

No. *U.S. 97-2*

Office of State Engineer
DOCUMENT FILE

White Clay Creek
Shannon County

County: Shannon
Applicant: Indian Affairs
Date of filing: 12-7-38
Purpose: Irrigation

U. S. No. 9--

CERTIFICATE OF WITHDRAWAL OF WATER FOR APPROPRIATION

TO

UNITED STATES DEPARTMENT OF INTERIOR
BUREAU OF INDIAN AFFAIRS

SHANNON COUNTY

White Clay Creek
Mouth of stream

United States Department of Interior, Bureau of Land Management, 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 therefore:

This is to certify that there is hereby reserved, of the heretofore unappropriated waters of White Clay Creek, the annual amount of 8,500 acre-feet of water to be diverted at a maximum rate of 50 cubic feet per second of water; the point of diversion to be on the left bank a distance of 1163 feet N. 75 degrees 20' E from the SE corner, Sec. 15, T. 37 N., R. 46 W., 6th P.M., which water is to be used for the irrigation of certain lands in parts of the N₂, NE₄, Sec. 3, S₂, SW₄, Sec. 4, NW₄, SW₄, Sec. 5, E₂, NE₄, SW₄, Sec. 6, SW₄, NW₄, Sec. 8, S₂, NE₄, NW₄, Sec. 8, SW₄, SW₄, Sec. 9, NE₄, SW₄, Sec. 9, S₂, NW₄, NW₄, Sec. 10, SW₄, SW₄, Sec. 10, S₂, NW₄, NW₄, Sec. 11, S₂, NW₄, NW₄, Sec. 11, S₂, NW₄, NW₄, Sec. 12, S₂, NW₄, NW₄, Sec. 13, S₂, NW₄, NW₄, Sec. 14, S₂, NW₄, NW₄, Sec. 15, S₂, NW₄, NW₄, Sec. 16, S₂, NW₄, NW₄, Sec. 17, S₂, NW₄, NW₄, Sec. 18, S₂, NW₄, NW₄, Sec. 19, S₂, NW₄, NW₄, Sec. 20, S₂, NW₄, NW₄, Sec. 21, S₂, NW₄, NW₄, Sec. 22, S₂, NW₄, NW₄, Sec. 23, S₂, NW₄, NW₄, Sec. 24, S₂, NW₄, NW₄, Sec. 25, S₂, NW₄, NW₄, Sec. 26, S₂, NW₄, NW₄, Sec. 27, S₂, NW₄, NW₄, Sec. 28, S₂, NW₄, NW₄, Sec. 29, S₂, NW₄, NW₄, Sec. 30, S₂, NW₄, NW₄, Sec. 31, S₂, NW₄, NW₄, Sec. 32, S₂, NW₄, NW₄, Sec. 33, S₂, NW₄, NW₄, Sec. 34, S₂, NW₄, NW₄, Sec. 35, S₂, NW₄, NW₄, Sec. 36, S₂, NW₄, NW₄, Sec. 37, S₂, NW₄, NW₄, Sec. 38, S₂, NW₄, NW₄, Sec. 39, S₂, NW₄, NW₄, Sec. 40, S₂, NW₄, NW₄, Sec. 41, S₂, NW₄, NW₄, Sec. 42, S₂, NW₄, NW₄, Sec. 43, S₂, NW₄, NW₄, Sec. 44, S₂, NW₄, NW₄, Sec. 45, S₂, NW₄, NW₄, Sec. 46, S₂, NW₄, NW₄, Sec. 47, S₂, NW₄, NW₄, Sec. 48, S₂, NW₄, NW₄, Sec. 49, S₂, NW₄, NW₄, Sec. 50, S₂, NW₄, NW₄, Sec. 51, S₂, NW₄, NW₄, Sec. 52, S₂, NW₄, NW₄, Sec. 53, S₂, NW₄, NW₄, Sec. 54, S₂, NW₄, NW₄, Sec. 55, S₂, NW₄, NW₄, Sec. 56, S₂, NW₄, NW₄, Sec. 57, S₂, NW₄, NW₄, Sec. 58, S₂, NW₄, NW₄, Sec. 59, S₂, NW₄, NW₄, Sec. 60, S₂, NW₄, NW₄, Sec. 61, S₂, NW₄, NW₄, Sec. 62, S₂, NW₄, NW₄, Sec. 63, S₂, NW₄, NW₄, Sec. 64, S₂, NW₄, NW₄, Sec. 65, S₂, NW₄, NW₄, Sec. 66, S₂, NW₄, NW₄, Sec. 67, S₂, NW₄, NW₄, Sec. 68, S₂, NW₄, NW₄, Sec. 69, S₂, NW₄, NW₄, Sec. 70, S₂, NW₄, NW₄, Sec. 71, S₂, NW₄, NW₄, Sec. 72, S₂, NW₄, NW₄, Sec. 73, S₂, NW₄, NW₄, Sec. 74, S₂, NW₄, NW₄, Sec. 75, S₂, NW₄, NW₄, Sec. 76, S₂, NW₄, NW₄, Sec. 77, S₂, NW₄, NW₄, Sec. 78, S₂, NW₄, NW₄, Sec. 79, S₂, NW₄, NW₄, Sec. 80, S₂, NW₄, NW₄, Sec. 81, S₂, NW₄, NW₄, Sec. 82, S₂, NW₄, NW₄, Sec. 83, S₂, NW₄, NW₄, Sec. 84, S₂, NW₄, NW₄, Sec. 85, S₂, NW₄, NW₄, Sec. 86, S₂, NW₄, NW₄, Sec. 87, S₂, NW₄, NW₄, Sec. 88, S₂, NW₄, NW₄, Sec. 89, S₂, NW₄, NW₄, Sec. 90, S₂, NW₄, NW₄, Sec. 91, S₂, NW₄, NW₄, Sec. 92, S₂, NW₄, NW₄, Sec. 93, S₂, NW₄, NW₄, Sec. 94, S₂, NW₄, NW₄, Sec. 95, S₂, NW₄, NW₄, Sec. 96, S₂, NW₄, NW₄, Sec. 97, S₂, NW₄, NW₄, Sec. 98, S₂, NW₄, NW₄, Sec. 99, S₂, NW₄, NW₄, Sec. 100, S₂, NW₄, NW₄, Sec. 101, S₂, NW₄, NW₄, Sec. 102, S₂, NW₄, NW₄, Sec. 103, S₂, NW₄, NW₄, Sec. 104, S₂, NW₄, NW₄, Sec. 105, S₂, NW₄, NW₄, Sec. 106, S₂, NW₄, NW₄, Sec. 107, S₂, NW₄, NW₄, Sec. 108, S₂, NW₄, NW₄, Sec. 109, S₂, NW₄, NW₄, Sec. 110, S₂, NW₄, NW₄, Sec. 111, S₂, NW₄, NW₄, Sec. 112, S₂, NW₄, NW₄, Sec. 113, S₂, NW₄, NW₄, Sec. 114, S₂, NW₄, NW₄, Sec. 115, S₂, NW₄, NW₄, Sec. 116, S₂, NW₄, NW₄, Sec. 117, S₂, NW₄, NW₄, Sec. 118, S₂, NW₄, NW₄, Sec. 119, S₂, NW₄, NW₄, Sec. 120, S₂, NW₄, NW₄, Sec. 121, S₂, NW₄, NW₄, Sec. 122, S₂, NW₄, NW₄, Sec. 123, S₂, NW₄, NW₄, Sec. 124, S₂, NW₄, NW₄, Sec. 125, S₂, NW₄, NW₄, Sec. 126, S₂, NW₄, NW₄, Sec. 127, S₂, NW₄, NW₄, Sec. 128, S₂, NW₄, NW₄, Sec. 129, S₂, NW₄, NW₄, Sec. 130, S₂, NW₄, NW₄, Sec. 131, S₂, NW

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 stat to hereinbefore referred to, this certificate is executed at the state Capitol at Pierre, South Dakota, this 7th day of December 1933.

This withdrawal when the project is fully developed, in accordance with
drawal dated April 24, 1958 of 2 cu. ft. per sec. of water at approximately the same
location

Soc letter by Sup't. Roberts under date of November 22, 1953.

CERTIFICATE OF CANCELLATION OF WITHDRAWAL
OF PUBLIC WATER

Shannon County

White Clay Creek

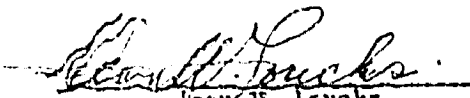
WHEREAS, the United States Department of the Interior, Bureau of Indian Affairs, made application to the State Engineer for the withdrawal of certain unappropriated waters of White Clay Creek.

AND WHEREAS, withdrawal was made by the State Engineer from further appropriation of 2 cubic feet per second of said waters of White Clay Creek under date of April 24th, 1936.

AND WHEREAS, the said Bureau of Indian Affairs made application and had been granted Withdrawal No. 97 which supersedes the above withdrawal under date of April 24, 1936, and has stated in a letter dated November 17, 1941 and signed by W.O. Roberts, Superintendent, that the Bureau is no longer interested in the withdrawal of above date.

NOW, THEREFORE, in accordance with the provisions of Section 61.0137 of the South Dakota Code of 1939, said withdrawal under date of April 24, 1936, is hereby cancelled and no claim shall hereafter be made of the waters hereby appropriated by virtue of said withdrawal.

Executed at the State Capitol at Pierre, South Dakota on this 21st day of November, 1941.


Dean W. Loucks
State Engineer

November 20, 1941

Re: U.S. No. 97
Certificate of Withdrawal

W.O. Roberts, Superintendent
U.S. Dept. of Interior
Pine Ridge Indian Agency
Pine Ridge, South Dakota

Dear Sir:

In accordance with your letter of November 17th just received, we are enclosing herewith, a "Certificate of Cancellation of Withdrawal" of your appropriation of April 24, 1936.

U.S. No. 97 Certificate of Withdrawal supersedes the above mentioned Certificate, and is now in full effect.

Very truly yours,

Dean W. Loucks
State Engineer

DWL/lf
Encl.-

CCC-ID

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

Pine Ridge Indian Agency
Pine Ridge, South Dakota
November 17, 1941

Dean W. Laucks
State Engineer
Pierre, South Dakota

Dear Sir:

We have on file at this office U S No. 97 Certification of Withdrawal of water for appropriation to the United States Department of Interior, Bureau of Indian Affairs for the White Clay Creek on the Pine Ridge Reservation.

The annual amount of 8,500 acre feet of water is to be diverted at a maximum rate of 50 cubic feet a second from White Clay Creek in the vicinity of Oglala, South Dakota. This Withdrawal is dated December 7, 1938.

The impounding dam in connection with this project is near completion and water is being impounded. The irrigation canals have been built in the position of the land subjugated.

U S No. 97 Withdrawal supersedes Withdrawal dated April 24, 1936 for 2 cubic feet per second of water at approximately the same location. We are no longer interested in the Withdrawal dated April 24, 1936 and you may cancel the same.

Kindly advise us if you have sufficient plans on file for this development.

Sincerely yours,

Robert
Roberts,
Assistant
Commissioner

REG:ch

CCC ID

UNITED STATES
DEPARTMENT OF THE INTERIOR

022.35

OFFICE OF INDIAN AFFAIRS

FIELD SERVICE

Pine Ridge Indian Agency
Pine Ridge, South Dakota
December 15, 1938

RECEIVED

DEC 19 1938

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

11/10/60 7

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

Dear Sir:

I wish to thank you for your letter of December 7, 1938, including withdrawals U. S. No. 97 and U. S. No. 98, projects on Bear in the Lodge Creek and White Clay Creek, in Bennett and Shannon Counties.

I wish to assure you that we will advise you when the projects on which conflicting rights are recorded have been abandoned at the two locations mentioned above.

Your cooperation in effecting these withdrawals is appreciated.

Very truly yours,

W. O. Roberts
W. O. Roberts
Superintendent
mrm

REG:SF

December 7, 1938

U. S. No. 97
U. S. No. 98

Re: Withdrawals U. S. No. 97
U. S. No. 98

Mr. W. C. Roberts
U. S. Department of Interior
Pine Ridge Indian Agency
Pine Ridge, South Dakota

Dear Mr. Roberts:

We are herewith enclosing above Withdrawals Nos. U. S. 97 and 98 for projects on Bear in the Lodge Creek and White Clay Creek in Bonnett and Shannon Counties.

I have made a note on the bottom of the withdrawals relative to the abandonment of the conflicting rights which will be superseded when these two projects are fully developed. We would, therefore, appreciate a notice of completion of the projects when this has been effected so that we may abandon the early withdrawals referred to.

Very truly yours

DEAN W. LYONS,
State Engineer.

W. L. L.
Enc. 2

CCC ID

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

RECEIVED
NOV 30 1938

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

Pine Ridge Indian Agency
Pine Ridge, South Dakota
November 22, 1938

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

Dear Sir:

Receipt is acknowledged of your letter of November 14 relative to Notice of Appropriation of Waters and Plans for two irrigation projects on the Pine Ridge Indian Reservation sent to you November 7, 1938.

It is noted that you find another withdrawal on White Clay Creek which was issued to Pine Ridge Indian Agency on the 24th day of April, 1936. It is expected that the withdrawal issued April 24, 1936, will be used for the small community garden in Section 14, Twp. 37 N., R. 46 W. for less than two more years, or until the later withdrawal in connection with our Oglala Dam is operative. It is expected that the Oglala Dam for which we recently made request for withdrawal in our letter of November 7, will be ready for irrigation 1941, at which time the withdrawal of two cubic feet per second of water, point of diversion on the left bank of White Clay Creek, North 41 degrees 30 minutes East, and 1830 feet from the S. corner of Sec. 14, T 37 N, R 46 W. may be cancelled.

A similar situation exists in the case of the withdrawals by the United States on Bear in the Lodge Creek. The present withdrawals in this case will be needed until some two or three years in the future, when the later system is entirely developed. This last withdrawal will include that which was issued to us on April 24, 1936.

I trust that you will be able to reconcile the conflicting requests. Our last Notice of Appropriation is, of course, the more important since it includes the smaller projects for which requests were previously made.

Very truly yours,

W. O. Roberts
W. O. Roberts
Superintendent
WR

REG: SF

November 14, 1938

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

Dear Mr. Roberts:

This will acknowledge receipt of your notice of appropriation of water and plans for two irrigation projects on the Pine Ridge Indian Reservation.

In checking these over we find that a withdrawal very close to the one on White Clay Creek was issued to the Bureau of Indian Affairs, Pine Ridge Indian Agency on the 24th day of April 1936 for 2 cu. ft. per second of water, point of diversion was on the left bank of White Clay Creek, North 41 degrees 30 minutes East, and 1830 feet from the SW corner of Section 14, T. 37 N., R. 46 W. We are wondering if you wish to abandon this former withdrawal or if it is possible to operate both projects.

Also relative to the appropriation on Bear In the Lodge Creek we find a U. S. withdrawal by the Bureau of Indian Affairs a short distance above the location which you have described. This point of diversion is described as on the left bank of Bear In the Lodge Creek, a distance of 315 feet N 62 degrees E. from the section corner of Sec. 30 and 31 Range 37 E., and Sec. 25 and 36, Range 38 E. all in T. 40 N., and appropriates water at a maximum rate of 2.2 cu. ft. per second. We are also wondering if you are operating both of these projects.

Kindly let us know relative to the above so that we will know how to issue the certificates of withdrawal.

Very truly yours,

DEAN W. LOUCKS,
State Engineer.

DW:dm