black line print of drawing No. NMEM-MR-6950, showing Water System, Mount Rushmore National Memorial, accompany this Notice of Intention.

Nothing herein shall be deemed to constitute a waiver or relinquishment by the United States of any rights, title, priority of use or other interest it may have in and to the waters of this spring area irrespective of the filing of this Notice.


Associate Director, National Park Service.

June 2, 1949

The Director
National Park Service
U. S. Dept. of the Interior
Washington 25, D. C.

Re: U.S. Withdrawal No. 596-2
Mount Rushmore Water System

Attn: A. E. Demaray
Associate Director

Gentlemen:

We wish to acknowledge receipt of a Notice of Intention of the United States to use waters of South Dakota at Mount Rushmore National Memorial as applied for under Sec. 61.0237 of the South Dakota Code of 1939. We also acknowledge receipt of a tracing and print of a map of the water system bearing your drawing No. NHPA-MR-6950.

I note that you say that the water has been diverted and used for a number of years and you are now ready to make the necessary proofs to complete the Federal Withdrawal. We will give the matter prompt attention.

Sincerely yours,

DEAN W. LOUCKS
State Engineer

DWL:kv

CERTIFICATE OF CONSTRUCTION OF WORKS

and

APPROPRIATION

U. S. Water Right No. 596-2Mount Rushmore Water SystemPennington County

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~~
National Park Service, has complied with the State Laws
 and has been issued a withdrawal No. 596-2 bearing date of June 11, 1949
 withdrawing from further appropriation a maximum of 0.03 cubic feet
 per second of water to be diverted through the Mount Rushmore Water System
~~ditch, -concrete~~ pipe line at a point located ~~on the~~ bank 787 feet
N 29° 05' N. of ~~-feet distant from the~~ SE 1/4 Corner of
 Section 7 Township 28 Range 6E for the purpose of public recreation,
domestic use and fire protection during the months of Jan. to Dec., Incl.
 has fully complied with the provisions of the laws of the State of South
 Dakota relating to completion of the works as set out and described in
 Section 61.0137, that said works are completed in accordance with informa-
 tion filed in the office of the State Engineer, and a maximum amount of
0.03 cubic feet per second during the period of continuous is
 thereby appropriated for the above purposes bearing date of priority of
June 11, 19 49.

Witness my hand this 19 day of July 1949.


 DEAN W. LOUCKS
 State Engineer

DWL:RV



45596-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

NOV 03 2008

Mt Rushmore National Memorial
% Gerard A Baker
13000 Hwy 244 Bldg 31 Suite 1
Keystone SD 57751

Dear Mr. Baker:

Enclosed is Water Permit No. 2588-2 authorizing your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

We will schedule an inspection so that the Water License may be issued to you, thus completing your acquisition of a Water Right.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

**SOUTH DAKOTA
WATER PERMIT NO. 2588-2**

Date of first receipt of application May 11, 2006.

Date of return to applicant for corrections, amendments or changes May 17, 2006.

Date of receipt of corrected application May 23, 2006.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2588-2 to Mt. Rushmore National Memorial, 13000 Hwy 244, Bldg 31, Suite 1, Keystone SD 57751 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 2588-2 appropriates an additional 0.07 cubic feet of water per second (cfs) and changes the location of the diversion point authorized by U.S. Withdrawal No. 596-2. U. S. Withdrawal No. 596-2 appropriates 0.03 cfs from Rushmore Spring located in the SE ¼ SW ¼ Section 7-T2S-R6E. This permit amends the diversion point from the spring to one existing well completed into the Precambrian aged Crystalline Rock Aquifer (200 feet deep) located in the SE ¼ SW ¼ Section 7-T2S-R6E. This permit also authorizes an additional 0.07 cfs for a total diversion from the well of 0.10 cfs (45 gallons per minute).
2. The water appropriated shall be used for the purpose of recreational and commercial use and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 2588-2 is September 5, 2006.
5. The date from which applicant may claim right is May 11, 2006.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

WATER MANAGEMENT BOARD

By: Garland Erbele

Garland Erbele, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

NOV 03 2006

date

