



WATER-RIGHT DOCKET

Mount Rushmore National Memorial

Docket No: 2

GRIZZLY BEAR SPRING

Preliminary Docket Information

03-28-1959: water right record; identification no. moru s180206af02

WATER RIGHT RECORD

Park: MORU

Docket Number:
Federal #2

IDENTIFICATION NO: MORU, S, 1, 8, 0, 2, 0, 6, A, F, 0, 2

DITCH/WATER SYSTEM: U. S. Forest Service - Grizzly Bear Creek Campground

SOURCE OF SUPPLY: Grizzly Bear Spring

LOCATION: NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 18, T2S, R6E, BHM, whence E $\frac{1}{2}$ Cor. of said Sec. 18
Bears N88°34'E 2218.3 ft.

WATER RIGHT:

Appropriator: United States of America, National Park Service

Application/Permit Number: 528-2

Certificate Record Number:

Date of Priority: March 28, 1959

Quantity of Water: 0.0088 c.f.s.

Purpose: Domestic and fire protection

Irrigated Land Description:

SUMMARY OF STATUS: This is a Federal water right consisting of a spring, collection basin, 6,000 gallon reservoir, pipe and distribution system.

March 27, 1959 - Notice of Intention

November 10, 1959 - Water License

Special Use Permit for the U. S. Forest Service - August, 1958.

MOUNT RUSHMORE NATIONAL MEMORIAL

Docket 2
Temporary Contents 5/21/59
(As filed in Washington)

PART I - Land Status

Part II - Water Rights

1. Proposed Collecting System - $8\frac{1}{2}$ X 13 - Scale $\frac{1}{2}$ " = 1'
(Apeco copy from thermofax copy)
2. Water right plat for Grizzly Bear Spring - as signed
April 8, 1958.
- A- 3. Grizzly Bear Campground Water System (paper tracing -
plan and profile)
4. Draft of Application for permit (as received with
Mott memo 5/29/58, with penned addition of 7/7/58 by Dunn)
- B- 5. Drawing NMEM-MR-2044 (same as II-2, with revisions
and signed statement by Wm. A. Mott)
- C- 6. Collecting system plat for Grizzly Bear Spring (about
22" X 22", received with memo of May 7, 1959, from
Wm. A. Mott)
- D- 7. Notice of intention to the Water Resources Commission,
signed by Superintendent, as submitted with copy of
Superintendent's letter of transmittal to Chief, State
Water Resources Commission of March 26, 1959
- E - 8. Forest Service letter of April 24, 1959, giving cost
estimate of \$5,835.27

Part III- Permissive Use

- A- Special Use Permit MORU-1-58 of November 8, 1958
to U. S. Forest Service

Form No. 21

Permit No.

Water Division No. 2 Battle Creek Water District

Certificate of Examination of Works

Report of Examining Engineer

To the State Water Resources Commission, Pierre, South Dakota:

Dear Sirs: I hereby certify that in accordance with your letter of authorization dated August 28 1959, I have this day made a thorough examination of the diversion works constructed by United States of America for National Park Service, of Keystone Pennington County, South Dakota, holder of Permit No., issued upon Application No. 326-2, bearing date of priority of March 26, 1959, authorizing the diversion of .0088 cu. ft. per second of the waters of Grizzly Bear Spring for Domestic & Fire Protection purposes. I have to report on the condition of the same as follows:

The diversion works comprise: A concrete collector basin, collecting the flow from three infiltration laterals that are set 18" below ground surface, and encased in 8" gravel pack. Total length of infiltration equals about 50 linear feet. Collector basin is 1' x 3' x 3' outside dimensions and is equipped with a valved 12" drain pipe. A 1" plastic pipe connects the collector basin to a 6,000-gal. reservoir - pipe length 1016'. A 2" plastic pipe connects the reservoir to the distribution system in the campground - pipe length 879'. System delivers water to eight hydrants. Construction of the system was completed May 15, 1959.

and the system is in the following condition: Entire system is in very good condition, functioning efficiently, and is protected from molestation and pollution by people.

The point of diversion is located in NW 1/4, Sec. 18, T 25, R 6 E, NW 1/4 corner, sec. 18 bears N 88° 34' E, 2218.3 feet.

The works are capable of diverting and conveying to the place of use .0258 cu. ft. per second of water, which is to be used for domestic and fire protection at Grizzly Bear Creek Campground.

The legal sub-divisions to be irrigated are: none

comprising a total of none acres of land.

The domestic use intended comprises Domestic use by tourists at Grizzly Bear Creek Campground.

The utilization for power, mining, or other beneficial uses comprises: none

Witness my hand, this 19th day of September, A. D. 1959.

—SEAL—

Examining Engineer.
Hydraulic Engineer - Region Two
National Park Service

Permit No.-----

Water Div. No.----- Water Dist.

**Certificate of Examination
of Works**

Dated ----- 19-----

Stream -----

County -----

Amount ----- c. f. s.

Date of Priority -----

Recorded in Book ----- Page -----

Filed in the office of the State Water Resources Commission

this ----- day of ----- A. D., 19-----

State Water Resources Commission

By:

Chief Engineer, Executive Officer

528-2.

COMMISSION
A. E. Munch, Pierre,
Chairman
Kenneth C. Keller, Lead,
Secretary
James Rieger, Brookings
Carl Cronin, Gettysburg
Lawren A. Davis, Belle Fourche
Stephen E. Farris, Vermillion
Walt Taylor, Rapid City



RECEIVED
REGION TWO OFFICE
SOUTH DAKOTA
State Water Resources Commission

J. W. GRIMES, CHIEF ENGINEER AND EXECUTIVE OFFICER
STATE OFFICE BUILDING
PIERRE, SOUTH DAKOTA
November 10, 1959

Not 8/2/60

Mr. W. Leon Evans, Superintendent
Mount Rushmore National Memorial
Keystone, South Dakota

Docket #2

Ref: L-54

Dear Mr. Evans:

Enclosed herewith are a Certificate of Completion of Works, Water License No. 528-2, and Receipt No. 2-644 in the amount of \$2.00 for fees which you have paid for issuing these documents and inspecting your irrigation works.

These documents represent the completion of your application for a water right, which was received March 28, 1959.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water.

Sincerely,

J. W. GRIMES
Chief Engineer

LW:ls
Enc: 3

Form 13—Notification of Recording Fees on Approval of Application

No. 528-2

STATE OF SOUTH DAKOTA

Office of
WATER RESOURCES COMMISSION
Pierre, S. D.

June 23, 1959

Mr. W. Leon Evans, Superintendent
Mount Rushmore National Memorial
Keystone, South Dakota

Dear Mr. Evans:

You are hereby notified that your application No. 528-2 for a permit to appropriate water from Grizzly Bear Spring through the Water System has been duly examined, that notice of your intention has been duly published, and that the matter was taken up by the State Water Resources Commission at their office on June 17, 1959, and no objections were received in connection with same and that it has now been approved and is being held for recording subject to the payment of \$ 2.35 as fee for recording the same. Upon receipt of this amount, which should be within thirty days from the date of this notice, the permit will be recorded as soon as practical, in regular order, and the permit forwarded to you.

Very respectfully,

Form 14

id-2007959

State Water Resources Commission

By: /s/ Les Wyborny

~~Chief Engineer, Bureau of Reclamation~~
Les Wyborny, Water Rights Engineer

R E C E I P T

WATER RESOURCES COMMISSION
State of South Dakota

PIERRE, July 29, 19...

RECEIVED OF Leon Evans
the following amount in fees for services rendered as provided for by law:

Fee for examination of Application No.		
Fee for recording 528-2	2	00
Fee for filing		
Fee for issuing Water License No.		
Fee for certified copy of		
Fee for issuing Certificate No.		
Fee for filing Location Notice, Dry Draw No.		
.....		
Fee for		
.....		
TOTAL	2	00

WATER RESOURCES COMMISSION

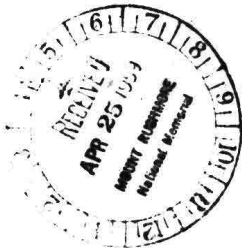
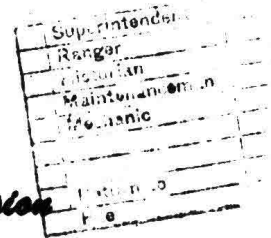
2 497

By J. W. GRIMES, Chief Engineer, Executive Officer

28-2

COMMISSION

Carl Croft, Gettysburg
Kenneth C. Keller, Lead
Lauren A. Davis, Belle Fourche
John Sutton, Ouel's
John McLean, Wahpeton
Emanuel Bierwagen, Millerville
E. M. Brady, Mitchell



SOUTH DAKOTA
State Water Resources Commission

J. W. GRIMES, CHIEF ENGINEER AND EXECUTIVE OFFICER
STATE OFFICE BUILDING

PIERRE, SOUTH DAKOTA

April 23, 1959

Mr. W. Leon Evans, Superintendent
Mount Rushmore National Monument
Keystone, South Dakota

Dear Mr. Evans:

Your application dated March 27, 1959 for a permit to appropriate water from Grizzly Bear Spring through the Grizzly Bear Spring Water System was received March 28, 1959 and has been duly filed under the temporary number of 528-2.

I am enclosing two copies of our Application Form on which I have transposed the information as submitted in your Notice of Intention. Since our records and recording books are set up to use this form it would be very helpful to us if you would sign and return both copies. You will note that I entered the location of the point of diversion as bearing from the E $\frac{1}{2}$ Corner to the point instead of the point to the Corner. I also entered one year for completion of works instead of three months as you stated in your letter. This will allow a little additional time for small delays which may not be apparent at this time.

The statutes require that an examination fee of \$5.00 be paid prior to processing an application but in order to expedite the handling of your application, I am enclosing at this time the necessary advertising material. You will note that I entered the name of the Rapid City Daily Journal as the paper in which to publish your Intention to Appropriate Water. I took this initiative since you did not mention any specific paper in your letter. I hope that this will meet with your approval.

W. Leon Evans, Supt.

2

April 23, 1959

If you do not wish publication in the Journal, please notify them not to publish the Notice and advise me immediately.

Sincerely,

SIGNED

Les Wyborny
Water Rights Engineer

LW:ls
Enc's.

STATE OF SOUTH DAKOTA

Office of
WATER RESOURCES COMMISSION
Pierre, S. D.

April 23, 1959

Mr. W. Leon Evans, Supt.
Mount Rushmore National Memorial
Keystone, South Dakota

Dear Mr. Evans:

You are hereby notified that your ~~domestic use, fire protection~~
~~public recreation and~~
~~restaurant~~ application No. 528-2 for a
permit to appropriate water from Grizzly Bear Spring through the ~~Water System~~
Grizzly Bear Spring

has been examined and found to comply with the water laws of South Dakota and the regulations thereunder. You are now instructed to publish a notice of your intentions in relation to this proposed appropriation once a week for four consecutive weeks in some paper of general circulation in the locality of the stream system in which the works are to be located, in accordance with Section 61.0112 of Chapter 430 of the Session Laws of 1955.

A notice is enclosed herewith, which you are directed to publish in the Rapid City Daily Journal printed at Rapid City, South Dakota, in compliance with law, you making the necessary arrangements with the publisher as indicated in the letter to him, also enclosed.

The proof publication, also sent herewith, must be filed in the Water Commission office on or before June 12, 1959, ~~this date being thirty days from the date of these instructions~~. In case of failure to file satisfactory proof within the time stated your application will thereafter be treated as an original application filed on the date of receipt of proof of publication in proper form. It is to your interest, thereof, to see that the proof is promptly returned.

Enc: Form 8, 10, 11

cc Form 9

Very truly yours,

State Water Resources Commission

By: SIGNED

~~Chief Engineer, Department~~

Les Wyborny, Water Rights Engineer

Form 8—Notice of Intention to appropriate Water

No. 528-2(First Publication before May 15, 1959)**APPROPRIATION OF WATER**

Office of State Water Resources Commission,

Pierre, S. Dak., April 23, 1959

Mr. W. Leon Evans, Superintendent

Notice is hereby given that Mount Rushmore National Memorial whose postofficeaddress is Keystone S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 0.0088cubic feet of water per second of time from the Grizzly Bear Spring through the Grizzly Bear Spring Water Systemthe point of diversion of which is to be located within the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 18Twp. 28 Range 6E Said water to be used for the purpose of providing water for domestic, fire protection, public recreation and restaurantuses in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 18, T 2 S, R 6 E BHMand forThis application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 17th day of June, 1959, at 2:00 P.M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission

By:

SIGNEDLes Wyborny, Water Rights Engineercc E. H. Lighter, Manager
The Rapid City Daily Journal
Rapid City, South Dakota

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
 County Pennington } ss.

E. H. Lighter being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the _____

Rapid City Daily Journal a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the

City of Rapid City County of Pennington and State of South Dakota; that the said notice was published in said newspaper on the following dates:

April 27, 1959

May 4, 1959

May 11, 1959

May 18, 1959

in each and every issue of the full number thereof, the first publication being made on the 27th day of April 1959 and the last publication on the 18th day of

May 1959, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was Business Manager the printer and publisher of the said newspaper.

April 27, May 4, 11, 18

APPROPRIATION OF WATER
 Office of State Water Resources
 Commission

Notice is hereby given that Mr. W. Lee Evans, Commissioned Agent, Rushmore National Monument, whose office address is Rapid City, S. Dak., has made an application in accordance with the provisions of the Water Law of South Dakota for a permit to appropriate for beneficial use 1,000 cfs of water per second of time from day of year flowing through the Grants Bear Spring Water Divide, the point of diversion of which is to be located in the NW 1/4 of the SE 1/4 of Section 18 Twp. 28 Range 65, said water to be used for the purpose of domestic fire protection, public instruction and recreation near the Grants Bear and Mt. Rushmore, Sec. 18, T. 28 N. R. 65 E. S. 18 NE.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 15th day of June, 1959, at 2:00 P.M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission
 By: Lee Wyckoff, Water Rights Engineer

Subscribed and sworn to before me this 18th day of May A. D. 1959.

SIGNED

Notary Public Pennington County, S. D.

**NOTICE OF INTENTION
to the
Water Resources Commission
of
South Dakota**

Grizzly Bear Spring Water System

March 27, 1959

Mount Rushmore National Memorial and Black Hills National Forest

Pennington County, South Dakota

Notice is hereby given by the Superintendent of Mount Rushmore National Memorial, Keystone, South Dakota, who is duly appointed official of the United States and authorized to administer said Memorial and construct works for the utilization of waters within said State, that the United States, through the National Park Service, Department of the Interior, and U. S. Forest Service, Department of Agriculture, intends to appropriate by construction, diversion, and storage, and beneficial use certain public waters of the State of South Dakota for Mount Rushmore National Memorial and Black Hills National Forest under Sec. 61.0123, Chapter 430 and Sec. 61.0404, Chapter 431, of the 1935 revised Laws of South Dakota, and nothing herein shall constitute a waiver of any other rights which the United States may have to the same water, TO WIT:

1. The name of Project is Grizzly Bear Spring Water System, Mount Rushmore National Memorial.
2. The amount of water claimed is 0.0088 sec. ft.
3. The source of water is Grizzly Bear Spring, tributary to Grizzly Creek, which is tributary to the Cheyenne River through Battle Creek.
4. The point of diversion, or withdrawal, will be at Spring in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 18, T 2 S, R 6 E, BHM, in Mount Rushmore National Memorial in Pennington County, whence E $\frac{1}{4}$ Cor. of Said Sec. 18 bears N 88° 34' 2218.3 ft.
5. The water will be used during all 12 months of each year.
6. The water will be used for domestic, and fire protection purposes in SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ said Sec. 18 adjacent to Mount Rushmore National Memorial in Grizzly Bear Campground of Black Hills National Forest.
7. The estimated cost of the Project is \$4,500.

Part II
D. 7.

II.

8. Water will be collected by 3 - 4-inch by 3-foot tile pipelines in the spring area, which discharge into 3-foot by 3-foot by 4-foot collecting sump at point of diversion.

9. The water will be diverted through 1016 feet of 1-inch plastic pipe to 1650 gallon concrete distribution reservoir, whence distribution will be by 679 feet of 2½-inch plastic pipe and various laterals.

10. The control gradient is 117 feet per 1000 feet and the carrying capacity of the 1-inch diversion pipe is 0.032 sec. ft., but the reliable spring flow is 0.0088 sec. ft.

11. The construction and initial use of the water at said Grizzly Bear Campground will be completed within three months.

12. This development is part of a 10-year development program by the National Park Service, designated as MISSION 66, to provide adequate public facilities by 1966, and complete construction will be scheduled to meet that public need.

13. A tracing and black line print of Drawing NMEM-MR-2044, Water Right Plat for Grizzly Bear Spring, is attached and made a part of this notice.



Superintendent
Mount Rushmore National Memorial

Form 2--Application for Permit to Appropriate Water--Original

Put in a
Temp. File for
Mt Rushmore Doclet 2

No.-----

Water Division No.-----District
(Blanks to be filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT **To Appropriate Water within the State of South Dakota**

(NOTE--Draw a line through items not applicable.)

1. Name of applicant United States of America, for Mount Rushmore National Memorial
U. S. Dept. of the Interior, National Park Service, Mount Rushmore
National Memorial
Postoffice address Keystone County Pennington State South Dakota

- I. If a corporation -----
- (a) Name of same -----
- (b) Date and place of incorporation -----
- (c) Amount of capital stock -----
- (d) Amount paid in -----
- (e) Names and addresses of directors -----

*Note: Nothing in this application shall constitute a
waiver of any other right which the United States
has to the same water*

(NOTE--A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

- (a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)
Employment of others.

- (b) Cash on hand, \$----- (c) Treasury stock, \$-----
- (d) Bonds to be issued, \$----- (e) Other resources, \$-----

2. Name of diversion work Grizzly Bear Spring Water System

3. Amount of water claimed .0088 cubic feet per second

4. Source of water supply Spring

5. Location of point of diversion At Spring, Tributary to Grizzly Creek, whence E 1/4 Cor. Sec. 18, T. 2 N., R. 6 E., B. 1 N.,
bears N 88° 34' E 2,218.3 ft. on Left bank Pennington County.

6. Annual period or periods during which water is to be used all 12 months but largely
summer camping season - May through Sept.

7. To be used for:

- I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Gravity flow line

- (a) Number of acres to be irrigated None acres.

- (b) Legal subdivisions to be irrigated -----

(NOTE--A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

- (c) Statement as to domestic use (giving location, etc.) To supply water for Grizzly Bear Campground

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

- (a) Nature of use Public recreation (domestic use)
Name any of the above uses claimed

- (b) Amount of power to be generated None horse power.

Amount claimed for engine cooling None

- (c) Location of plant SE 1/4 NE 1/4 Sec 18, T. 2 N., R. 6 E., B. 1 N.

- (d) Method of developing power in applicable

- (e) Point where water will be returned to stream in applicable

*(typed as received with memo of May 29, 1958 from Wm A Mott.)
Penciled additions by Arvan V. During July 7, 1958*

H-4

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA
County of _____ } ss.

Pierre, South Dakota, _____, 19____

This is to certify that the foregoing application was received by the Commission at _____ o'clock
_____m. upon the _____ day of _____, 19____.

State Water Resources Commission

By:

Chief Engineer, Executive Officer

Number of permit _____

Date of first receipt of application _____, 19____

Date of return to applicant for correction, amendments or changes required as follows: _____, 19____

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right _____, 19____

Approved _____, 19____, Recorded in Book _____ Page _____

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before _____, 19____

2nd. The whole of said work is to be completed on or before _____, 19____

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is _____, 19____

4th. The water appropriated shall be used for the purpose of _____

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed _____ cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before _____, 19____; said water to be used during the following described annual period:

Witness my hand this _____ day of _____, 19____.

State Water Resources Commission

By:

Chief Engineer, Executive Officer

Certificate of Construction issued _____, 19____

Water License issued _____, 19____

No.-----

Division No.-----

District-----

PERMIT-----

to appropriate water from -----

----- County, South Dakota

Name of applicant -----

Name of diversion works -----

Date of first receipt at Office of State
Water Resources Commission -----

Returned to applicant for Correction -----

Corrected application received -----

Date of Water Right -----

Recorded In Book----- Page-----

One-fifth of work to be completed -----

Whole work to be completed -----

Final proof of use of water -----

Approved ----- 19-----

State Water Resources Commission

By: -----

Chief Engineer -----

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

This permit consists

of _____ pages

SPECIAL USE PERMITMT. RUSHMORE NATIONAL MEMORIAL

(Area)

The U. S. Forest Service, of Black Hills National Forest is hereby authorized during the period from July 1, 19 58, to July 1, 19 61, to use the following-described land in the above-named area:

1. That spring area including Grizzly Bear Spring which is located in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 18, T 2 S, R 6 E, BHM, whence the E $\frac{1}{4}$ said section bears N. 88° 34' E 2218.3 ft., said area having an approximate radius of 30 ft. around said spring, and a strip of land approximately 1016 ft. in length across the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said section, to the extent actually to be occupied by water collecting system at said spring and a pipeline whose location is shown on attached Drawing NMEM-MR-2044, which is made part of this permit as page 3.
 2. And to use the waters of said Grizzly Bear Spring whose flow is approximately 0.0088 sec.ft., in compliance with water rights to be established by Federal Withdrawal by the National Park Service.
- for the purpose of constructing and maintaining a water system and water supply for the Grizzly Bear Campground in SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ said Section 18, in the Black Hills National Forest.

subject to the conditions on the reverse hereof and attached pages and to the payment to the Government of the United States of the ~~XXXXX~~ NO FEE ~~XXXXXX~~), ~~XXXXXX~~ (Monthly, semiannually, etc.), or as follows: said fee being waived in consideration of the fact that said campground provides essential needs of visitors at Mt. Rushmore National Memorial.
~~PERSONS TO BE PAID BY EXPOSURE OF THE ORDER, CERTIFIED BY THE NATIONAL PARK SERVICE~~

Issued at _____, this _____ day of _____, 19 _____
 (City)

Superintendent.

The undersigned hereby accepts this permit subject to the terms, covenants, obligations, and reservations, expressed or implied, therein.

TWO WITNESSES TO SIGNATURES		* PERMITTEE (SIGNATURE)	
NAME		NAME	
ADDRESS		ADDRESS	
NAME		NAME	
ADDRESS		ADDRESS	
APPROVED: (if approval is required by higher authority)			
NAME	TITLE	DATE	

*Sign name or names as witness in body of permit; for copartnership, permittees should sign as "members of firm"; for corporation, the officer authorized to execute contracts, etc., should sign, with title, the sufficiency of such signature being attested by the Secretary, with corporate seal, in lieu of witnesses.

(This copy for Permittee)

P 1001

CONDITIONS OF THIS PERMIT

1. **Regulations.**—The permittee shall exercise this privilege subject to the supervision of the Superintendent, and shall comply with the regulations of the Secretary of the Interior, or other authorized officer of the Government, governing the area.

2. **Definition.**—The term "Director, National Park Service" as used herein shall include the appropriate Regional Director or Superintendent as the representative of the Director.

3. **Rights of the Director.**—Use by the permittee of the land covered hereby is subject to the right of the Director, National Park Service, to establish trails, roads, and other improvements and betterments over, upon, or through said premises, and further to the use by travelers and others of such roads and trails as well as of those already existing. If it is necessary to exercise such right, every effort will be made by the National Park Service to refrain from unduly interfering or preventing use of the land by the permittee for the purpose intended under this permit.

4. **Nondiscrimination.**—If use of the land covered by the permit will involve the employment by the permittee of a person or persons, the permittee agrees to observe the following nondiscrimination provisions in connection with the use to which the lands covered by this permit may be devoted:

In connection with the performance of work under this contract, the contractor agrees not to discriminate against any employee or applicant for employment because of race, religion, color, or national origin. The aforesaid provision shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rate of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post hereafter in conspicuous places, available for employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of the non-discrimination clause.

The contractor further agrees to insert the foregoing provisions in all subcontracts hereunder, except subcontracts for standard commercial supplies or raw materials. (Executive Order 10557, September 3, 1954.)

5. **Damages.**—The permittee shall pay the United States for any damage resulting from this use which would not reasonably be inherent in the use which the permittee is authorized to make of the land described in this permit.

6. **Construction.**—No building or other structure shall be erected under this permit except upon prior approval of plans and specifications by the Director, National Park Service, and the premises and all appurtenances thereto shall be kept in a safe, sanitary, and sightly condition.

7. **Removal of structures and improvements.**—Upon the expiration of this permit by limitation of time or its termination for any reason prior to its expiration date, the permittee, if all charges due the Government hereunder have been paid, shall remove within such reasonable period as is determined by the Superintendent, but not to exceed 90 days unless otherwise stipulated in this permit, all structures and improvements placed on the premises by him, and shall restore the site to its former condition under the direction of the Superintendent. If the permittee fails to remove all such structures and improvements within the aforesaid period, they shall become the property of the United States, but that will not relieve the permittee of liability for the cost of their removal and the restoration of the site.

8. **Water Rights.**—The United States reserves the rights to perfect title to all rights for water which may be developed or used in connection with this permit and shall furnish water to the permittee, when available, at reasonable rates to be approved by the Director, National Park Service. Should such water service be unavailable or inadequate, the permittee may, with prior approval of the Director, provide the same at his own expense, subject to such special requirements as may be prescribed.

9. **Disposal of refuse.**—The permittee shall dispose of brush and other refuse as required by the Superintendent.

10. **Timber cutting.**—No timber may be cut or destroyed without first obtaining a permit therefor from the Director, National Park Service.

11. **Fire prevention and suppression.**—The permittee and his employees shall take all reasonable precautions to prevent forest, brush, grass, and structural fires and also shall assist the Superintendent in extinguishing such fires in the vicinity of any tract which may be used hereunder.

12. **Soil erosion.**—The permittee shall take adequate measures, as directed and approved by the Superintendent to restrict and prevent soil erosion on the lands covered hereby and shall so utilize such lands as not to contribute to erosion on adjoining lands.

13. **Benefit.**—Neither Members of, nor Delegates to Congress, or Resident Commissioners shall be admitted to any share or part of this permit or derive, either directly or indirectly, any pecuniary benefit to arise therefrom: *Provided however,* That nothing herein contained shall be construed to extend to any incorporated company, if the permit be for the benefit of such corporation.

14. **Assignment.**—This permit may not be transferred or assigned without the consent of the Director, National Park Service, in writing.

15. **Revocation.**—This permit may be terminated upon breach of any of the conditions herein or at the discretion of the Director, National Park Service.

Form 10-114a
(Dec 1956)UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

SPECIAL USE PERMIT CONTINUATION SHEET

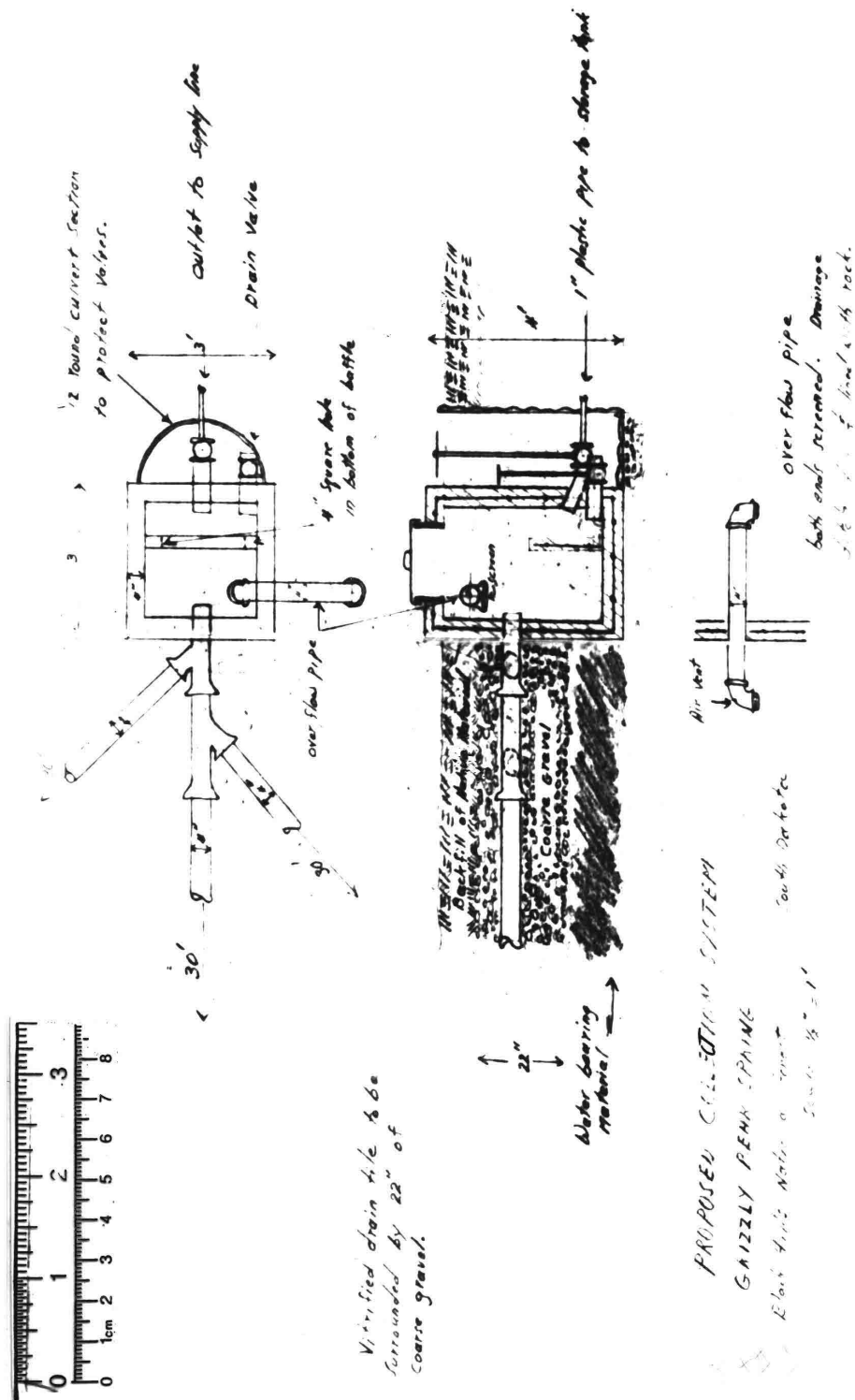
AREA	PERMIT NO.	PAGE NO.
Mt. Rushmore National Memorial		

16. The permittee shall supply the Superintendent with such further plans of the collecting system at the spring and pipeline as may be required to show the water system as constructed.

17. The National Park Service shall have the right to use all or any part of the water supply and water system for emergency needs such as fire fighting.

18. This permit is automatically renewable for periods of one year. However, the entire term of the permit shall not exceed a period of three years from the date of issuance.

Supporting Hydro Data



Other Supporting Information

L 54

State Water Commissioner
State Office Building
Pierre, South Dakota

Dear Sir:

Subject: Certification of Examination of Works,
Grizzly Bear Creek Spring,
Mount Rushmore National Monument

Enclosed is the completed subject certificate of examination I made on September 19, 1959. The water supply from the spring was overflowing the capacity of the reservoir at the time of inspection as only a few patrons were using the campground.

Should you have any question regarding the certificate, please let us know and we will supply the information.

We are sorry to hear of the ill fate that came to Mr. Wyborny.

Sincerely yours,

Signed

William A. Mott
Hydraulic Engineer

Enclosure

Copy to: Director (2), w/1 c certificate
Chief, WODC (2), w/1 c certificate
Supt., Mount Rushmore NM, w/1 c certificate
Forest Supervisor, Black Hills National Forest, Custer, So. Dakota

WESTERN OFFICE DESIGN & CONSTRUCTION	
OCT 8 1959A.M.	
CHIEF	
ADMIN. ASSIST.	
PERSONNEL	
PLANS & PROG.	
SAFETY	
ARCHITECT	
ENGINEER	<i>W.A. Mott</i>
LAND. ARCH.	
ACTION TAKEN-DATE <i>none</i>	



UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

Mount Rushmore National Memorial
Keystone, South Dakota

August 11, 1959

Mr. J. W. Grimes
Chief Engineer, Executive Officer
State of South Dakota
Water Resources Commission
Pierre, South Dakota

Dear Mr. Grimes:

Thank you for your communication of July 31 transmitting notice of approval of our application No. 528-2 for a permit to appropriate 0.0086 cubic feet of water per second through the Grizzly Bear Spring Water System.

Completed Form 16 NOTICE OF COMPLETION OF WORKS and Form No. 17 NOTICE OF APPLICATION OF WATER TO BENEFICIAL USE are returned as requested. You will note the work was completed May 15, 1959.

Our letter of March 26, 1959, suggested Mr. William A. Mott, Hydraulic Engineer, Region Two, National Park Service, 307 Federal Office Building, Omaha 2, Nebraska, be appointed to make an engineer's examination and report on the completed water system. Please advise us and Mr. Mott if this suggestion meets with your approval and what arrangements are to be made for the examination and report.

The cooperation of your office and the Commission in approving this permit is greatly appreciated. The Grizzly Bear public campground, operated and maintained by the Black Hills National Forest, is a valuable asset to both visitors from other states and residents of our own State of South Dakota.

Sincerely yours,

W. Leon Evans
Superintendent

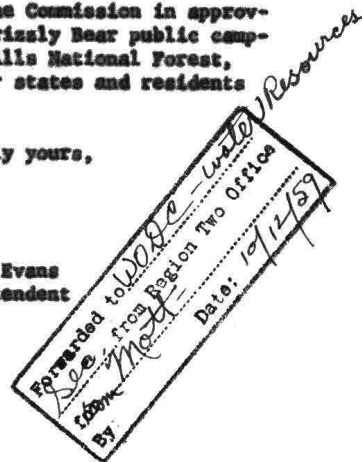
Encl:

Copy to: Reg. Dir. Reg Two (in dup)
w/copy of related papers
Forest Supervisor, Black Hills
National Forest w/copy of related
papers

154

WESTERN OFFICE
DESIGN & CONSTRUCTION
OCT 16 1959 A.M.

CHIEF	
ADMIN. ASSIST.	
PERSONNEL	
PLANS & PROG.	
SAFETY	
ARCHITECT	
ENGINEER	
LAND. ARCH.	
ACTION TAKEN-DATE	



L54-OBL

June 5, 1959

Memorandum

To: Regional Director, Region Two
From: Chief, Water Resources Section
Subject: Grizzly Bear Spring Water System, Docket 2, Mount Rushmore

Attached are your dividers for Docket 2, and table of the tentative contents which are in our assembly. Also attached are 3 copies of those listed items which were duplicated in our files. I have assigned numbers to all items in Part II, and capital letters to those items which I recommend preserving. If you will indicate concurrence that unlettered items were not sent to the State, I will destroy our copies as obsolete.

Three of the items were received with Mr. Mott's memorandum of May 7 which states that Drawing 2044, item II 5, which I should retain as II B, shows possible future expansion of the campground area. I am returning that particular print in your docket. I can find no difference between this print and any others we have received since the drawing number was assigned. If there is a change, please return a print with the changes indicated. I have looked for evidence of some outlet or wildlife trough in the Memorial, or notation of future campground area, but found neither.

I note that the collecting system, II-1, shows half culvert to serve as valve box, and later drawing, II-6 which is to be permanent II-C, does not. I do not consider this an important detail.

I have made a divider for Part I-Land Status, but provided no contents at this time. Part I and II might be combined as Part I if you prefer, but my idea is that Part I should contain a statement giving references to the first withdrawal of the land for forest or memorial purposes, and subsequent reclassifications, by proclamations and acts. This may not be important at this time, but the record may save future research such as we have had to make to complete records for Arizona vs. California. Either you or the Superintendent should get such records into dockets for all areas as time permits.

The dockets of the Superintendent and WOEC should be revised according to this memorandum only after you concur in the permanent contents, but we do not wish to keep needless bulk. We should all be advised when the Superintendent receives the number of the withdrawal, and so note on that instrument and the tab of the folder.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Attachments

Copy to: Superintendent, Mount Rushmore, w/c attachments
Chief, WOEC (2), w/c attachments

WESTERN OFFICE	
DESIGN & CONSTRUCTION	
JUN 6 1959A.	
CHIEF	
ADMIN. ASSIST.	
PERSONNEL	
PLANS & PROG.	
SAFETY	
ARCHITECT	
ENGINEER	
LAND ARCH.	
ACTION TAKEN - DATE	

CR
CTION

Kenneth C. Kellar, Lead
Laurel A. Davis, Belle Fourche
John Sutton, Rapid
John Morrison, Wakarusa
Emanuel Bierwagen, Milesville
E. M. Brady, Mitchell



SOUTH DAKOTA
State Water Resources Commission

J. W. GRIMES, CHIEF ENGINEER AND EXECUTIVE OFFICER
STATE OFFICE BUILDING

PIERRE, SOUTH DAKOTA

May 22, 1959

REG. DIRECTOR
ASST. REG. DIRECTOR
CHF. DIV. OF ADMIN.
CHF. DIV. OF OPERATIONS
CHF. DIV. OF INTERP.
CHF. REC. RES. PLANNING
CHF. RANGER ACTIVITIES
FIELD SOLICITOR
<i>Mott</i>
ACTION TAKEN
FILE

Mr. W. Leon Evans, Supt.
Mount Rushmore National Memorial
Keystone, South Dakota

Dear Mr. Evans:

Ref File: L 54

Receipt is acknowledged of the Proof of Publication of your Application No. 528-2.

Our receipt #2-441 for examination fees which you have paid was sent to you on May 19th.

The Water Resources Commission meeting on June 17th is open to the public. It is not necessary that you attend unless you so desire. I doubt that there will be any objections as long as your publication has been completed and none have been received in this office.

By submitting the Proof of Publication you have complied with the requirements that are necessary prior to the scheduled meeting of the Commission.

Should I be able to help in the future please feel free to contact me.

Sincerely,

Les Wyborny
Water Rights Engineer

Copy to: Reg Two, (Mr. Mott)



UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
Mount Rushmore National Memorial
Keystone, South Dakota

L54

May 20, 1959

Mr. Les Wyborny
Water Rights Engineer
State Water Resources Commission
State of South Dakota
Pierre, South Dakota

Dear Mr. Wyborny:

Attached are completed and signed Forms Nos. 10 and 11, Proof of Publication, which are submitted in connection with our application for a permit to appropriate water from Grizzly Bear Springs through the Grizzly Bear Springs Water System. This application bears temporary number 528-2. The required examination fee of \$5.00 was furnished you with our letter of April 29.

It is not our intention to appear before the State Water Resources Commission on June 17 when this application will be considered unless you consider it necessary for us to be present. Please advise us if you feel we should be at Pierre for the hearing and if there is further action we should take.

Your continued cooperation and assistance is deeply appreciated.

Sincerely yours,

/SGD/ W. LEON EVANS
W. Leon Evans
Superintendent

Encl:

Copy to: Reg. Dir., Reg Two (in dup)
w/copies of related correspondence



UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
Mount Rushmore National Memorial
Keystone, South Dakota

March 26, 1959

Chief of State Water Resources Commission
State Capitol Building
Pierre, South Dakota

Dear Sir:

There is submitted herewith a Notice of Intention to the Water Resources Commission of South Dakota of appropriation of Grizzly Bear Spring water for beneficial use for Mount Rushmore National Memorial and the Black Hills National Forest.

Attached are the following documents for Grizzly Bear Spring development:

1. Notice of Intention.
2. Linen tracing and one copy of Drawing NMEM-MR-2044, Water Right Plat for Grizzly Bear Spring.
3. Print of Grizzly Bear Campground water system with profile.
4. Photostat print of proposed collection system at Grizzly Bear Spring.

The provisions of Section 61.0123 of the South Dakota State Water Laws 1955 do not appear to specifically require an engineer's examination and report on the completed water system. However, if the Commission should require such examination and report, we suggest Mr. William A. Nott, Hydraulic Engineer, Region Two, National Park Service, be appointed to make the examination and report.

Publication of the required notice will be provided for upon receipt of instruction from you relative to proper form, procedure and number of publications.

The cooperation and assistance of the Water Resources Commission in this undertaking for the public benefit will be deeply appreciated.

Very truly yours,

Copy to: U.S.F.S, Black Hills National Forest
Director
Chief, WODC
Reg. Dir., Reg. Two

/SGD/ W. LEON EVANS
W. Leon Evans
Superintendent

Encls:

WESTERN OFFICE
DESIGN & CONSTRUCTION
MAR 2 1959 A.M.

CHIEF	
ADMIN. ASSIST.	
PERSONNEL	
PLANS & PROG.	
SAFETY	
ARCHITECT	
ENGINEER	
LAND. ARCH.	
RECORDS	
TRAINING	
ACTION TAKEN	
DATE	

4/8/59
4-7-59

L 54

MAR 13 1959

Memorandum

To: Superintendent, Mount Rushmore National Memorial Park
From: Regional Chief of Operations, Region Two
Subject: Notice of Intention for Water Withdrawal, Grizzly Spring,
Mount Rushmore National Memorial Park

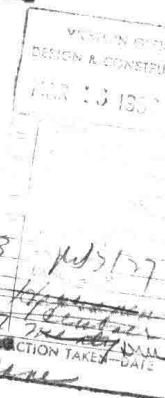
Attached are the following water documents for Grizzly Spring development:

1. Five copies of Notice of Intention
2. Linen Tracing of Drawing HESM-MR-2044
3. Five prints of Drawing 2044
4. Five prints of Grizzly Bear Campground water system with profile
5. Five photostat prints of proposed collection system at Grizzly Bear Spring

Please affix your signature and date to each copy of Notice of Intention.

The linen tracing and one copy each of items 1, 3, 4 and 5 above are to be filed with the Chief of State Water Resources Commission, State Capitol Building, Pierre, South Dakota. The Commissioner will advise you relative to publishing a notice in the local newspaper, once a week for four consecutive weeks, and in conformance with a form of notice prescribed by the Commission. Proof of Publication must be filed with the Commission within sixty days from date of instructions to make the publication.

Mr. Dunn suggests in his memorandum of January 15, 1959, that when you submit the Notice of Intention, that you suggest the Region Two Hydraulic Engineer be appointed to make the engineer's examination and report on the completed water system, which will be needed if the



Commission should require an examination. The following excerpts are taken from Section 61.0123 of the South Dakota State Water Laws 1955:

"Plans for the proposed work, as soon as the same are prepared, shall be filed by the proper officer of the United States in the office of the Commission for its information."

"When the construction of the works for the utilization of such waters, for which notice has been given and plans filed as required in this Section, has been completed by the United States, such waters shall be deemed to be appropriated to be used in connection with the works so constructed by the United States, and a license shall be granted."

It does not appear, under Section 61.0123, that the Commission at present specifically requires engineering examination of the completed construction.

The attached file folder, Mount Rushmore - Docket 2, must have one copy of each of the above documents added, and then delivered to the U. S. Forest Service for their records.

Please make distribution of one copy each of the attached documents to: Chief, WOEC; The Director; and, Region Two Office.

(Sgd) George F. Bagglely

George F. Bagglely
Regional Chief of Operations

Attachments 5

Copy to: Director (2)
✓ Chief, WOEC (2)

LS4-OBL

January 15, 1959

Memorandum

To: Regional Director, Region Two
 From: Chief, Water Resources Section
 Subject: Federal Water Withdrawal for Grizzly Bear Development,
 Harney National Forest and Mt. Rushmore National Memorial

WESTERN OFFICE	
DESIGN & CONSTRUCT	
JAN 20 1959	
CHIEF	
ADMIN. ASSIST.	
PERSONNEL	
PLANS & PROG.	
SAFETY	
ARCHITECT	
ENGINEER	2
LAND. ARCH.	1
ACTION TAKEN—DATE	
None	

The draft of "Notice of Intention" which Mr. Mott forwarded on November 26, 1958, appears to have been partially copied from one of the "Engineer's Certificates of Examination". Certificates formerly followed the Notices as directed by the State Engineer after map was filed.

The attached draft of the introductory statement should be substituted, and followed by the 13 statements which describe the development. This introductory statement differs from that supplied with my memorandum of July 9, as follows, and has been approved by the office of the Assistant Solicitor:

1. The notice is addressed to the State Water Resources Commission instead of State Engineer.
2. The addition of the statement that the Superintendent is an officer, appointed and authorized to perform the work, as prescribed by Sec. 61.0123.
3. The addition of the statement that the Federal appropriation will be made through the joint efforts of the Park Service and Forest Service.
4. The addition of the prescribed clause to indicate that no other Federal rights to the water are waived, about which Mr. Mott inquired. This statement is included because the new law provides for a hearing, the receipt of protests, and possible denial of the license by the Commission.

I am not certain of the procedure to be followed after the notice is filed, but the Superintendent will receive instructions from the Commission. Section 61.0123 is a revision of Section 61.0137 which was in effect from 1919 until 1955. Under old Section 61.0137 the State Engineer appointed an engineer to make an inspection and

and prepare certification of that examination after "as constructed" plans of the water system were filed, although the examination was not prescribed in the section. Section 61.0123 prescribes publication of the Notice of Intent (in form to be provided by the newly established Water Resources Commission) and a hearing by the Commission before the water is "withdrawn". Both sections prescribe that the State Engineer, or Commission, shall be supplied with plans for the proposed work, and that the filing of such plans, after publication of the notice since 1955, and completion of construction, shall be deemed to constitute appropriation.

As stated in my memorandum of July 9, 1958, I believe it might be advantageous to defer filing Drawing 2044, and to omit statement 13. This depends on whether it properly represents the final plan.

In the letter submitting the Notice of Intent, I suggest that the Superintendent ask whether there will be an engineer's examination and report as when old Sec. 61.0137 was in effect, or only the publication and filing of map as prescribed by new Sec. 61.0123; and suggest that Mr. Mott, giving his title and address, be appointed to make any such examination, following the procedure the State Engineer has previously used in connection with water withdrawals for Wind Cave. This saves the United States the cost of any other engineer the Commission might appoint.

If an engineering examination is still required, it cannot be made until the system has been constructed. Immediate filing of the map could imply completion of construction, which may or may not be true. There should be no invitation for the examination until the system is constructed.

We are distributing folders for Docket 2 with this memorandum, including one for the Forest Supervisor. Contrary to Mr. Mott's last paragraph, the copies of the notice, and map, if submitted with it, should be dated, signed and distributed as soon as the original is mailed. No approved copy is returned by the State Engineer or Commission. We should also be supplied with copies of all correspondence, the published notice, any certificate to authorize Mr. Mott to make an examination, and other instruments as they become available.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Attachments 2

Copy to: Superintendent, Mt. Rushmore, with attachments
Chief, WADC, with attachments

DRAFT

NOTICE OF INTENTION
to the
Water Resources Commission
of
South Dakota

Grizzly Bear Spring Water System February _____, 1959
Mt. Rushmore National Memorial and Harney National Forest
Custer County, South Dakota

Notice is hereby given by the Superintendent of Mt. Rushmore National Memorial, Keystone, South Dakota, who is a duly appointed official of the United States and authorized to administer said Memorial and construct works for the utilization of waters within said State, that the United States, through the National Park Service, Department of the Interior, and U.S. Forest Service, Department of Agriculture, intends to appropriate by construction, diversion, and storage, and beneficial use certain public waters of the State of South Dakota for Mt. Rushmore National Memorial and Harney National Forest under Sec. 61.0123, Chapter 430 and Sec. 61.0404, Chapter 431, of the 1955 revised Laws of South Dakota, and nothing herein shall constitute a waiver of any other rights which the United States may have to the same water, TO WIT:

1. The name of Project is Grizzly Bear Spring Water System, Mt. Rushmore National Memorial.
2. The amount of water claimed is 0.0088 sec.ft.
3. The source of water is Grizzly Bear Spring, tributary to Grizzly Creek, which is tributary to the Cheyenne River through Battle Creek.
4. The point of diversion, or withdrawal, will be at Spring in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 18, T 2 S, R 6 E, BHM, in Mt. Rushmore National Memorial in Custer County, whence E $\frac{1}{2}$ Cor. of Said Sec. 18 bears N 88° 34' 2218.3 ft.
5. The water will be used during all 12 months of each year.
6. The water will be used for domestic, and fire protection purposes in SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ said Sec. 18 adjacent to Mt. Rushmore National Memorial in Grizzly Bear Campground of Harney National Forest.
7. The estimated cost of the Project is \$4,500.

8. Water will be collected by 3 - 6 inch by 3- ft. tile pipelines in the spring area, which discharge into 3 ft. X 3 ft. X 4 ft. collecting sump at point of diversion.

9. The water will be diverted through 1016 ft. of 1-inch plastic pipe to 1,650 gallon concrete distribution reservoir, whence distribution will be by 644 ft. of 2½-inch plastic pipe and various laterals.

10. The control gradient is 117 ft. per 1,000 ft. and the carrying capacity of the 1-inch diversion pipe is 0.032 sec.ft., but the reliable spring flow is 0.0088 sec.ft.

11. The construction and initial use of the water at said Grizzly Bear Campground will be completed within 3 months.

12. This development is part of a 10-year development program by the National Park Service, designated as MISSION 66, to provide adequate public facilities by 1966, and complete construction will be scheduled to meet that public need.

13. A tracing and black line print of Drawing NMEN-MR-2044, Water Right Plat for Grizzly Bear Spring, is attached and made a part of this notice.

Superintendent
Mt. Rushmore National Memorial

154-1

WR copy
@

AUG 29 1958

Memorandum

To: Regional Director, Region Two
From: Assistant Director
Subject: Proposed Appropriation of Water for Grizzly Bear Campground
of Forest Service from Spring in Mt. Rushmore National Memorial

We have rewritten the Special Use Permit which is to be issued to the U. S. Forest Service, of which six unsigned copies were forwarded with Mr. Mott's memorandum of August 11. We are returning ten copies as rewritten, in order that four copies, including drawing, may be made part of Water Right Docket No. 2, when they are signed and when the water right docket is assembled with copies of the proposed Federal Water Withdrawal.

The following changes have been made in the permit:

1. The permittee is usually referred to as the U. S. Forest Service instead of National Forest Service.
2. The permit grants only the use of land occupied by water system, and not an area of greater width.
3. The Drawing NRCM-MR-2044 has been specifically identified as part of the permit.
4. The spring location and pipeline alignment have been given because the information was available.
5. The United States of America, and not the State of South Dakota or the National Park Service, is the water claimant.
6. Condition 16 is added to require the Forest Service to supply more complete plans of the completed water system. Drawing 2044 still does not show the 3 - 30 ft. collecting pipes and collecting sump at the spring. It also does not show the distribution pipe in the campground. The collecting pipes and sump are needed to define part of the land use and also the method of water withdrawal. The rest of the distribution pipe can be omitted unless the State Engineer requests it after the

Notice of Withdrawal and drawing are submitted to him. Technically the water is withdrawn when delivered to the 6105 gallon tank, and further distribution and use should not be his concern.

7. Condition 17 is to cover the situation which might require the use of water for fire fighting by either Park or Forest Service personnel.

8. Condition 18 covers the term of the permit.

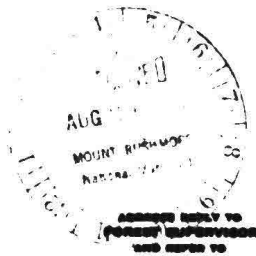
We are filing two copies of your permit and supporting drawing with incoming memorandum, and destroying the rest of the drawings with the idea that new prints, as revised, will be attached to the 10 enclosed copies of revised permit.

(SGD) HILLORY A. TOLSON
Assistant Director

Attachments 10

Copy to: Superintendent, Mount Rushmore
Chief, WOBC
Mr. Dunn

AvVDunn:1ct 8-20-58



UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
BLACK HILLS NATIONAL FOREST



CUSTER, SOUTH DAKOTA

U
PLANS - Black Hills
Recreation
Grizzly Bear Campground
(Water System)

August 29, 1958

Mr. Charles E. Humberger
Superintendent
Mount Rushmore National Memorial
Keystone, South Dakota

Dear Mr. Humberger:

Reference is made to your letter of August 13, 1958, Designated
L 54-L.

Our estimate for construction of the water system in Grizzly Bear
Campground is as follows:

1. Pipe and fittings (3815)(feet)	\$1,540.00
2. Storage reservoir (1000)(gallons)	\$1,000.00
3. Collection System and Settling box (on NPS land)	\$ 100.00
4. Labor for laying pipe (approximately 600 feet or which is on NPS land)	\$1,000.00
Total	\$4,640.00

Very truly yours,

HOWARD C. LEE,
Forest Supervisor

BY: LEO J. REVELL

L54-1

AUG 11 1958

WATER & ICE	
DESIGN & CONSTRUCTION	
AUG 14 1958 A.M.	
IN CHARGE	
ADMIN. ASSIST.	
PERSONNEL	
PLANS & PROJ.	
SAFETY	
ARCHITECT	
ENGINEER	8/15
LAND. ARCH.	
ACTION TAKEN—DATE	
None	

Memorandum

To: The Director

From: Hydraulic Engineer, Region Two

Subject: Proposed Appropriation of Water for Grizzly Bear Campground of Forest Service from Spring in Mount Rushmore National Memorial

On August 6, 1958, the Superintendent of Mount Rushmore National Monument requested, during a telephone conversation, that the Regional Office prepare the Special Use Permit for the National Forest Service. We attach the copies as drafted in this office for your review, and if approved they could be forwarded to the Superintendent, Mount Rushmore National Monument, for signature and execution and then distributed to the respective parties and offices as indicated at the bottom of each page of the permit.

The Superintendent indicated the opinion that the supply of water from Grizzly Bear Spring would not be needed by the Service for any anticipated developments.

The Superintendent also advised that the National Forest Service anticipates the provision of some modern comfort stations at Grizzly Bear Campground, the location of which would have to be supplied by the Forest Service if you believe that they should be indicated on the map.

The tracing of the map and one print will accompany the Notice of Intention to the State Engineer. We have provided a reproducible brown-line print of the map which will be held in the Region Two files.

Signed

William A. Mott
Hydraulic Engineer

Attachments (2)

Copy to: Chief, WOEC
Supt., Mt. Rushmore NM

July 9, 1958

Memorandum

To: Regional Director, Region Two
From: Chief, Water Resources Section

Subject: Proposed Appropriation of Water for Grizzly Bear Campground
of Forest Service from Spring in Mt. Rushmore National
Memorial

154-L
W O D C
JUL 11 '58
ONE
ADM
P.B.P.
SUCH
ENGR. *[initials]*
L.A.
COORD. P.S. *[initials]*
ACTION TAKEN-DATE *[initials]*

This reply to the memorandum of May 29 from Mr. Mott covers some of the same comments covered in my memorandum of July 1 concerning water rights for Headquarters Water System, Docket 1, Wind Cave.

This seems to be an opportune time to submit a Notice of Intention to the State Engineer to see if that form of Federal Withdrawal is not still acceptable. A draft, with some unanswered portions, is attached for such purpose. One copy of Mr. Mott's draft of the application is also returned with suggested changes and additions for use if the Notice of Intention is rejected. Also attached is a copy of Sec. 61.0123 of the 1955 law relating to Federal withdrawals.

This is the first case which has arisen to alter the Park Service policy that no water shall be exported from an area of the National Park System without special Congressional authorization. That policy has been followed to block or restrict developments by the Bureau of Reclamation, adjacent towns such as Gardiner, Montana, and private interests, using the Federal Water Power Act of 1920, as amended in 1921. In the present case, the Forest Service is providing overnight accommodations in accordance with the MISSION 66 prospectus and Master Plan. A separate memorandum for all regions is being prepared for clarification of what appears to be a necessary change in policy.

Mr. Mott referred to a proposed permit to be issued to the Forest Service. That permit should have Washington Office approval, or the backing of the aforesaid memorandum to all regions. The correspondence indicates that the permit will authorize the Forest Service to use necessary land and water under Federal rights to be established by the Park Service, to provide a water supply for overnight accommodations on adjacent Harney National Forest, in accordance with the MISSION 66 plans of the Park Service.

The drawings and draft of the water right application imply that all water use is to be on the Forest. I have accepted that situation on the ground that the Park Service has its independent water system for the visitor center and residential area, which are within one half to one mile. I also believe that the spring flow is only adequate for the Grizzly Bear Campground. If there is any possibility that the Park Service might want some of the water, the Notice of Intention (or application) should be revised before filing to include an area of use, and a higher distribution reservoir within the Memorial.

The plans show only a spigot at the Campground, with the implication that only pit toilets are being provided at this time. Even Mr. Mott's estimated 15 gallons per capita day seems high for that purpose. However, I believe that the per capita use may increase to about 30 or 35 gpc through the installation of flush toilets when capacity use is reached. The entire spring flow of 0.0068 sec.ft. will be needed at that time. It may also be necessary to replace the 6,000 gallon reservoir with one of 20,000 or 50,000 gallon capacity.

The Forest Service drawing presents only the initial development for a primitive campground. In fact, it does not even include the 40 ft. extension to the roadside spigot. It is assumed that you have the tracing, which must be submitted as one of the two copies accompanying an application, and should accompany the Notice of Intention. However, the map can be submitted later if the Notice of Intention is used, and statement No. 13 is revised to so indicate.

I see no reason why the revised map could not be forwarded to Mr. Bowman for a further statement. However, I believe that Mr. Mott could also sign a supplemental statement indicating additional data which he has added since April 8 to complete the Park Service claim. A Federal engineer does not have to be licensed except in Nevada, to make such maps. The following additions are suggested:

1. The direct tie, N 88° 34' E. 2218.3 ft. from diversion sump to $\frac{1}{4}$ corner (already shown).
2. Assign a Park Service drawing number from the Regional Office series. This could be placed below the title block, or just within the margin at the lower left.
3. Water line extension to proposed comfort station with flush toilets, if one is contemplated by 1966.

4. Location of higher and larger distribution reservoir, if there is reasonable certainty that one will be needed by 1966 for either NPS use, or use of more water than will be available on days or the few days of peak travel.

No approval of the file map is needed by the Park or Forest Service. However, the map should agree with the master plan of development, and should be cross referenced in the Notice of Intention by drawing number and title, if filed at that time. I am personally inclined to defer filing of the map for several years, in order not to limit potential use until necessary. There is an immediate need for the map only if it becomes necessary to file the application.

The cost of \$800 should be increased to cover the entire ultimate system to and including the distribution reservoirs. If the Forest Service drawing did not already show part of the distribution pipe system, or if the drawing is to be redrawn to show potential use in the Memorial, I should omit the distribution system.

Reference to Dockets 1 of Badlands, Mount Rushmore, and Wind Cave, will show a number of Notices of Intention which have been prepared in different forms, and all of which have been accepted by the State Engineer. The attached notice is only a suggested draft, and should be modified if I have not presented the true facts.

The records of this water claim will constitute Mount Rushmore Docket 2 if the Park Service is to retain jurisdiction over the water rights and grant permissive use to the Forest Service. It would become Alien Water Right No. 1 if the Forest Service were to be granted only land use and authority to establish rights to the use of the water. I am not supplying any folders at this time. However, in preparing the Notice, or any mandatory application, four copies should be prepared for the assemblies. Prints of the map should also be made for such distribution. I have always make a van dyke or reproducible ovalid for my copy of maps in cases where the state requires the tracing. There is no objection to regional custody of that copy now that Mr. Mott is able to care for it.

I am folding and retaining the three prints of each drawing which Mr. Mott forwarded, and filing them in a temporary docket folder.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Attachments 3

Copy to: Superintendent, Mt. Rushmore, w/c 2 attachments
Chief, WDC, w/c 2 attachments

SESSION LAWS OF SOUTH DAKOTA

1955

Chapter 430
(H.B. 514)

Amending Laws Relating to Surface Waters

An Act Entitled, An Act relating to waters and providing for a water resources commission, and repealing sections 61.0101 through 61.0153, inclusive, of the South Dakota Code of 1939 as amended by sections 61.0102, 61.0109 and 61.0133-1 of the Supplement to the South Dakota Code of 1939.

Be It Enacted by the Legislature of the State of South Dakota:

61.0123 Appropriation of Water by the United States. The Commission may withdraw certain unappropriated waters from further appropriation pending the making of investigations relative to their most complete utilization, except that such withdrawal shall not be from any dry draw as defined in this act. Whenever any proper officer of the United States, authorized by law to construct works for the utilization of waters shall notify the Commission that the United States intends to utilize certain specified waters, or that the United States intends to make a survey with a view of later utilizing certain specified waters, the Commission may withdraw from other appropriations the waters so described and unappropriated at the date of such notice, except for uses under vested rights and dry draw uses, during such period as it shall be satisfied the construction of such works is contemplated by the United States, except that before withdrawing such waters from further appropriation the Commission shall instruct the applicant to publish notice thereof in a form prepared by the Commission and in the same manner as required under Section 61.0112 of this Act and as required of any other applicant. After publication of such notice, a hearing shall be held as provided for in Section 61.0113. Plans for the proposed work, as soon as the same are prepared, shall be filed by the proper officer of the United States in the office of the Commission for its information. As soon as the Commission shall be satisfied that the construction of such works is no longer contemplated, it shall cancel its withdrawal of such waters from appropriation, and thereafter the same shall be subject to general appropriation. When the construction of the works for the utilization of such waters, for which notice has been given and plans filed as required in this section, has been completed by the United States, such waters shall be deemed to be appropriated to be used in connection with the works so constructed by the United States, and a license shall be granted.

Approved March 2, 1955.

~~Water Rights~~

Notice of Intention
to the
State Engineer
of the
State of South Dakota

Grizzly Bear Spring, Tributary to Grizzly, July _____, 1958

Mount Rushmore National Memorial

The United States of America, National Park Service, by Charles E. Humberger, Superintendent of Mount Rushmore National Memorial, Keystone, South Dakota, hereby notifies the State Engineer of South Dakota, of its intentions to appropriate by construction, withdrawal, gravity diversion, regulatory storage and beneficial use, the aforesaid unappropriated waters of South Dakota under Section 61.0123, Chapter 430 and Section 61.0404, Chapter 431 of the 1955 revised Laws of South Dakota:

1. The name of Project is Grizzly Bear Spring Water System for Mount Rushmore National Memorial.
2. The amount of water claimed is 0.0088 sec.ft.
3. The source of water is Grizzly Bear Spring, tributary to Grizzly Creek, which is tributary to the Chayenne River through Battle Creek.
4. The point of diversion, or withdrawal, will be at Spring in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 18, T 2 N, R 6 E, BHM in Custer County, whence E $\frac{1}{4}$ Cor. of said Sec. 18 bears N 88° 34' E 2218.3 ft.
5. The water will be used during all 12 months of each year.
6. The water will be used for domestic, and fire protection purposes in SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ said Sec. 18 adjacent to Mount Rushmore National Memorial in Grizzly Bear Campground of Harney National Forest.
7. The estimated cost of the Project is _____.

8. Water will be collected by 3 - 6 inch by 30 ft. tile pipelines in the spring area, which discharge into 3 ft. X 3 ft. X 4 ft. collecting sump at point of diversion.
9. The water will be diverted through 1016 ft. of 1 inch plastic pipe to 6,000 gallon concrete distribution reservoir, whence distribution will be by 644 feet of 2½ inch plastic pipe and various laterals.
10. The control gradient is 117 ft. per 1,000 ft. and the carrying capacity of the 1" diversion pipe is 0.032 sec.ft., but the reliable spring flow is 0.0088 sec.ft.
11. The construction and initial use of the water at said Grizzly Bear Campground will be completed with 3 months.
12. This development is part of a 10-year development program by the National Park Service, designated as MISSION 66, to provide adequate public facilities by 1966, and complete construction will be scheduled to meet that public need.
13. A map, Drawing NM-MR-_____, Water Right Plat for Grizzly Bear Spring, is attached and made part of this notice.

Charles E. Humberger
Superintendent, Mount Rushmore
National Memorial



Address Reply To:
Regional Director, Region Two
National Park Service

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

Region Two Office
307 Federal Office Building
Omaha 2, Nebraska

IN REPLY REFER TO:

L-54

J. E. Lee

MAY 29 1958

Memorandum

To: The Director
From: Hydraulic Engineer, Region Two
Subject: Water Right Application, Grizzly Bear Campground,
Mount Rushmore National Memorial

We are attaching copies of the materials for filing for a water right which were forwarded to this office with a memorandum from the Superintendent, Mount Rushmore National Memorial, dated May 22, 1958.

We have received the application for permit to appropriate water within the state of South Dakota and we have supplied a portion of the data to add clarity and completeness. Please note that the amount of water claimed is .0088 cubic feet per second. This quantity is believed to be the probable maximum amount the spring will produce.

Upon completion of the Grizzly Bear Spring development and when a special use permit is issued to the National Forest Service, a specific amount of water will be granted.

It would be desirable to ascertain the required needs for water, that will accommodate the final development of the Grizzly Creek campground.

It was indicated in the letter from the Forest Service dated December 6, 1957, to the Superintendent of Mount Rushmore National Memorial "the area when completed will accommodate 185 people." Assuming a consumption of 15 gallons per capita per day, it would require a supply of 1.93 gallons per minute or .0043 cubic feet per second.

This requirement would indicate that during the season of minimum flow, (1 gal. per min.) the supply would be insufficient to meet the demand. During a season when the flow is in excess of 2 gallons per minute there likely would be a surplus, though at present it does not seem that any surplus supply from the spring could be used at our headquarters area or elsewhere. Accordingly, then the

MORU

total supply of the spring should be granted for use at the Grizzly Bear Creek campground.

This office supplied the estimated cost involved in the development of the collector system at the spring.

It will be noted in the second paragraph of the letter from the Forest Service, Mr. Bowman has transferred to another position; hence, the surveyor's certificate remains unchanged. It was requested that the tie be given a direct tie to the east quarter corner of Section 18, and this is indicated on the plat map. The plat map does not bear a signature of approval, and we are not sure who is to supply same, whether it is the Forest Service, the State Engineer or the National Park Service. Also, the application form was not notarized and presumably this should be completed by the Forest Service. We are retaining a copy of the plat map, the traverse profile and detail of the collector system to file in our records.

Your review of the attachments and, comments on same will be appreciated.

William A. Mott
Hydraulic Engineer

Attachments *1*

Copy to: Supt., Mount Rushmore NM,
w/o attachments

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

Mount Rushmore National Memorial
Keystone, South Dakota

May 22, 1958

Memorandum

To: Hydraulic Engineer, Region Two
From: Superintendent, Mount Rushmore National Memorial
Subject: Water Right Application, Grizzly Bear Campground,
Mount Rushmore National Memorial

This refers to your memorandum of April 21 returning the plat map of Grizzly Bear Creek Spring Development.

We have had some corrections made on the plat and have secured a profile drawing with traverse notes, along with an approved drawing of the collection box at the spring. These are all enclosed along with a completed form, Application for Permit to Appropriate Water within the State of South Dakota, and two copies of Mr. Hendry's letter of May 20 from the U. S. Forest Service.

We believe that you now have all of the information requested and we shall appreciate your processing this material at your earliest convenience, since the Forest Service is planning to use this water for the coming season at Grizzly Bear Campground.

/s/Charles E. Humberger
Superintendent

Encl: Appl. for Permit in Dupl. w/sheet & folder of instructions
Forest Service ltr. by Hendry dtd 5-20-58 (2)
Drawing collection box (3)
Profile drawing (4)
Surveyor's Cert. (orig. & 4)

C O P Y

United States Dept. of Agriculture
Forest Service
Black Hills National Forest

C
O
P
Y
Custer, South Dakota
May 20, 1958

Address reply to
Forest Supervisor
and refer to

U
PLANS-Black Hills
Recreation
Grizzly Bear Water System

Mr. Charles E. Nummerger
Superintendent
Mt. Rushmore National Memorial
Keystone, S. Dak.

Dear Mr. Nummerger:

Reference is made to your letters of April 21 and 25, 1958.

Enclosed are the original tracing of the "Water Right Plat for Grizzly Bear Spring", five copies of the tracing, six copies of the traverse and profile plat, and three copies of the collection system.

We have corrected it as far as possible in accordance with the desires of your regional office. It will, however, be impossible to change the Surveyor's Certificate description of the spring as Mr. Bowman has been transferred to the Shoshone National Forest. He did indicate a straight line tie on the plat which should be sufficient.

The collection system will be on the order of three vitrified tile pipes approximately 30 feet long feeding into a small (3'x3'x4') collection box, all of which will be buried.

The line from the spring to our storage tank (which will be outside the Memorial boundary) will be one inch plastic pipe and is to be 6"-8" underground. There will be little if any disturbance to the terrain either at the spring or along the pipeline after the initial construction.

The entire system has been studied and approved by our Regional engineers and we will begin construction as soon as your special use permit is issued.

Very truly yours,

HOWARD C. LEE, Forest Supervisor

s/d Leslie E. Hendry

BY: LESLIE E. HENDRY

Enclosures

WATER RIGHT APPLICATIONS

A complete Application for a Water Right includes the following items:

1. Two completed Form 2 - Application for Permit to Appropriate Water.
2. Map 24" x 36" in size, on tracing linen and a print showing:
 - ✓ (a) the location of diversion point (from stream, well, pond, or other water supply) in relation to a Government Section or quarter-section corner, by course and distance;
 - (b) if diversion is from reservoir, the location of the high water line and lands under water with names of owners and stating the capacity of the reservoir at high water; and
 - (c) if diversion is from stream, the location and name of stream;
 - (d) the location and total length of ditches;
 - (e) lands to be irrigated with names of owners; or for a municipality, the general area of use.
 - (f) a certificate of the Registered Land Surveyor, or Government Engineer who made the survey, sworn before a Notary Public or other Officer having a seal.
3. If diversion is from a well, two completed Form 2A-Wells (Supplement to Form 2)
4. If distribution to lands is through sprinkler system, attach copy of sprinkler nozzle manufacturer's pressure-discharge data to each Application Form 2.
5. Examination fee of \$5.00

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
REGION TWO
OMAHA, NEBRASKA

June 4, 1948.

MEMORANDUM for the Director.

Reference is made to Mr. Vint's memorandum of May 27 with which there were enclosed four prints of Drawing No. NMEM-MR-6950, Water System, Mount Rushmore National Memorial.

Our engineering field party is now securing additional topography that will enable us to answer your questions in regard to additional reservoirs to serve the area. From what information we have we will probably be able to locate a new reservoir about 700 or 800 feet west and south of the present reservoir at an elevation of approximately 5,365 feet. We plan on a 100,000 gallon reservoir at this point. The parking areas' elevations, as shown on your drawing, vary from 5,225 to 5,260 rather than 5,325 to 5,360 as indicated in your letter.

The elevation of the proposed residential area is somewhere in the neighborhood of 4,850 to 4,875 feet, but this may be changed somewhat when the field party's survey is completed. However, we believe the above elevation will not be changed very much. There is some high ground west of the residential area, and it is believed that a second reservoir can be located in this high ground to adequately serve the proposed residential area. The second reservoir will probably require the construction of an additional line from the spring area, although there is a chance that we may be able to develop some water from a well in that general area.

Water supply is somewhat of a problem in the area. We do not have any series of measurements of the flow of water from the spring area. About a month ago we measured this flow, and it was 10 gallons per minute. Our engineer reported that we were obtaining all of the flow from the spring. It seems quite likely that this may fluctuate, and we hope to be able to secure a better record of the flow. But in any event we know it is only a small supply.

There is a small flow in Grizzly Creek about 1,000 feet south and west of the proposed upper reservoir, but we do not know whether the water has been filed on. It was flowing at 6 gallons per minute at the time we measured the flow at the spring.

This is about all the information we can give you at this time,
but hope to be able to supplement it at a later date.

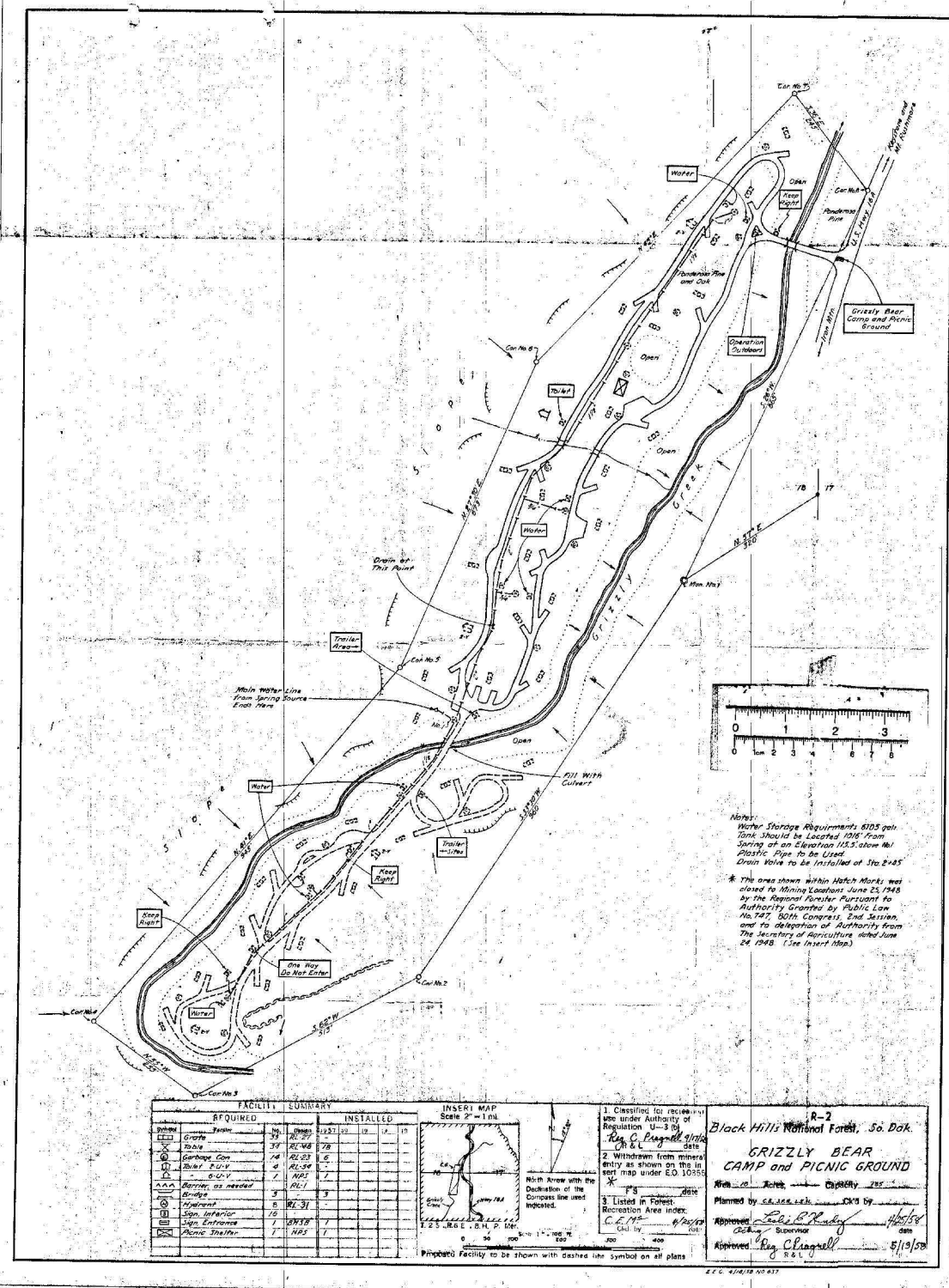
We are returning one print of Drawing No. NMEM-MR-6950 on which we
have shown the approximate location of proposed reservoirs.

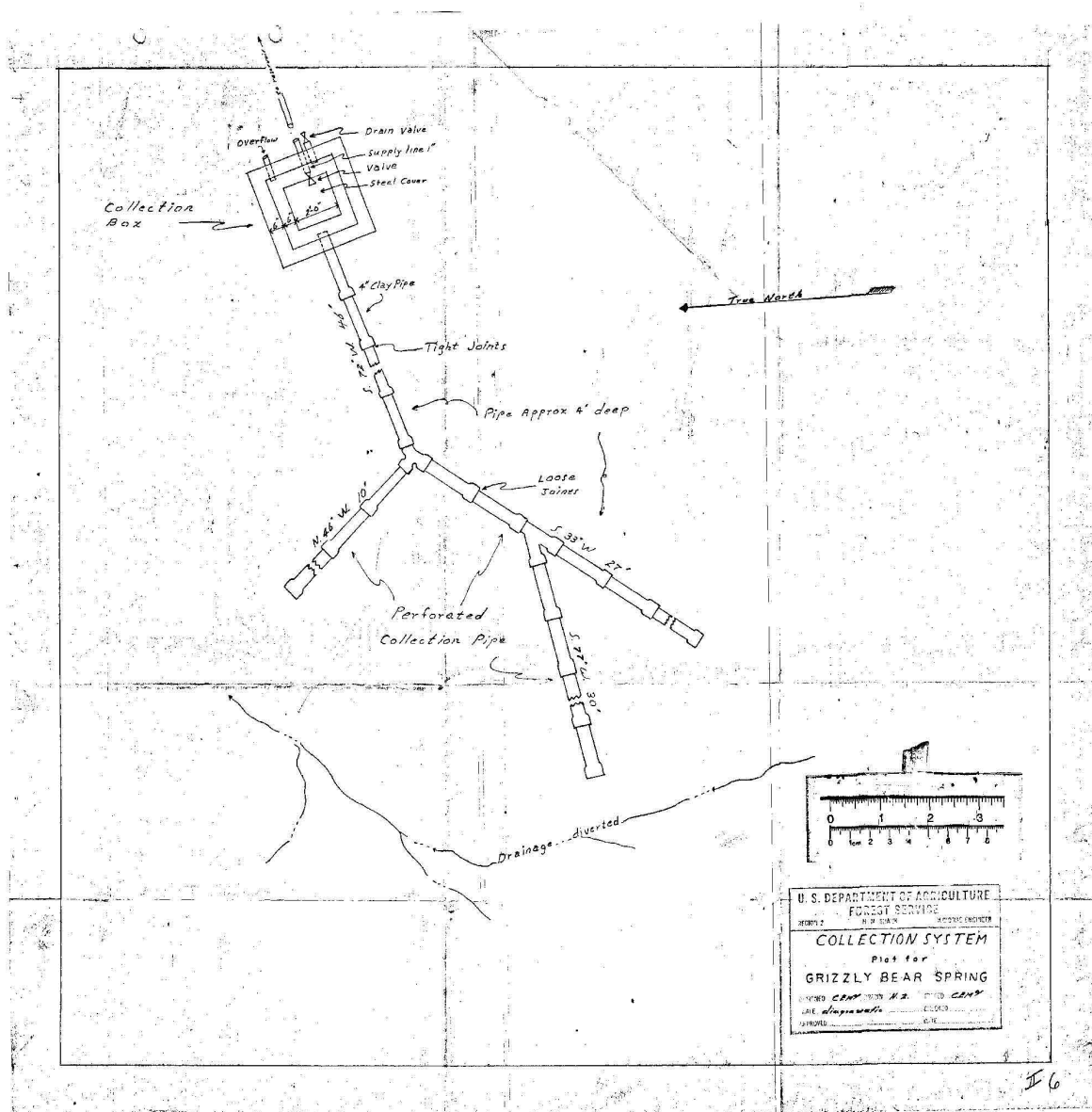
(Sgd) Howard W. Baker

Howard W. Baker,
Associate Regional Director.

Enclosure: Print of Drawing NMEM-MR-6950.

cc: Supt., Wind Cave, in duplicate, w/2 prints.





Docket Information

Number of Documents in Docket 55

Documents Dated from 6/4/1948 to 11/10/1959

Docket Compiled: 5/27/2011