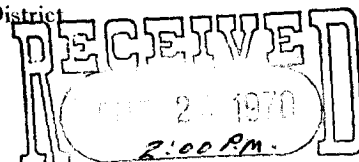


1. Considered NOVEMBER 4, 19 70
2. Name of Applicant CHEYENNE RIVER SIOUX TRIBE
3. Post Office Address EAGLE BUTTE, S.D.
4. Amount of Water claimed 4.64
5. Source of Water supply MISSOURI RIVER
6. Water to be used for MULTIPLE
- Acres to be irrigated -
7. Water to be diverted and used in DEWEY County
about 15 miles S. - 18 E. of EAGLE BUTTE
8. Proof of Publication Received 11-2-70
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action Deferred _____
10. Remarks:

No. 909-1Map No. 758-1 Water Division No. 1 **SULPHUR CREEK** District
(Blanks to be Filled by the Engineer for the W. R. C.)**APPLICATION FOR PERMIT**STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA**To Appropriate Water within the State of South Dakota**

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

1. Name of Applicant Cheyenne River Sioux Tribe
Postoffice address Eagle Butte, State South Dakota
If a corporation show date and place of incorporation See attached
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract
3. Name of diversion work Cheyenne River Sioux Water Pipeline Project Future needs
4. Amount of water claimed (cubic feet per second) Phase I:-1.55 cfs. Phase II:-3.09 cfs. (SDC 61.0122)-
4.64 cfs.
5. Source of water supply ~~Ogish Reservoir~~ Missouri River
6. Location of point of diversion Pump house, located 5, 963 feet S. 39° 1.9° E. from the
northwest corner of Section 33, Township 10 North, Range 26 East of the Black
Hills Meridian. County Dewey
7. Annual period or periods during which water is to be used Continuous year-round use
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Those uses encircled plus
rural domestic and stock-
watering. None
9. For irrigation use, Total number of acres to be irrigated None
- List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.
- | Land Description | No. Acres Irr. | Land Description | No. Acres Irr. |
|------------------|----------------|------------------|----------------|
| | | | |
| | | | |
| | | | |
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| | | | |
| | | | |
| | | | |
- Attach sheet if more space is needed
10. Time required to complete construction of water supply system (Estimated) 2 1/2 years. Additional time required to complete application of water to the proposed beneficial use (Estimated) 4 years. See attached.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Eagle Butte News; Rapid City Journal
12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

Dual 12" Ductile, Iron intake pipes, pumping well, pumps, mechanical equipment and accessories, pump house structure and incidentals:

B. Works proposed to transport water to place of use.

115,000 LF (survey length) of 16" pipeline, intermediate pumping station structure, micro-screens, chlorinator, pumps and related equipment; 1 million gallon elevated tank; radio control and telemetry; service road and incidental construction;

C. Works proposed to apply water to beneficial use.

Existing (Eagle Butte) plant and distribution system; not a part of Applicant's project construction cost. Future distribution lines by Applicant and/or others, surveys and cost estimates for which are not yet available.

Estimated Total Cost \$ 2,739,931.00Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
(See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

}

} ss.

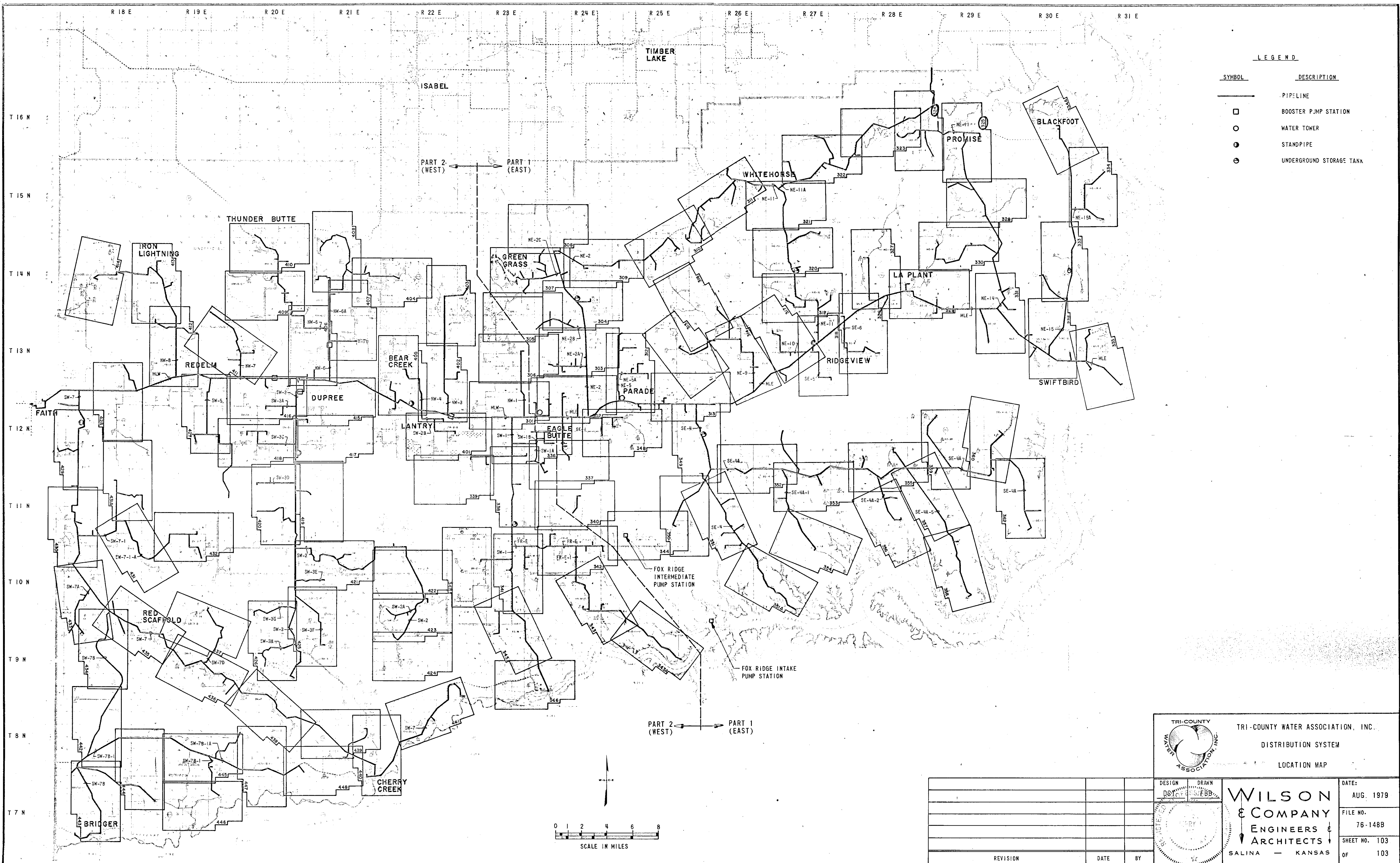
County of DEWEYI, Frank Ducheneaux the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.Signed Frank DucheneauxSubscribed and sworn to before me this 21 day of August 19 70

My Commission expires the

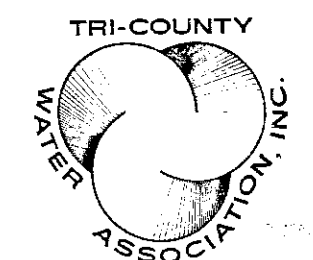
27 day of November, 19 75

Notary Public (or other qualified officer)

WALTER A. WOODS

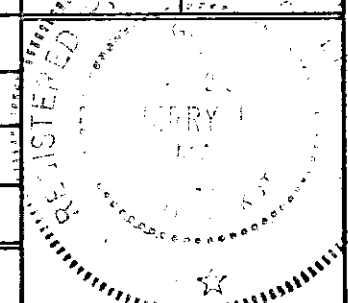


LEGEND	
SYMBOL	DESCRIPTION
—	PIPELINE
□	BOOSTER PUMP STATION
○	WATER TOWER
●	STANDPIPE
⊙	UNDERGROUND STORAGE TANK



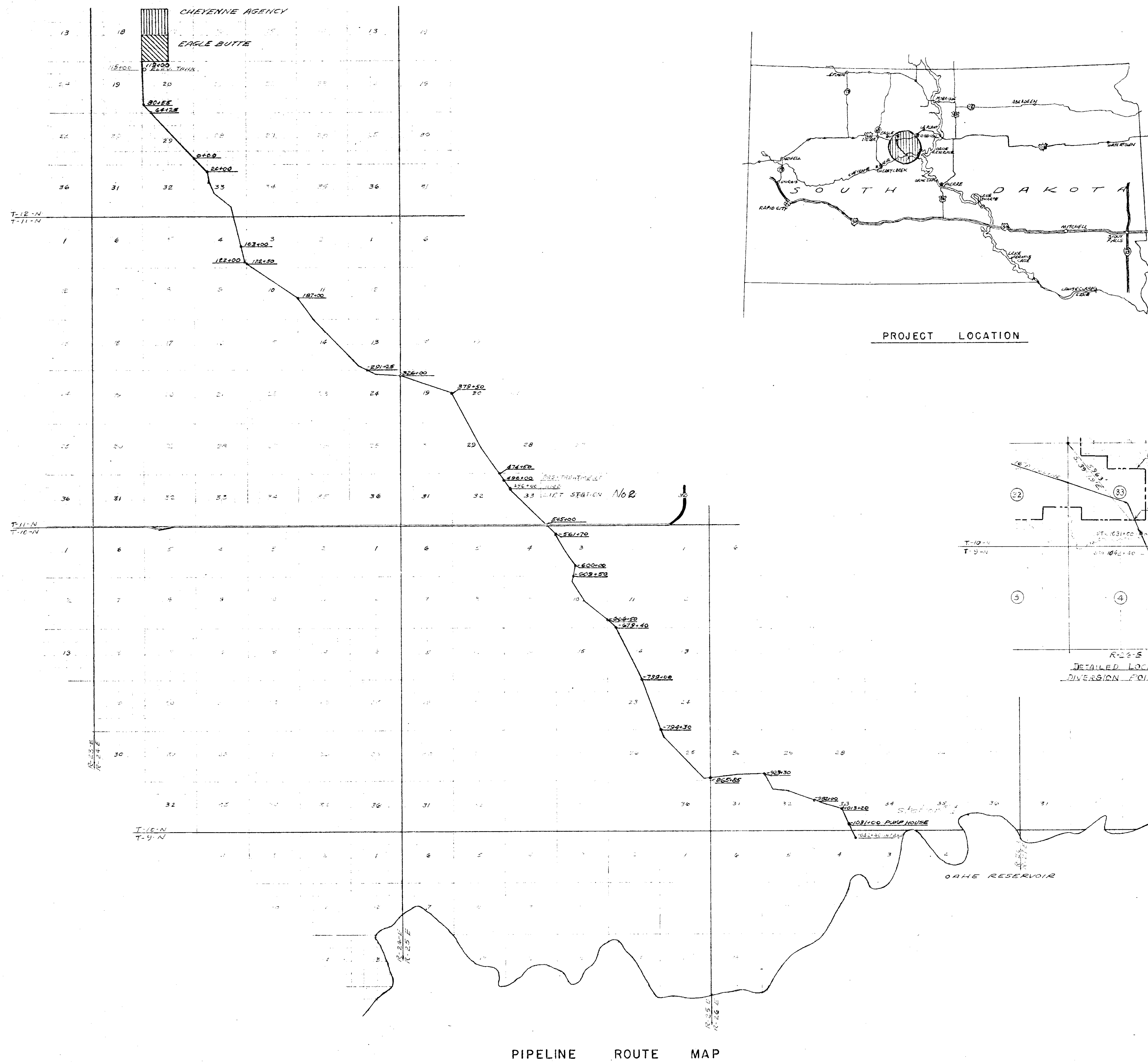
TRI-COUNTY
WATER
ASSOCIATION, INC.

TRI-COUNTY WATER ASSOCIATION, INC.
DISTRIBUTION SYSTEM
LOCATION MAP

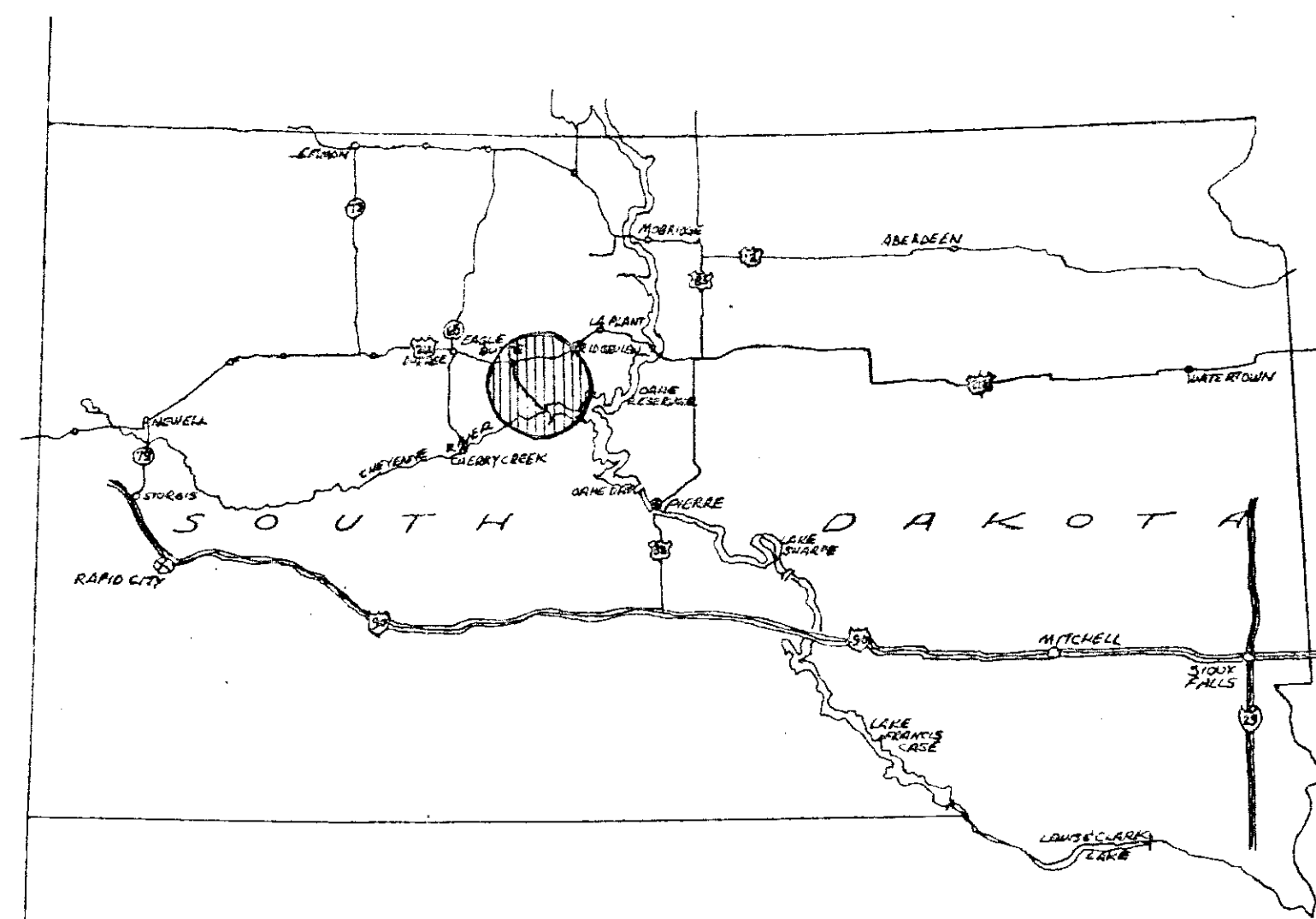
DESIGN DOT & S. FBB	DRAWN S. FBB		WILSON & COMPANY ENGINEERS & ARCHITECTS SALINA — KANSAS	DATE: AUG. 1979
			FILE NO. 76-148B	
			SHEET NO. 103	
			OF 103	

REVISION	DATE	BY

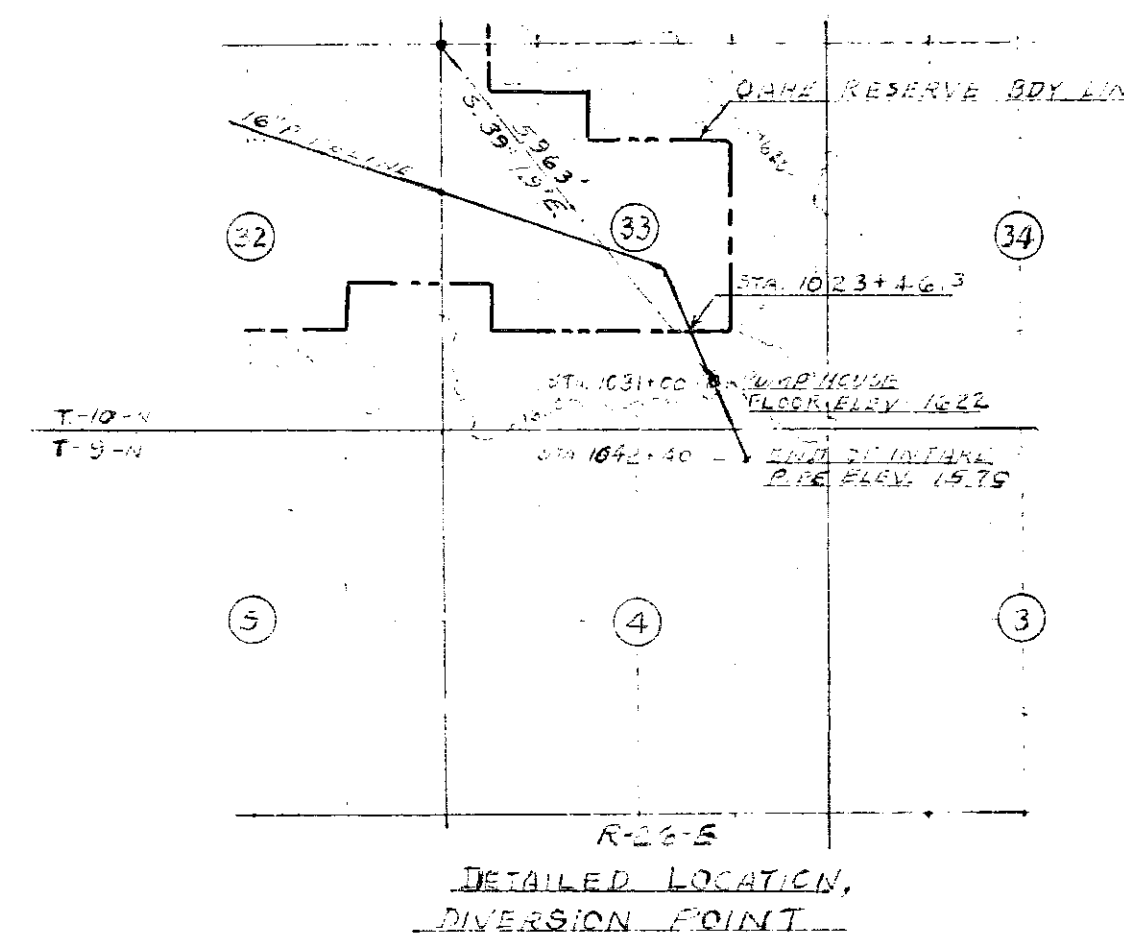
Map # 758-1 (App. # 909-1)



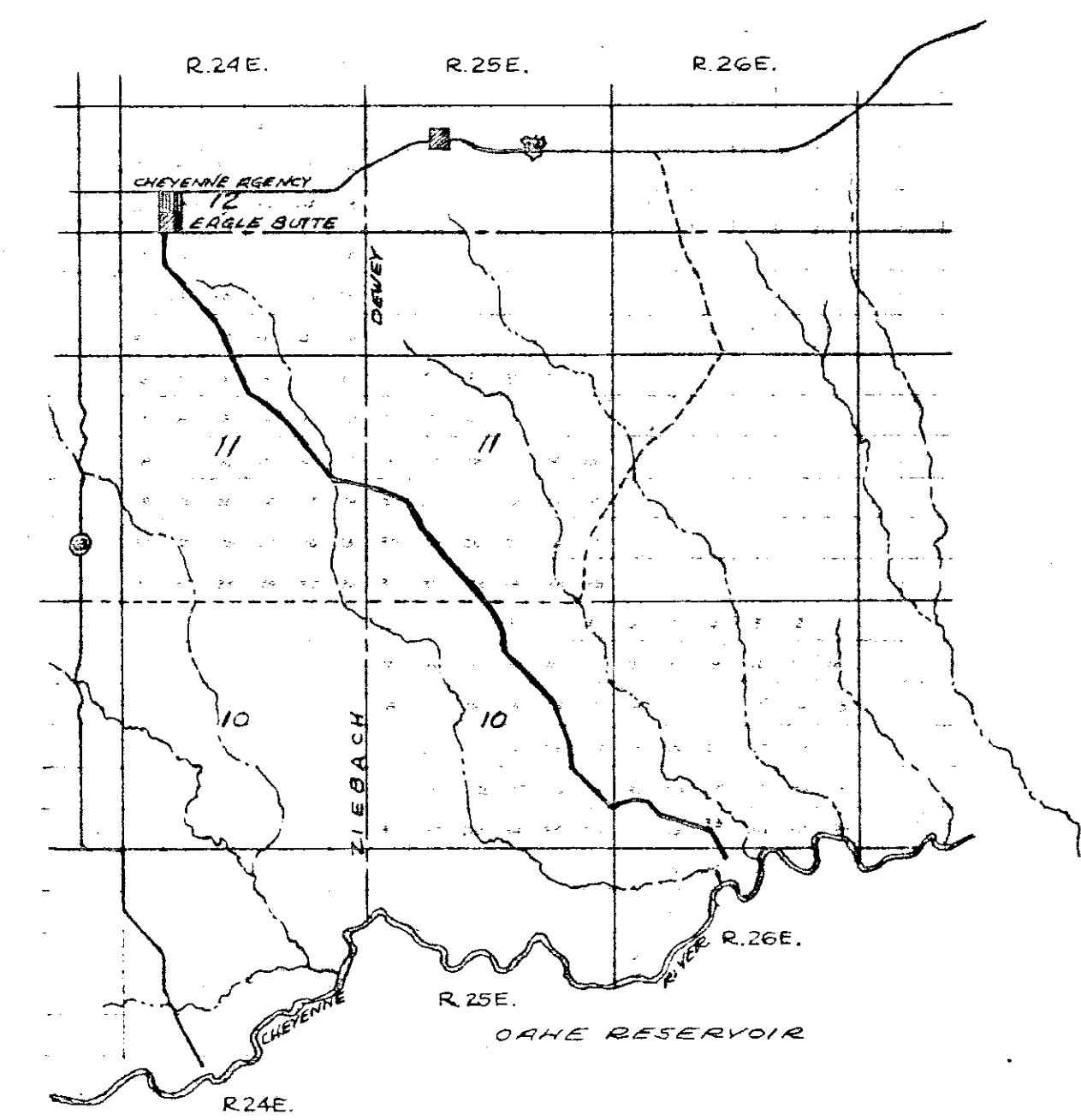
PIPELINE ROUTE MAP



PROJECT LOCATION



DETAILED LOCATION, DIVERSION POINT



PROJECT VICINITY

SURVEYORS CERTIFICATE.

I, Julian Staven, a registered land surveyor do hereby certify that the location of the water diversion point and water pipe line shown herein were determined by field survey performed under my supervision, and that the location of said diversion point, with respect to a corner established by U.S. land survey, is as shown herein.

IN WITNESS WHEREOF, I have hereunto set my hand and seal, this 21 day of Aug, 1970

Julian Staven
Registered Land Surveyor.

ACKNOWLEDGMENT OF SURVEYOR
STATE OF SOUTH DAKOTA.
COUNTY OF PENNINGTON.

On this day, before me, the undersigned, a Notary Public within and for the State and County aforesaid, personally appeared Julian Staven known to be the person who executed the foregoing Surveyors Certificate and acknowledged to me that he executed the same.

WITNESS MY hand and seal this 21 day of Aug, 1970

John B. De Sante
Notary Public.
My commission expires 4/15/72

CHEYENNE RIVER SIOUX-TRIBE WATER PIPELINE PROJECT
EAGLE BUTTE, SOUTH DAKOTA 1970

MAP NO 758-1
(APPL NO 909-1)

JULIAN STAVEN-CONSULTING ENGINEER Rapid City, South Dakota			
SCALE	REVISIONS	BY	DATE
DATE June 24, 1970			
DESIGNED VLR	CHECKED VLR		
TITLE PROJECT LOCATION		NO. PL-1	
500 SERIES		SEQUENCE NO. 01 of 26	

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 909-1
CHEYENNE RIVER SIOUX TRIBE EAGLE BUTTE
 (Applicant) (Post Office Address)
SOUTH DAKOTA With the following modifications:
 (State)

Date of first receipt of application AUGUST 24, 19 70
 Date of return to applicant for correction, amendments or changes required —, 19 —
 Date of receipt of corrected application —, 19 —
 Approved NOVEMBER 4, 19 70, Recorded in Book 11 Page 191

WATER RIGHT PERMIT NO. 909-1

The Water Resources Commission hereby grants and issues this Water Right Permit No. 909-1 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is AUGUST 24, 19 70
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MAY 4, 19 73
3. The whole of said work is to be completed on or before NOVEMBER 4, 19 75
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is NOVEMBER 4, 19 79
5. The water appropriated shall be used for the purpose of INDUSTRIAL, MUNICIPAL, COMMERCIAL, RECREATION AND RURAL HOUSING
6. 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.
7. The amount of the appropriation herein granted shall not exceed 4.64 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for ~~beneficial use served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and 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~~
USED FOR THE ABOVE PURPOSES
 actually and beneficially ~~applied for irrigation~~ on or before NOVEMBER 4, 19 79; said water to be used during the following described annual period: CONTINUOUSLY

Witness my hand this 6TH day of NOVEMBER, 19 70

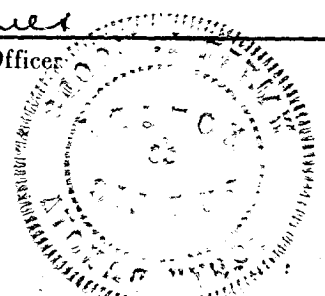
WATER RESOURCES COMMISSION

By:

[Signature]
 Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 _____

Water License Issued _____, 19 _____



- (1) Authority - Specific Act of Congress authorizing autonomous Indian Tribal organizations.
- (2) Question 10 - Estimated time required to construct the pipeline project and for the municipality of Eagle Butte to implement use of the improved supply through its existing facilities. An estimated additional time of five (5) years to complete distribution lines contemplated by the Applicant herein, or by other organizations planning use of this supply, surveys for which are not yet available.

FOR OPERATIONAL PURPOSES,
THE TRI COUNTY WATER ASSOCIATION
MANAGES THIS DISTRIBUTION
SYSTEM UNDER THE CHEYENNE
RIVER SIOUX TRIBE PERMIT
N°909-1



909-1
DEPARTMENT OF THE ARMY
OMAHA DISTRICT, CORPS OF ENGINEERS
6014 U. S. POST OFFICE AND COURT HOUSE
OMAHA, NEBRASKA 68102

RECEIVED
OCT 1 1976
DEPT. OF NATIONAL
RESOURCE DEVELOPMENT

MROOP-N
SD 2SB OXT 3 000824
Cheyenne River Housing Authority
Intake/Riprap/Fill
Missouri River Mile 1175.50R (1960 Mileage)
(Lake Oahe)

28 September 1976

NOTICE OF PERMIT PENDING

The application of Cheyenne River Housing Authority, Eagle Butte, South Dakota 57625 for approval of plans and issuance of a permit under authority of the Secretary of the Army is being considered by the District Engineer, U.S. Army Engineer District, Omaha, Nebraska.

The applicant requests permission to install a permanent, domestic water intake structure on the right bank of the Missouri River at mile 1175.50 (Lake Oahe) in Section 12, Township 16 North, Range 30 East, Dewey County, South Dakota.

The proposed facility will consist of two, 25 gallon per minute, submersible pumps, placed to the grade and elevations as shown on drawings (see sheet 2 of 2 sheets). To prevent damage from wave action and erosion an estimated 600 cubic yards of granular fill and 600 cubic yards of riprap will be placed above and below the ordinary high water. The purpose of the facility is to provide an adequate water supply for a small community site to be developed by the Cheyenne River Housing Authority. A temporary pumping facility is proposed for use during the construction phase of the housing project.

The State of South Dakota has waived its right to certify compliance with applicable water quality standards required under the provisions of Section 401 of the Federal Water Pollution Control Act Amendments of 1972. Accordingly, certification that the proposed project will not violate applicable water quality standards has been requested from the Regional Administrator, Environmental Protection Agency, Region VIII, Denver, Colorado.

A preliminary determination has been made that neither singularly nor cumulatively would this project have a significant effect on the quality of the human environment within the meaning of the National Environmental Policy Act and, therefore, an Environmental Impact Statement will not be required.

In compliance with the National Environmental Policy Act of 1969 and Section 106 of the National Historic Preservation Act of 1966, the National Register of Historic Places and monthly supplements thereto have been consulted and no properties included therein will be affected by this activity. However, presently unknown archeological, scientific, pre-historic, or historic data may be lost or destroyed by work to be accomplished under the requested permit.



The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among those are conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use classification, navigation, recreation, water supply, water quality, and in general the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Federal Water Pollution Control Act. No permit will be granted unless its issuance is found to be in the public interest.

Any person who may have an interest in the proposed work described herein may request a public hearing. The request must be submitted in writing to the District Engineer within 30 days of the date of this public notice. The request must state the specific reasons for holding the public hearing.

Any interested party (particularly officials of any town, city, county, state, federal agency, or local association) is invited to submit to this office written facts, arguments, or objections on or before 28 October 1976.

A permit, if granted, will be under Section 10 of the River and Harbor Act of 3 March 1899 (30 Stat. 1151; 33 USC 403) and under the provisions of Section 404 of the Federal Water Pollution Control Act (86 Stat. 816, PL 92-500).

Drawings showing the location and extent of the work are attached to this notice.

FOR THE DISTRICT ENGINEER:



KENNETH J. HAVEMAN
Major, Corps of Engineers
Deputy District Engineer for Civil Works

Attachment
As stated

Publish first publication, on or before October 8, 1970NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

September 17, 1970the **Cheyenne River Sioux Tribe**

Notice is hereby given that

whose post office address is **Eagle Butte**, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use**9.28** cubic feet of water per second of time from the **Missouri River** through the**Cheyenne Sioux Tribe Water Pipeline Project**

, the point of diversion of which is to be located in the

SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section **33**, Twp. **10N**, Range **26E**. Said water to be used for the purpose

of providing irrigation on the following described lands:

municipal, industrial, commercial and recreation uses and rural domestic**and livestock uses along pipeline.**

This application No. **909-1** will be considered by the Water Resources Commission at their office at Pierre upon the **4th** day of **November**, 1970, at **2:00 P.** .M. All interested persons may appear and be heard.

cc: **Julian Staven, 2515 Northbrook,
Rapid City, S.D.**

WATER RESOURCES COMMISSION

By:

**Frank Ducheneaux, Chairman
Cheyenne River Sioux Tribe
Eagle, Butte, S.D.****BURTON F. JONES, Water Rights Specialist**

STATE OF SOUTH DAKOTA)
County of Pennington) ss.

Oct 30, 1970
(Date Signed)

Water Rights Specialist

THE WATER RESOURCES COM
1075 SOUTH DAKOTA

Hatch
909-1

March 13, 1980

Mr. Michael Carter
Attorney at Law
Carter Law Office
P.O. Box 2008
Rapid City, South Dakota 57709

Dear Mr. Carter:

In a letter to Pat Rice, dated February 28, 1980, you indicated that the Tri-County Water Association would be appropriating water pursuant to a Cheyenne River Sioux Tribe permit. I assume you are referring to South Dakota permit number 909-1 issued by the South Dakota Water Rights Commission. If not, please advise.

After reviewing the permit, the Division of Water Rights found that the approved application does state that the water is to be used for future distribution lines. In addition, the amount of water granted by the permit is adequate to serve the Tri-County System.

Mr. John Hatch, Director, Division of Water Rights, will be making an administrative change to the permit which will show that the permit will be used by the Tri-County Water Association. I would request that you send another copy of the distribution system location map for the permit file.

If you have any questions please contact me or John Hatch.

Sincerely,

Warren R. Neufeld, Secretary
Water & Natural Resources
(605) 773-3151

cc: ✓ John Hatch, Director, Division of Water Rights
Del Brosz, Director, Division of Water Development
Jim Bullock, 1st National of Lincoln, Box 81008, Lincoln, NE.

WRN:cmh

*Aug 28, 1980
Dallas Moon
is sending a map
showing the distribution
system.
revised map
Sept. 3, 1980
Bur.*