



WATER-RIGHT DOCKET

Wind Cave National Park

Docket No: 1

HEADQUARTERS WATER SYSTEM, SPRING

Preliminary Docket Information

00-00-0000: water right record - id # - wica s320505 af 01

WATER RIGHT RECORD

Park: WICA

Docket Number:

Federal #1

IDENTIFICATION NO: WICA S 3 2 0 5 0 5 A F 0 1

DITCH/WATER SYSTEM: Headquarters

SOURCE OF SUPPLY: Springs tributary to Cold Spring Creek

LOCATION: S53°50'E 2431.36 ft. from the N¼ corner, Sec. 32, T5S,
R5E, BHM

WATER RIGHT:

Appropriator: United States of America, National Park Service

Application/Permit Number: 33-2

Certificate Record Number:

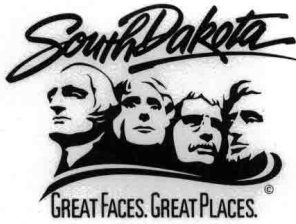
Date of Priority: August 28, 1937

Quantity of Water: 0.20 c.f.s.

Purpose: Domestic, recreation, fire protection wildlife

Irrigated Land Description:

SUMMARY OF STATUS: This is a Federal water right consisting of springs, diversion works, pipe and reservoir.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

December 17 1996

Jeffrey C. Hughes
National Park Service
Water Resources Division
1201 Oak Ridge Drive, Suite 250
Fort Collins, CO 80525

Dear Mr. Hughes:

I am writing this in reference to Wind Cave National Park's US Withdrawal No. US33-2 for the Cold Springs gallery. US33-2 appropriates 0.20 cfs from springs with a priority date of August 23, 1937. The water has been continually used for domestic, recreation, wildlife, and fire protection within Wind Cave National Park.

A question was raised at a May 1, 1996, meeting between National Park Service and SD Water Rights staff whether all statutory requirements had been met when the US withdrawal was issued. The South Dakota Attorney General's Office was asked to research this question (see attached letter). Based upon this information, it appears the requirements for US withdrawals had been met by the National Park Service at the time US Withdrawal No. US33-2 was issued and that no additional action is needed now.

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

Very truly yours,

John Hatch, Chief Engineer
Water Rights Program

enclosure

STATE OF SOUTH DAKOTA



OFFICE OF ATTORNEY GENERAL

500 EAST CAPITOL
Pierre, South Dakota 57501-5070
Phone (605) 773-3215
FAX# (605) 773-4106

MARK W. BARNETT
ATTORNEY GENERAL

LAWRENCE E. LONG
CHIEF DEPUTY ATTORNEY GENERAL



December 9, 1996

Mark Rath
Water Rights Program
Department of Environment
and Natural Resources
Joe Foss Building
Pierre, SD 57501

Re: U.S. withdrawal

Dear Mark:

You have made two inquiries about U.S. withdrawals made pursuant to Section 8243 of the 1919 Code.

The first issue is whether U.S. withdrawals made under Section 8243 constituted an appropriation for which the public notice requirements applied. Based on my reading of this provision it appears that public notice was not required for the U.S. withdrawals. Although all other water appropriations have been required to comply with public notice requirements since March 7, 1907, the U.S. withdrawal situation appears to be an exception. Section 8243 provided that the chief engineer was to refrain from authorizing the appropriation of public waters of the state to any other party if the United States intended to utilize certain specified waters and did, in fact, apply the waters to use. The provision does not appear to contemplate any public notice requirements. Review of two U.S. withdrawal files also indicates that no public notice was, in fact, made.

Given the foregoing circumstances, you have also inquired whether some additional act is required at this time to clarify or validate the U.S. withdrawals. Since it appears that the U.S. withdrawals were properly perfected and filed with the chief engineer, it appears that no additional process would be necessary in order to continue water right use that has been legally continuous from the date of construction. In the event that water rights are no longer being used, cancellation may be

Mark Rath
December 9, 1996
Page 2

appropriate under SDCL 46-5-44. Additionally, the provisions of SDCL 46-5-37 would be applicable.

If you have further questions regarding this matter, please feel free to contact me.

Sincerely,



Diane Best
Assistant Attorney General

DB:do
Enclosure

33-2

Jeffrey C. Hughes

Dan McGlothlin

Owen Williams

JCH

DM

OW

February 22, 1996

L54(2380)
WICA/Water Rights

Mr. John Hatch
Chief Engineer, Water Rights Program
Department of Environment
and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

Dear Mr. Hatch:

Please find enclosed two Water Use Reports for 1995 for Wind Cave National Park water rights that are on file with the State of South Dakota. We have also sent a copy of these reports to the U.S. Geological Survey as you requested in your January 22, 1996, correspondence to South Dakota water users. These reports address water uses for water rights numbers 419-2 (Park Headquarters Well) and 33-2 (Wind Cave Pipeline). A Water Use Report for water right number 508-2 (Norbeck Reservoir) is not enclosed as the dam associated with this water right has breached, and the reservoir is no longer functional. The National Park Service will contact your office soon to determine the best course of action concerning this water right.

As you may recall, the National Park Service maintains that it has four vested riparian rights in Wind Cave National Park. We are in the process of quantifying water uses for these water rights and will provide you this information when our analysis is complete. Please let us know whether we should also send this information to the U.S. Geological Survey.

2

If you have any questions concerning these water use documents, please contact Jeff Hughes of my staff at (970) 225-3527.

Sincerely,

Owen R. Williams
Chief, Water Rights Branch

Enclosures

bcc: (all w/Enclosure)
WICA - Superintendent
GPSO - Klukas
Great Plains Cluster - Superintendent
MWFA - Director
2380 - Kimball, Jackson, Flora, Walker, McGlothlin

WATER USE FOR 1995PERMIT NO. 33-2NAME FIRST Wind Cave National ParkADDRESS 1 % SuperintendentADDRESS 2 P.O. Box 190CITY Hot Springs, SD 57747**SOURCE OF WATER (PLEASE CHECK):**GROUND WATER ☐ NUMBER AND DEPTH OF WELLS __________

_____SURFACE WATER ☒ NAME OF STREAM OR LAKE _____Cold Springs Creek**TYPE OF WATER USE (PLEASE CHECK):**INDUSTRIAL ☐ COMMERCIAL ☐ INSTITUTIONAL ☐GEOTHERMAL ☐ POWER ☐ MINING ☐MUNICIPAL WATER SUPPLY ☐

None of above uses. Park uses water for domestic uses (stock water) for bison, elk, deer and antelope resident to park lands.

ESTIMATED TOTAL 1995 WATER USE 244,400 GALLONS

This number is an estimate of water consumption by wildlife at this water source

NAME OF CONTACT PERSON Jimmy Taylor (Superintendent)TELEPHONE NO. (605) 745-4600ADDRESS CORRECTION none_____

DEAN W. LOUCKS
STATE ENGINEER

STATE OF SOUTH DAKOTA
OFFICE OF STATE ENGINEER

PIERRE
September 18, 1939

Wind Cave
x Jewell Cave
REC'D SEP 22 1939

EP

Re: Withdrawals Nos. 32 & 33

Joseph E. Taylor, Regional Attorney
National Park Service
601 Sheldon Bldg.
San Francisco, Calif.

Dear Sir:

Herewith please find enclosed Certificate of Construction of Works and Appropriation of water for U. S. Water Right No. 32, Jewell Cave Pipe Line, and U. S. No. 33-2, Wind Cave Pipe Line. The field report of Engineer A. van V. Dunn has been duly received and filed with the other documents pertaining to the project.

Very truly yours,

Dean W. Loucks
DEAN W. LOUCKS,
State Engineer.

DWL:dn
Enc. 2

In Permits File

C O P Y

Wind Cave
Deed 6

CERTIFICATE OF CONSTRUCTION OF WORKS

and

APPROPRIATION

U. S. Water Right No. 33-2

✓
Wind Cave Pipe Line
Name of Project

Fall River Water District

TO ALL WHOM IT MAY CONCERN:

This is to Certify, that the United States of America, Department of Interior, National Park Service, has complied with the State Laws and has been issued withdrawal No. U. S. 33 bearing date of September 14, 1937 withdrawing from further appropriation all of the unappropriated waters of springs in Sec. 32 & Sec. 28, T. 5S., R. 5E., of the waters of Cold Spring Creek, County of Custer, State of South Dakota, the outlet being located at a point 53°50' E. 2431.36' (and designated as Station 0+00 on the map furnished with the Notice) from the N $\frac{1}{4}$ Cor. of Sec. 32, T. 5S., R. 5 E. and the works further located as shown on the above map and described in the Notice; for domestic, recreation, fire protection, stockwater * purposes; has fully complied with the provisions of the laws of the State of South Dakota relating to completion of the works as set out and described in Section 61.0137, that said works are completed in accordance with information filed in the office of the State Engineer, and 0.20 sec. feet is thereby appropriated for the above purposes bearing date of priority of August 28, 1937.

Witness my hand this 18th day of September 1939.

/s/ Dean W. Loucks.
State Engineer

* Includes buffalo, antelope, deer and elk.

Form 23A

WITHDRAWAL NO. 33

Form 23A

Water Division No. 2Pall River Water District

CERTIFICATE OF EXAMINATION OF WORKS

Report of Examining Engineer

Date September 8, 1939By A. van V. Dunn

☒	Reg. Director
☒	Brown
☒	Appraiser
☒	Curtis
☒	By <u>R. J. [unclear]</u>
☒	Answered by <u>[unclear]</u>

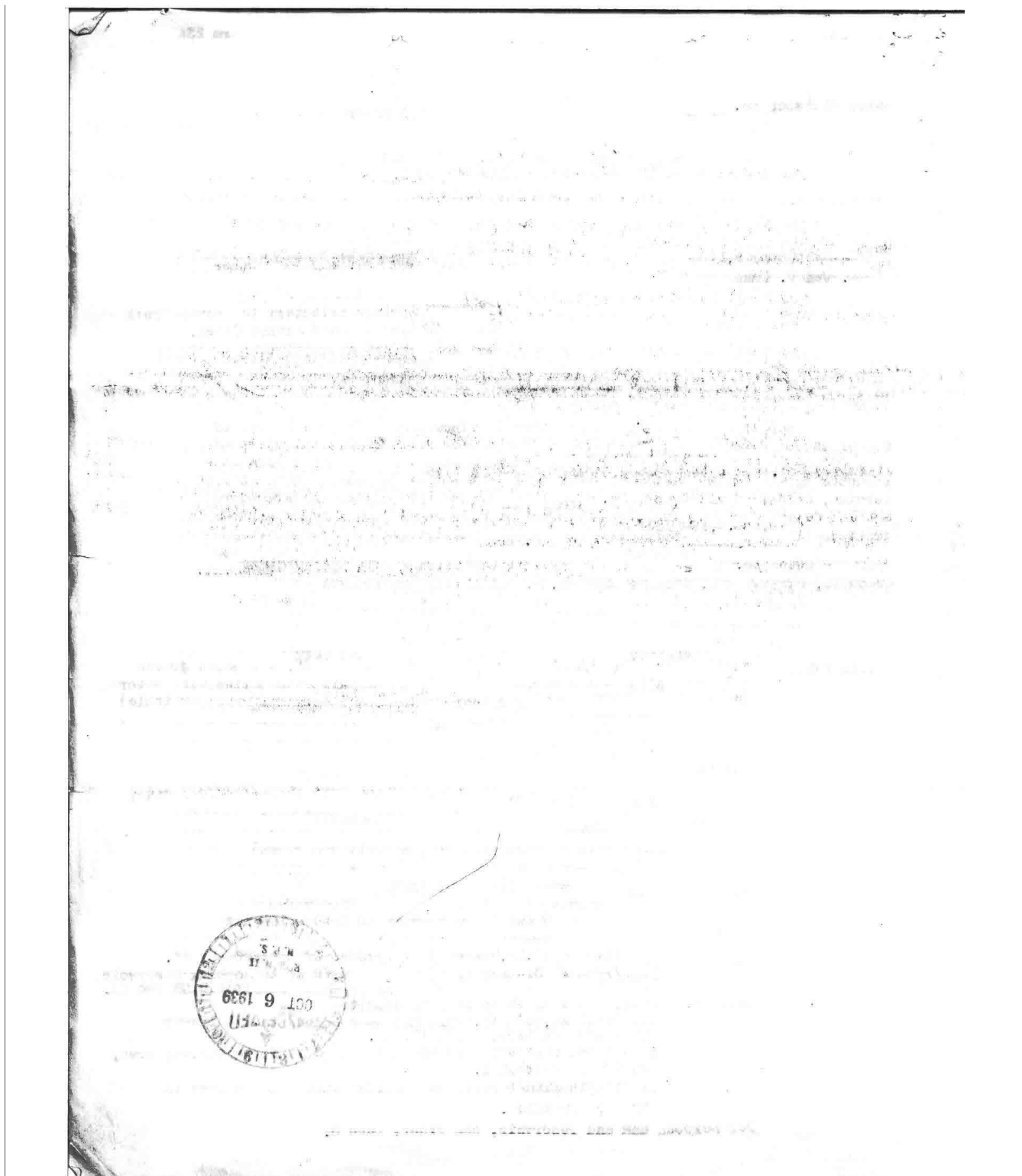
Project Name and Number
Wind Cave Pipe LineSprings tributary to Beaver Creek
through Cold Spring Creek.Source of Appropriation
(Stream)

To the State Engineer, Pierre, South Dakota:

Dear Sir: I hereby certify that in accordance with your letter of authorization dated August 18, 1939, I have made a thorough examination of Wind Cave Nat. Park water system, designated Wind Cave pipe line constructed by the United States of America, Department of Interior, National Park Service, holder of withdrawal No. 33 issued upon Notice of Intention bearing date Sept. 8, 1939, authorizing the withdrawal from further appropriation of acre feet, or 0.20 second feet of the waters of for purposes. I have to report on the condition of the same as follows:

The impounded and diversion works comprise:

Dam: Type Concrete Foundation
(Diversion) Size: 200' Length 200' Mx. Height to spillway 8', all below ground flow line at water table Freeboard 2' at this date (varies with water table)
Section: Up stream slope Vertical Down stream slope Vertical
Top width 10'
Yardage (Approx.) 40
Reservoir: Area Normal Pool Level No surface reservoir acres
Capacity Not known (raises water table 1' this 9/9/39 date)
Nature of shore line
Spillway: Type None Location
(Flood waters would flow across whole dam crest)
Capacity will over flood dam cubic feet per second
Outlet: Size 8 inch Control gate valve
Location as shown on plan valve 10 feet below dam
Ditches: Open Earth none Open Rock
Pipe 1270 of 8" 11,744 of 8" 11,000 of 8" 11,000 of 8"
Location or as shown on plans as shown (bal. 0.08 sec ft.)
Distrib. Reservoirs are as shown on plan except: at
additional 25,000 gal. unit has been added/stn. 87+41 near
park headquarters, in section 2.
an 8000 gal reservoir has been installed to serve utility area,
in NE SW₄ section 1.
all distribution reservoirs provided with float valves to
prevent overflow.
For Horbeck dam and reservoir, see rider, page 3.



The System is in the following condition: Good

The outlet of the reservoir or the point of diversion of the ditch, canal or pipe line is located 0.000 53-50 E 2431.56 (Spring = 6 N 56-08 W 1149.51' from SE corner Section 28) feet distant from the N Corner of Section 28 Township 2 S Range 3 E.

The works are capable of utilizing 170 acre-feet of water annually at 0.75 second-feet of water.

The legal subdivisions to be irrigated are SE 1/4, 1 ac; NE 1/4, 1 ac both in Section 2; SW 1/4, 1 ac; NW 1/4, 5 ac; NE 1/4, 2 ac; SE 1/4, 1 ac; NW 1/4, 3 ac, all in Section 1, and all in T 5 S, R 5 E; and NE 1/4, 1 ac; in Section 35, T 5 S, R 5 E, all incidental to other uses, comprising a total of 11.75 acres of land.

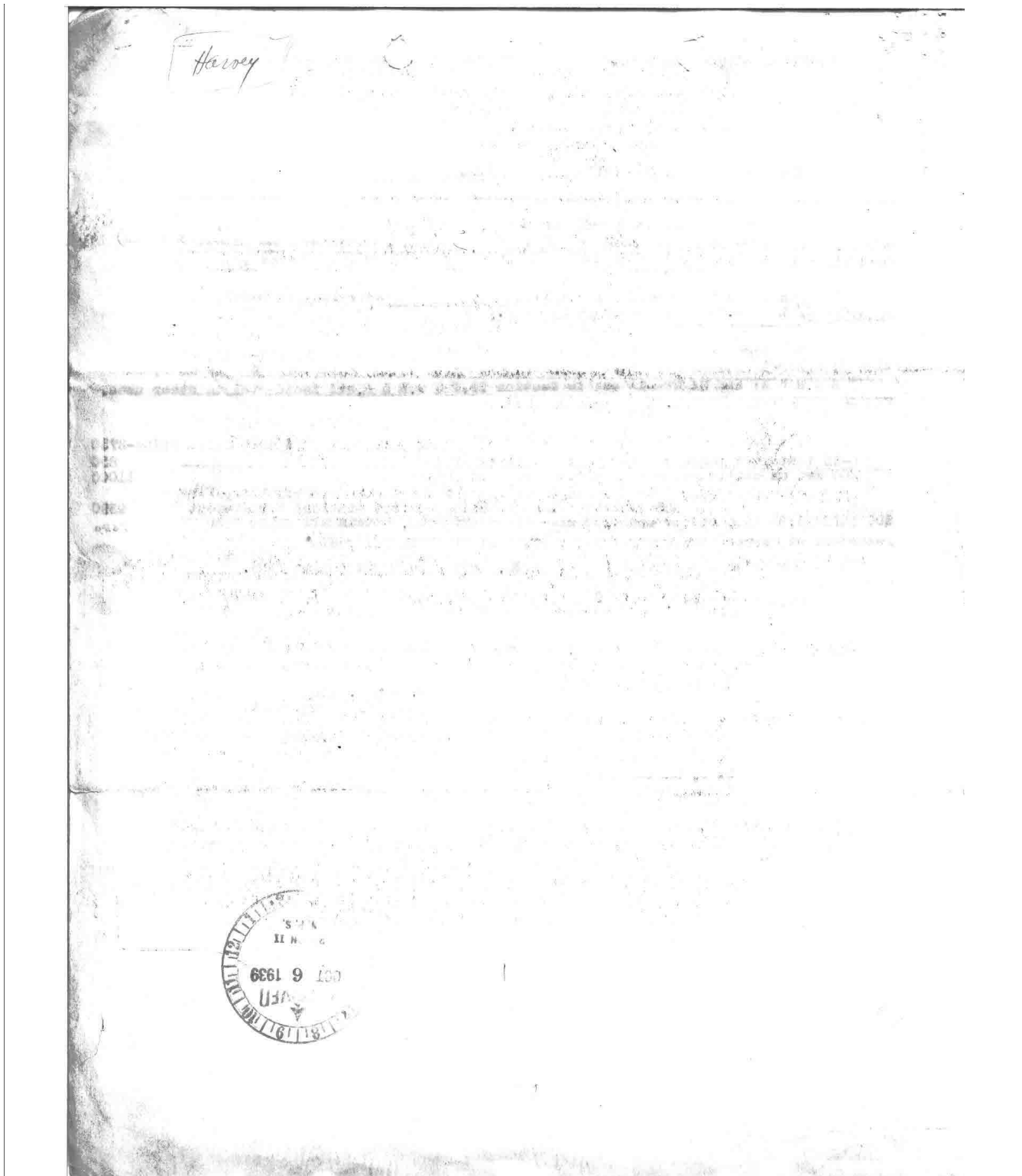
The domestic and stockwater uses comprise <u>25 permanent residents</u>	<u>110 gpdpc</u>	<u>2750</u>
<u>5-15 temporary rangers</u>	<u>@ 25 gpdpc (average 10)</u>	<u>850</u>
<u>200 men on construction and maintenance</u>	<u>@ 55 gpdpc</u>	<u>11000</u>

The utilization for public recreation, game and fish propagation, fire protection, comprises: <u>500 visitors</u>	<u>@ 15 gpdpc using comfort stations & restaurant</u>	<u>9300</u>
<u>200 buffalo; 50 antelope; 60 deer; 150 elk - total 460 head, obtain all water from reservoir at Horbeck dam in dry years, and most of it in all years</u>		<u>3690</u>

The project was completed in 1932, having been started in 1929.

Witness my hand, this 9 day of September A. D. 19 39.

A. van V. Dunn
Examining Engineer.



Norbeck Dam: Type earth fill rip-rap both sides Foundation 1 ft with debris and top soil removed.
 Size: Max. Length 295'. Max. Height to spillway 36'
 flow line 31'. Freeboard 5'
 Section: Up stream slope 3/1
 Down stream slope 2/1
 Top width 40'
 Yardage (approx) 35,000
 Reservoir: Area normal Pool Level 12.5 acres
 Capacity approx. 170 acre feet
 Nature of shore line grassy hill sides
 Spillway: 1'x5' wier into concrete lined ditch around south end of dam.
 Canal: T-6'; b-5'; d-2'; s-0.005, n- 0.014; $Q = \text{at least } 46.5 \text{ sec. ft.}$
 Intended over-flow capacity seems to have been about 5.0 sec. ft., but full ditch capacity would not damage structures. By spill along 100 feet of ditch, and using full 3' for d, capacity is far in excess of probable flood flow.
 Outlet: Size 12" Control gate valve
 Cast iron on 2% grade
 The outlet is approximately 3 feet above low point of reservoir, on north side, and is for emergency draining. No draft is made for Park use.

Incidental Irrigation: All irrigation is incidental to domestic and recreational uses, and done by standard garden hose, to provide lawns around various buildings.

Recreational Use: is largely for public comfort stations, and a restaurant. There is also a campground which normally serves about 15 people per night. In addition to the domestic type of use at the campground, water is used for dust laying and light irrigation.

Fire protection: The administration and utility areas are provided with 6" fire lines from the distribution reservoirs. These reservoirs are as described on page 1.

Public Attendance: varies between 20,000 and 30,000 people per year, with most of it during a 100 day summer season. Daily attendance runs as high as 625 per day at seasonal peak. Although not so noticeable at Wind Cave, annual increases of 10% are normal throughout the National Parks.

Available Water Supply: Normal summer spring flow is about 0.08 second feet, with winter and spring flow roughly 0.20 second feet. The remainder of pipe capacity (0.75 s.f.) is obtained from stream flow when available. The full capacity has been available twice in 10 years, between which years, the reservoir at Norbeck dam has become nearly dry from evaporation and wild life watering.

Variations in Pipe Line Operation:

With increasing domestic and recreational demands at the headquarters and utility areas, since the pipe line was installed, there has been a need for a larger pipe from the game ranch to the headquarters reservoir. Pending allotment of appropriations for enlargement, several regulatory measures have been possible:

1. By the use of float valves it has been possible to obtain a full effective grade from the 6" main to the headquarters reservoir.
2. By cutting out the springs at Middle Spring area, when flow was available at upper springs, an effective grade of approximately 57 feet per 1000 and capacity of 0.06 sec.ft. has been available to the headquarters area.
3. A valve on the 6" line just below the 2 $\frac{1}{2}$ " pipe junction is closed to prevent waste at the Norbeck reservoir when the available water is low, and when preferred need arises at the headquarters area.
4. During the present, very dry season, lawn irrigation has been largely prohibited during August.
5. As high as 7000 gallons per day have been hauled to the Utility area reservoir when low spring flow required all supplies with the resulting loss of the maximum head on the 2" pipe.

[illegible]

DEAN W. LOUCKS
STATE ENGINEER

STATE OF SOUTH DAKOTA
OFFICE OF STATE ENGINEER
PIERRE

August 15, 1939

~~REC'D JUL 18 1939~~

REC'D AUG 18 1939

Ans. 8/22 - A v V t

Joseph E. Taylor
Regional Attorney
U. S. Department of Interior
National Park Service
601 Sheldon Building
San Francisco, California

Re: U.S. Withdrawals No. 32 & 33
National Park Service

Dear Mr. Taylor:

This will acknowledge receipt of your letter of August 10, 1939, and also tracing and one print of drawing NP-WC-6975, entitled Wind Cave Pipe Line.

We are enclosing herewith Letter of Authorization for inspection to Engineer A. van V. Dunn, of the National Park Service, and also Certificate of Examination of Works, in blank form for his convenience. When this report has been received and examined, you will then receive final Certificate of Completion of Works and Appropriation.

Very truly yours,



DEAN W. LOUCKS
State Engineer

DWL:ml
Enc.

LETTER OF AUTHORIZATION
for
Inspection

August 15, 1939

Wind Cave Pipe Line

A. van V. Dunn, Engineer

National Park Service

Division No. 2
Fall River Water District
Beaver Creek (Springs)
Source of Appropriation
(Stream)

Dear Sir:

The United States of America, Department of the Interior, National Park Service, San Francisco, California, having filed "Notice of Intention" to utilize certain specified waters of the State, and there having been issued a withdrawal from further appropriation as provided in Section 61.0137, 1939 Revised Code of South Dakota and identified as Withdrawal No. U. S. 33, on Beaver Creek (springs) County of Custer on the Wind Cave Nat'l. Park, has informed this office that the construction for the diversion, storage, appropriation and application of water to beneficial use has been fully completed and is ready for examination.

You are, therefore, hereby authorized to arrange with the holder of said withdrawal for an examination of the Wind Cave Pipe Line constructed and owned by the United States of America, Department of Interior, National Park Service, on the Wind Cave National Park and also an inspection to determine the amount of water stored and applied to beneficial use.

In this examination you will ascertain whether or not the constructed works comply fully with the plans submitted and are capable of using quantities of water as set forth in the "Notice of Intention", and give in complete form all the information which is suggested by the statements in the Certificate of Inspection which is herewith enclosed, in the attached instructions, and such other information as will enable the State Engineer to act intelligently and judiciously in the matter of determining the status of completion of the projects.

You should also arrange with the holder of the withdrawal for the payment of your fee for this service and such proper expenses as you incur in making this examination and report and taking the testimony.

Very truly yours,

Dean H. Louch
State Engineer.

C O P Y

C O P Y

CERTIFICATE OF WITHDRAWAL

OF

PUBLIC WATERS

CUSTER COUNTY

SPRINGS.

The National Park Service of the United States Department of Interior 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 8245 of the Revised Code of 1919, now therefor:

This is to certify that all of the unappropriated waters of springs in Sec. 32 and Sec. 28, T.5 S., R.5 E., tributary to Cold Spring Creek which is tributary to Beaver Creek, within the boundaries of Custer County, State of South Dakota, are 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 on this 14th day of September, 1937.

(Sgd.) Dean W. Loucks
STATE ENGINEER.



STATE CHIEF
JAN 23 1946

ORDER DENIED ON THIS 12TH DAY OF DECEMBER, 1934.
WHEREAS TO THIS CERTIFICATE IS ASSIGNED AS THE PUBLIC POLICY OF THE
IN CONNECTION WITH THE PROTECTION OF THE PUBLIC POLICY

AND WHEREAS THE PROTECTION OF THE PUBLIC POLICY IS DEEMED
NECESSARY WITH THE PROTECTION OF THE PUBLIC POLICY DEEMED TO
THE CERTIFICATE SHALL BE AND IS DEEMED TO BE NECESSARY IN

ORDER DENIED ON THIS 12TH DAY OF DECEMBER, 1934.
WHEREAS TO THIS CERTIFICATE IS ASSIGNED AS THE PUBLIC POLICY OF THE
IN CONNECTION WITH THE PROTECTION OF THE PUBLIC POLICY
AND WHEREAS THE PROTECTION OF THE PUBLIC POLICY IS DEEMED
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ORDER DENIED ON THIS 12TH DAY OF DECEMBER, 1934.
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IN CONNECTION WITH THE PROTECTION OF THE PUBLIC POLICY
AND WHEREAS THE PROTECTION OF THE PUBLIC POLICY IS DEEMED
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ORDER DENIED ON THIS 12TH DAY OF DECEMBER, 1934.
WHEREAS TO THIS CERTIFICATE IS ASSIGNED AS THE PUBLIC POLICY OF THE
IN CONNECTION WITH THE PROTECTION OF THE PUBLIC POLICY
AND WHEREAS THE PROTECTION OF THE PUBLIC POLICY IS DEEMED
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ORDER DENIED

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ON

COMMISSIONER OF LANDS

ORDER DENIED

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NOTICE OF APPROPRIATION OF WATER BY THE UNITED STATES

(Under Sec. 8243, Compiled Laws of South Dakota)

TO THE STATE ENGINEER OF THE STATE OF SOUTH DAKOTA:

Notice is hereby given by the Superintendent of Wind Cave National Park located at Hot Springs, South Dakota, who is a properly authorized officer of the United States and authorized by law to construct works for the utilization of waters within this State, that the United States intends to utilize certain specified waters for the benefit of Wind Cave National Park, part of the National Park System, as follows, TO-WIT:

Source of Supply: Springs outside the park in Sec. 32 and Sec. 28, T. 5 S., R. 5 E., tributary to Cold Spring Creek which is tributary to Beaver Creek.

System: In Sec. 32, a collecting system of 8-inch and 6-inch drain tile and a reinforced concrete cut-off wall collect the water in a concrete intake box and settling basin; 16,100 ft. of 6-inch G. I. pipe discharging into Buffalo Reservoir.

Middle Spring, In Sec. 28, is covered with a concrete box. From the box two miles of 2-inch G. I. pipe to park boundary, then 3420 ft. of 2½-inch line, which reduces to 2-inch again for the final 3600 ft. to Park Service reservoirs. Two reservoirs are of concrete, one 25,000 gallon and one 15,000 gallon capacity. From the reservoirs 2069 ft of 4-inch wood pipe service line run to Park Headquarters.

The overflow from Middle Spring flows into the 6-inch line supplying Buffalo Reservoir. Another connection, lower down, permits water to be turned from the 6-inch line into the 2-inch line.

The concrete reservoir of the Biological Survey draws water from the 2½-inch line and a 2-inch service line connects it to the Biological Survey buildings.

The construction of the diversion for the utilization of such waters has been completed by the United States, and final construction reports filed with the National Park Service by Engineer Walter G. Attwell December 9, 1931, and June 20, 1932.

The tract in Sec. 32 contains 100 acres. There are nine springs and a combined flow from them on June 13, 1932, of 86,400 gallons per day (0.134 second feet). The entire 100 acres and an additional 40 acres in Harney National Forest have been fenced for protection of the water shed.

According to the final construction report by Associate Engineer Walter G. Attwell, two tracts of land, several springs, and a 10-foot right of way from the springs to the park, were purchased in 1931 from Robert and Fannie McAdam. Such data has been recorded in the Court House at Custer, regarding the purchase of the springs and land in connection with the park water system. No increased use of water is anticipated at Wind Cave National Park.

Signed Edward M. Freeland
Superintendent, Wind Cave National Park

WITNESSED BY:

Signed H. M. Sherman, Park Clerk

7/4/46
No date given but
letter of transmittal carries
date Aug. 28, 1927

see Mr Lick's memo
1/22/46 -

WPF

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
CHICAGO, ILLINOIS

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

August 28, 1946.

MEMORANDUM for the Regional Director, Region Two.

Reference is made to Acting Regional Director Baker's memorandum of July 19, enclosing a copy of a memorandum of July 16 from the Superintendent of Wind Cave National Park, relating to the status of the water supply system in view of the then pending bill (H. R. 7004), which has since been enacted as the act of August 9, 1946 (Public Law 708, 79th Cong.). Four leaflet copies of the act are enclosed.

Section 1 of the act expressly includes the 100-acre tract known as the Upper Spring area as a part of Wind Cave National Park. This tract is part of the property purchased from Robert and Fannie McAdam and conveyed by their deed of August 21, 1931, accepted by the Assistant Secretary on February 20, 1932. By the same deed there was conveyed to the United States a tract of 0.77 acres, known as the Middle Spring area, and a right-of-way across the remaining McAdam property for a pipe line. The right-of-way is described by courses and distances, and includes a right of access for maintenance and repair of the pipe line. The right-of-way has no width, and is properly regarded as an incorporeal interest in the lands which it crosses.

We think the status of the pipe line and the tract of 0.77 acres is not changed by the act of August 9, 1946. The entire system is a necessary appurtenance to Wind Cave National Park. Except for two short sections, the pipe line will not cross any national forest lands, and the Middle Spring area remains surrounded by private lands. If a Government agency should ever acquire the remaining McAdam property, the pipe line and Middle Spring area will undoubtedly be recognized as distinct and devoted to a park use. If another private owner succeeds the McAdams, he will of necessity take the property subject to the interests conveyed by their deed of August 21, 1931.

If the question of status is raised by officials of the Forest Service, or has already been raised in conferences with them, please inform us so that we may consider their views. As between the two Services, we consider the question of minor importance so long as it is recognized that the system will continue to serve the park.

It has never been considered that the use of park funds to maintain the pipe line and other parts of the water system was unauthorized, although the authority has always been an implied one. The implication is strengthened by the express addition of the Upper Spring area to the park, and we think it is not necessary to seek express legislative authority to continue to maintain the pipe line and the collecting works in the Middle Spring area.



In duplicate. cc: Mr. Webber.
Enclosure 483. Mr. Patraw.
Mr. Price. Mr. Richev.

(SGD) HUGH M. MILLER
Acting Director.

MB:cq

[PUBLIC LAW 708—79TH CONGRESS]

[CHAPTER 935 —2D SESSION]

[H. R. 7004]

AN ACT

To revise the boundaries of Wind Cave National Park in the State of South Dakota, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the boundary of the Wind Cave National Park is hereby established as follows:

Beginning at the southeast corner of section 13, township 6 south, range 5 east; thence west to the southwest corner of section 15, township 6 south, range 5 east; thence north to the west quarter corner of section 10, township 6 south, range 5 east; thence to the north quarter corner of section 10, township 6 south, range 5 east; thence to the west quarter corner of section 2, township 6 south, range 5 east; thence north to the northwest corner of the southwest quarter of the northwest quarter of section 11, township 5 south, range 5 east; thence to the north quarter corner of section 11, township 5 south, range 5 east; thence to the northeast corner of the southeast quarter of the southeast quarter of section 2, township 5 south, range 5 east, thence east to the northeast corner of the southwest quarter of the southwest quarter of section 6, township 5 south, range 6 east; thence in a southeasterly direction to the southeast corner of the northeast quarter of section 7, township 5 south, range 6 east along a line to be mutually acceptable to the South Dakota Game, Fish, and Parks Commission and the Secretary of the Interior; thence from the southeast corner of the northeast quarter of section 7, township 5 south, range 6 east; east to the northeast corner of the southwest quarter of section 12, township 5 south, range 6 east; thence south to the northeast corner of the southeast quarter of the southwest quarter of section 12, township 5 south, range 6 east; thence east to the northeast corner of the southwest quarter of the southwest quarter of section 7, township 5 south, range 7 east; thence south to the southeast corner of the southwest quarter of the southwest quarter of section 18, township 5 south, range 7 east; thence west to the northeast corner of section 24, township 5 south, range 6 east; thence south to the southeast corner of section 24, township 5 south, range 6 east; thence west to the southwest corner of section 24, township 5 south, range 6 east; thence south to the southeast corner of the northeast quarter of the southeast quarter of section 35, township 5 south, range 6 east; thence west to the southwest corner of the northwest quarter of the southwest quarter of section 35, township 5 south, range 6 east; thence south to the southeast corner of section 34, township 5 south, range 6 east; thence west to the southwest corner of the southeast quarter of the southwest quarter of section 33, township 5 south, range 6 east; thence north to the northeast corner of the northwest quarter of the southwest quarter of section 28, township 5 south, range 6 east; thence west to the northwest corner of the southwest quarter of section 29, township 5 south, range 6 east; thence south to the southeast corner

of section 7, township 6 south, range 6 east; thence west to the southwest corner of section 7, township 6 south, range 6 east; thence south to the southeast corner of section 13, township 6 south, range 5 east; the point of beginning, and all of those lands lying within the boundary above described, together with the south half of the northeast quarter and the west half of the northeast quarter of the northeast quarter of section 32, township 5 south, range 5 east, are hereby included in and made a part of the Wind Cave National Park and shall be subject to all laws and regulations applicable thereto.

SEC. 2. All those lands which by section 1 hereof are excluded from the Wind Cave National Park as heretofore constituted and those lands of the Custer Recreational Demonstration Area lying in section 2, township 5 south, range 5 east, Black Hills meridian, are hereby included in and made a part of the Harney National Forest, and hereafter shall be subject to all laws and regulations applicable to the national forests.

SEC. 3. All those lands heretofore within the Custer Recreational Demonstration Area and which are not included within the Wind Cave National Park by virtue of section 1 hereof, except those lands of the Custer Recreational Demonstration Area lying in section 2, township 5 south, range 5 east, Black Hills meridian, which are included within the Harney National Forest by virtue of section 2 hereof, shall be conveyed by the Secretary of the Interior to the State of South Dakota for addition to the Custer State Park for public park, recreational, and conservation purposes (subject, however, to a proviso that the State of South Dakota will allow a minimum of ten thousand gallons of water per day to pass from springs or streams in these lands into the lands of Wind Cave National Park as herein described) as soon as all lands owned by the State of South Dakota lying within the boundaries of the Wind Cave National Park as described in section 1 hereof are conveyed to the United States; and the southwest quarter of the southwest quarter of the southwest quarter of section 2, township 5 south, range 5 east, Black Hills meridian, owned by the State of South Dakota, is conveyed to the United States to be included in the Harney National Forest as provided in section 2 hereof: *Provided, however*, That section 25, township 5 south, range 6 east, of the Custer Recreational Demonstration Area shall be conveyed by the Secretary of the Interior to the State of South Dakota as State school lands.

Approved August 9, 1946.

LAND OWNERSHIP RECORD

County ~~Cluster~~

Tract No. _____

Deed No. _____

Civil Subdivision _____

Area _____ acres

Wind Cave National Park

Name of Park or Area

light ~~based on~~ federal water withdrawal

Date **Sept. 18, 1939**

Headquarters Area

Section of Park or Area

Legal Description: U. S. Water Right 33-2

Method of Acquisition: Withdrawal

Appropriation or Source of funds: Water Rights

Cost (if purchased) or estimated value: _____

Acquired from: State of South Dakota

Accepted by Secretary (___)

Opinion of Att'y. Gen.—title in U. S. ()

date:

Physical Characteristics: A certified right to divert 0.2 sec. ft. of water from springs along Cold Spring Creek for domestic, recreational, stock watering, and fire protection purposes at Headquarters area with priority of Sept. 14, 1937.

Improvements on Land at time of Acquisition:

Existing or outstanding special use permits, reservations, rights, or rights of way:

Report Based on: Records of Water Rights Section

Prepared by: A. van V. Guan, Hydraulic Engineer

date: **11/27/83**

Map References: **BP-110-8973**

Remarks: Diversions are on land covered by Good 5

More Instruments to be supplied by Water Rights Section.

(DEED)

C O P Y

KNOW ALL MEN BY THESE PRESENTS, that Robert McAdam and Fannie McAdam, both unmarried and of the County of Custer, State of South Dakota, parties of the first part, for and in consideration of the sum of Nine Thousand Five Hundred (\$9,500.00) Dollars, to them in hand paid by the United States of America, party of the second part, the receipt whereof is hereby acknowledged, do hereby grant, bargain, sell and convey unto the said party of the second part, forever, the following described lands lying and being in the county of Custer, and the State of South Dakota, to wit:

(1) West half of the northeast quarter of the northeast quarter (W/2 NE/4 NE/4), Southeast quarter of the northeast quarter (SE/4 NE/4), Southwest quarter of the northeast quarter (SW/4 NE/4) all in Section 32, T. 5 S, R. 5 E., Black Hills Meridian, containing one hundred (100) acres.

(2) The springs and lands in the Spring Area known as Upper Middle Spring and Middle Spring lying in the Southeast quarter (SE/4) of Section 28, T. 5 S, R. 5 E., Black Hills Meridian, comprising approximately 0.77 acres, and more particularly described as follows: Beginning at a point in the SE 1/4 of said Section 28, such point being N 50° 56' W, a distance of 1094.41 feet from the SE Section corner of Section 28 of said township and range; thence N 63° 28' W, 264.35 ft; thence N 52° 10' E, 142.35 feet; thence S 63° 12' E, 253.25 ft; thence S 48° 14' W, 137.5 feet to the point of beginning.

(3) Together with a right-of-way for a pipe line to supply water for the Wind Cave National Park to cross all properties of the parties of the first part between the above mentioned lands and the Wind Cave National Park, more particularly described as follows: Beginning at a point on the South line of the North 1/2 of the NE 1/4 of Section 32, T. 5 S - R 5 E., Black Hills Meridian, a distance of 538.0 feet westerly from the line dividing Sections 32 and 33; thence N 65° 43' E, 105.4 ft.; thence N 13° 43' E., 120.07 ft.; thence N 58° 43' E, 70.7 ft; thence S 76° 17' E, 75.03 ft.; thence N 61° 43' E, 277.2 ft.; thence N. 19° 43' E., 173.8 ft; thence N 57° 43' E, 356.3 ft.; thence N 10° 43' E, 327.3 ft.; thence N 13° E, 382.6 ft.; thence N 88° 13' E, 193.85 ft.; thence N 62° 13' E, 333.10 ft; thence N 39° 43' E, 144.55 ft.; thence N 73° 43' E, 621.0 ft.; thence N 51° 13' E, 46.88 ft.; thence N 39° 58' E, 46.45 ft;

thence N 6° 13' E, 68.80 ft.; thence N 51° 13' E, 52.35 ft.; thence N 71° 20' E, 100.02 ft.; thence S 84° 14' E, 87.0 ft.; thence N 50° 07' E, 286.5 ft.; thence N 73° 17' E, 682.9 ft.; thence S 62° 00' E, 423.9 ft.; thence N 84° 15' E, 817.4 ft.; thence S 50° 00' E, 235.6 ft.; thence S 40° 21' E, 118.4 ft.; thence S 50° 08' E, 169.00 ft.; thence N 84° 52' E, 311.85 ft.; thence N 62° 22' E, 177.40 ft.; thence N 78° 37' E, 182.65 ft.; thence S 87° 58' E, 479.33 ft.; thence S 80° 21' E, 345.87 ft.; thence S 62° 50' E, 382.6 ft.; thence S 68° 53' E, 261.4 ft.; thence S 41° 28' E, 204.5 ft.; to a point on the North line of Section 34, in said township and range, a distance of 1121.8 ft., westerly from the 1/4 corner on said line of said Section; it being understood that this described right-of-way is continuous across the parcel of land described above under item two (2).

Also: Beginning at a point on the North line of Section 34 T. 5 S - R 5 E., Black Hills Meridian, a distance of 346.0 ft., westerly from the 1/4 corner on said line of said Section; thence N 32° 03' E 255.45 ft.; thence N 89° 32' E, 295.85 ft.; thence S 61° 26' E, 442.87 ft.; to a point on the North Line of Section 34, in said township and range, a distance of 474.15 ft., easterly from the 1/4 corner on said line of said section.

Also: Beginning at a point on the North line of Section 34, T. 5 S - R. 5 E., Black Hills Meridian, 1956.88 ft.; Easterly from the 1/4 corner on said line of said section; thence N 88° 25' E, 116.43 ft.; thence N 85° 29' E, 319.40 ft.; thence N 79° 19' E, 260.60 ft., to a point on the section line dividing Sections 26 and 27, T. 5 S - R 5 E., Black Hills Meridian, said point being distant 82.0 ft., approximately North of the Section Corner common to Sections 26, 27, 34, and 35 of said township and range.

(4) As well as the right of access to the springs and pipe line aforesaid at all times over any existing travelled ways and over the fields of the parties of the first part to the pipe line where the least damage to the property will be done.

Reserving unto the parties of the first part, however, the right to draw water by hand pump from the water supply on said lands in sufficient quantity to take care of the needs of existing residence nearby of the parties of the first part.

TO HAVE AND TO HOLD the same, together with all the hereditaments and appurtenances thereunto belonging or in anywise appertaining to the said party of the second part, forever. And the said parties of the first part for themselves, heirs, executors, and administrators, do covenant with the

said party of the second part that they are seized in fee of the lands and premises aforesaid, and have good right to sell and convey the same in the manner and form aforesaid; and that the same are free from all incumbrances; and the above bargained and granted lands and premises in the quiet and peaceable possession of the said party of the second part, against all persons lawfully claiming, or to claim, the whole or any part thereof, the said party of the first part will warrant and forever defend.

INWITNESS WHEREOF, we have hereunto set our hands and seals, this _____ day of _____, 1931.

* * * * *

STATE OF SOUTH DAKOTA)
COUNTY OF CUSTER) ss

On this _____ day of _____, in the year _____
before me _____ personally appeared _____
and _____, well known to me to be the persons who
are described in, and who executed the within instrument, and duly acknowledged
to me that they executed the same.

C O P Y

THIS AGREEMENT made and entered into this day of 1931,
by and between Robert McAdam and Fannie McAdam, a single woman, both of Hot
Springs, South Dakota, parties of the first part, and the United States
of America, acting in this behalf by Assistant Secretary of the Interior,
party of the second part, hereinafter referred to as the "Secretary".

WITNESSETH

WHEREAS, the parties of the first part own certain lands located
near the Wind Cave National Park, South Dakota, on which there is
located certain springs desired for a water supply for the park, said land
being more particularly described hereinafter;

AND WHEREAS, the parties of the first part have offered to sell this
land together with the springs located thereon, and a right of way for a
pipe line over certain other lands to the United States of America for the
total price of Nine Thousand Five Hundred (\$9,500.00) Dollars;

AND WHEREAS, the Secretary is authorized by law to purchase lands
and/or interests in lands and/or water rights for protection thereof for
a water supply system for the Wind Cave National Park, and has funds
available under the Act approved March 4, 1931, entitled "An Act Making
appropriations to supply deficiencies in certain appropriations for the
fiscal year ending June 30, 1931, and prior fiscal years, to provide
supplemental appropriations for the fiscal years ending June 30, 1931,
and June 30, 1932, and for other purposes."

NOW THEREFORE, the parties of the first part in consideration of
the premises and covenants of the Secretary, for and in behalf of the
United States of America, hereinafter contained, agree to sell to the

United States of America for the price and upon the terms and conditions set forth herein, the land and springs located thereon, together with all the rights, easements, and appurtenances thereunto owned by them, including any improvements thereon, particularly described as follows:

(1) West half of the northeast quarter of the northeast quarter (W/2 NE/4 NE/4), Southeast quarter of the northeast quarter (SE/4 NE/4), Southwest quarter of the northeast quarter (SW/4 NE/4), all in Section 32, T. 5 S - R 5 E., Black Hills Meridian, containing one hundred (100) acres.

(2) The springs and lands in the Spring area known as Upper Middle Spring and Middle Spring lying in the Southeast quarter (SE/4) of Section 28, T. 5, S - R 5 E., Black Hills Meridian, comprising approximately 0.77 acres, and more particularly described as follows: Beginning at a point in the SE 1/4 of said Section 28, such point being N 59° 56' W, a distance of 1094.41 feet from the SE Section corner of Section 28 of said township and range; thence N 63° 28' W, 264.35 ft; thence N 52° 10' E, 142.35 ft; thence S 63° 12' E, 253.25 ft; thence S 48° 14' W, 137.5 feet to the point of beginning.

(3) Together with a right of way for a pine line to supply water for the Wind Cave National Park to cross all properties of the parties of the first part between the above mentioned lands and the Wind Cave National Park, more particularly described as follows: Beginning at a point on the South line of the North 1/2 of the NE 1/4 of Section 32 T. 5 S - R 5 E., Black Hills Meridian, a distance of 538.0 feet westerly from the line dividing Sections 32 and 33; thence N 65° 43' E, 105.4 ft; thence N 13° 43' E, 120.07 ft; thence N 58° 43' E, 70.7 ft; thence S 76° 17' E, 75.03 ft; thence N 61° 43' E, 277.2 ft; thence N 19° 43' E, 173.8 ft; thence N 57° 43' E, 356.3 ft; thence N 10° 43' E, 327.3 ft; thence N 43° 13' E, 382.6 ft; thence N 88° 13' E, 193.85 ft; thence N 62° 13' E, 333.10 ft; thence N 39° 43' E, 144.55 ft; thence N 73° 43' E, 621.0 ft; thence N 51° 13' E, 46.88 ft; thence N 39° 58' E, 46.45 ft; thence N 6° 13' E, 68.80 ft; thence N 51° 13' E, 52.35 ft; thence N 71° 20' E, 100.02 ft; thence S 84° 14' E, 87.0 ft; thence N 50° 07' E, 286.5 ft; thence N 73° 17' E, 682.9 ft; thence S 62° 00' E, 423.9 ft; thence N 84° 15' E, 817.4 ft; thence S 50° 00' E, 235.6 ft; thence S 40° 21' E, 118.4 ft; thence S 50° 08' E, 169.00 ft; thence N 84° 52' E, 311.85 ft; thence N 62° 22' E, 177.40 ft; thence N 78° 37' E, 182.65 ft; thence S 87° 58' E, 479.33 ft; thence S 80° 21' E, 345.87 ft; thence S 62° 50' E, 382.6 ft.; thence S 68° 53' E, 261.4 ft; thence S 41° 28' E, 204.5 ft; to a point on the North line of Section 34 in said township and range, a distance of 1121.8 ft., westerly from the 1/4 corner on said line of said Section; it being understood that this described

right-of-way is continuous across the parcel of land described above under item two (2).

Also: Beginning at a point on the North line of Section 34 T. 5 S - R 5 E, Black Hills Meridian, a distance of 346.0 ft., westerly from the 1/4 corner on said line of said Section; thence N 32° 03' E, 255.45 ft; thence N 89° 32' E, 295.85 ft; thence S 61° 26' E, 442.87 ft; to a point on the North line of Section 34 in said township and range a distance of 474.15 ft., Easterly from the 1/4 corner on said line of said section.

Also: Beginning at a point on the North line of Section 34 T. 5 S - R 5 E, Black Hills Meridian, 1956.88 ft., Easterly from the 1/4 corner on said line of said section; thence N 88° 25' E, 116.43 ft.; thence N 85° 29' E, 319.40 ft; thence N 79° 19' E, 260.60 ft., to a point on the section line dividing Sections 26 and 27, T. 5 S - R. 5 E, Black Hills Meridian, said point being distant 82.0 ft., approximately North of Section Corner common to Sections 26, 27, 34 and 35 of said township and range.

(4) As well as the right of access to the springs and pipe line aforesaid at all times over any existing travelled ways and over the fields of the parties of the first part to the pipe line where the least damage to the property will be done.

Reserving unto the parties of the first part, however, the right to draw water by hand pump from the water supply on said lands in sufficient quantity to take care of the needs of existing residence nearby of the parties of the first part.

In consideration whereof the Secretary for and on behalf of the United States of America, covenants and agrees that it will purchase said lands and the right of way for said pipe line at the price of Nine Thousand Five Hundred (\$9,500.00) Dollars.

The Secretary, in the same behalf, further covenants and agrees that, after the execution, delivery and recordation of the deed and the signing of the usual Government voucher or vouchers therefor, and after approval of the title vested in the United States, as herein provided, he will cause to be paid to the first parties the purchase price by Treasury warrant or disbursing officer's check.

It is further mutually understood and agreed that if the first

parties do not, within two months from the date of execution of this agreement, show in themselves a safe title, satisfactory to the Secretary, to the land hereinabove described, then in that event the said parties of the first part may have not to exceed ninety days in which to correct such defects in title as may be required by the Secretary and in the event of the failure of the said parties of the first part to correct said title, then the Secretary may in his discretion take such steps as in his opinion may correct all defects of title at the expense of the parties of the first part and deduct the cost thereof from the purchase price stipulated herein, or he may in his discretion cancel this agreement to purchase said lands and springs hereinbefore referred to.

No Member of or Delegate to Congress, or Resident Commissioner, or officer or employee of the Department of the Interior, is or shall be admitted to any share or part in this agreement, or derive any benefit which may arise therefrom, and the provisions of Section 3741 of the Revised Statutes of the United States, and Sections 114, 115 and 116 of the Codification of the Penal Laws of the United States, approved March 4, 1909, relating to contracts, enter into and form a part of this agreement, so far as they may be applicable.

In witness whereof the said parties have hereunto caused these presents to be executed and their seals affixed the days, year and month aforesaid.

Witnesses

UNITED STATES OF AMERICA

By _____
Asst. Secretary of the Interior

The first parties covenant and agree that at the date of this instrument the title to said land and springs is clear, free and unincumbered, except as noted below, any said encumbrance to be cleared and removed before conveyance of property to the United States (Encumbrances noted as follows)

that they have full right, power and authority to convey to the United States the fee simple title to the same, and will not do any will not suffer to be done any act whereby such title may be diminished or encumbered; and further, during the life of this instrument all necessary precautions will be taken to protect the property from damage by any cause whatsoever.

The first parties covenant and agree as soon as possible and within two months from the date of execution of this agreement, to furnish at their expense such evidence of title as may be deemed satisfactory to the Secretary, and will promptly procure and have recorded at their own expense, all assurance of title, affidavits, and other papers which they may be advised by the proper Government officials or agents are necessary and proper to vest title in the United States, as provided herein.

The first parties will, at their own expense, execute and deliver to the Secretary upon demand by the proper officers or agents of the United States and without payment or tender of the purchase price, a good and sufficient warranty deed conveying to the United States a safe title to the lands and improvements described as provided for herein.

C O P Y

THIS AGREEMENT made and entered into this 28 day of August 1931,
by and between Robert McAdam and Fannie McAdam, a single man and woman,
both of Hot Springs, South Dakota, parties of the first part, and the
United States of America, acting in this behalf by John H. Edwards Assis-
tant Secretary of the Interior, party of the second part, hereinafter
referred to as the "Secretary".

W I T N E S S E T H

WHEREAS, the parties of the first part own certain lands located
near the Wind Cave National Park, South Dakota, on which there is located
certain springs desired for a water supply for the park, said land being
more particularly described hereinafter;

AND WHEREAS, the parties of the first part have offered to sell this
land together with the springs located thereon, and a right of way for a
pipe line over certain other lands to the United States of America for
the total price of Nine Thousand Five Hundred (\$9,500.00) Dollars;

AND WHEREAS, the Secretary is authorized by law to purchase lands
and/or interests in lands and/or water rights for protection thereof for
a water supply system for the Wind Cave National Park, and has funds
available under the Act approved March 4, 1931, entitled "An Act Making
appropriations to supply deficiencies in certain appropriations for the
fiscal year ending June 30, 1931, and prior fiscal years, to provide
supplemental appropriations for the fiscal years ending June 30, 1931,
and June 30, 1932, and for other purposes."

NOW THEREFORE, the parties of the first part in consideration of
the promises and covenants of the Secretary, for and in behalf of the
United States of America, hereinafter contained, agree to sell to the
United States of America for the price and upon the terms and conditions
set forth herein, the land and springs located thereon, together with all
rights, easements, and appurtenances the reunto owned by them, including
any improvements thereon, particularly described as follows:

- (1) West half of the northeast quarter of the northeast quarter
(W/2 NE/4 NE/4), Southeast quarter of the northeast quarter (SE/4
NE/4), Southwest quarter of the northeast quarter (SW/4 NE/4),
all in section 32, T. 5 S-R 5 E., Black Hills Meridian, containing
one hundred (100) acres.

(2) The springs and lands in the Spring area known as Upper Middle Spring and Middle Spring lying in the Southeast quarter (SE 1/4) of Section 28, T. 5, S-R 5 E., Black Hills Meridian, comprising approximately 0.77 acres, and more particularly described as follows: Beginning at a point in the SE 1/4 of said Section 28, such point being N 59°56' W, a distance of 1094.41 feet from the SE Section corner of Section 28 of said township and range; thence N 63°28' W, 264.35 ft; thence N 52°10' E, 142.35 ft; thence S 63°12' E, 253.25 ft; thence S 48°14' W, 137.5 feet to the point of beginning.

(3) Together with a right of way for a pipe line to supply water for the Wind Cave National Park to cross all properties of the parties of the first part between the above mentioned lands and the Wind Cave National Park, more particularly described as follows: Beginning at a point on the South line of the North 1/2 of the NE 1/4 of Section 32 T. 5, S-R 5 E., Black Hills Meridian, a distance of 538.0 feet westerly from the line dividing Sections 32 and 33; thence N 65°43' E, 105.4 ft; thence N 13°43' E, 120.07 ft; thence N 58°43' E, 70.7 ft; thence S 76°17' E, 75.03 ft; thence N 61°43' E, 277.2 ft; thence N 19°43' E, 173.8 ft; thence N 57°43' E, 356.3 ft; thence N 10°43' E, 327.3 ft; thence N 43°13' E, 382.6 ft; thence N 88°13' E, 193.85 ft; thence N 62°13' E, 333.10 ft; thence N 39°43' E, 144.55 ft; thence N 73°43' E, 621.0 ft; thence N 51°13' E, 46.88 ft; thence N 39°58' E, 46.45 ft; thence N 6°13' E, 68.80 ft; thence N 51°13' E, 52.35 ft; thence N 71°20' E, 100.02 ft; thence S 84°14' E, 87.0 ft; thence N 50°07' E, 286.5 ft; thence N 73°17' E, 682.9 ft; thence S 62°00' E, 423.9 ft; thence N 84°15' E, 817.4 ft; thence S 50°00' E, 235.6 ft; thence S 40°21' E, 118.4 ft; thence S 50°08' E, 169.00 ft; thence N 84°52' E, 311.85 ft; thence N 62°22' E, 177.40 ft; thence N 78°37' E, 182.65 ft; thence S 87°58' E, 479.33 ft; thence S 80°21' E, 345.87 ft; thence S 62°50' E, 382.6 ft; thence S 68°53' E, 261.4 ft; thence S 41°28' E, 204.5 ft; to a point on the North line of Section 34 in said township and range, a distance of 1121.8 ft., westerly from the 1/4 corner on said line of said section; it being understood that this described right-of-way is continuous across the parcel of land described above under item two (2).

Also: Beginning at a point on the North line of Section 34 T. 5 S-R 5 E., Black Hills Meridian, a distance of 346.0 ft., westerly from the 1/4 corner on said line of said Section; thence N 32°03' E, 255.45 ft; thence N 89°32' E, 295.85 ft; thence S 61°26' E, 442.87 ft; to a point on the North line of Section 34 in said township and range, a distance of 474.15 ft., Easterly from the 1/4 corner on said line of said section.

Also: Beginning at a point on the North line of Section 34 T. 5 S-R, 5 E., Black Hills Meridian, 1956.88 ft., Easterly from the 1/4 corner on said line of said section; thence N 88°25' E, 116.43 ft; thence N 85°29' E, 319.40 ft; thence N 79°19' E, 260.60 ft., to a point on the section line dividing Sections 26 and 27, T. 5 S-R, 5 E., Black Hills Meridian, said point being distant 82.0 ft., approximately North of the Section Corner common to Sections 26, 27, 34, and 35 of said township and range.

(4) As well as the right of access to the springs and pipe line aforesaid at all times over any existing travelled ways and over the fields of the parties of the first part to the pipe line where the least damage to the property will be done.

Reserving unto the parties of the first part, however, the right to draw water by hand pump from the water supply on said lands in sufficient quantity to take care of the needs of existing residence nearby of the parties of the first part.

In consideration whereof the Secretary for and on behalf of the United States of America, covenants and agrees that it will purchase said lands and the right of way for said pipe line at the price of Nine Thousand Five Hundred (\$9,500.00) Dollars.

The Secretary, in the same behalf, further covenants and agrees that, after the execution, delivery and recordation of the deed and the signing of the usual Government voucher or vouchers therefor, and after approval of the title vested in the United States, as herein provided, he will cause to be paid to the first parties the purchase price by Treasury warrant or disbursing officer's check.

It is further mutually understood and agreed that if the first parties do not, within two months from the date of execution of this agreement, show in themselves a safe title, satisfactory to the Secretary, to the land hereinabove described, then in that event the said parties of the first part may have not to exceed ninety days in which to correct such defects in title as may be required by the Secretary and in the event of the failure of the said parties of the first part to correct said title, then the Secretary may in his discretion take such steps as in his opinion may correct all defects of title at the expense of the parties of the first part and deduct the cost thereof from the purchase price stipulated herein, or he may in his discretion cancel this agreement to purchase said lands and springs hereinbefore referred to.

The first parties covenant and agree that at the date of this instrument the title to said land and springs is clear, free, and unincumbered, except as noted below, any said encumbrances to be cleared and removed before conveyance of property to the United States. (Encumbrances noted as follows:

):

that they have full right, power and authority to convey to the United States the fee simple title to the same, and will not do and will not suffer to be done any act whereby such title may be diminished or encumbered; and further, during the life of this instrument all necessary precautions will be taken to protect the property from damage by any cause whatsoever.

The first parties covenant and agree as soon as possible and within two months from the date of execution of this agreement, to furnish at their expense such evidence of title as may be deemed satisfactory to the Secretary, and will promptly procure and have recorded at their own expense, all assurances of title, affidavits, and other papers which they may be advised by the proper Government officials or agents are necessary and proper to vest title in the United States, as provided herein.

The first parties will, at their own expense, execute and deliver to the Secretary upon demand by the proper officers or agents of the United States and without payment or tender of the purchase price, a good and sufficient warranty deed conveying to the United States a safe title to the lands and improvements described as provided for herein.

No Member of or Delegate to Congress, or Resident Commissioner, or officer or employee of the Department of the Interior, is or shall be admitted to any share or part in this agreement, or derive any benefit which may arise therefrom, and the provisions of Section 3741 of the Revised Statutes of the United States, and Sections 114, 115 and 116 of the Codification of the Penal Laws of the United States, approved March 4, 1909, relating to contracts, enter into and form a part of this agreement, so far as they may be applicable.

In witness whereof the said parties have hereunto caused these presents to be executed and their seals affixed the days, year and month aforesaid.

Witnesses:

(s) T. M. Delicate

Custer. So. Dak.

(s) C. E. Perrin

Custer. So. Dak.

(s) Robert McAdam

(s) Fannie McAdam

United States of America

By (s) John H. Edwards
Assistant Secretary of the Interior

(Seal)

RECD JUL 30 1931

No Member of or Delegate to Congress, or Resident Commissioner,
or officer or employee of the Department of the Interior, is or
shall be admitted to any share or part in this agreement, or derive
any benefit which may arise therefrom, and the provisions of
Section 3491 of the Revised Statutes of the United States, and
Sections 111, 112 and 113 of the Codification of the Penal Laws
of the United States, approved March 1, 1909, relating to contracts,
enter into and form a part of this agreement, so far as they may be
applicable.

In witness whereof the said parties have hereunto caused these
present to be executed and their seals affixed the day, year and
month aforesaid.

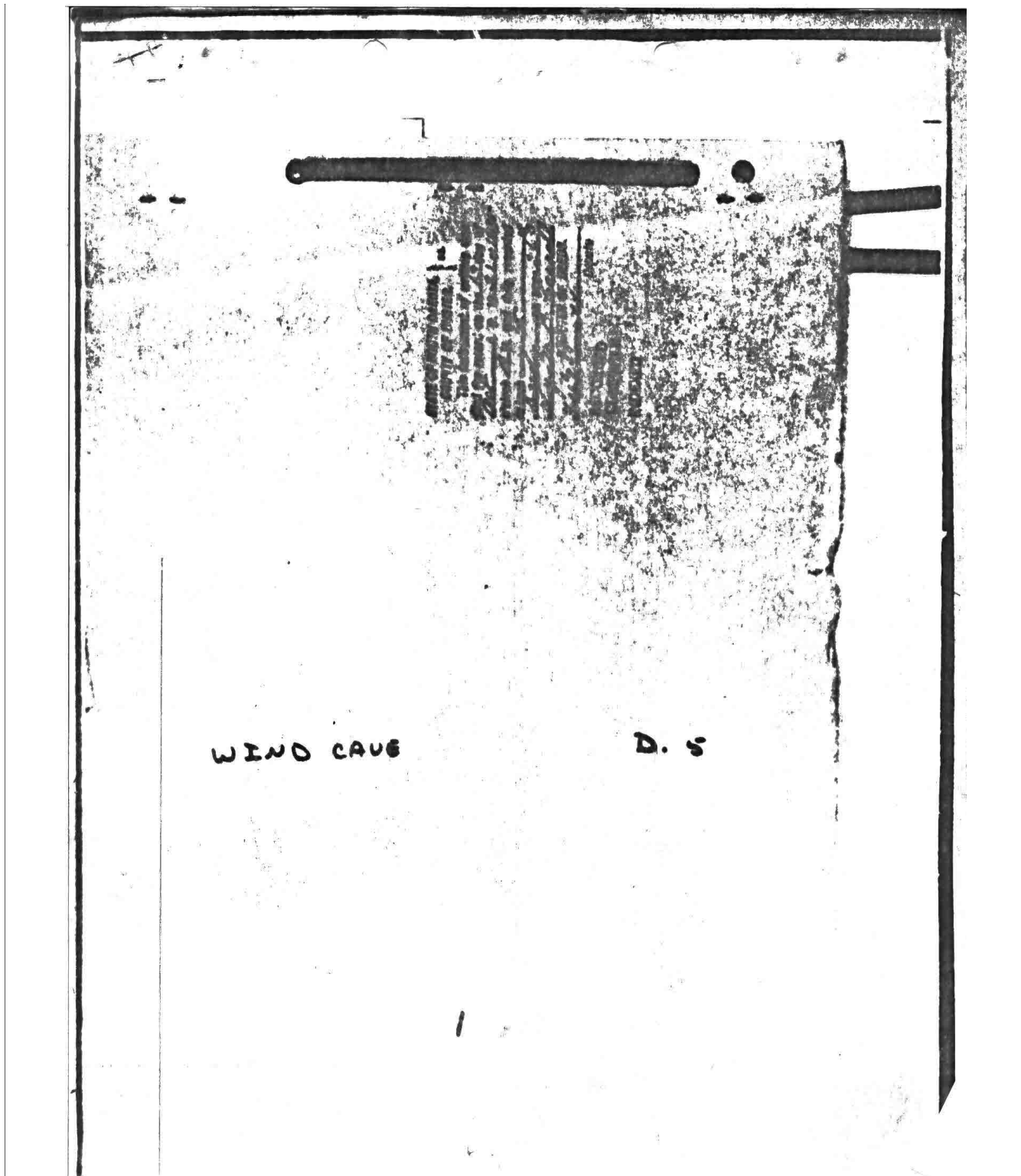
Witnesses:

<u>(s) Robert McAdams</u>	<u>(s) T. M. DeLoatch</u>
<u>(s) Tammie McAdams</u>	<u>Quater. So. Dak.</u>
	<u>(s) C. E. Perry</u>
	<u>Quater. So. Dak.</u>

United States of America
By (s) John H. Edwards
Assistant Secretary of the Interior

(Seal)

REC'D JUL 26 1937



KNOW ALL MEN BY THESE PRESENTS, that Robert Shaden and Fannie Shaden, both unmarried and of the County of Ouster, State of South Dakota, parties of the first part, for and in consideration of the sum of Nine Thousand Five Hundred (\$9,500.00) Dollars, to them in hand paid by the United States of America, party of the second part, the receipt whereof is hereby acknowledged, do hereby grant, bargain, sell and convey unto the said party of the second part, forever, the following described lands lying and being in the county of Ouster, and the State of South Dakota, to wit:

(1) West half of the northeast quarter of the northeast quarter (N/2 NE/4 NE/4), Southeast quarter of the northeast quarter (SE/4 NE/4), Southwest quarter of the northeast quarter (SW/4 NE/4) all in Section 33, T. 82N. 5 E., Black Hills Meridian, containing one hundred (100) acres.

(2) The springs and lands in the Spring Area known as Upper Middle Spring and Middle Spring lying in the Southeast quarter (SE/4) of Section 33, T. 82N. 5 E., Black Hills Meridian, comprising approximately 6.97 acres, and more particularly described as follows: Beginning at a point in the NE 1/4 of said Section 33, such point being N 89°25' E, a distance of 1094.41 feet from the SE Section corner of Section 33 of said township and range; thence N 65°23' E, 254.32 ft; thence N 32°10' E, 142.35 ft; thence S 65°15' E, 235.25 feet; thence S 45°14' W, 137.5 feet to the point of beginning.

(3) Together with a right-of-way for a pipe line to supply water for the Wind Cave National Park to cross all properties of the parties of the first part between the above mentioned lands and the Wind Cave National Park, more particularly described as follows: Beginning at a point on the south line of the North 1/2 of the NE 1/4 of Section 33, T. 8, R. 5 E., Black Hills Meridian, a distance of 538.0 feet westerly from the line dividing Sections 32 and 33; thence N 65°43' E, 104.4 ft; thence N 13°43' E, 120.07 ft; thence N 55°43' E, 70.7 ft; thence S 75°17' E, 75.05 ft; thence N 61°43' E, 277.3 ft; thence N 19°43' E, 11.6 ft; thence N 57°43' E, 356.3 ft; thence N 10°43' E, 327.3 ft; thence N 43°15' E, 382.6 ft; thence N 82°13' E, 195.85 ft; thence N 62°13' E, 335.10 ft; thence N 35°43' E, 144.55 ft; thence N 75°43' E, 621.0 ft; thence N 61°13' E, 44.88 ft; thence N 39°26' E, 44.45 ft; thence N 60°13' E, 68.80 ft; thence N 61°13' E, 122.35 ft; thence N 71°20' E, 120.02 ft; thence S 64°14' E, 27.0 ft; thence N 50°07' E, 286.5 ft; thence N 75°17' E, 682.9 ft; thence S 62°00' E, 423.9 ft; thence N 84°15' E, 617.4 ft; thence S 50°00' E, 235.6 ft; thence S 40°21' E, 115.4 ft; thence S 50°00' E, 169.00 ft; thence N 64°22' E, 311.85 ft; thence N 62°22' E, 177.40 ft; thence N 75°27' E, 182.65 ft; thence S 87°50' E, 479.32 ft; thence S 80°21' E, 345.07 ft; thence S 62°50' E, 382.4 ft; thence S 45°25' E, 261.4 ft; thence S 41°28' E, 104.5 ft; to a point on the North line of Section 34, in said township and range, a distance of 1121.6 ft., westerly

from the 1/4 corner on said line of said Section; it being understood that this described right-of-way is continuous across the parcel of land described above under item two (2).

Also: Beginning at a point on the North line of Section 34 T. 5 S-R 5 E., Black Hills Meridian, a distance of 548.0 ft., westerly from the 1/4 corner on said line of said Section; thence N 3°03' E, 255.45 ft; thence N 89°32' E, 265.85 ft; thence S 61°26' E, 447.87 ft; to a point on the North Line of Section 34, in said township and range, a distance of 474.15 ft., Easterly from the 1/4 corner on said line of said section.

Also: Beginning at a point on the North line of Section 34, T. 5 S-R. 5 E., Black Hills Meridian, 1956.88 ft., Easterly from the 1/4 corner on said line of said section; thence N 89°25' E, 114.43 ft; thence N 89°29' E, 319.40 ft; thence N 79°19' E, 280.00 ft., to a point on the section line dividing Sections 26 and 27, T. 5 S-R. 5 E., Black Hills Meridian, said point being distant 82.0 ..., approximately North of the Section Corner common to Sections 26, 27, 34, and 35 of said township and range.

(4) As well as the right of access to the springs and pipe line aforesaid at all times over any existing travelled ways and over the fields of the parties of the first part to the pipe line where the least damage to the property will be done.

Reserving unto the parties of the first part, however, the right to draw water by hand pump from the water supply on said lands in sufficient quantity to take care of the needs of existing residences nearby of the parties of the first part.

TO HAVE AND TO HOLD the same, together with all the hereditaments and appurtenances thereunto belonging or in anywise appertaining to the said party of the second part, forever. And the said parties of the first part for themselves, heirs, executors, and administrators, do covenant with the said party of the second part that they and their heirs and assigns do have good right to sell and convey the same in the manner and form aforesaid; and that the same are

free from all incumbrances; and the above bargained and granted lands
and premises in the quiet and peaceable possession of the said party of
the second part, against all persons lawfully claiming, or to claim,
the whole or any part thereof, the said party of the first part will
warrant and forever defend.

IN WITNESS WHEREOF, we have hereunto set our hands and seals,
this 28 day of August, 1931.

Robert M. Adams

Fannie M. Adams

STATE OF SOUTH DAKOTA }
COUNTY OF CUSTER } ss

On this 28 day of August, in the year 1931
before me, Thomas W. Dilbert, personally appeared
Robert M. Adams and Fannie M. Adams, well known to
me to be the persons who are described in, and who executed the within
instrument, and duly acknowledged to me that they executed the same.

Thomas W. Dilbert
Notary Public

Nov. 20 - 1934

Deer #5

See Deer 8/2

Date Recd. 2 27 32

Apprs 10077+84

CERTIFICATE OF ACCEPTANCE

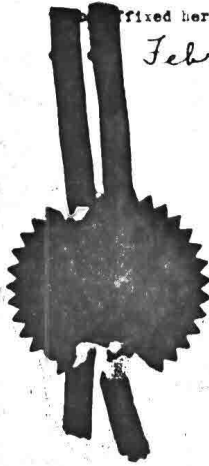
By virtue of and pursuant to the authority conferred by the Act of Congress approved January 9, 1903, (32 Stat. 765), and all acts supplementer thereto and amendatory thereof and the Act approved March 4, 1931, (46 Stat. 1570), I, the undersigned, as Assistant Secretary of the Interior, do hereby accept the attached deed dated August 28, 1931, wherein and whereby Robert McAdam and Fennie McAdam convey to the United States certain land situated within the area of the Wind Cave National Park.

In witness whereof, I, as said Assistant Secretary hereunto set my hand officially and have caused the seal of said Department

to be affixed hereto and in attestation hereof this 20th

February, 1932.

Wm. H. McAdams
Assistant Secretary.
McA *clerk* *McA*



5

C
O
P
Y

Region Two
Omaha, Nebraska

In reply refer to:
L2223

Sept. 15, 1954

Limited Official Use

Memorandum

To: The Director
From: Regional Director, Region Two
Subject: Acquisition of Land and Water Rights

Mr. Dunn's memorandum of September 1, 1954 supplied us with a copy of Mr. Richey's memorandum of October 15, 1953. The last paragraph of Mr. Richey's memorandum requests review of the water supply situation for Wind Cave National Park.

Extensive drought conditions in the vicinity of Wind Cave National Park during the past 12 months have created a serious shortage of water supply for the area. Flow from the springs originally purchased from McAdam has decreased to the point that they are only yielding about 3,000 gallons per day, necessitating that the Park haul about 5,000 gallons of water per day from Hot Springs. The Park is now engaged in making tests in the spring area to see if this flow can be increased. We have also asked that they obtain measurements of the spring that McAdam still owns in the same general vicinity.

In 1953, flow from the springs supplying water to the area was estimated as follows:

January	- 5,000 gal. per day (est)
February	- 5,000 " " " (est)
March	- 11,15,000 (est)
April	- 32,400
May	- 30,240
June	- 20,160
July	- 12,960
August	- 4,790
September	- 4,320
October	- 4,284
November	- 4,032 " " "

We feel confident that when weather conditions again become normal the flow from these springs will increase. However, there have been other seasons when the summer flow has been low and there is a definite need for a better water supply for the area. Additional storage reservoirs would permit building up water storage early in the spring when water demand is low, but it is questionable whether the present springs will adequately provide enough water in dry years even with additional storage. When the park engineer prepares his report on the tests he is now making we will be in a better position to make recommendations regarding future water supply for the area than we are now. We will advise you further at that time.

/s/ Howard W. Baker
Howard W. Baker
Regional Director

Copy to: Supt., Wind Cave NP, w/c Mr. Dunn's 9.1 memo,
and cs Mr. Richey's memos 10/15/53 and 12/30/53

*This is accompanied by
2 maps No. 40-4938*

WIND CAVE NATIONAL PARK

WATER SYSTEM

Branch of Engineering
San Francisco, Calif.
March 27, 1935

DRAINAGE

The major portion of Wind Cave National Park drains into Beaver Creek which is a tributary of Cheyenne River. The southwest corner of the park is drained by Cold Brook which joins Fall River at Hot Springs. Fall River is also a tributary of Cheyenne River. Cheyenne River flows into the Missouri River in central South Dakota.

WATER SYSTEM

Wind Cave water system supplies water for the park headquarters, the U.S. Biological Survey headquarters and the Buffalo Reservoir of the Biological Survey, all within the park. The Buffalo Reservoir impounds water for use of buffalo and antelope and other wild life. Robert McAdam, from whom the springs were purchased, also gets his domestic supply from one of them.

Source of Supply: Springs outside the park in Sec. 32 and Sec. 28, T. 5 S., R. 5 E., tributary to Cold Spring Creek which is tributary to Beaver Creek.

System: In Sec. 32, a collecting system of 8" and 6" drain tile and a reinforced concrete cut-off wall collect the water in a concrete intake box and settling basin; 16,100 ft. of 6" C.I. pipe discharging into Buffalo Reservoir.

Middle Spring, in Sec. 28, is covered with a concrete box. From the box 2 miles of 2" C.I. pipe to park boundary, then 3420 ft. of 2½" line, which reduces to 2" again for the final 3600 ft. to Park Service reservoirs. Two reservoirs are of concrete, one 25,000 gal. and one 15,000 gal. capacity. From the reservoirs 2069 ft. of 4" wood pipe service line run to Park Headquarters.

The overflow from Middle Spring flows into the 6" line supplying Buffalo Reservoir. Another connection, lower down, permits water to be turned from the 6" line into the 2" line.

The concrete reservoir of the Biological Survey draws water from the 2½" line and a 2" service line connects it to the Biological Survey buildings.

Notes: According to the Final Construction Report by

Associate Engineer Walter G. Attwell, two tracts of land, several springs and a 10-foot right-of-way from the springs to the park were purchased in 1931 from Robert and Fannie McAdams. The price was \$9500. The report does not mention water rights.

The tract in Sec. 32 contains 100 acres. There are nine springs and the combined flow from them on June 13, 1932 was 86,400 gal. per day (0.134 sec. ft.). The entire hundred acres and an additional 40 acres in Harney National Forest have been fenced for protection of the watershed.

The tract in Sec. 28 contains 0.77 acre. There is only one spring, known as Middle Spring. No figures as to the flow of this spring are available. The water was previously used by the Biological Survey and the 2" pipe line to the park boundary was laid by them. The McAdams have permission to use water for their residence from the intake box. To prevent possible contamination, an antifreeze pump was concreted into the roof of the box and the cover padlocked. This tract is also fenced.

Buffalo Reservoir, in addition to the water from the 6" line, gets all the flow of Cold Spring Creek below the intakes. There is a proposed project to divert water from Beaver Creek into the reservoir.

See Final Construction Reports by Walter G. Attwell, Dec. 9, 1931 and June 20, 1932.

AWS/k

2.

Other Supporting Information



IN REPLY REFER TO:

United States Department of the Interior

NATIONAL PARK SERVICE

Water Resources Division
1201 Oak Ridge Drive, Suite 250
Fort Collins, Colorado 80525-5596
January 23, 1997

L54(2380)
WICA/Water Rights

Memorandum

To: Superintendent, Wind Cave National Park

From: Acting Chief, Water Rights Branch

Subject: U.S. Water Withdrawal 33-2 (Cold Springs Pipeline)

Please find copies of two letters from the State of South Dakota attached for your records. These letters state that U.S. Water Withdrawal 33-2 for the Cold Springs pipeline assigned to Wind Cave National Park (WICA) by the State of South Dakota is in good standing and no further action from us is needed.

As you recall from earlier discussions with the State, the State maintained that since the National Park Service (NPS) did not originally advertise (in local newspapers) its intention to divert water for this water right, the NPS would be required to advertise before the State would regard the water right as being valid and complete. After further review, the State has reversed their position on this issue and will not require advertisement.

On another topic related to this water right, Mark Rath of the State's Water Rights Program office mentioned during a telephone conversation with Jeff Hughes of the Water Rights Branch that WICA's current use of the water (for watering bison, deer, elk and antelope) from Cold Springs Pipeline is a valid use as described in the documentation for the right. Therefore, the removal of the section of pipeline from the WICA boundary to the Headquarters should not be a problem relevant to water rights.

If you have any further questions on this or other WICA water rights issues, please contact Jeff Hughes at (970) 225-3527.

Attachments

cc: (all w/Attachments)
SOL (Denver) - Hoffman
Great Plains Cluster, Executive Committee Leader - Albright
Great Plains Cluster, Senior Natural Resources Program Leader - Cinnamon
Midwest Field Area, Director
Midwest Field Area, Water Resources Program Coordinator - Klukas
2380 - Kimball, Jackson, Flora, Kliwinski, Hughes



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

December 17 1996

Jeffrey C. Hughes
National Park Service
Water Resources Division
1201 Oak Ridge Drive, Suite 250
Fort Collins, CO 80525

Dear Mr. Hughes:

I am writing this in reference to Wind Cave National Park's US Withdrawal No. US33-2 for the Cold Springs gallery. US33-2 appropriates 0.20 cfs from springs with a priority date of August 23, 1937. The water has been continually used for domestic, recreation, wildlife, and fire protection within Wind Cave National Park.

A question was raised at a May 1, 1996, meeting between National Park Service and SD Water Rights staff whether all statutory requirements had been met when the US withdrawal was issued. The South Dakota Attorney General's Office was asked to research this question (see attached letter). Based upon this information, it appears the requirements for US withdrawals had been met by the National Park Service at the time US Withdrawal No. US33-2 was issued and that no additional action is needed now.

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

Very truly yours,

John Hatch, Chief Engineer
Water Rights Program

enclosure

STATE OF SOUTH DAKOTA



OFFICE OF ATTORNEY GENERAL

500 EAST CAPITOL
Pierre, South Dakota 57501-5070
Phone (605) 773-3215
FAX# (605) 773-4106

MARK W. BARNETT
ATTORNEY GENERAL

LAWRENCE E. LONG
CHIEF DEPUTY ATTORNEY GENERAL



December 9, 1996

Mark Rath
Water Rights Program
Department of Environment
and Natural Resources
Joe Foss Building
Pierre, SD 57501

Re: U.S. withdrawal

Dear Mark:

You have made two inquiries about U.S. withdrawals made pursuant to Section 8243 of the 1919 Code.

The first issue is whether U.S. withdrawals made under Section 8243 constituted an appropriation for which the public notice requirements applied. Based on my reading of this provision it appears that public notice was not required for the U.S. withdrawals. Although all other water appropriations have been required to comply with public notice requirements since March 7, 1907, the U.S. withdrawal situation appears to be an exception. Section 8243 provided that the chief engineer was to refrain from authorizing the appropriation of public waters of the state to any other party if the United States intended to utilize certain specified waters and did, in fact, apply the waters to use. The provision does not appear to contemplate any public notice requirements. Review of two U.S. withdrawal files also indicates that no public notice was, in fact, made.

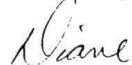
Given the foregoing circumstances, you have also inquired whether some additional act is required at this time to clarify or validate the U.S. withdrawals. Since it appears that the U.S. withdrawals were properly perfected and filed with the chief engineer, it appears that no additional process would be necessary in order to continue water right use that has been legally continuous from the date of construction. In the event that water rights are no longer being used, cancellation may be

Mark Rath
December 9, 1996
Page 2

appropriate under SDCL 46-5-44. Additionally, the provisions of
SDCL 46-5-37 would be applicable.

If you have further questions regarding this matter, please feel
free to contact me.

Sincerely,



Diane Best
Assistant Attorney General

DB:do
Enclosure

February 20, 1996

During a telephone conversation with Jim Taylor, Wind Cave National Park (WICA) Superintendent, Mr. Taylor relayed the following information to me:

The maximum number of wildlife that would be carried at WICA for any length of time are:

Bison	400
Elk	600
Antelope	150
Deer	200

These numbers can be used to estimate the maximum water use by wildlife at WICA.

Jeff Hughes
Hydrologist
NPS-Water Resources Division
(970) 225-3527

Address and telephone number of caller

Jim Taylor
Superintendent
Wind Cave National Park
Rural Route 1
P.O. Box 190 - WCNP
Hot Springs, SD 57747-9430
(605) 745-4600

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

WIND CAVE NATIONAL PARK
HOT SPRINGS, SOUTH DAKOTA

January 22, 1946.

MEMORANDUM for the Regional Director,
Region Two,

Reference is made to Acting Associate Regional Director
Robertson's memorandum of January 17 transmitting Deed No. 6,
covering Federal Water Withdrawal No. 33.

The original Certificate of Construction of Works and Appropriation is hereby transmitted to your Office as requested. The files, of this Office, show that the Notice of Appropriation of Water was signed by Park Superintendent Edward M. Freeland and witnessed by Park Clerk H. M. Sherman. The file copy bears no date but the letter transmitting the original carries the date of August 28, 1937. It is assumed that such date also represents the date the notice was signed.

As per Mr. Dunn's request we have searched our files and attached is the original Certificate of Withdrawal of Public Waters for the Director. Three copies of the certificate are attached for assembly with Mr. Dunn's and your copies of the deed.

Harry J. Lisk,
Superintendent.

In duplicate.

Enclosure: Certificate of Construction
Certificate of Withdrawal and 3 copies

Dunn

DEAN W. LOUCKS
STATE ENGINEER

STATE OF SOUTH DAKOTA
OFFICE OF STATE ENGINEER

PIERRE

October 21, 1939

REC'D OCT 24 1939

AS ✓

Joseph E. Taylor,
Regional Attorney
601 Sheldon Building
San Francisco, California

Dear Sir:

Replying to your letter of October 17th relative to the omission of the letter "S" in the seventh line of the "Certificate of Construction of Works and Appropriation" relating to U. S. Water Right No. 33-2, we find that this omission was due to a typographic error in this office and have corrected our copy accordingly.

Very truly yours,

Dean W. Loucks
DEAN W. LOUCKS,
State Engineer.

DWL:dn
cc Supt. Wind Cave Park

*Copies sent Director and
Regional Director of Region II 10/24/39*

FILE COPY

601 Sheldon Building
October 17, 1939

Memorandum for the Acting Regional Director, Region II:

Reference is made to your memorandum of October 13 advising of omission of the letter "S" in the seventh line of the "Certificate of Construction of Works and Appropriation" forwarded to you with copy of our memorandum of October 2 for Superintendent Lisk, Wind Cave National Park, relating to U. S. Water Right No. 33-2, Wind Cave Pipe Line.

The certificate mailed to you was copied from the original forwarded to us by the State Engineer, and we believe was a true copy, although we are unable to verify this, inasmuch as the original has been sent to the Superintendent.

We have corrected our copy of the certificate, and are sending copies of your memorandum to the State Engineer, the Superintendent, and the Director, with the request that the necessary correction be made on their records.

SH

Joseph E. Taylor,
Regional Attorney.

cc: Director.
Superintendent, Wind Cave National Park.

FILE COPY

601 Sheldon Building
October 17, 1939

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

Dear Sir:

Enclosed is copy of a memorandum of October 13 from the Acting Regional Director of Region II, referring to omission of the letter "S" in the seventh line of the "Certificate of Construction of Works and Appropriation" relating to U. S. Water Right No. 33-2, forwarded to us with your letter of September 18.

Since the original of this certificate has been sent to the Superintendent of Wind Cave National Park, we are unable to determine whether the omission was made in this office in typing the copies, or whether the omission occurred in the original certificate.

Request is made that you refer to your copy of the certificate, and if the omission appears thereon that you make the necessary correction upon the official records.

Yours very truly,

Joseph E. Taylor,
Regional Attorney.

Encl.

SH

cc: Director.
Regional Director, Region II.
Supt., Wind Cave National Park.

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
REGION TWO
OMAHA, NEBRASKA

October 13, 1939.

Ans. 10/17/39.

Memorandum for the Regional Attorney, Region IV:

Receipt of a copy of your memorandum for Superintendent Liek, in reference to water withdrawals Nos. 32 and 33, to which were attached copies of various certificates in connection with these withdrawals, is hereby acknowledged.

The Regional Engineer has examined these certificates and notes that, on the copy of the "Certificate of Construction of Works and Appropriation" in connection with U. S. Water Right No. 33-2, Wind Cave Pipe Line, in the seventh line of the main body of this certificate, the letter "S" is omitted from the bearing that locates the point of diversion.

Paul W. Brown

Acting Regional Director.

Copies mailed State Engineer of So. Dakota 10/17/39.

*Gift, Wind Cave Nat. Park
Director*

OCT 16 1939	
ROUTING	INITIALS DATE
Regional Director	
Assoc. Eng. Director	
Asst. M. D. (P. & E.)	
Asst. M. D. (Admin.)	
Construction Records	
Finance	
Forest	
Forest Relations	
Legal	
Project Control	
Equipment	
Information	
Travel Bureau	
Recreation Study	
Engineering	
Landscape Arch.	
Architecture	
Forestry	
Geology	
History	
Wildlife	
FILE	

FILE COPY
Wind Cave
x Jewel Cave

601 Sheldon Building
October 2, 1939

Memorandum for the Director:

Reference is made to South Dakota Water Withdrawals Nos. 32 and 33 made on behalf of Jewel Cave National Monument and Wind Cave National Park respectively.

With a copy of our memorandum of August 10 to the State Engineer we forwarded to you print of the map filed in connection with the water withdrawal for Wind Cave, and on May 19 we forwarded to you a copy of our letter of that date to the State Engineer together with a print of the map filed in connection with the water withdrawal for Jewel Cave.

You will have noted from your copy of our letter to the State Engineer of August 10 that we suggested the appointment of Associate Engineer A. van V. Dunn to prepare and submit the engineer's certificate with respect to field inspection upon these systems.

Following our request to the State Engineer, he on August 15, by letter of authorization addressed to A. van V. Dunn, Engineer, appointed him as inspecting engineer, and Mr. Dunn proceeded to South Dakota for the purpose of completion of his certificates and filing of them with the State Engineer.

Certificates of Construction of Works and Appropriation upon these withdrawals have now been received, and we are enclosing copies of these certificates for your files. We are returning the originals to the park for retention in their files.

In addition to the certificates of the State Engineer, we are also forwarding copies of Mr. Dunn's Certificates of Examination of Works relating to each of these withdrawals, and copies of his memorandum of September 16. While we doubt the necessity of forwarding copies of the engineer's certificates to you, we considered that they might be useful and instructive to the Chief Engineer, inasmuch they give an idea of the type of data which we usually have to provide in obtaining water rights.

It has been ascertained by Mr. Dunn, through conference with the State Engineer, that it is probably advisable to make a further filing with respect to Norbeck Dam and the smaller impounding works for buffalo watering purposes. Engineering data concerning these additional works are being compiled, and a request has been made for certain additional information from the park.

Joseph E. Taylor,
Regional Attorney.

Encl. 1645480.

JET:SH

Regional Director, Region II, with copies
of enclosures.
Supt., Wind Cave National Park, with copies
of enclosures.

FILE COPY
Wind Cave
X Jewel Cave

601 Sheldon Building
October 2, 1939

Memorandum for Superintendent Lick, Wind Cave National Park:

Reference is made to Water Withdrawals Nos. 32 and 33 for Jewel Cave National Monument and Wind Cave National Park respectively.

Upon Mr. Dunn's recent visit to Pierre, he rendered his engineer's report and Certificate of Examination of Works, and thereafter the State Engineer issued his Certificate of Construction of Works and Appropriation of Water under the said withdrawals.

The originals of these certificates are being forwarded herewith for retention in your files. In addition, we are herewith supplying you copies of the Engineer's Certificates made in connection with each of the withdrawals.

We are also enclosing copy of our memorandum for the Director of this date, in which you will note reference is made to certain other withdrawals deemed advisable for the protection of Wind Cave National Park.

Joseph E. Taylor,
Regional Attorney.

Encl. 1645481.

JET:SH

cc: Director.
Regional Director, Region II.

C O P Y

Jewel Cave
X Wind Cave

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
REGION FOUR
SAN FRANCISCO, CALIFORNIA

601 Sheldon Building
September 15, 1939

Memorandum for the Superintendent, Wind Cave National Park:

I conferred with Dean Loucks, State Engineer of South Dakota, and presented reports of the engineer's inspection of the water systems at Wind Cave and Jewel Cave. These seemed to be in perfect order, and he advised that we would receive a certificate of water right on the two systems relatively soon.

I also discovered, as I had feared before, that the original withdrawal did not include the right to store water at the Norbeck Dam, and that an additional withdrawal and subsequent report of inspection will have to be made to obtain the right for that storage. I have most of the data necessary for both the withdrawal and the report of inspection, except that I should like to borrow for a short time the print or prints showing the contours of the reservoir in back of the dam, and the cross section through the dam itself, in order that I may work up a capacity curve for the reservoir.

I also asked about the small impounding reservoirs used by the wildlife, and was informed that the United States Government is required to withdraw and perfect water rights on those as well as other water supplies. This, however, is a requirement for Federal use which does not apply to private use in what they call dry draws. Consequently, before proceeding further I shall wish to discuss the matter with Mr. Taylor and get his interpretation of certain statutes of which I could only get a single copy at the time of my visit. Thereafter we will have to make some arrangements to locate the dams with ties to section corners before I can complete the withdrawals required in those cases. I doubt, however, if there is any hurry, as the whole State Water Code of South Dakota seems to be rather uncertain, and being revised at the present moment.

Incidentally, the form sent to me for the report of my inspections at the park was in error in recognizing beneficial use for game, though they do recognize fish culture and stock watering. Mr. Loucks advised that buffalo are classed as stock in that

State. He was not so sure about deer, elk, and antelope. For this reason, in the future if you or any one else wishes to justify the use by the wildlife, I would refer to them only as stock.

I did not see, but assume that you probably have, a topographic map or water supply map showing the relation of the spring back of your headquarters reservoirs to the headquarters area, or its relation to the oldest of the three reservoirs. I also assume that you do not have an actual survey of the little dam recently constructed below that spring for the use of the buffalo. It might pay, however, to send me prints of such maps as you have in that vicinity, as it might be that I would have enough data from which to prepare the withdrawal notice without further survey. If there is actually a topographic map that shows the hill slope as far as the dam, it might be that you could sketch in that dam, give the height of the crest above the bottom of the pool, the length of the crest, width of crest, and approximately upstream and downstream slopes of the dam. With this, if the map shows the relative position of the upper reservoir and the spring box, I would be able to complete both the withdrawal and report of inspection in the very near future.

A. van V. Dunn,
Associate Engineer.

cc: Director. (Mailed in duplicate Oct. 3, 1939.)
Regional Director, Region II.

Wind Cave
X Jewel Cave

601 Sheldon Bldg.,
San Francisco, Calif.,
September 16, 1939. *In Personal File*

Memorandum for Regional Attorney Joseph E. Taylor:

There are enclosed copies of my report of inspection on the Wind Cave and Jewel Cave water systems, as submitted to the State Engineer.

In order to complete the files, copies should be sent to the Superintendent, the Regional Director, one retained by yourself, and I shall want one. Perhaps it will be desirable to send a copy to the Director.

In addition, for the benefit of the Chief Engineer, it is worth noting that the State of South Dakota specifies that measuring devices shall be provided on water systems, though, unlike Oregon, it does not specifically state that they are required prior to issuing a certificate. This information and the type of form required in the engineer's examination may give Chief Engineer Taylor some idea of the type of data which we usually have to provide in obtaining water rights, and suggest one or two changes for his requirements in plans for approval preparatory to construction.

One feature I should like to stress is that the designs for water systems could be made to include not only the profile, but the pipe capacity and the anticipated demand for which that design capacity was prepared.

A. van V. Dunn
A. van V. Dunn,
Associate Engineer.

Encls.

(Get. 3, 1939: two copies of this memorandum sent to Director.
" " " " " " Supt., Wind Cave N.P.
" " " " " " Reg. Dir. Reg II.)

Wind Cave 660-05.7
X Jewel Cave 660-05.7
FILE COPY

601 Sheldon Building
August 26, 1939

Memorandum for the Superintendent,
Wind Cave National Park:

I have been appointed by the State Engineer to make the final inspection of water systems at Wind Cave and Jewel Cave, in order to complete your water rights thereon. My trip, as shown in the accompanying itinerary, is for this purpose.

I am already clearly familiar with the Wind Cave system, but have never seen that at Jewel Cave. In both cases, however, the inspection will not require much more than a trip to the point of diversion and a visit to one or two points along the pipe line and at the place of use, and I may have to measure a dam length or a reservoir if you do not have plans already. I shall also want your most up-to-date figures on peak day and annual park attendance for use in justifying full diversion possible at each system, and also any data you have on spring flow in each case.

A. van V. Dunn,
Associate Engineer.

Encl.

AvVD:SH

cc: Regional Director, Region II.

FILE COPY

601 Sheldon Building
August 22, 1939

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

Dear Sir:

This will acknowledge receipt of your letter of August 15 and letter of authorization for inspection of water systems by our engineer, A. van V. Dunn.

Your letter refers to Withdrawals Nos. 32 and 33, but we note that your authorization is only for the inspection of water system covered by Withdrawal No. 32 at Wind Cave.

We should very much like to have Mr. Dunn inspect and report to you on the Jewel Cave system covered by No. 33 at the same time -- presumably in the early part of September.

Yours very truly,

Joseph E. Taylor,
Regional Attorney.

By:
A. van V. Dunn,
Associate Engineer.

AvVD:SH

FILE COPY
Wind Cave 660-05.7
Jewel Cave 660-05.7

601 Sheldon Building
August 10, 1939

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

Re: Withdrawals 32 & 33,
National Park Service.

Dear Sir:

Reference is made to past correspondence with respect to the above captioned withdrawals, the last from you being your letter of May 23, 1939, with which you enclosed a copy of Tentative Rules & Regulations governing final procedure under Section 8243 of the Compiled Laws of South Dakota.

We enclose herewith the tracing and one print of drawing NP-WC-6975, entitled Wind Cave Pipe Line. This map is to accompany our water withdrawal to which you assigned number 32 dated September 8, 1937, in accordance with said Section 8243.

This drawing, together with MM-JC-6975, entitled Jewel Cave Pipe Line, which you received on May 23, 1939, constitute the plans of constructed water systems now in use as covered by water withdrawals Nos. 32 and 33. They also show the full quantity which can be diverted at the present time.

Application of the water to beneficial use (for domestic purposes) is dependent upon the public attendance at each area, and the attendance is generally increasing with the most marked increases after each series of improvements. The rate of water consumption is also increasing with the installation of modern sanitary facilities.

At both Jewel Cave and Wind Cave we are now diverting the full spring flow, giving preference to domestic needs and applying any surplus water to highly desirable recreational purposes, such as irrigating, public campgrounds, and, at Wind Cave, maintaining the maximum water level in the Norbeck Lake. As domestic needs increase, we shall have to sacrifice the least essential of other recreational uses. At Wind Cave we shall also have to enlarge the lower portion of the pipe line which serves the reservoirs of the Headquarters Area.

Our problem now is to determine how far you wish us to go in compliance with the so-called "final procedure" furnished us with your letter of May 23. We also wish to know what additional plans you require, whether the working drawings of dams, collecting sumps, reservoirs, and maps of all distribution laterals are needed. If they are, we wonder whether prints are sufficient, process tracings on vellum would serve, or whether it will be necessary to prepare exact new tracings.

With respect to the possible field inspection, may we suggest that in order to eliminate complications over appropriations for the payment of fees, our water rights engineer, Mr. A. van V. Dunn, might be deputized for the particular purpose. Mr. Dunn is an associate member of the American Society of Civil Engineers, has had eighteen years of varied hydraulic experience on irrigation, water supply, and hydroelectric power, has been with the National Park Service for the past eleven years, a portion of which was in your State, and has handled all engineering features of the Park Service water rights since October 1936.

Respectfully yours,

Joseph E. Taylor,
Regional Attorney.

Encls.

JET:SH

cc: Regional Director, Region II, with print.
Supt., Wind Cave National Park, with print.
Director, with print.

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
REGION FOUR
SAN FRANCISCO, CALIFORNIA

601 Sheldon Building
August 2, 1939

Memorandum for Regional Attorney Taylor:

There are enclosed:

1. General Land Office plat of Wind Cave National Park.
2. Field Books No. M-8
T-3
T-4
T-6

These records were borrowed from Region II for the preparation of the file map for the Wind Cave Water System. They should now be returned to that office.

It might be well to advise the Regional Director and Superintendent that I feel that the map is quite accurate, but that we have had to analyze all survey lines carefully, balance and close traverses of them and the G. L. O. to obtain the composite product.

Our data was quite meager regarding profiles, but I believe my old stadia and the topographic maps give a fairly close representation of the conditions. We have shown grades, but not specific elevations because of the limits of our data.

The quantity of water claimed is somewhat limited by the grades of pipes. In 1935, Mr. Kittredge's office stated that the springs in the upper area had a flow of 86,400 g.p.d., or 0.134 sec. ft., on June 13, 1932, and that there were no records at the lower springs. Since 1932 was somewhat drier than normal, I raised the total claim to 0.20 sec. ft., which is intended to include about 0.05 sec. ft. for the lower diversion at spring No. 6.

The claimed diversion seems reasonable from the point of view of both spring flow and probable use in the areas described. It does not, however, fit pipe designs very well. From springs 1-5 to spring 6 (note that I have only tied in the 5 major springs in the upper area) the 8" pipe is excessive. Further, by the introduction of spring No. 6 diversion, the potential head above is lost.

Below spring No. 6, the 6" pipe is excessive and the 2" pipe is too small. The 2 $\frac{1}{2}$ " pipe from the 6" main to the Biological Survey reservoir is also small, but it has a slightly stimulated capacity because of the very small head loss in the 6" pipe when all water is carried therein. In order to claim the maximum capacity for this 2 $\frac{1}{2}$ " pipe, I had to use all the reserve head from the 6" main. This limits the capacity of the 2" line between the Biological Survey and National Park Service reservoirs, and gives the former an unduly large proportion of the water.

My problem has been to prove maximum diversion for the United States with little regard to its division between the two bureaus. I suggest now that the Regional Engineers redesign and reconstruct the line at the first opportunity to permit maximum use of the 0.2 second feet at the desired areas, and eliminate the danger of losing part of the right through non-consumptive use at Norbeck Dam. (Note that both more adequate profiles and greater refinement in computing pipe capacities will be advantageous at that time.)

As mentioned in my last memo, I have claimed no rights in the normal flow of Cold Creek or storage at the Norbeck Dam. Also note that we have not filed on any water for the bison and antelope in the various Biological Survey pastures. These are probably all needless considerations which I call to your attention as a matter of record.


A. van V. Dunn,
Associate Engineer.

(Copies of this memorandum mailed to Supt., Wind Cave Nat. Park,
and Regional Director, Region II, 8/10/39.)

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
REGION FOUR
SAN FRANCISCO, CALIFORNIA

601 Sheldon Building
August 1, 1939

Wind Cave 660-052
No Copies
sent out.

Memorandum for Regional Attorney Taylor:

Re: Water Rights,
Wind Cave National Park.

In submitting drawing WC-6975 to the State Engineer of South Dakota to accompany Water Withdrawal No. 32, there are certain explanations which might be included in the letter of transmittal:

1. The main 6" and 8" pipe line was built over-size at the request of the late Senator Norbeck to try to get more water into the reservoir bearing his name.
2. This reservoir also receives the normal flow of Cold Creek, is an artificial lake. The impounded water is pondage and not regulated storage, and the lake was sponsored by Senator Norbeck for esthetic and recreational purposes. Hence, I have made no special claims for the impounded water. Since the dam does not hold the water well, there is little effect on the stream flow below.
3. The maximum average spring flow available for diversion in the spring areas shown is 0.2 second feet, and my intent is to claim it all for the United States.
4. The maximum quantity of this water now available to the reservoirs of the Biological Survey and National Park Service is 0.08 sec. ft. due to the limiting capacity of the 2½ inch pipe. This quantity is not available if conveyed in the 2" pipe which parallels the 6" main, but is obtained by the reduction in friction losses when using the 6" line as far as possible.
5. The 0.12 second feet which are now released into Norbeck Lake constitute a reserve diversion which will be conveyed to the park and Survey headquarters and utilities area through enlarged pipes as increasing park attendance demands it.

6. The reservoirs of the Biological Survey and National Park constitute only approximately one day's flow of the present used 0.08 second feet. Hence they are regulatory distribution reservoirs rather than storage.

A. van V. Dunn

A. van V. Dunn,
Associate Engineer.

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
REGION TWO
OMAHA, NEBRASKA

REC'D JUN 5 1939

May 31, 1939

Memorandum for Regional Attorney Taylor, Region IV:

In reply to your memorandum of May 26 we are enclosing two copies of Mr. Dunn's report of April 1931, which we believe is the report referred to in his letter of April 19, 1931.


Regional Director.

Encl. 2

cc Wind Cave

JUN 5 1939	
ROUTING	INITIALS
Regional Director	
Assoc. Reg. Director	
Asst. R.D. (P & I)	
Asst. R. (Admin.)	
Asst. of Records	
Fiscal	
Lab. Relations	
Legal	
Project Control	
Equipment	
Information	
Travel Bureau	
Recreation Study	
Engineering	
Landscape Arch.	
Architecture	
Forestry	
Geology	
History	
Wildlife	
File	

WIND CAVE NATIONAL PARK
REPORT ON
SURVEY OF SPRINGS AND PROPOSED PIPE LINE LOCATION
TO BE PURCHASED FROM ROBERT MCADAM

BY
A. Van V. Dunn
Associate Engineer

Field Headquarters
San Francisco, Calif.
April 1931

INTRODUCTION

Certain springs on the land of Robert McAdam adjoining Wind Cave National Park on the north have been offered to the Park by the owner, together with necessary rights of way for a pipe line to deliver the water to the Park. The writer was assigned to Wind Cave from April 8 to 19, 1931, to make a survey of the features being considered for purchase. This report covers the findings of that survey.

The writer is indebted to Senator Norbeck and Mr. Robertson of the Custer State Park for assistance and advice, and to Mr. McAdam's cooperation and assistance in locating section corners, pointing and possible pipe line routes and much other valuable advice.

Tentative Agreement Regarding Purchase of the McAdam Water-rights.

Mr. McAdam has agreed to sell the South half of the northeast quarter of Sec. 32, T53, R. 5 E, on which his upper springs are located, to the Park together with a right-of-way across his land for the necessary pipeline to the Cave. This sale is to be made provided the Park Service agrees to properly back-fill all pipe ditches so that his agricultural activities may be carried on in their normal manner.

If this sale is made he should also like to sell an additional 320 acres of his land lying south of the above mentioned parcel of land which would then be useless to him without water. As much of this land is in the watershed feeding the upper springs this purchase seems favorable to the sanitary aspect of this water supply.

As an alternate to the above sale, Mr. McAdam offers the entire ranch. This alternate is more favorable to him. The advantage to the Park in acquiring the whole ranch are:

1. It would provide complete contract of all water tributary to the Park and Biological Survey Station

2. It would eliminate the agricultural interests and thus reduce the restrictions governing the location and design of the water system.

Suggestions Regarding Purchase of Upper Springs, Only.

Referring to the accompanying map, it will be noticed that the Upper Springs are located very close to the northern boundary of the South Half of the northeast quarter of Sec. 36, and that the dyke creating these springs crosses the stream bed almost exactly on the boundary line D1 - D2 indicating the location of a necessary dam or cut-off wall which will be required in the development of the springs.

To complete this development, it will be necessary to purchase a small portion of land immediately north of the 80 acres under consideration. From the point of view of the dam and springs, alone, it is suggested that the East Half instead of the South Hal of the Northeast Quarter of Sec. 32 be purchased.

It will be noticed, however, that there is shown another spring on boggy seep near the western portion of the Quarter Section. This, together with the sanitary features of controlling the watershed, suggests that it would be desirable to buy the whole northeast quarter of the section even though the purchase of the other 320 acres offered should not prove feasible.

Pipeline Route to Convey Water of all Springs

If the whole ranch is purchased, it is assumed that the Lower and Middle Springs will be developed either now or at some future date. It is, therefore, recommended that the proposed pipeline be located to obtain the maximum head between these springs and the Biological Survey Reservoir on the hill above the Game Keeper's Headquarters. Because of the high rocky bluff north of Station 155 + 41.57, such a location must follow the general course of the present Biological Survey main down the Valley bottom to its junction with the Park Service main constructed in 1930. This latter main would then convey the water to the reservoirs of the Biological Survey Station and Wind Cave National Park.

Pipeline Route for Upper Springs

The pipeline from the Upper Springs might extend down the valley bottom along the general route of the transverse to the middle spring and thence along the course of the existing Biological Survey main as indicated on the map. Unless an additional length of pipe is used, this will require crossings and the contingent use of flumes and air valves to be watched by the Park Administration. This route also involves crossing almost all of the best tillable land of Mr. McAdams.

An alternate route was suggested by Mr. McAdam which leaves the valley between stations 53 + 54 and 59 + 64, and follows the general course of the "P" line. This route places the maximum portion of the line within the Park Boundary; reduces the number of opportunities for pipe freezing at stream crossings, and causes the least interference with the agricultural activities of Mr. McAdam.

This route, however, involves a longer pipe by approximately 1000 ft. and an equal increase in the length of ditch to be dug. It also decreases the slope of the hydraulic gradient between the springs and Station P 85 + 10.07, and hence the capacity of the pipe. The desirability of this route is dependent on further study of the cost of providing an adequate capacity.

A second alternate is shown following the valley bottom to Station 77 + 09, thence through a saddle near the northwest corner of Section 34 and joining the "P" line route at Station P 104 + 53.82. This route crosses a few more of the cultivated fields but it follows a more desirable hydraulic gradient, and involves a pipe length more nearly equal to that down the valley.

A profile of each of the routes will be found at the close of the report.

COST ESTIMATE

The writer is not familiar with all of the studies pertaining to size and type of pipe which have been made by others at Field Headquarters. The cost of the installation will, therefore, be estimated by others in the Department.

C
O
P
Y

See note page 3 for bearings (Magnetic)
These courses calculated from 5° 0' right of Magnetic
North as True North Point.

Sta.	Dist.	Defl.	Bearing	Slide Rule		South	East
				South	East	South	East
N $\frac{1}{2}$ Sec. 32						0.00	0.00
	270.60		S 27-00 E	0.8910 S 241.50	0.4540 123.00 E		
A		16-16 L				241.5	123.0
	458.75		S 43-16 E	0.7282 S 333.80	0.6852 314.00 E		
B		6-32 L				575.3	437.0
	468.90		S 49-48 E	0.6454 S 302.70	0.7638 358.00 E		
C		6-10 R				878.0	795.0
	523.80		S 43-38 E	0.7238 S 378.20	0.6901 361.30 E		
D		32-36 L				1256.2	1156.3
	420.55		S 76-14 E	0.2384 S 100.50	0.9713 408.50 E		
E = 0400	1030.00	4-29 L				1356.7	1564.8
			S 80-43 E	0.1613 S 166.10	0.9869 1017.00 E		
F		49-44 R				1522.8	2581.8
	926.40		S 30-59 E	.8574 S 794.50	.5148 476.00 E		
N $\frac{1}{2}$ Sec. 36						2317.3	3057.8
E = 0400		38-30 L	S 76-14 E			1356.7	1564.8
	549.65		N 65-16 E	0.4184 N 230.00	0.9083 499.00 E		
5 + 49.65		11-22 L				1126.7	2063.8
	442.05		N 53-54 E	0.5892 N 260.00	0.8080 357.00 E		
10 + 91.70		7-58 L				866.7	2420.8
	409.62		N 45-56 E	0.6955 N 284.90	0.7185 294.00 E		
15 + 01.32		17-49 L				581.8	2714.8
	439.05		N 28-07 E	0.8820 N 372.10	0.4712 197.70 E		
19 + 20.37		1-39 R				8209.7	2912.5
	710.95		N 29-46 E	0.8681 N 617.00	0.4965 353.50 E		
26 + 31.32						N 407.3	3266.0

	Sta.	Dist.	Defl.	Bearing	Lat. N - S	Dept. E - W	Coordinates N - S	E - W
	26 + 31.32		39-49 R		3571	9341	N 407.3	3266.0 E
	31 + 60.17	528.85	23-33 L	N 69-05 E	N 188.9	493.7 E	N 596.2	3799.7 E
	38 + 01.72	641.55	10-34 L	N 45-32 E	N 449.8	7137 457.0 E	N 1046.0	4216.7 E
see	42 + 99.62	497.90	42-43 R	N 34-58 E	N 408.0	5731 285.4 E	N 1454.0	4502.1 E
page	46 + 70.92	371.30	12-56 L	N 77-41 E	N 79.1	9770 362.6 E	N 1533.1	4864.7 E
	53 + 54.42	683.50	33-42 R	N 64-45 E	N 291.9	4266 9044 617.3 E	N 1825.0	5482.0 E
	59 + 44.32	589.90	22-00 L	S 83-33 E	S 86.5	1469 9891 582.5 E	N 1738.5	6064.5 E
see	65 + 70.97	626.65	47-10 R	N 76-27 E	N 147.0	2342 9722 609.5 E	N 1885.5	6674.0 E
page	72 + 03.87	532.90		S 56-23 E	S 295.0	5536 8329 444.5 E	N 1590.5	7118.5 E
see	46 + 70.92		73-37 R		8771	4802	N 1533.1	4864.7 E
page	NE cor. 33	734.65		S 28-42 E	S 644.7	352.8 E	N 888.4	5217.5 E
see	26 + 31.32		114-10 L		0975	9952	N 407.3	3266.0 E
page	NE cor. 33	605.05		N 84-24 W	N 59.0	603.0 W	N 466.3	2663.0 E

(3)

Sta.	Dist.	Defl.	Bearing	Lots.	Dept.	Coordinates	
						N - S	E - W
72 + 03.87		48-08 L				N 1590.5	7118.5 E
				.2507	.9680		
77 + 09.57	505.70	3-32 R	N 75-29 E	N 126.8	490.0 E	N 1717.3	E 7608.5 E
				.1905	.9817		
86 + 74.32	964.75	66-44 L	N 79-01 E	N 183.9	947.0 E	N 1901.2	E 8555.5 E
				0.9771	.2128		
91 + 03.72	429.4	60-19 L	N 12-17 E	N 419.5	91.4 E	N 2320.7	E 8646.9 E
				.5294	.8483		
Lower Spring Dam	480.00		N 58-02 W	N 254.0	407.0 W		
						N 2574.7	E 8239.9 E

77 + 09.57		74-17 R				N 1717.3	7608.5 E
				.8640	.5035		
	432.15		S 30-14 E	S 372.7	217.1 E		
NE cor. Sec. 33						N 1344.6	7825.6 E

59 + 44.32		49-31 R	S 81-33 E			N 1738.5	6064.5 E
				.8477	.5304		
P 67+34.37	790.05	11-21 L	S 32-02 E	S 670.0	419.5 E	N 1068.5	6484.0 E
				7268	6869		
P 85+10.07	1775.70	84-50 L	S 43-23 E	S 1290.0	1220.0 E	S 221.5	7704.0 E
				.6323	.7748		
P 104+53.82	1943.75	27-16 R	N 50-47 E	N 1228.5	1504.0 E	N 1007.0	9208.0 E
				.2071	.9783		
P 117+01.42	1247.60		N 78-03 E	N 258.2	1219.5 E	N 1265.2	10527.5 E

(4)

Sta.	Dist.	Def.	Bearing	Elev.	Dents.	Coordinates	
						N - S	E - W
P 117/01.42		0-24 L		2139	9762	N 1265.2	10527.5 E
P 126/28.57	927.45	4-48 L	N77-39E	N198.2	905.2E	N 1463.4	11432.7 E
P 134/17.37	788.50	17-06 R	N67-51E	3770 N 297.5	9262 730.0 E	N 1760.9	12162.7 E
P 140/20.17	502.80	13-37 R	N84-57E	0881 N 144.7	9961 500.5 E	N 1805.6	12663.2 E
P 145/53.47	533.30	5-20 R	S81-26E	1490 S 79.5	9888 527.0 E	N 1726.1	13190.2 E
P 147/74.17	220.70	18-44 L	S76-06E	2402 S 53.0	9707 214.3 E	N 1673.1	13404.5 E
P 152/79.32	505.15	56-34 L	N85-10E	0843 N 42.6	9964 504.0 E	N 1715.7	13908.5 E
P 155/11.37	262.05	82-40R	N28-36E	8780 N 230.0	4762 124.5 E	N 1945.7	14033.3 E
P 158/91.22	349.85	17-30 R	S68-44E	3627 S127.0	9319 326.0 E	N 1818.7	14359.3 E
P 167/13.82	822.60		S51-14E	6261 S 515.0	7797 640.0 E	N 1303.7	14999.3 E

P 117/01.42		80-26 L		9991	0416	N 1265.2	10527.5 E
Corner Stone	575.40		N 2-23W	N 575.0	23.9 W		
						N 1840.2	10503.6 E

Wind Cave 66 0-05.7
** Jewel Cave 66 0-15.7*

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
REGION FOUR
SAN FRANCISCO, CALIFORNIA
601 Sheldon Building
May 19, 1937

State Engineer,
Pierre, South Dakota.

Dear Sir:

Reference is made to your letter of December 17, 1937, relating to Withdrawal Nos. 32 and 33.

We regret that a combination of circumstances has prevented our earlier compliance with the requirement outlined in your letter to the effect that maps portraying the site and methods of appropriation of water should be filed in your office in connection with these withdrawals by the Government. We have now completed drawing No. NM-JC-6975, relating to the Jewel Cave pipe line, and we enclose herewith for filing the tracing and one print thereof.

For your reference, we might state that statement of appropriation (Withdrawal No. 33) in compliance with Section 8243, Compiled Laws of South Dakota, was forwarded to you under date of September 8, 1937, by the Regional Director, Region II, National Park Service.

A map covering the appropriation of water at Wind Cave National Park (Withdrawal No. 32) is in the course of preparation, and will be completed and forwarded to you within a short time.

Yours very truly,

Joseph E. Taylor,
Regional Attorney.

Encl.

CC: Director.
CC: Supt., Wind Cave National Park.
Regional Director, Region II.

FILE COPY

601 Sheldon Building
May 11, 1939

Memorandum for the Regional Director, Region II:

In preparing a map to accompany the statement of appropriation of water for Wind Cave National Park, South Dakota, Mr. Dunn finds discrepancies between his original map used for the deed to the property purchased from Mr. McAdam and that prepared by Mr. Attwell of the pipe line and diversion works as constructed.

Will you please send us for a few days' use Mr. Dunn's field book of April 1931 covering his survey for that water system, and also the field book --presumably Mr. Attwell's -- covering the pipe line survey as constructed.

We are particularly interested in obtaining from Mr. Dunn's book the bearings and distances of the tie surveys to the north and east quarter corners of Section 32 from 00 of the pipe line traverse, as shown on drawing WC-4921.

We should also like any information you may give regarding the difference of 9° in the tie to the lower spring area as given on the option and tie to the McAdam property and right of way. Mr. Dunn believes that this was due to his having prepared his map from an assumed magnetic bearing, and that the ultimate description was written from a solar north computed later.

In addition, we should like to obtain a print of the General Land Office survey of Townships 5 and 6 South, Range 5 East, Black Hills Meridian. These, like the field books, may be a loan for only a week's duration.

About the time Mr. Dunn left Wind Cave in April 1931 he prepared a memorandum or report to the Chief Engineer explaining two sets of General Land Office corners along the north line of Sections 32, 33, and 34. We should like to borrow a copy of these data along with the field books and General Land Office township plats.

AvVD:SH

Joseph E. Taylor,
Regional Attorney.

Wind Cave 660-057
Jewel Cave 660-057
FILE COPY

601 Sheldon Building

January 5, 1939

Memorandum for Regional Director, Region II:

Reference is made to the matter of acquisition of water rights to cover water usages at Wind Cave National Park and Jewel Cave National Monument.

As you perhaps remember, statements of water usage were made by the United States to the State Engineer of South Dakota in compliance with the laws of that State, which statements were filed in September 1937. However, the additional requirement of filing maps to supplement the statements of usage has not yet been complied with, because of press of our other duties.

To comply with the requirements, it will be necessary for us to secure a map of the pipe line at Wind Cave, showing alignment and section ties. If the pipe line map of the constructed line does not give section ties, we can compute them if you will also send us a copy of Associate Engineer A. van V. Dunn's map of April 1931 of the preliminary survey of the pipe line. We also need a map of the pipe line at Jewel Cave with section ties, as well as a base map of Jewel Cave.

In addition, we should like to have a description of the land and right of way which was purchased from McAdam for the Wind Cave water system, and it would help if we could also learn whether McAdam ever filed on the Wind Cave Springs before he sold to the Park Service.

It is believed that the information herein requested is contained in the Regional Office files, and we would greatly appreciate your furnishing us with these data at your early convenience.

Joseph E. Taylor,
Regional Attorney.

CC: Director.
Supt., Wind Cave N. P.

STATE ENGINEER

STATE OF SOUTH DAKOTA
OFFICE OF STATE ENGINEER
PIERRE

REC'D DEC 20 1937
J.

December 17th, 1937,

✓ A. van D ✓

Joseph E. Taylor,
Regional Attorney,
Region Four,
601 Sheldon Building,
San Francisco, California.

Attention: Albert L. Johnson,
Associate Attorney,

Dear Sir:

Reference is made to your inquiry as to further notice to this office in connection with the filing for appropriation of water by the U. S. at Wind Cave National Park and Jewel Cave National Monument (Withdrawals number 32 and 33). No further notice is required except Section 3243 provides that a map showing the irrigation works in its relation to land lines be filed in this office for each project.

Very truly yours,

Dean W. Loucks
DEAN W. LOUCKS,
State Engineer.

DWL:fkf

Wind Cave 660-05.7
X Jewel Cave 660-05.7

601 Sheldon Bldg.,
San Francisco, Calif.,
December 16, 1938.

Memorandum for Mr. Joseph E. Taylor, Regional Attorney:

Re: Wind Cave and Jewel Cave Water Rights.

In reply to your memorandum of December 13, 1938, we do not have enough data for filing a map of the water systems of Wind and Jewel Caves. We should obtain the following maps from the files of the Regional Director of Region II:

1. A map of the pipe line at Wind Cave, showing alignment and section ties. If the pipe line map of the constructed line does not give section ties, I can compute them if we also obtain a copy of my map of April 1931 of the preliminary survey for the pipe line.
2. A map of the pipe line at Jewel Cave, with section ties.
3. A base map of Jewel Cave.

Incidentally, we should also have the maps listed under item 1 if we are to do any work in connection with the enlargement of the diversion area.

We should also have a description of the land and right of way which was purchased from McAdam for the Wind Cave water system. It would also help if we could learn whether McAdam ever filed on the Wind Cave Springs before he sold to the Park Service.

A. van V. Dunn,
Associate Engineer.

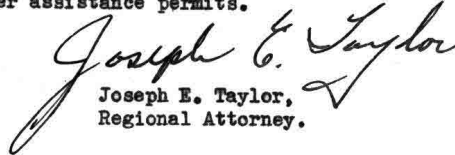
UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
~~ECN~~/REGION FOUR
601 SHELDON BUILDING
SAN FRANCISCO, CALIFORNIA

December 13, 1938.

Memorandum for Associate Engineer A. van V. Dunn:

As you will recall, the State Engineer of South Dakota under date of December 17, 1937, informed us that under the provisions of Section 8243, Compiled Laws of South Dakota, a map showing the irrigation works in relation to land lines is to be filed in the office of the State Engineer for each project. This would apply to our statements of appropriation on behalf of Wind Cave National Park and Jewel Cave National Monument (Withdrawals numbers 32 and 33).

Inasmuch as this information was furnished us about a year ago, we should keep in mind the preparation of such a map, and I am wondering if you have the information available to prepare the map when time or further assistance permits.


Joseph E. Taylor,
Regional Attorney.

FILE COPY

////

December 8, 1937.

State Engineer,
Pierre, South Dakota.

Dear Sir:

Reference is made to filing for appropriation of water by the United States at Wind Cave National Park and Jewel Cave National Monument, under date of September 8, 1937.

Following receipt from the Regional Director of a letter notifying us that these notices of appropriation have been filed, we would like to be informed if any further notice is required by your office with reference to such appropriations.

Under Section 8243, the Statute seems to contemplate that no notice shall be given your office, especially where the construction has been complete at the time of the original filing.

Yours very truly,

Joseph E. Taylor,
Regional Attorney.

By

Albert L. Johnson,
Associate Attorney.

ALJ:SH

CC: Regional Director, Region II.
Supt. Freeland.

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

REGION TWO
300 KEELINE BUILDING
OMAHA, NEBRASKA

REC'D NOV 8 1937

November 5, 1937.

Mr. Joseph E. Taylor, Regional Attorney,
National Park Service, Region Four,
601 Sheldon Building,
San Francisco, Calif.

Dear Mr. Taylor:

Replying to your letter of November 1, please
be advised that notices of appropriation of water
by the United States at Wind Cave National Park
and Jewel Cave National Monument were sent to the
State Engineer at Pierre, South Dakota, on September 8,
1937.

Sincerely yours,

Thos. J. Allen, Jr.,
Regional Director.

cc - Supt. Freeland

*Mr. Johnson -
attached to
further notice.
Pa 2*

Wind Cave 660-05,7
~~Jewel Cave 660-05,7~~
FILE COPY

November 1, 1937.

Mr. Thos. J. Allen Jr.,
Regional Director,
Region 2,
National Park Service,
300 Keeline Bldg.,
Omaha, Nebraska.

Dear Mr. Allen:

Reference is made to your letter of August 19 to Superintendent Freeland, prepared by this office, enclosing notices of appropriation of water by the United States at Wind Cave National Park and Jewel Cave National Monument, which notices Mr. Freeland was requested to execute and return to you for transmittal to the State Engineer of South Dakota.

We would like to know if the notices have been filed with the State Engineer, so as to bring our files up to date.

Sincerely yours,

Joseph E. Taylor,
Regional Attorney.

By
Albert L. Johnson,
Associate Attorney.

ALJ:SH

UNITED STATES
DEPARTMENT OF THE INTERIOR

OFFICE OF NATIONAL PARKS,
BUILDINGS, AND RESERVATIONS

WIND CAVE NATIONAL PARK

HOT SPRINGS, S.DAK.

OFFICE OF THE SUPERINTENDENT

Wind Cave 660-05.2
X 200-05.2
REC'D NOV 1 1937

October 28, 1937.

Mr. Joseph E. Taylor, Regional Attorney
601 Sheldon Building,
San Francisco, California.

Dear Mr. Taylor:

Reference is made to your letter of October 23, with reference to Regional Director Thomas J. Allen's letter to this office under date of August 19, enclosing notices of appropriation of water by the United States at Wind Cave National Park and Jewel Cave National Monument, which notices we were requested to execute and return to the Regional Director for transmittal to the State Engineer of South Dakota.

An inspection of our files disclose that under date of August 28, these executed notices were transmitted to the Regional Director, however through ~~error~~ we failed to transmitt a carbon copy of this letter for your information.

Sincerely yours,



Edward D. Freeland
Superintendent

CC Regional Director

FILE COPY

October 23, 1937.

Mr. E. D. Freeland,
Superintendent,
Wind Cave National Park,
Hot Springs, South Dakota.

Dear Mr. Freeland:

Reference is made to Regional Director Thomas J. Allen's letter to you of August 19 enclosing notices of appropriation of water by the United States at Wind Cave National Park and Jewel Cave National Monument, which notices you were requested to execute and return to the Regional Director for transmittal to the State Engineer of South Dakota.

We have as yet received no word as to what action has been taken in this regard, and in order that our files relating to water rights filings and appropriations may be brought up to date we would appreciate your advices as to the present status of the matter.

Sincerely yours,

Joseph E. Taylor,
Regional Attorney.

JET:SH

CC: Regional Director, Region 2.

Wind Cave
x Jewel Cave
FILE COPY

August 19, 1937.

Mr. Thos. J. Allen Jr.,
Regional Director,
Region 2,
National Park Service,
300 Keeline Bldg.,
Omaha, Nebraska.

Dear Mr. Allen:

Enclosed herewith is a letter to Superintendent Freeland, together with the enclosures therein mentioned, all of which concern conformance to the laws of South Dakota with respect to appropriation of water on behalf of the United States.

If approved by you, it will be appreciated if the letter be sent from your office to Superintendent Freeland, and there is added a copy of this letter and copies of the notices of appropriation for Wind Cave National Park and Jewel Cave National Monument for your files.

Sincerely yours,

Joseph E. Taylor,
Attorney.

Encls.

JET:SH

CC: Supt. Freeland.

Wind Cave
X Jewel Cave
FILE COPY

August 19, 1937.

Mr. Edward D. Freeland,
Superintendent,
Wind Cave National Park,
Hot Springs, South Dakota.

Dear Mr. Freeland:

Enclosed herewith are the original and one copy of notices of appropriation of water by the United States, prepared by the Branch of Land Acquisition and Regulation through Mr. Taylor's office at San Francisco, and which concern themselves with the use of water at Wind Cave National Park and Jewel Cave National Monument.

It is requested that you execute the originals of these notices and prepare, for transmission by this office, a letter of transmittal directed to the Office of the State Engineer, Pierre, South Dakota.

It is further requested that upon any notification from the State Engineer concerning these filings, this office and that of Mr. Taylor be advised.

Sincerely yours,

Thos. J. Allen Jr.,
Regional Director.

Encls.

JET:SH

CC: Regional Director, Region 2.

FILE COPY

June 9, 1937.

Mr. Edward D. Freeland,
Superintendent,
Wind Cave National Park,
Hot Springs, South Dakota.

Dear Mr. Freeland:

Reference is made to your letter of March 15, 1937, giving us certain information in regard to Wind Cave National Park, Jewel Cave National Monument, and Fossil Cycad National Monument.

We have decided to give notices to the State Engineer of South Dakota in behalf of the United States with reference to our use of water in Wind Cave National Park and Jewel Cave National Monument. We see no need of any notice with regard to Fossil Cycad National Monument, inasmuch as you report no development of any sort on the area other than a shallow well and windmill.

In order to prepare these notices, it will be necessary for us to have a little further information. We have in our files a report on the Wind Cave water system dated March 27, 1935, apparently prepared by Associate Engineer Attwell. This gives us the location of your system, and a somewhat detailed description of the water system there. Might we inquire further if you could furnish us with a copy of the deed to land purchased by the Government from Robert and Fanny McAdam for the purpose of utilizing a number of springs? If you cannot give us a copy of that deed, will you give us a notation of the language, showing the intention regarding the use of water?

Also we would like to have your latest information with regard to the Norbeck Dam, which we understand is being administered by the National Park Service. Any and all facts pertaining to this development, or surrounding this project, will be useful for the files of our division.

With reference to Jewel Cave National Monument, you state that this monument has a water system consisting of a small spring, storage reservoir, and a supply line. We have no further data thereon, and would therefore appreciate the same material as we

already have on Wind Cave, as to the legal description of the land where the spring lies, and the locations of the reservoir and supply line. We need the legal description of the locations of spring, reservoir, and line, together with a sketch or short description of the water system there, in order to give our notice to the State Engineer.

In replying to this letter, if you can give any estimate of anticipated increased use at either the park or the monument, it will also be of great value in preparing our notices.

Sincerely yours,

Joseph E. Taylor,
Attorney.

ALJ:SH

By

Albert L. Johnson,
Associate Attorney.

C O P Y

Wind Cave.
X Lassen
X Carlsbad
X Lava Beds
X S.W. Monument
March 19, 1937.

MEMORANDUM TO MR. TAYLOR:

You will note from the correspondence that some progress has been made with reference to information concerning the Southwestern Monuments in Arizona, Carlsbad Caverns National Park in New Mexico, and Lassen Volcanic National Park in California.

You will note from the letter from the Superintendent of Lassen that the Martin Creek contract or agreement for water is the only one of importance at this time, which agrees with our conclusion of two weeks ago. It seems to me that arrangements should be made next month to confer with Mr. Leavitt about this Martin Creek arrangement, and at the same time have a field inspection made of the water now used at Lava Beds National Monument.

Judging from the letter from the Superintendent of the South Dakota park and monuments, we should prepare notices for filing with the State Engineer.

ALJ:SH

Albert L. Johnson,
Associate Attorney.

*Wind Cave
National Monument*

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

REC'D MAR 19 1937

OFFICE OF THE SUPERINTENDENT

WIND CAVE NATIONAL PARK
HOT SPRINGS, S. DAK.

March 15, 1937.

Mr. Albert L. Johnson
Associate Attorney
Branch of Land Acquisition & Regulations
National Park Service
110 Sutter Street
San Francisco, California

Dear Mr. Johnson:

Reference is made to your letter of March 2, requesting information regarding developed water systems in this park, Jewel Cave National Monument and Fossil Cycad National Monument.

To the best of my knowledge there never has been a notice sent the State Engineer of South Dakota in behalf of the United States with reference to our use of water in this park. All data however, has been recorded in the court house at Custer, regarding the purchase of the springs and land in connection with the park water system.

Jewel Cave National Monument has a water system consisting of a small spring, storage reservoir and a supply line. So far as I know nothing has ever been recorded with the State regarding this system.

out
Fossil Cycad National Monument consists of 320 acres of rather barren, hilly country. There are no developments of any sort on the area other than a shallow well and windmill that is used by ~~the~~ the rancher who has a grazing permit for the area.

Very truly yours,

Edward D. Freeland
Edward D. Freeland
Superintendent

*Wind Cave
* Jewel Cave
* Granite Head*

March 2, 1937.

Mr. E. D. Freeland,
Superintendent,
Wind Cave National Park,
Hot Springs, South Dakota.

Dear Mr. Freeland:

Our files show that there is a developed water system at Wind Cave National Park. We would like to be informed if there ever has been a notice sent the State Engineer of South Dakota in behalf of the United States with reference to our use of waters in that park.

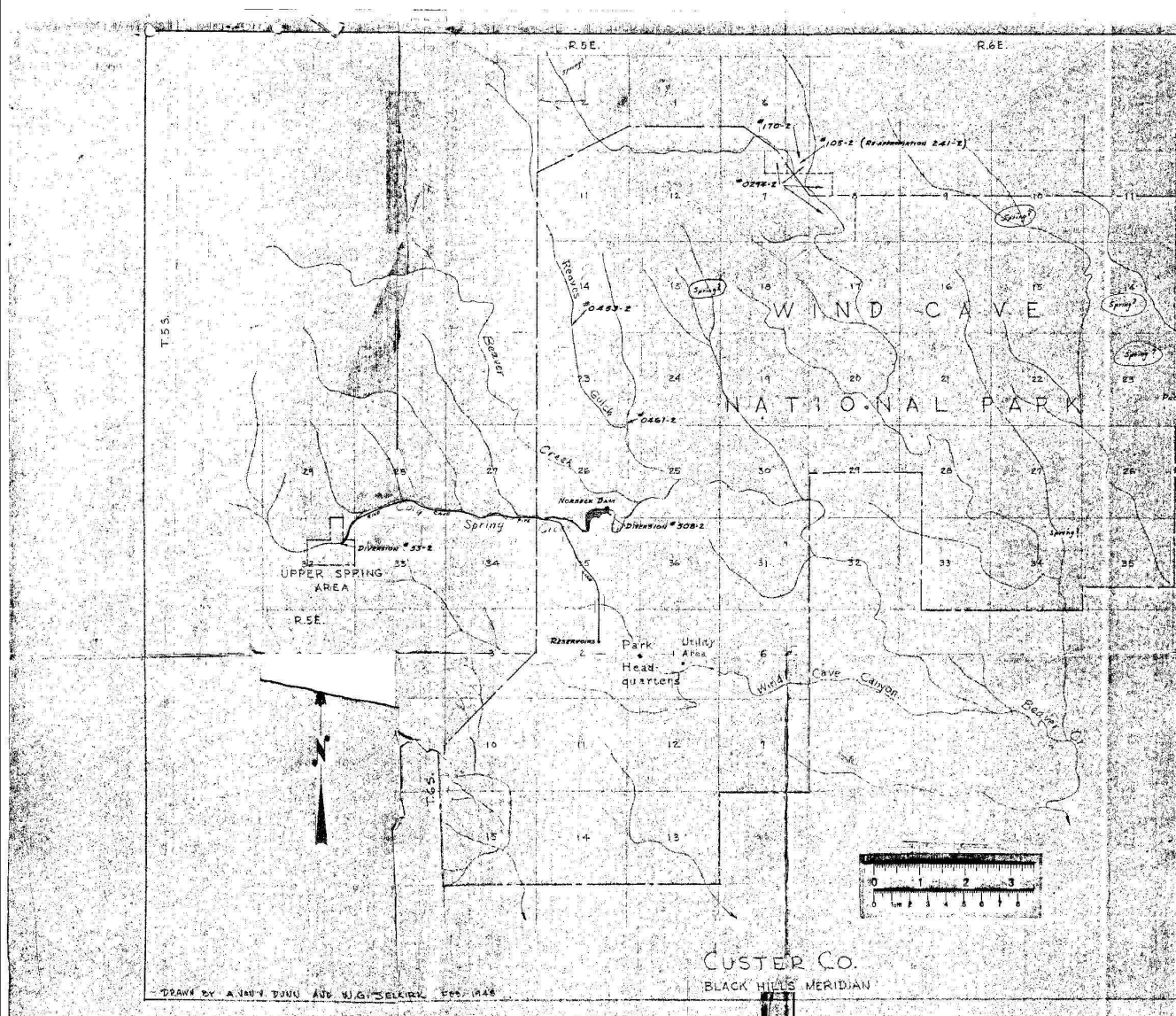
We have no information in this office concerning Jewel Cave and Fossil Cycad National Monuments, of which you are the Custodian, and would like to be advised as to the water situation there, whether there has been any development and appropriation, and particularly if any filing has been made with the State Engineer in accordance with the South Dakota statutes.

In the course of our study of water problems in the various national parks and monuments, we are attempting to perfect the Government rights in each state in turn. We will be pleased to hear from you at your earliest convenience.

Yours very truly,

ALJ:EH

Albert L. Johnson,
Associate Attorney.



Number of Documents in Docket	102		
Documents Dated from	8/28/1927	to	1/23/1997
Docket Compiled:	7/28/2011		