

No. *U.S. 54-2*

Office of State Engineer
DOCUMENT FILE

*U.S. Dept. of Interior
Bureau of Indian Affairs
Tule River Agency
Bull Creek*

Location: NW 1/4 Sec. 17, T. 41 N., R. 39 E.

CERTIFICATE OF WITHDRAWAL OF
WATER FOR APPROPRIATION

TO

UNITED STATES DEPARTMENT OF INTERIOR
BUREAU OF INDIAN AFFAIRS

Washabau COUNTY

Bull Creek
Name of Stream

The United States Department of 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 Bull Creek, the annual amount of 25 cubic feet of water to be diverted at a maximum rate of 25 cubic feet per second of water; the point of diversion to be on the left bank, a distance of 630 feet N 44 degrees West from the corner stake of the NW 1/4 of the NE 1/4 of the NW 1/4 of Sec. 17, T. 41 N., R. 39 W., which water is to be used for the irrigation of certain lands in parts of the N 1/2 of the NE 1/4 of the NW 1/4, and the SE 1/4 of the NW 1/4 of the NW 1/4 of Sec. 17, T. 41 N., R. 39 W. and the above said water is hereby withdrawn from future appropriation during the continuance of the right herein granted and contained.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 17th day of June 1938.

Wm. A. Loucks
State Engineer.

File in #5445

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

FIELD SERVICE
Pine Ridge Indian Agency
Pine Ridge, South Dakota
July 8, 1938

RECEIVED

JUL 13 1938

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

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

Dear Sir:

We acknowledge receipt of your letter of June 14. The map you have marked Kyle Dam is # 46, Reservoir on No Flesh and Medicine Root Creeks. The Kyle Dam is several miles upstream from the garden and consequently only the garden was shown. However, in our letter and applications of January 5, 1938, the point of diversion for the Kyle garden is listed.

The garden and dam on Plack Pipe Creek, # 46, has been abandoned.

Respectfully,

VHC:jh

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

June 22, 1938

W. O. Roberts, Supt.
Pine Ridge Indian Agency
Pine Ridge, South Dakota

Dear Mr. Roberts:

We herewith acknowledge receipt of your letter of June 14 together with supporting maps to withdrawals heretofore issued.

We are still short one map and have one that we are unable to identify. This map is marked Kyle Dam, but has no land description or other identifying marks; it must be No. 46 or No. 48 and the one we lack to make the records complete is either No. 46 or No. 48. It would be a considerable help to this office if land lines were shown on all of the maps, showing the corner and the bearing to a point of diversion.

We are herewith enclosing withdrawal covering the Potato Creek Garden, located in the NW¹/₄-NW¹/₄-NW¹/₄-SE¹/₄ of the NW¹/₄ of the NW¹/₄ of Sec. 17, T. 41N, R. 30W. in Washabaugh County. This withdrawal will be No. 54 in our files.

Thanking you for your cooperation in the matter, We are

Sincerely yours,

DEAN W. LOUCKS,
State Engineer.

WLL:dn
Enc.

"Exhibit A"

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

Attached find plans for the following:

- No. 39 - Bear in the Lodge Creek, Washabaugh Co. ✓
Irrigable land in SW $\frac{1}{4}$, SW $\frac{1}{4}$, Sec. 30,
T. 40 N., R. 37 W.
- No. 40 - White Horse Creek diversion, Shannon Co. ✓
irrigable land in N $\frac{1}{2}$, Sec. 35, T. 38 N.,
R. 44 W.; Manderson irrigated subsistence
garden.
- No. 46 - Reservoir on No Flesh and Medicine Root X
Creeks; Washington County; irrigable land
in Sec. 17, T. 40 N., R. 41 W.
- No. 47 - Reservoir on Wounded Knee Creek; Shannon ✓
County; irrigable land in SE $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 22,
and SW $\frac{1}{4}$, SW $\frac{1}{4}$, Sec. 23, T. 37 N., R. 43 W.
- No. 48 - Check/dam on Blackpipe Creek, Bennett County; X
irrigable land in SW $\frac{1}{4}$, NW $\frac{1}{4}$, Sec. 9 and NW $\frac{1}{4}$,
NW $\frac{1}{4}$, Sec. 9, T. 9, T. 29, N. R. 33 W.

W. O. ROBERTS, Supt. & S. D. A.,
BY *W. O. Roberts* Deputy Disbursing Agent

W. O. Roberts, Superintendent

*one found
(46 or 49)
not all same
identified*

CCC ID

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

022.35

Pine Ridge Indian Agency
Pine Ridge, South Dakota
June 14, 1938

RECEIVED

JUN 17 1938

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

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

Dear Mr. Loucks:

Reference is made to my letter of January 5 relative to notices of appropriation of water rights on ten irrigated subsistence garden tracts within the Pine Ridge Indian Reservation. Plans for six developments were forwarded with the understanding that the remainder would be sent to your office as soon as completed.

Enclosed please find plans for the following gardens, listed according to the Certificate of Withdrawal numbers assigned by your office:

- No. 39 - Bear in the Lodge Creek, Washabaugh County; irrigable land in SW $\frac{1}{4}$, SW $\frac{1}{4}$, Sec. 30, T. 40 N., R 37 W.
- No. 40 - White Horse Creek diversion, Shannon County; Manderson irrigated subsistence garden; irrigable land in N $\frac{1}{2}$, Sec. 36, T 38 N., R 44 W.
- No. 46 - Reservoir on No Flesh and Medicine Root Creeks; Washington County; irrigable land in Sec. 17, T 40 N., R. 41 W.
- No. 47 - Reservoir on Wounded Knee Creek; Shannon County; irrigable land in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 22, and SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 23, T 37 N., R. 43 W.
- No. 48 - Check dam on Blackpipe Creek, Bennett County; irrigable land in SW $\frac{1}{4}$, NW $\frac{1}{4}$, Sec 9, and NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 9, T. 39 N., R 33 W.

Your letter of January 18th transmitting certificates of withdrawal on the ten developments which we submitted, stated that you had numbered the certificates from 39 to 48 inclusive, and that maps had been received for numbers 39, 41, 42, 43, 44 and 45.

It appears that numbers 39 and 40 have been reversed from what they should be. Number 39 is being submitted for the first time, with this letter, and Number 40 was enclosed with our letter of January 5, 1938. We are, however, submitting a second map which should be filed with certificate Number 40, and which is an addition to the Manderson Garden and is known as the Manderson Garden Number 2. I trust that sending the addition will not further confuse the discrepancy noted on Number 40.

Also enclosed please find a notice of appropriation of water rights, executed by me in behalf of the United States, covering another garden site, known as the Potato Creek Garden. It is located in the N $\frac{1}{2}$, N W $\frac{1}{4}$, N W $\frac{1}{4}$, and the S E $\frac{1}{4}$, N W $\frac{1}{4}$, N W $\frac{1}{4}$, sec. 17, T. 41, N., R. 39, W., in Washabaugh County. A map of the garden area is enclosed, together with a tabulated description of the project.

I wish to take this opportunity to thank you for the prompt attention which our previous requests for filings have received.

Sincerely,

W. O. Roberts
W. O. Roberts
Superintendent
WRP

REG:SF

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

W. O. ROBERTS, Supt. & S. D. A.

BY *W. O. Roberts*

Deputy Districting Agent

W. O. Roberts, Superintendent, Pine Ridge
Indian Reservation, Pine Ridge, South
Dakota.

STATE OF SOUTH DAKOTA)
) ss
COUNTY OF SHANNON)

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.

W. O. ROBERTS S. D. A.
BY *W. O. Roberts*
Deputy Disbursing Agent
W. O. Roberts, Superintendent,
Pine Ridge Indian Reservation,
South Dakota

Subscribed and sworn to before me this 15 day of June, 1938

Shirley Fisher
Shirley Fisher, Notary Public for
State of South Dakota, Residing at
Pine Ridge, South Dakota. My
commission expires April 22, 1942.

"Exhibit "A"

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

RECEIVED

JUN 17 1938

8:50 a.m.

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

SCHEDULE OF DIVERSIONS OF WATER FOR IRRIGATION PURPOSES ON
THE PINE RIDGE INDIAN RESERVATION, SOUTH DAKOTA

SOURCE
of
Water

QUANTITY OF WATER
Total Diversion
Acre-foot/year

Rate of Diversion
Cubic-foot/sec.

POINT OF DIVERSION
Bank Bearing Distance from Public
Survey corner

DESCRIPTION
of Land Irrigated

Bull Creek

25

2.2

Left

N 44° W

638'

SE corner Stake
of the NW $\frac{1}{4}$ of
the NE $\frac{1}{4}$ of the
NW $\frac{1}{4}$ of Sec. 17,
Twp. 41 N., R 39
W.

N $\frac{1}{2}$ of the NW $\frac{1}{4}$
of the NW $\frac{1}{4}$, and
the SE $\frac{1}{4}$ of the
NW $\frac{1}{4}$ of the NW $\frac{1}{4}$
of Sec. 17,
T. 41 N., R 39 W.