

No.

U.S. 515-2

Office of State Engineer  
DOCUMENT FILE

U.S. Dept. of Interior  
Landreave Indian School  
Big Horn River  
Bureau of Indian Affairs

CERTIFICATE OF WITHDRAWAL  
of  
WATER FOR APPROPRIATION  
to the  
UNITED STATES OF AMERICA  
DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS

Flandreau Indian School Pumping Project No. 2  
Name of Project

Moody  
County

Water Division No. 3  
Big Sioux River Water District  
Big Sioux River  
Source of Appropriation-Stream

The United States of America, Department of The Interior Flandreau Indian Tribal Lands, having filed "Notice of Intention" to utilize certain heretofore unappropriated public waters of the State of South Dakota, in accordance with the requirements of the statutes of the State of South Dakota, such statutes and authority being contained in Section 61.0137 1939 Revised Code of South Dakota, now therefore;

This is to certify that there is hereby reserved, of the heretofore unappropriated waters of The Big Sioux River, the annual amount of 30 acre-feet of water ~~xxxxxxxxxxxxxx~~ ~~xxxxxxxxxxxxxx~~ by damming said stream at a point N. 7 - 30' E., 1280 feet distant from the SW corner of the SE 1/4 of Section 23 Township 107N., Range 48W. The purpose of such diversion is for irrigation

This is to certify that there is hereby reserved, of the heretofore unappropriated waters of The Big Sioux River a maximum of 0.75 cubic feet per second to be diverted through the Indian School ditch, canal or pipe line at a point located on the Left-bank N. 70 - 30' E., 1280 feet distant from the SW corner of the SE 1/4 of Section 23 Township 107N. Range 48W for the purpose of irrigation during the months of January to December except the above said amount shall not exceed the legal limit of 1 cu. ft. per sec. for each 70 acres irrigated.

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 on 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 statutes heretofore referred to and under the authority of which this certificate is issued.

In accordance with the provisions of the statutes heretofore referred to, this certificate is executed at the State Capitol at Pierre, South Dakota, this 20th day of April 1940.

*Dean M. Leucky*  
Dean M. Leucky  
State Engineer

## CROSS REFERENCE SHEET

Name or Subject

US Withdrawal

File No.

US 515

Regarding

Date

4/30/40

Withdrawal for appropriation  
containing

"Notice of Appropriation"

"Exhibit A"

"Schedule of Diversions of Water for Irrigation"

"Maps"

Letter of Transmittal

# SEE

Name or Subject

File No.

US Withdrawal-Dept. Interior-Indian Service

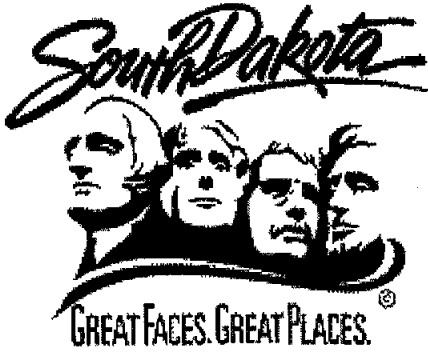
SEE US 513

File cross reference form under name or subject at top of the sheet and by the latest date of papers. Describe matter for identification purposes. The papers, themselves should be filed under name or subject after "SEE."



Cat. No. 30 5902

For use in all Filing Systems



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
PMB 2020  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.denr.sd.gov](http://www.denr.sd.gov)

January 31, 2018

US28-3 US50-3 US513-3 US514-3  
US515-3 US516-3

US BUREAU OF INDIAN AFFAIRS  
115 4th AVENUE, SE, SUITE 400  
ABERDEEN SD 57401

Subject: Bypass Qualifications on Big Sioux River Water Rights

Dear SIR,

I am writing to inform you of an effort the SD Dept. of Environment and Natural Resources Water Rights Program is undertaking to review and update a number of water right permits authorized to pump water from the Big Sioux River. Since your water right does not have a bypass qualification, we **are not** proposing to amend your permit by adding a bypass qualification. However, I do want to make you aware of what we are proposing for several other junior priority Big Sioux River permits.

When a number of these Big Sioux River permits were issued, they contained a *qualification requiring a minimum flow bypass* before the user is able to pump water from the river. The bypass qualification was placed on these permits to protect the use of water by downstream senior priority water right holders and domestic water users, which includes livestock watering. The review found, with the passage of time, a number of senior water right permits have been cancelled due to abandonment or forfeiture. Consequently, it may be possible to lower the flow bypass limitation on the remaining permits. In other words, the amount of flow in the river can be lower and pumping will still be allowed. The review also found an inconsistency between permits on where the bypass flow is to be measured. The intent of this effort is to standardize and make consistent the bypass requirements for the remaining water users.

In order to amend a qualification on an existing water right permit, formal action by the SD Water Management Board is needed. In the next few weeks, you can expect to receive official notification scheduling a hearing before the Water Management Board. Again this does not pertain to amending your permit, only junior permit holders. If you wish to participate in the hearing you can, but you are not required to. There will be instructions with the notification on how to participate in the hearing if you so choose.

If you have any questions concerning this effort, please contact Mark Rath of the Water Rights Program at phone (605) 773-3352.

Sincerely,

*for* Jeanne Goodman, Chief Engineer  
Water Rights Program



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

February 12, 2018

US 28-3, US 50-3, US 513-3,  
US 514-3, US 515-3, US 516-3

US BUREAU OF INDIAN AFFAIRS  
115 4<sup>TH</sup> AVE SE, SUITE 400  
Aberdeen SD 57401

Subject: Bypass Qualifications on Big Sioux River Water Rights

Dear Sir:

The SD Department of Environment and Natural Resources (DENR) has evaluated the minimum flow bypass condition on water rights that pump from the Big Sioux River. The Chief Engineer is recommending amending the bypass qualification on 21 Big Sioux River water rights. The intent is to bring uniformity to the bypass requirement placed on water rights in past years. The water right you own or operate does not have a bypass qualification and will not be amended by the proposed action.

Even though your water right is not being amended, DENR wants to keep you informed of the proposed action since it involves the Big Sioux River. Enclosed is a notice to be published on or before February 15, 2018, in one newspaper from each of the seven counties that the Big Sioux River flows through. Also, the staff report including affected water rights and the proposed changes is available at <http://denr.sd.gov/public> or contact Mark Rath at 605 773-3352 or [mark.rath@state.sd.us](mailto:mark.rath@state.sd.us).

A hearing before the Water Management Board is scheduled at 11:30 AM, Wednesday, March 7, 2018 in the Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre SD. The enclosed notice provides information on the hearing and ability to file a petition in either support or opposition to the proposed amendment. The filing of a petition must be postmarked by February 26, 2018. Additionally filing a petition affords you the opportunity to participate in the March 7<sup>th</sup> hearing before the Board if you choose.

Again, this does not pertain to amending your water right, only junior water right holders with existing bypass requirements. If you have questions, please call. DENR is willing to work to answer any questions.

Sincerely,

Eric Gronlund  
Water Rights Program, DENR  
605 773-3352  
[Eric.gronlund@state.sd.us](mailto:Eric.gronlund@state.sd.us)

enclosure