

No. *U.S. 78-2*

Office of State Engineer  
DOCUMENT FILE

*Beaver Ridge Creek  
Bennett County*

*Applicant: Indian Affairs  
Location: Sec. 5, T34N, R. 37W  
Date of filings: 12-7-38  
Purpose: Drigation*

CERTIFICATE OF WITHDRAWAL OF  
WATER FOR APPROPRIATION  
TO

UNITED STATES DEPARTMENT OF INTERIOR  
BUREAU OF INDIAN AFFAIRS

BEHNETT COUNTY

Bear in the Lodge  
Name of Stream

The United States Department of Interior, Bureau of Indian Affairs, 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 6,000 acre-feet of water to be diverted at a maximum rate of 60 cubic feet per second of water; the point of diversion to be on the left bank a distance of 2725 feet S. 22° E. degrees N. 30° E. from the NE corner Sec. 5, T. 38 N., R. 37 W., 6th P. M.; which water is to be used for the irrigation of certain lands in parts of the NW<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>, Sec. 18, 9<sup>th</sup> S., NW<sup>1</sup>/<sub>4</sub>, Sec. 19, 19<sup>th</sup> N., SW<sup>1</sup>/<sub>4</sub>, Sec. 19, W<sup>2</sup>/<sub>2</sub>, E<sup>1</sup>/<sub>2</sub>, SW<sup>1</sup>/<sub>4</sub>, Sec. 19, W<sup>2</sup>/<sub>2</sub>, NW<sup>1</sup>/<sub>4</sub>, Sec. 30, W<sup>2</sup>/<sub>2</sub>, E<sup>1</sup>/<sub>2</sub>, NW<sup>1</sup>/<sub>4</sub>, Sec. 30, W<sup>2</sup>/<sub>2</sub>, E<sup>1</sup>/<sub>2</sub>, NW<sup>1</sup>/<sub>4</sub>, Sec. 31, SE<sup>1</sup>/<sub>4</sub>, Sec. 31, W<sup>2</sup>/<sub>2</sub>, W<sup>2</sup>/<sub>2</sub>, NW<sup>1</sup>/<sub>4</sub>, Sec. 32, W<sup>2</sup>/<sub>2</sub>, SW<sup>1</sup>/<sub>4</sub>, Sec. 32, in Twp. 40 N., R. 37 W., 6th P. M. and Sec. 14, W<sup>2</sup>/<sub>2</sub>, Sec. 13, SE<sup>1</sup>/<sub>4</sub>, Sec. 13, SW<sup>1</sup>/<sub>4</sub>, Sec. 13, E<sup>1</sup>/<sub>2</sub>, E<sup>1</sup>/<sub>2</sub>, NW<sup>1</sup>/<sub>4</sub>, Sec. 23, E<sup>1</sup>/<sub>2</sub>, E<sup>1</sup>/<sub>2</sub>, SW<sup>1</sup>/<sub>4</sub>, Sec. 23, E<sup>1</sup>/<sub>2</sub>, Sec. 23, SE<sup>1</sup>/<sub>4</sub>, Sec. 24, SW<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub>, Sec. 24, NW<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub>, Sec. 24, W<sup>2</sup>/<sub>2</sub>, Sec. 24, E<sup>1</sup>/<sub>2</sub>, Sec. 25, W<sup>2</sup>/<sub>2</sub>, NW<sup>1</sup>/<sub>4</sub>, Sec. 26, E<sup>1</sup>/<sub>2</sub>, NW<sup>1</sup>/<sub>4</sub>, Sec. 30, in Twp. 40 N., R. 38 W., 6th P. M. 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 affect 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 7th day of December 1938.

*Alvin W. Litch*  
State Engineer

This withdrawal when the project is fully developed, to supersede withdrawal dated January 12, 1938 of 2.2 cu. ft. per sec. of water near same location.

See letter of Sup't. Roberts dated Nov. 22, 1938.

November 20, 1941

Re: U.S. No. 98  
Certificate of Withdrawal

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

Dear Sir:

This will acknowledge receipt of your letter of November 17, containing your report that the development planned under this Withdrawal is in the process of construction.

This is to inform you that by virtue of such continued development, U.S. No. 98 Certificate of Withdrawal is in full effect.

We thank you for your report on the progress of this development, and will be glad to receive complete plans as soon as they have been completed.

Very truly yours,

Dean W. Loucks  
State Engineer

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

RECEIVED

OFFICE OF STATE ENGINEER  
PIERRE, S. DAK.

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

Dean W. Laucks  
State Engineer  
Pierre, South Dakota

Dear Sir:

Our files contain Certification of Withdrawal of water for appropriation to the United States Department of Interior, Bureau of Indian Affairs, U. S. No. 98 for the annual amount of 6,000 acre feet of water to be diverted at a maximum rate of 50 cubic feet a second from Bear in the Lodge Creek in the vicinity of Hiale, South Dakota. The Withdrawal is dated December 7, 1938.

This is to advise that while this project has not been developed to date, it is in the process of construction and the government is interested in maintaining Withdrawal rights in behalf of the Indians of the Pine Ridge Reservation.

Complete plans are being drafted and will be sent to your office for filing when completed.

Very truly yours,

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

REH:G