

Mitchell, South Dakota
December 11, 1935

Mr. Charles Trimmer,
State Engineer,
Pierre, South Dakota

Dear Mr. Trimmer:

You are hereby notified that the United States Department of Agriculture, Bureau of Biological Survey, is making, and intends to make, surveys on the Little White River for the purpose of constructing a dam and diverting the flow of the water of the Little White River into LaCreek in connection with development of the LaCreek Migratory Waterfowl Refuge, in Bennett County, South Dakota.

It is respectfully requested that you withdraw from appropriation the waters of the Little White River, together with all of its tributaries, springs, draws and other sources of water supply from its source to the junction of the Little White River with LaCreek, in Township 27 North, Range 35 West, Bennett County, South Dakota, in accordance with the compiled statutes of South Dakota, Paragraph 3243. As soon as plans are prepared for this proposed diversion, they will be filed with you in accordance with the law.

The filing of this notice in no way waives any legal rights of the United States in, and to, any, and all, waters in the State of South Dakota.

Yours very truly,

JOHN H GALL
Project Coordinator

JHG:R

cc: J. C. Salyer
L. M. Winsor

RECEIVED

DEC 12 1935

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.



United States Department of the Interior

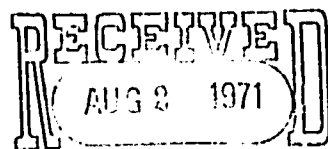
FISH AND WILDLIFE SERVICE
BUREAU OF SPORT FISHERIES AND WILDLIFE

Federal Building, Fort Snelling
Twin Cities, Minnesota 55111

IN REPLY REFER TO:
EN-H-AR-LaCreek

July 28, 1971

Mr. Joseph W. Grimes
Chief Engineer and Executive Officer
South Dakota Water Resources Commission
State Office Building
Pierre, South Dakota 57501



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Dear Mr. Grimes:

Thank you for your letter of July 21, 1971, concerning water rights in the Little White River District.

We are submitting the following summary of use in acre-feet since 1966 in response to your inquiry concerning LaCreek Refuge water use from the Little White River under U.S. Withdrawal No. 3-2:

<u>Diversion to Pools 9 and 10</u>	<u>Consumptive Use on Little White River Pool</u>
1966 - 2,000 (estimated)	792
1967 - 1,913	322
1968 - 482	716
1969 - 2,694	608
1970 - 0	564
1971 - 180 ac-ft (as of July 23)	(incomplete)

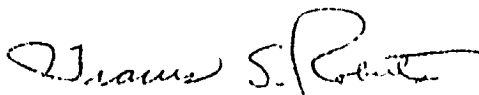
The diverted quantities shown for years 1967 through 1971 were measured by means of a Parshall Flume located in the diversion canal referred to in your letter. The Parshall Flume was installed in 1965. The quantity shown for 1966 is estimated as the flume washed out and was replaced later in the year. No diversion was accomplished in 1970 because of low water conditions in the Little White River Impoundment at the time water was needed in LaCreek Refuge pools 9 and 10.

Consumptive use figures for Little White River pool (see attached location map) were computed from pool readings, water acreages, and computed inflow and outflow data for the respective years shown. Water use data for years prior to 1966 were not complete so we made a concerted effort starting in that year, to update our record keeping.



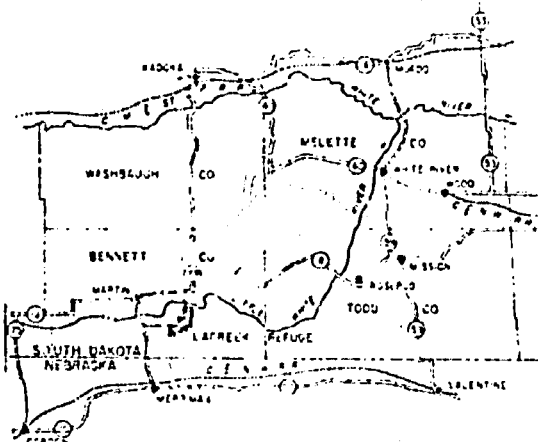
Thank you for providing us with the tabulation of water right
sellings for the Little White River District. We will advise
you further if we need additional information concerning the
larger White River District.

Sincerely,

A handwritten signature in dark ink, appearing to read "Travis S. Roberts". The signature is fluid and cursive, with the first name "Travis" and last name "Roberts" clearly distinguishable.

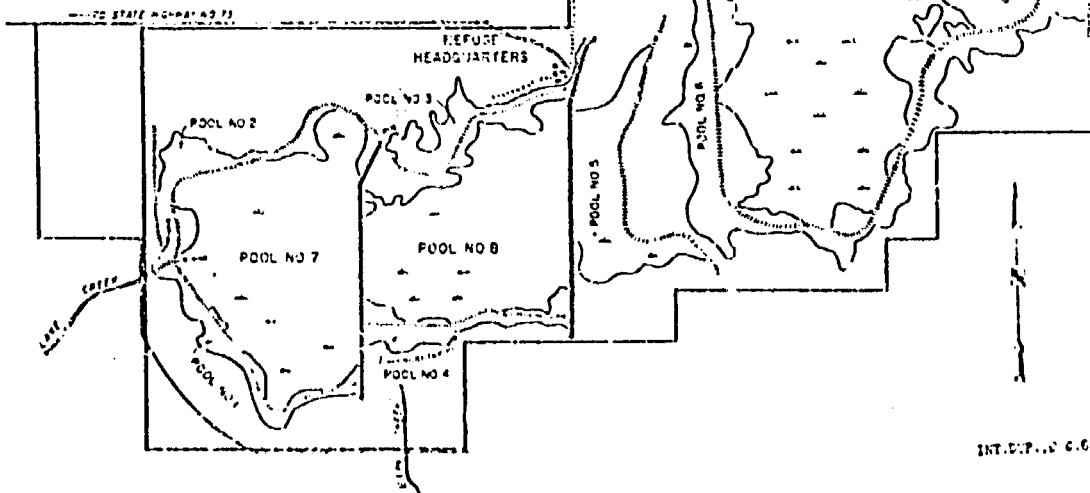
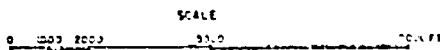
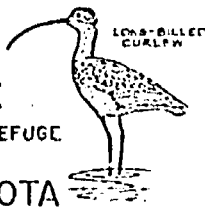
Travis S. Roberts
Regional Director

Attachment



LOCATION MAP

LACROOK
NATIONAL WILDLIFE REFUGE
BENNETT COUNTY
SOUTH DAKOTA



Location of Parrishall
measuring place.
135' South of County Road

U.S. No. 242
U.S. No. 3-2

July 23, 1971

Mr. John D. Ueberger
Regional Engineer
Fish and Wildlife Service
Federal Building, Fort Snelling
Twin Cities, Minnesota 55111

Dear Mr. Ueberger:

Your letter of July 8, 1971 inquires about water right filings in the White River District. There are both a White River and Little White River District. I assume you are interested only in the Little White River District and so will send you information for this district only. If you also want the information for the much larger White River District let me know and we will assemble that information for you.

Enclosed are copies of water rights, or filings, in Shannon, Bennett, Todd and Mallette Counties. On these sheets the red OF 8 means within the Little White River District and upstream from the La Creek Refuge. The red D.S. means it is within the Little White River District and downstream from La Creek Refuge. I assume you are primarily interested in the surface flows, but the ground water rights are also indicated. If the information sheets show that the water right has neither been canceled nor licensed, that indicates a question exists as to the status of the water right.

Supplemental Certificate of Construction of Works and Appropriation of Water No. 2-2 signed by the State Engineer on March 11, 1948 allocates the unappropriated waters of La Creek to the Fish and Wildlife Service. This office considers this a valid water right.

Certificate of Construction of Works and Appropriation of Water No. 3-2, signed by the State Engineer on February 10, 1948, allocates the unappropriated water of Little White River to its junction with La Creek to be diverted to the La Creek National Wildlife Refuge.

Mr. John D. Umberger

Page 2.

U.S. No. 2-2 & 3-2

Preliminary investigation by the Staff of the Water Resources Commission indicates that a diversion canal was constructed but diversion of water from Little White River to La Creek Refuge has not been made for many years, if ever. If this is the true condition, U.S. Withdrawal No. 3-2 is no longer a valid water right inasmuch as South Dakota Water Laws provide that when any person (by definition this would include the Fish and Wildlife Service) entitled to the use of appropriated water fails to beneficially use the water for a period of three years, or longer, such water shall revert to the public.

I, would appreciate any comments from you about this U.S. Withdrawal No. 3-2, diversion of water from the Little White River. It appears that the Water Resources Commission has an obligation at an early date, to notify the Fish and Wildlife Service that the Commission is scheduling cancellation of U.S. Withdrawal No. 3-2.

Enclosed as requested is the "Thirty-Second Report of the State Engineer".

Sincerely,

J.W. GRUBBS
Executive Officer
Water Resources Commission

JWG/ED/bw
Encl: As stated



United States Department of the Interior

FISH AND WILDLIFE SERVICE
BUREAU OF SPORT FISHERIES AND WILDLIFE
Federal Building, Fort Snelling
Twin Cities, Minnesota 55111

IN REPLY REFER TO:

EN-H-WR-LaCreek

July 8, 1971

Mr. Joseph W. Grimes
Chief Engineer
State Water Resources Commission
State Office Building
Pierre, South Dakota 57501

RECEIVED
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STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

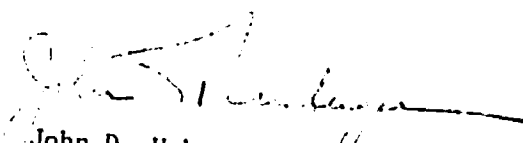
Dear Mr. Grimes:

In August 1967 we made inquiry to your office concerning water right filings in the White River District, Water Division No. 2. In his reply dated September 5, 1967, Mr. Schmoyer mentioned that your office had undertaken an investigation of the water right filings for that division which when completed would provide a more complete list of all valid water rights.

Assuming that your investigation is now completed we would appreciate receiving a copy of any summary report dealing with water right filings in this division. If this is not available we would like to have your most current list of water rights filings as they relate to the LaCreek National Wildlife Refuge in Bennett County South Dakota. If possible, we would also like a copy of the biennial report entitled "Thirty-Second Report of the State Engineer".

Thank you for providing us with assistance in this matter.

Sincerely,


John D. Umberger
Regional Engineer



IV
Sustained Water Permit
W/R

January 29, 1962

Mr. Jerry L. Mach
County Extension Agent
Martin, S. Dak.

Dear Mr. Mach:

Reference is made to your recent letter regarding water rights below Mr. Fanning.

Flows in the Little White River are appropriated by the power plant at White River, and any irrigation in the drainage area above this point would fall into about the same category as those described in my previous letter on lands above the LaCreek Wildlife Refuge. I might add that previous applications in the Little White River Watershed above the town of White River have been turned down by the Water Resources Commission.

Sincerely,

BURTON F. JONES
Water Right Specialist

BFJ:mf

9/12 3-2
9/12 10/1/62

CROSS REFERENCE

3-2

SEE FILE: U.S. 1-3

Re: 1. Letter dated March 16, 1948 from: Arthur J. Huey
Regional Engineer
U. S. Department of the Interior
Fish and Wildlife Service
828 Plymouth Building
Minneapolis, 2 Minnesota

2. And answer to above from Mr. Loncks

SUBJECT: U. S. Fish and Wildlife
South Dakota Water Certificates

5/10/48

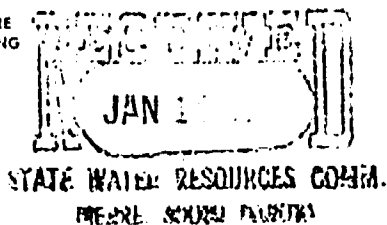
COOPERATIVE EXTENSION WORK

IN AGRICULTURE AND HOME ECONOMICS

STATE OF SOUTH DAKOTA

SOUTH DAKOTA STATE COLLEGE
U. S. DEPARTMENT OF AGRICULTURE
AND BENNETT COUNTY COOPERATING

EXTENSION SERVICE
COUNTY AGENT WORK
HOME AGENT WORK



MARTIN, SOUTH DAKOTA
January 17, 1962

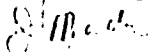
Mr. Burton F. Jones
Water Right Specialist
Water Resource Commission
Pierre, South Dakota

Dear Mr. Jones:

Thank you for your letter advising me on the potential availability of water rights. Several farmers and ranchers will soon be filing their applications.

I have a question on one more water right. A spring development for irrigation purposes for James Fanning, Vetal, South Dakota, S-28; T-37; R-34. Is there anyone below his drainage area with a prior water right?

Sincerely Yours,


Jerry L. Mach
County Extension Agent

JLM/ecw

January 8, 1962

Mr. Jerry Mach
County Extension Agent
Martin, S. Dak.

Dear Mr. Mach:

Reference is made to your recent letter regarding acquisition of water rights on certain described lands.

It would appear that appropriations for Mr. Jacquot's proposed project could be made as he is in the drainage area of the Big White River.

The other two mentioned in your letter are in the drainage area of the Little White River. Prior water rights exist to the flows of the Little White River and Lacreek, held by the United States for Lacreek Wildlife Refuge.

Irrigation spreader system water rights are possible, provided that other than high (flood) flows are not diverted into the spreader system.

Irrigation storage water rights may be acquired only for waters which now overflow the spillway of the lowermost dam of the Federal Wildlife Refuge on Lacreek, or which pass the Wildlife Refuge diversion structures on the Little White River located above the mouth of Lacreek.

Irrigation water rights which involve pumping or otherwise diverting water during periods when the above wildlife refuge structures are not passing water, are not available.

The next meeting of the Water Resources Commission is scheduled for January 10th and 11th, and the following meeting for March 7th and 8th.

Under separate cover, we are sending you the forms you requested.

Sincerely,

Burton F. Jones
Water Right Specialist

BFJ:mf

25 Form. 2
10 Form. 3 & 4
5 Inst. 3000
5 Water form

mailed under
separate cover
Jan. 8/62

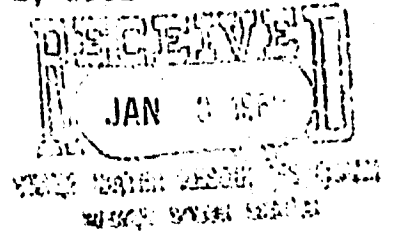
COOPERATIVE EXTENSION WORK
IN AGRICULTURE AND HOME ECONOMICS

STATE OF SOUTH DAKOTA

SOUTH DAKOTA STATE COLLEGE
U. S. DEPARTMENT OF AGRICULTURE
AND BENNETT COUNTY COOPERATING

EXTENSION SERVICE
COUNTY AGENT WORK
HOME AGENT WORK

MARTIN, SOUTH DAKOTA
January 2, 1962



Mr. Joe Grimes
Water Resource Commission
Pierre, South Dakota

Dear Mr. Grimes:

Several farmers and ranchers are planning on establishing irrigation systems in the next year or two in Bennett County. They have requested some information on possible water rights in given areas of the County.

Would it be possible to apply for water rights on the following Creeks:

Harold Jacquot, R-37, T-39, S-9 and 15 Spring Creek, Bear Creek and Pretty-Hip Creek.

C. W. McPherson, R-38, T-36, S-27, 28 Springs developed on land and running into Lacreek.

Harold Jackson, R-39, T-36, S-1
R-38, T-36, S-6, Little White River.

I would also like to know when the Water Resource Commission meets and would you send me 25 water right application blanks, if they are available?

Sincerely Yours,

J. Mach
Jerry L. Mach
County Extension Agent

JLM/ecw

Irrigation water rights are possible, provided that other than high (flood) flows are not diverted into the riparian system.

Irrigation storage water rights may be acquired only for waters which now overflow the spillway of the dam on the Little White River located above the mouth of Lacreek.

Irrigation water rights, which involve purchasing or otherwise diverting water during periods when the above wildlife refuge structures are not passing water are not available.

March 11, 1948

Arthur G. Huey, Regional Engineer
United States Department of the Interior
Fish and Wildlife Services
828 Plymouth Building
Minneapolis 2, Minnesota

Re: Little White River
Withdrawal No. U.S. 3-2

Dear Mr. Huey:

This will acknowledge receipt of your letter of February 4, 1948, enclosing Certificate of Examination of Works by Robert W. Dougall covering withdrawal No. U.S. 3-2, Little White River.

We have prepared and are enclosing here - with a Certificate of Construction of Works and Appropriation for the withdrawal of water as provided for under Withdrawal No. U.S. 3-2.

We have also executed a Supplemental Certificate of Construction of Works and Appropriation covering that portion of the water appropriated under Water Right No. 255-2 and acquired by the U. S. by deed, which flows in Little White River above its junction with LaCreek.

Our state code requires that we charge a fee of one dollar for issuing each Certificate of Construction. You will therefore kindly remit to this office for the above certificates.

I believe this completes the filing of documents in this office to entitle the holder of Certificate No. U.S. 3-2 full enjoyment of the water covered in the certificate for the purposes provided with the possible exception that a plan showing the dam and spillway construction and operation should be included with the filings, it would however perhaps be desirable to have the Certificate of Construction and Appropriation recorded in the State Engineers Office. The state code requires that we make a charge for the recording of any document of one

dollar for the first one-hundred words and \$00.15 for each additional one-hundred words or fraction thereof. If it is your desire to have the document recorded, kindly so inform this office and remit the necessary fee and the matter will promptly be taken care of.

You may also wish to have all four of the Waterfowl Rights recorded including U. S. 2-2 and U. S. 1-3.

Very truly yours,

Dean W. Loucks
State Engineer

DWL/od

ADDRESS ONLY THE REGIONAL DIRECTOR
FISH AND WILDLIFE SERVICE

AND REFER TO

UNITED STATES
DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE

OFFICE OF REGIONAL DIRECTOR

925 PLYMOUTH BUILDING
MINNEAPOLIS 2, MINNESOTA

February 4, 1948

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

REGION 3

NORTH DAKOTA
SOUTH DAKOTA
NEBRASKA
MINNESOTA
IOWA
MISSOURI
WISCONSIN
MICHIGAN
ILLINOIS
INDIANA

Office of State Engineer
Dean W. Loucks, State Engineer
Pierre, South Dakota

Re: Little White River
Water Permits No. 1
U.S. 3-2, U.S. 2-2
and 253-2.

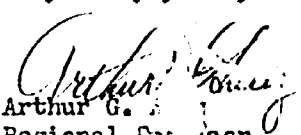
Dear Mr. Loucks:

Reference is made to your letter of April 29, 1947 relative to Certificates of Construction and Works Appropriation for the United States of America water filings on Little White River, Bennett County, South Dakota and to your recent discussion with Mr. Robert W. Dougall of this Service regarding United States of America water rights in the State of South Dakota.

Attached hereto please find a Certificate of Examination of Works as made by R. W. Dougall on the Little White River Migratory Waterfowl Refuge in accordance with your Letter of Authorization, dated May 15, 1942. We are submitting corrected copies of a Supplemental Certificate of Construction of Works and Appropriation for all of the waters covered by water license No. 253-2 that are flowing in Lacreek above the U. S. dam known as Dam No. 10, situated on Lacreek in Section 25, T. 37 N., R. 36 W., 6th Principle Meridian, Bennett County, South Dakota.

It is our opinion that the necessary certificates will now be on file in your office and that you will be in a position to issue a Certificate of Construction of Works on the Little White River section of the migratory waterfowl project as well as the Appropriations for the Lacreek Migratory Waterfowl Refuge under United States water rights No. U. S. 2-2. Should other documents or certificates be required prior to the issuance of the Certificate of Construction of Works and Appropriation, please advise and the necessary documents will be prepared for your file.

Very truly yours,


Arthur G. Jones
Regional Engineer

CC - Robert Dougall
Enclosures.

LETTER OF AUTHORIZATION

for

INSPECTION

May 15 19 42

Robert W. Dougall

Lacreek-White River Migratory Waterfowl Refuge
(Name of Project)

Box 638, Minot, North Dakota

Little White River
(source of appropriation - stream)

Dear Sir:

The United States of America, Department of the Interior, Fish and Wildlife Service, (formerly the Bureau of Biological Survey), having filed "Notice of Intention" to utilize certain specified waters of the State, and there having been issued a withdrawal from further appropriation as provided in Section 61.0137, 1939 Revised Code of South Dakota and identified as Withdrawal No. U.S. #3, on Little White River (stream), County of Bennett, has informed this office that the construction for the diversion, storage, appropriation and application of water to beneficial use has been fully completed and is ready for examination.

You are, therefore, hereby authorized to arrange with the holder of said withdrawal for an examination of the Martin Lake reservoir, and diversion ditch to Lacreek Refuge, constructed and owned by the United States of America, Department of the Interior, Fish and Wildlife Service, (formerly the Bureau of Biological Survey), on the Lacreek Migratory Waterfowl Refuge and also an inspection to determine the amount of water stored and applied to beneficial use.

In this examination you will ascertain whether or not the constructed works comply fully with the plans submitted and are capable of using quantities of water as set forth in the "Notice of Intention", and give in complete form all the information which is suggested by the statements in the Certificate of Inspection which is herewith enclosed, in the attached instructions, and such other information as will enable the State Engineer to act intelligently and judiciously in the matter of determining the status of completion of the projects.

You should also arrange with the holder of the withdrawal for the payment of your fee for this service and such proper expenses as you incur in making this examination and report and taking the testimony.

Very truly yours,

Albert H. Pouché
State Engineer

WITHDRAWAL NO. U. S. 3

Water Division No. 2

Little White River Water District

CERTIFICATE OF EXAMINATION OF WORKS
Report of Examining Engineer

DEPT. OF STATE ENGINEER
PIERRE, S. DAK.

Date January 13 and 14, 1948

Little White River Migratory Waterfowl
(Project Name) Refuge

By: Robert W. Lugall

Little White River (South Fork White River)

To the State Engineer, Pierre, South Dakota:

Dear Sir: I hereby certify that in accordance with your letter of authorization dated May 15, 1942, I have made a thorough examination of Martin Lake reservoir and diversion ditch constructed by the United States of America, Fish and Wildlife Service, holder of withdrawal No. U. S. 3 issued upon Certificate of Withdrawal bearing date December 13, 1936, authorizing the withdrawal from further appropriation the waters of Little White River (South Fork White River) for water conservation and propagation of aquatic vegetation, fish, and recreation.

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

The impounded and diversion works comprise:

Dam: Type earth fill with clay core trench where sandy
Foundation clay and sand
Size: Max. length 6,330 feet Max. Height to spillway 20 feet
flow line elevation 56.0 Freeboard 5 feet
Section: Upstream slope 7 : 1
Downstream slope 3 : 1
Top width 20 feet
Yardage (approx.) 135,000
Reservoir: Area Normal Pool Level 281 acres
Capacity 1827 acre feet Nature of shore line marsh
in sandy loam and clay
Spillway: Type Concrete wall with provision for 2' of stoplogs on crest
Location E 1/4 NW 1/4, Sec. 23, T. 37 N., R. 36 W.
Width 250 feet Depth 3 feet Capacity 4,000 cubic feet per second
Outlet: Size 4' x 4' concrete box culvert Location SE 1/4 NW 1/4, Sec. 23, T. 37 N., R. 36 W.
Outlet to Diversion Ditch: Size 2 bay stoplog structure, each bay 4' wide and having a flow line 3' below the concrete spillway crest on dam.
Location on the section line, 1,520 feet east of corner common to Sections 22, 23, 26 and 27, T. 37 N., R. 36 W.
Ditch: Open earth 1 Open rock none Pipe none Length 13,100'
Section 10' bottom, 1 : 1 side slopes Capacity 60 c.f.s.
Location as shown on plans As shown on Drawings Nos. M-S.D. 3.50.1 and M.S.D. 3.51.1 attached.

The System is in the following condition: Considerable additional dirt has been added to the up stream side of the dikes and a wash that occurred below the spillway has been repaired. The system is in safe and good condition.

The outlet of the reservoir or the point of diversion of the ditch is located 1,195 feet west of the north 1/4 corner of Section 26, Township 37 N., R. 36 W.

The works are capable of utilizing 1,827 acre feet of storage water annually plus 843 acre feet of seasonal use, and in addition, the diversion of 60 second feet for the purpose of supplementing the supply for Units 9 and 10 on the LaCreek National Wildlife Refuge.

The legal subdivisions to be irrigated are parcels of NW $\frac{1}{4}$, Section 23, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 14, S $\frac{1}{2}$ and NW $\frac{1}{4}$, Section 15, T. 37 N., R. 36 W., comprising a total of 281 acres of land.

The domestic and stockwater uses comprise use by cattle that graze on area.

The utilization for public recreation, game and fish propagation, fire protection, comprises: principal use for migratory waterfowl refuge - supplemental use, game and fish propagation, and public recreation.

Notice of completion of works filed May 11, 19 42.

Witness my hand, this 3rd day of February A. D. 1948.

Robert W. Dongan
Resident Engineer

WITHDRAWAL NO. U.S. 3

Lacreek-White River Migratory Waterfowl Refuge

Name of Project

Water Division No. Little White River Water District

NOTICE OF COMPLETION OF WORKS

P. O. Salt Lake City, Utah

Date May 6, 1942

TO THE STATE ENGINEER OF SOUTH DAKOTA, PIERRA:

Dear Sir: Notice is hereby given of the completion of the construction of Martin Lake reservoir, and diversion ditch, or pipe line constructed and owned by the United States of America, Department of the Interior, Fish and Wildlife Service, (formerly the Bureau of Biological Survey), on the Little White River. The project provides for the diversion and storage or direct diversion of quantities of water as shown on the plans and reports submitted and the project has been completed in accordance with the said plans and reports, terms and conditions of withdrawals heretofore issued by the State Engineer of the State of South Dakota or as shall be hereafter reported by the Examining Engineer.

1. The proper name of the Federal Agency holding said withdrawal is the United States of America, Department of the Interior, Fish and Wildlife Service.
2. The name and postoffice address of the proper corresponding official for said Federal Agency is Brice McBride, Sr. Hydraulic Engineer, 436 Federal Bldg, Salt Lake City, Utah.
3. The project is located in of Section Township 37 and 36 N. Range 36 W.
4. Said water to be used for water conservation and propagation of aquatic vegetation purposes.
5. The amount of water which said completed works are capable of impounding or conducting to the place of intended use is as shown by information previously submitted or as shall be hereafter reported by the Examining Engineer. will be reported by Examining Engineer.

6. The amount of land for which said water is available is _____ acres, particularly described as follows: _____ will be described by Examining Engineer.

I hereby certify that the facts set forth in the above notice are true.

1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 26

BRICE McBRIDE

Sr. Hydraulic Engineer,
U. S. Fish and Wildlife Service
Department of the Interior

1. The first of these is the fact that the Government has not been able to secure the necessary funds to carry out its policy of non-interference in the internal affairs of other countries. This is due to the fact that the Government has not been able to secure the necessary funds to carry out its policy of non-interference in the internal affairs of other countries.

1. The project name is "The Project Name" and the project number is "The Project Number". The project is located at "The Project Location" and is owned by "The Project Owner". The project is being developed by "The Project Developer" and is being managed by "The Project Manager". The project is being funded by "The Project Funder" and is being implemented by "The Project Implementer". The project is being completed by "The Project Completion Date".

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100-443887-1000

[illegible]

December 20, 1935.

Mr. John N. Ball,
Project Coordinator,
Mitchell, South Dakota.

Dear Sir:

In answer to your letter of December 19th, I may
state that our records do not show the existence of any water rights
on Little White River above the mouth of LaCreek.

Very truly yours,

CHAS. A. TRIMMER,
State Engineer.

CT:k1

UNITED STATES DEPARTMENT OF AGRICULTURE
BUREAU OF BIOLOGICAL SURVEY

IN REPLY REFER TO

Mitchell, South Dakota
December 19, 1935

Mr. Charles Trimmer,
State Engineer,
Pierre, South Dakota

Dear Mr. Trimmer:

This will acknowledge receipt of your letter of December 13th together with the enclosed Certificate of Withdrawal of Public Waters covering the unappropriated waters from the Little White River, from its source to its junction with LaCreek in Township 37N, Range 35W of the 6th P.M., Bennett County, South Dakota.

We greatly appreciate your prompt attention to this matter. I would appreciate if you would advise me at your convenience as to what, if any, prior filings may be outstanding on the Little White River between its source and junction with the White River.

Yours very truly,

John N Ball
JOHN N BALL 122
Project Coordinator

JNB:R

Dictated, but not read

RECEIVED
DEC 19 1935

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

December 13, 1935.

Mr. John N. Ball,
Project Coordinator,
Bureau of Biological Survey,
Mitchell, South Dakota.

Dear Sir:

In accordance with request contained in your letter of December 11th, I am enclosing herewith Certificate of Withdrawal From Appropriation, covering the water of Little White River above the mouth of LaCreek.

Very truly yours,

CHAS. A. TRIMMER,
State Engineer.

CT:kl
Encl/

For letter to McBride, See

File Withdrawal #1

UNITED STATES DEPARTMENT OF AGRICULTURE
BUREAU OF BIOLOGICAL SURVEY

LY REFER TO

Mitchell, South Dakota
December 11, 1935

Mr. Charles Trimmer,
State Engineer,
Pierre, South Dakota

Dear Mr. Trimmer:

You are hereby notified that the United States Department of Agriculture, Bureau of Biological Survey, is making, and intends to make, surveys on the Little White River for the purpose of constructing a dam and diverting the flow of the water of the Little White River into LaCreek in connection with development of the LaCreek Migratory Waterfowl Refuge, in Bennett County, South Dakota.

It is respectfully requested that you withdraw from appropriation the waters of the Little White River, together with all of its tributaries, springs, draws and other sources of water supply from its source to the junction of the Little White River with LaCreek, in Township 37 North, Range 35 West, Bennett County, South Dakota, in accordance with the compiled statutes of South Dakota, paragraph 8243. As soon as plans are prepared for this proposed diversion, they will be filed with you in accordance with the law.

The filing of this notice in no way waives any legal rights of the United States in, and to, any, and all, waters in the State of South Dakota.

Yours very truly,

John N. Ball
JOHN N. BALL

Project Coordinator

JNB:R

RECEIVED

DEC 12 1935

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

BENNETT COUNTY

LITTLE WHITE RIVER

The Bureau of Biological Survey of the United States, Department of Agriculture, 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 therefor:

This is to Certify that all of the unappropriated waters of Little White River, from its source to its junction with LaCreek, in Township 37N, Range 35W of the 6th P.M., Bennett, S.D., together with all tributaries, and feeder streams, springs, rivers, draws, coolies and watercheds which in any way, either directly or indirectly, contribute water to and/or help to maintain or increase the water flow of Little White River within the area herein described, 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 affect 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 13th day of December, 1935.

Chas. A. Trimor (Signed)
State Engineer

Mitchell, South Dakota
December 11, 1935

Mr. Charles Trimmer,
State Engineer,
Pierre, South Dakota

Dear Mr. Trimmer:

You are hereby notified that the United States Department of Agriculture, Bureau of Biological Survey, is making, and intends to make, surveys on the Little White River for the purpose of constructing a dam and diverting the flow of the water of the Little White River into LaCreek in connection with development of the LaCreek Migratory Waterfowl Refuge, in Bennett County, South Dakota.

It is respectfully requested that you withdraw from appropriation the waters of the Little White River, together with all of the tributaries, springs, draws and other sources of water supply from its source to the junction of the Little White River with LaCreek, in Township 37 North, Range 35 West, Bennett County, South Dakota, in accordance with the compiled statutes of South Dakota, paragraph 8243. As soon as plans are prepared for this proposed diversion, they will be filed with you in accordance with the law.

The filing of this notice in no way waives any legal rights of the United States in, and to, any, and all, waters in the State of South Dakota.

Very truly yours,

John H. Hall
Project Coordinator

JNB:R

cc: J. C. Salyer
L. M. Winsor

CERTIFICATE OF WITHDRAWAL
OF
PUBLIC WATERS

U. S. = 3-2

BENNETT COUNTY

LITTLE WHITE RIVER

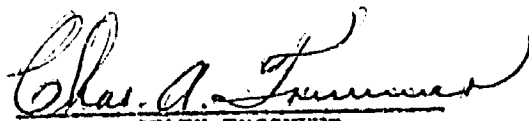
The Bureau of Biological Survey of the United States, Department of Agriculture, having made application for the withdrawal of certain heretofore unappropriated public waters of the State of South Dakota, and having complied with the requirements of the statute of the State of South Dakota providing 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 therefor:

This is to Certify that all of the unappropriated waters of Little White River, from its source to its junction with LaOreek, in Township 37N, Range 35W of the 6th PM, Bennett County, South Dakota, together with all tributary and feeder streams, springs, rivers, draws, coolies and watersheds which in any way, either directly or indirectly, contribute water to and/or help to maintain or increase the water flow of Little White River within the area herein described, 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 13th day of December, 1935.


STATE ENGINEER.

WITHDRAWAL NO. U.S. 3

Lacreek-White River Migratory Waterfowl Refuge
Name of Project

Water Division No. 2

Little White River

Water District

NOTICE OF COMPLETION OF WORKS

P. O. Salt Lake City, Utah

Date May 6, 1942

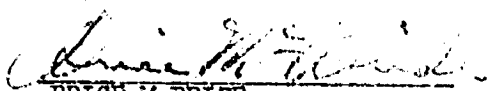
TO THE STATE ENGINEER OF SOUTH DAKOTA, PIERRE:

Dear Sir: Notice is hereby given of the completion of the construction of Martin Lake reservoir, and diversion ditch, or pipe line constructed and owned by the United States of America, Department of the Interior, Fish and Wildlife Service, (formerly the Bureau of Biological Survey), on the Little White River. The project provides for the diversion and storage or direct diversion of quantities of water as shown on the plans and reports submitted and the project has been completed in accordance with the said plans and reports, terms and conditions of withdrawals heretofore issued by the State Engineer of the State of South Dakota or as shall be hereafter reported by the Examining Engineer.

1. The proper name of the Federal Agency holding said withdrawal is the United States of America, Department of the Interior, Fish and Wildlife Service.
2. The name and postoffice address of the proper corresponding official for said Federal Agency is Brice McBride, Sr. Hydraulic Engineer, 436 Federal Bldg, Salt Lake City, Utah.
3. The project is located in _____ of Section _____ Township 37 and 36 N. Range 36 W..
4. Said water to be used for water conservation and propagation of aquatic vegetation purposes.
5. The amount of water which said completed works are capable of impounding or conducting to the place of intended use is as shown by information previously submitted or as shall be hereafter reported by the Examining Engineer, will be reported by Examining Engineer.

6. The amount of land for which said water is available is _____ acres, particularly described as follows:
will be described by Examining Engineer.

I hereby certify that the facts set forth in the above notice are true.


BRUCE McBRIDE
Sr. Hydraulic Engineer,
U. S. Fish and Wildlife Service
Department of the Interior

Form 24B

CERTIFICATE OF COMPLETION OF WORKS

AND

APPROPRIATION

U. S. Water Right No. 3-2

Bennett County

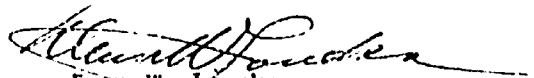
Little White River Mig. Water-
Name of Project: foul Refuge

Little White River Water District

TO ALL WHOM IT MAY CONCERN:

This is to Certify, that the United States of America, Department of The Interior, Fish and Wildlife Service, Formerly Bureau of Biological Survey has complied with the State Laws and has been issued a withdrawal No. 3-2 bearing date of Dec. 13, 1935 withdrawing from further appropriation all of the unappropriated waters of Little White River from its source to its junction with LaCreek in Twp. 37N. Range 35W. of the 6th PM, together with all tributary and feeder streams, springs, rivers, draws, coolies, and watersheds which in anyway either directly or indirectly, contribute water to and/or help to maintain or increase the water flow of Little White River within the area herein described for the purpose of domestic, stockwater, public recreation, game and fish propagation and fire protection use during the months of Jan. to Dec. Inc. has fully complied with the provisions of the laws of the State of South Dakota relating to completion of the works as set out and described in Section 61.0137 that said works are completed in accordance with information filed in the office of the State Engineer, and a maximum amount of 1,827 acre-feet of storage water annually plus 843 acre-feet of seasonal use and 60 second feet for the purpose of supplementing the supply for Units 9 and 10 of the LaCreek National Wildlife Refuge is thereby appropriated for the above purposes bearing date of priority of Dec 13, 1935.

Witness my hand this 10th day of February, 1948


Dean W. Loucks
State Engineer

SUPPLEMENTAL
CERTIFICATE OF CONSTRUCTION OF WORKS
AND
APPROPRIATION

Supplemental U. S. Water Right No. <u>U. S. 3-2</u>	<u>La Creek Migratory Waterfowl Refuge</u> Name of Project
<u>Bennett</u> County	<u>So. Fork White River Water District</u> Water Division No. 2

TO ALL WHOM IT MAY CONCERN:

This is to Certify, that the United States of America, Department of the Interior, Fish and Wildlife Service, has complied with the State Laws and has been issued a withdrawal No. U. S. 3-2 bearing date of December 13, 1935, withdrawal^{in g} from further appropriation all of the unappropriated waters of Little White River from its source to its junction with La Creek in T. 37 N., R. 36 W. of the 6th Principle Meridian in Bennett County, South Dakota, together with all tributaries and feeder streams, springs, rivers, draws, coolies and water sheds which in any way, either directly or indirectly, contribute water to and/or help to maintain or increase the water flow of Little White River within the area herein described.

It is further certified that the United States of America, Department of the Interior has acquired by deed from Emily Swartz under date of May 27, 1940 the right to appropriate, withhold or otherwise divert out of the waters covered by Water License #253-2, dated June 9, 1930, and issued by Charles A. Trimmer, State Engineer of South Dakota to Central West Public Service Co., which Water License was assigned by the trustees of the Central West Public Service Co., to Fred W. Swartz by written assignment, dated December 3, 1946, and filed in the office of State Engineer February 10, 1937, for the purpose of the Migratory Waterfowl Refuge constructed on said stream above the power plant owned by Emily Swartz, adjacent to her Water Right and/or all of the waters covered by said Water License #253-2 that are flowing in So. Fork of White River, sometimes known as Little White River, above its convergence with Lake Creek.

It is further certified that the United States of America, Department of Interior, Fish and Wildlife Service has fully complied with the provisions of the laws of the State of South Dakota relating to Completion of Works as set out and described in Sec. 61.0137, that said works are completed in accordance with information filed in the office of the State Engineer and the waters as described above are hereby

appropriated for the purpose of irrigation, domestic, stock water, and public recreation and over a continuous period.

The date of priority from which the above unappropriated waters may be claimed is December 13, 1935, and the priority of the right to appropriate, withhold or otherwise divert out of the waters covered by Water License #253-2 shall be May 27, 1940, this date being the date on which the deed to such water was made and entered into.

Witness my hand this 11th day of March 19 48.

Heath B. Tucker
State Engineer