

No. *US 342*

Office of State Engineer
DOCUMENT FILE

U.S. Dept. of Interior
Department of Water
Wash. (D.C.) County
Location: - Apr. 27, 1921, R. 18E

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, W. F. Dickens, Superintendent of the Cheyenne River Indian Reservation located at Cheyenne Agency, 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 Cheyenne River Indian 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.

W. F. Dickens
Superintendent Cheyenne River Indian
Reservation, Cheyenne Agency, South
Dakota.

By John D. Keeley, Acting Superintendent

STATE OF SOUTH DAKOTA,)
) ss.
COUNTY OF Dewey)

John D. Keeley, being first duly sworn, on his oath, deposes and says: that he is the acting Superintendent of the Cheyenne River Indian Reservation residing at Cheyenne Agency, South Dakota; that he has been duly authorized by Harold L. Ickes, Secretary of the Interior, to make and file the foregoing Notice of Appropriation; that in his official capacity as such acting Superintendent and pursuant to authority therein vested by said Secretary of the Interior, he has herewith subscribed his name to the above instrument.

Subscribed and sworn to before me this 30th day of December, 1937

John P. Burke
Notary Public for the State John P. Burke
of South Dakota, Residing
at Cheyenne Agency, South Dakota.
My Commission expires May 15, 1939.

STATE OF SOUTH DAKOTA

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W. F. Dickens
Superintendent, Cheyenne River Indian
Reservation, Cheyenne Agency, South
Dakota.

By John D. Kelsey, Acting Superintendent

STATE OF SOUTH DAKOTA,)
COUNTY OF DeWey) SS.

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Subscribed and sworn to before me this 30th day of December, 1937

John P. Burgo
Notary Public for the State of South Dakota, Residing at Cheyenne Agency, South Dakota.
My commission expires May 15, 1939.

SCHEDULE OF DIVERSIONS OF WATER FOR IRRIGATION
PURPOSES OF THE GREENE RIVER INDIAN RESERVATION, SOUTH DAKOTA.

SOURCE OF WATER		QUANTITY OF WATER		POINT OF DIVERSION		LAND IRRIGATED	
Name of Stream		Total Diversion: Rate of Diversion : per annum : Cubic-feet per : Acre-foot : Second of time.		Bank : Bearing and : Feet		Distance From Public Survey Cor. : Land irrigated	
3 Red Snake Creek	100	5 Gibson	2	Right	N 60 E	1750	SE Corner Sec. 25, T 9 N, R 20 E, B.H.M.
Green River (Green Grass)	100	2 Hickey	2	Left	N 64 E	1630	SE Corner Sec. 7, T 14 N, R 4 E, B.H.M.
Moreau River (Munder Butte)	100	2 Gibson	2	Right	N 74 E	565	SE Corner Sec. 32, T 15 N, R 20 E, B.H.M.
Small Creek	510	40 Hickey	40	Right	S 5 W	13020	SE Corner Sec. 12, T 15 N, R 27 E, B.H.M.
Cheyenne River (Bridge)	100	3 Hickey	3	Left	S 15 E	4915	SE Corner Sec. 27, T 15 N, R 27 E, B.H.M.

Parts of NE 1/4 Sec. 12,
SE 1/4 Sec. 12,
NE 1/4 Sec. 13,
SW 1/4 Sec. 13,
T 15 N, R 27 E, B.H.M.

Part of SW 1/4 Sec. 25,
T 9 N, R 20 E, B.H.M.

Part of SE 1/4 Sec. 7,
T 14 N, R 4 E, B.H.M.

Part of SE 1/4 Sec. 32,
T 15 N, R 20 E, B.H.M.

SCHEDULE OF DIVERSIONS OF WATER FOR IRRIGATION
PURPOSES OF THE CHEYENNE RIVER INDIAN RESERVATION, SOUTH DAKOTA.

SOURCE OF WATER	QUANTITY OF WATER	POINT OF DIVERSION	LAND IRRIGATED
Name of Stream	Total Diversion: Acre-feet per Annum	Rate of Diversion: Acre-feet per second at time	Description of the Land irrigated
3 Battleside Creek	100	2	1750 SE Corner Sec. 29, T 9 N, R 20 E, B.M.
1000 Horseau River (Green Grass)	100	2	1230 SE Corner Sec. 7, T 14 N, R 24 E, B.M.
1000 Horseau River (Thunder Butte)	100	2	505 SE Corner Sec. 32, T 15 N, R 20 E, B.M.
519 Swan Creek	40	Right	3020 SE Corner Sec. 12, T 15 N, R 27 E, B.M.
100 Cheyenne River Bridge	3	Left	3215 NE Corner Sec. 27, T 7 N, R 18 E, B.M.

Part of NE Sec. 12,
SE Sec. 12,
SE Sec. 13,
NE Sec. 13,
T 15 N, R 27 E, B.M.

SCHEDULE OF DIVERSIONS OF WATER FOR IRRIGATION
PURPOSES OF THE CHEYENNE RIVER INDIAN RESERVATION, SOUTH DAKOTA.

SOURCE OF WATER	QUANTITY OF WATER	POINT OF DIVERSION	LAND IRRIGATED
Name of Stream	Total Diversion: : per annum : Acre-feet	Rate of Diversion : Cubic-feet per : Second of time	Bank : Bearing and Feet : Distance from Public Survey Cor. : Land Irrigated
Rattlesnake Creek	100	2	Right N 60 E 1750 SW Corner Sec. 29, T 9 N, R 20 E, B.H.M. Part of SW 1/4 Sec. 29, T 9 N, R 20 E, B.H.M.
Moreau River (Green Grass)	100	2	Left N 64 E 1630 SE Corner Sec. 7, T 14 N, R 24 E, B.H.M. Part of SE 1/4 Sec. 7, T 14 N, R 24 E, B.H.M.
Moreau River (Thunder Butte)	100	2	Right N 74 1/2 W 595 SE Corner Sec. 32, T 15 N, R 20 E, B.H.M. Part of SE 1/4 Sec. 32, T 15 N, R 20 E, B.H.M.
Ston Creek	510	40	Right S 3 W 3020 SW Cor. NE 1/4 Sec. 12, T 15 N, R 27 E, B.H.M. Parts of NE 1/4 Sec. 12, SE 1/4 Sec. 12, NE 1/4 Sec. 13, NW 1/4 Sec. 13, T 15 N, R 27 E, B.H.M.
Cheyenne River (Bridge)	100	3	Left S 1 1/2 E 3215 NE Cor. NW 1/4 Sec. 27 T 7 N, R 18 E, B.H.M. Part of NW 1/4 of SE 1/4 Sec. 27 T 7 N, R 18 E, B.H.M.

71.8.34-2

CERTIFICATE OF WITHDRAWAL

OF

PUBLIC WATERS

HAAKON COUNTY

CHEYENNE RIVER (BRIDGER)

The United States Department of the Interior, Bureau of Indian Affairs, Cheyenne River Indian Agency, 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 1918, now there is:

This is to certify that there is hereby reserved, of the heretofore unappropriated waters of Cheyenne River (Bridger), the annual amount of 100 acre-feet of water to be diverted at a maximum rate of three (3) cubic feet per second of water; the point of diversion to be on the left bank a distance of 5215 feet Range 18 East, B.H.M., in the corner of the NW 1/4 of Section 27, Township 7 North, lands in Parts of the NE 1/4 of the NW 1/4 of Section 27, Township 7 North, Range 18 East, B.H.M., and the NE 1/4 of the SE 1/4 of Section 27, Township 7 North, Range 18 East, B.H.M., which water is to be used for the irrigation of certain lands in Parts of the NE 1/4 of the NW 1/4 of Section 27, Township 7 North, Range 18 East, B.H.M., and the NE 1/4 of the SE 1/4 of Section 27, Township 7 North, Range 18 East, B.H.M., during the continuance of the right herein granted.

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, this 5th day of January, 1938.

DEAN H. LUCKS
State Engineer.

NOTICE

NOTICE OF APPROPRIATION

CAN BE FOUND IN

WITHDRAWAL FILE NO. 34

MAP NUMBERED ACCORDING TO FILE

CAN BE FOUND IN DRAWER FOR MAPS.

January 11th, 1938,

Mr. W. F. Dickens,
Superintendent,
U. S. Department of the Interior,
Cheyenne Agency, South Dakota.

Dear Mr. Dickens:

This will acknowledge receipt of a Notice of Appropriation and schedule of diversions with attached maps of irrigated tracts which you have forwarded to us for filing in this office.

This is your notice that same have been filed and withdrawn, as herein enclosed, issued.

Meandered waters such as the Missouri River does not come under the jurisdiction of this office.

Very truly yours,

DEAN W. LOUCKS,
State Engineer.

DWL:fkf
Enc. 10

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UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
FIELD SERVICE

Cheyenne River Indian Agency
Cheyenne Agency, S. Dak.
December 30, 1937

RECEIVED
JAN 3 1938
OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

State Engineer
State House
Pierre, S. Dak.

Dear Sir:

Enclosed is a copy of letter from the office of the Commissioner of Indian Affairs to Supervising Engineer, W. S. Hanna, Billings, Montana, in which the Commissioner covers the filing in the State Engineers office covering water diversions for irrigated tracts on the Cheyenne River Indian Reservation.

Attached are copies of a Notice of Appropriation and Schedule of Diversions and a map of each irrigated tract. Please advise us when this filing has been completed.

It is understood that no filings are necessary on the waters of the Missouri River.

Very truly yours,

W. F. Dickens

W. F. Dickens,
Superintendent

HE:lr
Encl.

Irrigation
9002-P

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

Washington

Mr. W. S. Hanna,

Supervising Engineer.

Mar 9 1936

Dear Mr. Hanna:

Reference is had to District Counsel Simmons' letter to you of December 10, 1935, giving his opinion on the water rights of the Indians of the several reservations in Montana, North Dakota and South Dakota in so far as the development of community gardens is concerned.

In connection with this matter the Department has recently advised that to make filings covering the appropriation of water for these various garden tracts in accordance with State law would not necessarily be construed as an abandonment of the prior rights of the Indians under the theory advanced in the Winters case. In view of this, you are hereby authorized to cooperate with the Superintendents of the several reservations involved with a view to making filings in the appropriate State office of the various States covering proposed diversions for these small tracts.

Sincerely yours,

JOHN HERRICK

Assistant to the Commissioner.

cc to District Counsel Simmons.

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