

No. *U.S. 39.2*

Office of State Engineer
DOCUMENT FILE

*U.S. Dept. of Interior
Bureau of Land Management
Washington County
Sections 30, 31 (R. 37W)
and Sec. 25, 36 (R. 38W) all
in Township 40N.*

739-2
CERTIFICATE OF WITHDRAWAL

OF

PUBLIC WATERS

WASHAUNGH COUNTY

BEAR IN THE LODGE CREEK

The United States Department of the Interior, Bureau of Indian Affairs, Pine Ridge 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 Bear in the Lodge Creek, the annual amount of 55 acre-feet of water to be diverted at a maximum rate of 2.2 cubic feet per second of water; the point of diversion to be on the left bank a distance of 1815 feet N 62 degrees E from the Section Corner, Section 30 and 31 (R. 37 W.) and Section 25 & 36 (R. 38 W.) all in Township 40 North, which water is to be used for the irrigation of certain lands in Parts of the SW 1/4 of Section 30, Township 40 North, Range 37 West, and the above said water is hereby withdrawn from future appropriation during the continuance of the right herein granted and contained.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, this 12th day of January, 1938.

DEAN W. LUCKS
State Engineer.

January 18th, 1938,

W. C. Roberts, Superintendent,
Pine Ridge Indian Agency,
Pine Ridge, South Dakota.

Dear Mr. Roberts:

Herewith, we are enclosing Certificates of Withdrawal of Public Waters for each of the ten irrigation projects filed by you, located on the Pine Ridge Indian Reservation. Of these withdrawals, which we have given numbers of 39 to 49 inclusive, we have received maps for numbers 39-41-42-43-44 and 45. The numbers run consecutively as listed on the Schedule of Diversions of Water for Irrigation Purposes which you enclosed with the notices.

Very truly yours,

DEAN W. LOUCKS,
State Engineer.

DEW:fkf
Enc. 20.

CCC-ID

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
FIELD SERVICE
Pine Ridge Indian Agency
Pine Ridge, South Dakota
January 5, 1938

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OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

Mr. Dean W. Loucho,
State Engineer,
Pierre, South Dakota.

Dear Sir:

Enclosed herewith please find notice of appropriation of water rights executed by me in behalf of the United States. The enclosure concerns ten irrigated subsistence tracts on the Pine Ridge Indian Reservation.

I would appreciate having these filed and the proper certificates issued in advance of receipt of the plans. In all cases plans are not yet complete, although it is quite certain the projects will be completed by planting time this spring. The plans will be forwarded to you as soon as received, probably within the month.

The Indian Office has requested that we report on completed filings at an early date. Your assistance is appreciated.

Sincerely,

REG/jh
cc Tom C. White
Indian Irrigation Office

W. O. Roberts
W. O. Roberts,
Superintendent.

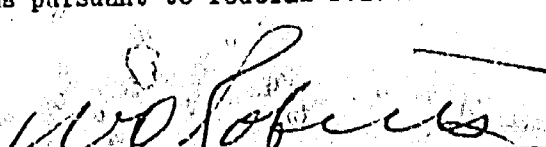
STATE OF SOUTH DAKOTA

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. O. Roberts, Superintendent of the Pine Ridge Indian Reservation located at Pine Ridge, 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 Pine Ridge 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.


Superintendent Pine Ridge Indian Reserva-
tion, Pine Ridge, South Dakota.

STATE OF SOUTH DAKOTA,
Shannon)
Washington) SS.
Washabaugh)
COUNTY OF Bennett)

W. O. Roberts, being first duly sworn, on his oath, deposes
and says: that he is the Superintendent of the Pine Ridge Indian
Reservation residing at Pine Ridge, 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
Superintendent and pursuant to authority therein vested by said Secretary of the
Interior, he has hereunto subscribed his name to the above instrument.

Subscribed and sworn to before me this 10 day of January, 1938.

Mark Maister
Notary Public for the State of
South Dakota. Residing at Pine Ridge,
South Dakota. My commission
expires 5-24-38.

CORRESPONDENCE AND EXHIBIT "A" CAN BE
FOUND IN FILE NO. 39.

SCHEDULE COVERING FILES NO. 40-41-42-43-44
45-46-47-48.

MAPS FOR SAME CAN BE FOUND IN DRAWER
MARKED "MAPS IN CONNECTION WITH
WITHDRAWALS", EACH MAP CARRYING
THE SAME NUMBER AS THE FILE PER-
TAINING TO IT.

"Exhibit A"

I. Schedule of Diversions of Water for Irrigation Purposes
on the Pine Ridge Indian Reservation South Dakota.

**SCHEDULE OF DIVERSIONS OF WATER FOR IRRIGATION PURPOSES ON
THE FINE RIDGE INDIAN RESERVATION, SOUTH DAKOTA.**

S O U R C E of Water.	Q U A N T I T Y O F Total Diversion Rate of Diversion Acres-ft / year. Cubic feet / sec.	P O I N T O F D I V E R S I O N		D E S C R I P T I O N of Land Irrigated.
		Bank	Bearing and Distance in feet	
34 Bear-In-the-Lodge Creek	55 Washburn Co. 2.2	Left	N 62° E 1615	Section corner, Sec 30 & 31 (R37W) & Sec 25 & 36 (R35W) all in T 40 N.
1st WPA Reservoir on White Horse Creek	36 Shannon Co. 2.2	Left	S 48° W 449	Center stake, Sec 36 T 38 N, R 44 W.
WPA Reservoir at Day School #3000 Creek	25 Shannon Co. 2 1/2	Left	N 2 1/2° W 707	Center stake, Sec 5 T 36 N, R 45 W
Reservoir on North Wolf Branch, Wolf Creek	45 Shannon Co. 2.2	Right	N 49° W 4521	Quarter stake Sec 10 & 15, T 35 N, R 44 W
White Clay Creek	77 Shannon Co. 2.2	Left	S 81 1/2° E 3250	Sec Cor, Sec 11, 12, 13, & 14, T35N, R45W
Cheyenne River (Red Shirt Table)	50 Washington Co. 2.2	Right	N 27 1/2° W 1612	SE corner stake of NW 1/4 of NW 1/4 of Sec 35, T 45 N, R 47 W
Reservoir on White Clay Creek	1500 Shannon Co. 10	Left	S 47° E 3050	Quarter Stake, Sec 13 & 14, T35N, R45W.
Reservoir on No 315h & Medicine Root Creeks	75 Washington Co. 5	Left	S 28° E 495	Quarter Stake, Sec 16 & 21, T40N, R 41 W
Reservoir on Wounded Knee Creek	30 Shannon Co. 5	Left	S 3° E 1006	Quarter Stake, Sec 23 & 26, T 37 N, R 43 W. of SW 1/4 Sec 23, T37N, R43W
Check Dam on Blackpipe Creek	75 Shannon Co. 5	Both	N 90° E 330	SW Corner stake of NW SW 1/4 of NW 1/4 of Sec 9, & quarter of Sec 9, T 39 N, R 35 W.

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OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

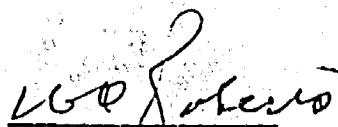
"Exhibit A"

II. Plans of Irrigation Developments on Pine Ridge Indian
Reservation, South Dakota.

Attached find plans for the following:

1. White Horse Creek Diversion
Manderson Irrigated Garden
NE $\frac{1}{4}$ of Sec. 36 T 38 N, R 44 W.
2. W.P.A. Reservoir Diversion
Day School No. 4 Garden
NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 5 T 36 N, R 45 W.
3. Reservoir on North Branch, Wolf Creek
Pine Ridge Irrigated Garden
SW $\frac{1}{4}$ of Sec. 9 T 35 N, R 44 W.
4. White Clay Creek Diversion
Indian Boarding School Garden
NE $\frac{1}{4}$ of Sec. 13 & SE $\frac{1}{4}$ of Sec. 12 T 35 N, R 45 W.
5. Cheyenne River Diversion
Red Shirt Table Garden
SW $\frac{1}{4}$ of Sec. 26 & NW $\frac{1}{4}$ of Sec. 35 T 43 N, R 47 W.
6. Reservoir on White Clay Creek
White Clay Irrigation District
Sec. 11, 12 & 13, T 35 N, R 45 W.

Plans for the remaining four (4) gardens listed on this
Schedule (A-I) will be forwarded to the office of the State
Engineer for filing when completed.


W. O. Roberts,
Superintendent.