

No. *U.S. 19-2*

Office of State Engineer  
DOCUMENT FILE

*U.S. Dept of Interior*  
*Lyons Creek*  
*Gregory County*  
*Location: - Sec 21, T. 15N, R. 79W*

CERTIFICATE OF WITHDRAWAL

OF

PUBLIC WATERS

GREGORY COUNTY

PONCA CREEK

The United States Department of the Interior, Bureau of Indian Affairs, Rosebud Indian Reservation, having made application for the withdrawal of certain heretofore unappropriated public waters of the State of South Dakota, and having complied with the requirements of the statute of the State of South Dakota providing for such withdrawal, such statute and authority being contained in and described as Vol. 2, Chapter 2, Article 1, Paragraph 8243 of the Revised Code of 1919, now therefore:

This is to certify that there is hereby reserved, of the heretofore unappropriated waters of Ponca Creek, the amount of one and one-half (1½) cubic feet per second of said waters; the point of diversion to be on the Left bank of the said stream at N 30° 15' E and 1237 feet from the SE Corner NW¼ Section 21, T.95 N. R. 12 W., 4th P.M., which water is to be used for the irrigation of certain lands in the NW¼ Sec. 21, T.95 N., R. 70 W., 4th P.M. part of the Ponca Day School Reserve, and the above said waters are hereby withdrawn from future appropriation during the continuance of the right herein granted and contained.

This certificate and withdrawal shall in no manner prejudice, alter, amend or effect the rights of any prior appropriator or prior appropriation of water, nor of any application for appropriation pending upon the date of this certificate, but the rights and privileges of any and all such prior appropriators or applicants for appropriation of water shall remain inviolate and intact, the same as if the within withdrawal had not been made.

This certificate shall be and is subject to cancellation in accordance with the provisions of the statute hereinbefore referred to and under the authority of which this certificate is issued.

In accordance with the provisions of the statute hereinbefore referred to, this Certificate is executed at the State Capitol at Pierre, South Dakota, on this 18 day of December, 1936.

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CHAS. A. TRIMMER,  
State Engineer.

NOTICE OF APPROPRIATION FOUND IN

FILE NO. 18

STATE OF SOUTH DAKOTA  
Notice of Appropriation

In accordance with the provisions of Section 8243 of the Compiled Laws of the State of South Dakota, 1929, you as State Engineer of the State of South Dakota, are hereby notified that the United States of America, acting by and through me, C. P. Whitlock, Superintendent of the Rosebud Indian Reservation located at Rosebud, South Dakota, duly authorized by Harold L. Ickes, Secretary of the Interior, for this purpose, intends to utilize certain amounts of the waters of streams flowing in and through the State of South Dakota for certain specified purposes on definitely described tracts of land within said State, hereinafter set forth in detail, together with plans of the proposed works, which information is hereto attached, marked "Exhibit A", and made a part hereof; and the request is hereby made that the waters hereinafter described be withheld from entry and not subject to further appropriation in accordance with the provisions of the Compiled Laws of the State of South Dakota, 1929.

The purpose of the appropriation of the waters of these streams is for the use of the Indians residing on the Rosebud Reservation, South Dakota, for the irrigation of subsistence gardens being constructed by the United States.

By this aforesaid Notice of Appropriation, the United States is not seeking to establish a date of priority to the use of the waters described in "Exhibit A" attached hereto. Notice is hereby given you that the United States is not waiving any legal rights it may claim to the date of priority to its use of the waters or the quantity of the waters of these streams pursuant to federal statutes and decisions of the United States courts.

C. P. Whitlock  
Superintendent Rosebud Indian  
Reservation, Rosebud, South  
Dakota.

STATE OF SOUTH DAKOTA, )  
COUNTY OF \_\_\_\_\_ ) SS.

Edw. Whitlock, being first duly sworn, on his oath, deposes and says: that he is the Superintendent of the Roxburgh Indian Reservation residing at Roxburgh, South Dakota; that he has been duly authorized by Harold I. Lukas, Secretary of the Interior, to make and file the foregoing Notice of Appropriation; that in his official capacity as such Superintendent and pursuant to authority therein vested by said Secretary of the Interior, he has heretofore subscribed his name to the above instrument.

Subscribed and sworn to before me this 27th day of Aug., 1936.

A. M. Geth  
Notary Public for the State  
of South Dakota. Residing  
at Michael, South Dakota.  
My commission expires Nov. 22, 1937.

"E X H I B I T     A"

- I. Schedule of Diversions of Water for Irrigation Purposes  
on the Rosebud Indian Reservation, South Dakota.
- II. Plans of Irrigation Developments on the Rosebud Indian  
Reservation, South Dakota.

# SCHEDULE OF DIVERSIONS OF WATER FOR IRRIGATION PURPOSES ON THE

## ROSEBUD INDIAN RESERVATION, SOUTH DAKOTA.

| SOURCE OF WATER    | QUANTITY OF WATER                                          | POINT OF DIVERSION                                                   | LAND IRRIGATED                                                                      |
|--------------------|------------------------------------------------------------|----------------------------------------------------------------------|-------------------------------------------------------------------------------------|
|                    | Total Diversion: Rate of Diversion:                        |                                                                      |                                                                                     |
| Name of Stream     | per Annum : Cubic Feet per<br>Acres-Feet : Second of Time. | Bank : Bearing and : Feet<br>Distance<br>: from Public Survey Corner | Description of the<br>: Land Irrigated.                                             |
| Ponce Creek        | 19 50                                                      | Left N 30° 15' E 1237                                                | Part Ponce Day School Reserve<br>in NW 1/4 Sec. 21, T. 95 N., R. 70 W.,<br>4th T.M. |
| Spring Creek       | 18 130                                                     | Left S 80° E 930                                                     | Parts of SW 1/4 Sec. 24 and NW 1/4<br>Sec. 25, T. 36 N., R. 32 W.,<br>3rd G.M.      |
| Little White River | 2 150                                                      | Right N 34° E 980                                                    | Part SW 1/4 Sec. 24, T. 39 N., R. 30 W.,<br>3rd G.M.                                |

**OVERSIZE**

**DOCUMENT IS**

**SUPPLEMENTARY**

**TO MICROFILM FILE**