

No. *U.S. 51-2*

Office of State Engineer
DOCUMENT FILE

*U.S. Dept. of Interior
Bureau of Indian Affairs
Cahokia, Miss. County*

Missouri River

not under jurisdiction of State Engineer's Office

*Location: - SW Cor. T4N14E14,
Sec. 33, T4N14E14, R. 45W*

U.S. NO. 51

Not Under Jurisdiction of
State Engineers' Office
CERTIFICATE OF WITHDRAWAL OF
WATER FOR APPROPRIATION

TO

UNITED STATES DEPARTMENT OF INTERIOR
BUREAU OF INDIAN AFFAIRS

Charles Mix COUNTY

Missouri River
Name of Stream

The United States Department of the Interior, Bureau of Indian Affairs, Kosghud, 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 3243 of the Revised Code of 1919, now therefore

This is to certify that there is hereby reserved, of the heretofore unappropriated waters of Missouri River, the annual amount of 150 acre-feet of water to be diverted at a maximum rate of 4 cubic feet per second of water; the point of diversion to be on the left bank a distance of 2920 feet 40 degrees west from the SW Corner of NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 35

T. 95 N., R. 65 W., which water is to be used for the irrigation of certain lands in parts of the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 35, T. 95 N., R. 65 W., during months of June, July and August and the above said water is hereby withdrawn from future appropriation during the continuance of the right herein granted and contained.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 31st day of May 1928.

Donald Duncan
State Engineer.

June 1, 1939

A. J. Jellison
Senior Project Manager
Rosebud Indian Agency
Rosebud, South Dakota

Dear Sir:

We herewith acknowledge receipt of your letter of May 29th, applying for withdrawal of certain public waters within the state of South Dakota and the Rosebud Indian Agency, more particularly described on your attached schedule of projects. In conformity with the usual procedure and with Paragraph 8243, of the Revised Code of 1919, we have drawn up and herewith enclose formal withdrawals covering the three projects as listed on the schedule.

If it is further desired to obtain a water license, as has been the case with one other federal agency, it will be necessary to show proof of completion and application of water to beneficial use. However, since this further procedure has not heretofore been requested by the Office of Indian Affairs perhaps you will consider the enclosed withdrawals sufficient.

Very truly yours,

DEAN W. LUCKS,
State Engineer.

DWL:dn
Enc. 3

CCC-11

UNITED STATES
DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS
FIELD SERVICE

Rosebud Indian Agency
Rosebud, South Dakota
May 9, 1938

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

Dear Sir:

Enclosed herewith are applications for appropriating certain waters within the State of South Dakota for irrigation purposes.

In two cases it is a matter of pumping the water directly from the stream and in the other case the water is to be taken out of a large earth dam by gravity.

It is hoped that this information will be sufficient for you to issue Certificates of Withdrawal of these public waters.

Very truly yours,
A. J. Johnson
A. J. Johnson
Senior Project
Manager

Approved

C. R. Whitlock, Supt.

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Files
Encl.

RECEIVED

MAY 27 1938

OFFICE OF STATE ENGINEER
PIERRE, S. D. K.

CCC-ID

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

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Approved

C. R. Whitlock
C. R. Whitlock, Supt.

BC3:omp
cc Chrono
Files

Encl.

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. R. Whitlock, Superintendent of the Rosebud Indian Reservation located at Rosebud, South Dakota, duly authorized by Harold I. 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 work, 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 & Yankton 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. R. Whitlock
Superintendent Rosebud & Yankton Indian
Reservation, Rosebud, South
Dakota.

STATE OF SOUTH DAKOTA,)
COUNTY OF Todd) 37.

C. R. Whitlock, being first duly sworn, on his oath, deposes and says: that he is the Superintendent of the Rosebud Indian Reservation, residing at Rosebud, South Dakota; that he has been duly authorized by Harold I. Fokes, 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.

C. R. Whitlock
Subscribed and sworn to before me this 25 day of May, 1938.

Ray M. Felt
Notary Public for the State of
South Dakota. Residing at
Rosebud, South Dakota.
My commission expires Apr. 22, 1938.

"EXHIBIT A"

- I. Schedule of diversions of water for irrigation purposes on the Rosebud Indian Reservation, South Dakota.
- II. Plans of irrigation developments under above diversions.

ROBERT INDIA ROSEVAULTON, SCOTT DISTRICT

Note: Maps have been attached only to the
original submitted to the State Engineer.