

**U.S. Senate Committee on Environment and Public Works**  
**Subcommittee on Waste, Superfund and Oversight Management**  
**Testimony of Chairman Harold Frazier, Chairman of the Cheyenne River Sioux Tribe.**  
**Submitted March 29, 2016**

Greetings to Members of the Subcommittee on Waste, Superfund and Oversight Management. My name is Harold Frazier and I am the Chairman of the Cheyenne River Sioux Tribe. On behalf of our Nation, I am here to testify today regarding our Tribe's experiences with flooding along the Missouri River and particularly its tributary rivers, the Cheyenne and the Moreau. Although the topic of this hearing is the flood event of five years ago any discussion about the Corps' management of the Missouri River cannot be limited to only one incident in a vacuum, because there have been decades of policy decisions that have affected this river, some of which led to the events in the spring of 2011.

To understand my testimony, it is important for the Subcommittee to understand the Cheyenne River Sioux Tribe and the geographical landscape of our reservation. The Cheyenne River Indian Reservation is one of the largest reservations in the United States. It is the size of Connecticut. The Reservation is one hundred miles long and sixty miles wide, and includes Dewey County and Ziebach Counties, South Dakota. The Cheyenne River Sioux Reservation is home to four bands of the Teton Sioux – the Minnecojou, Siha Sapa, Sans Arc, and Oohenumpa – and is located in a rural area of north-central South Dakota. It is bordered on the south by the Cheyenne River. The Moreau River traverses the northern part of our reservation. Both rivers are substantial tributaries of the Missouri River.

The Tribal enrollment is 18,814, of which 10,564 live on or near the Reservation. There are approximately 1,000 tribal members who live directly adjacent to the Cheyenne and Moreau Rivers, either on family ranches or in the communities of Promise, White Horse, Cherry Creek or Bridger. About thirty five percent (35%) of the population is under 20 years of age. The unemployment rate on the Reservation is extraordinarily high. In 2014, Ziebach and Dewey Counties were dubiously honored as being two of the top five poorest counties in the United States. Unfortunately, as we work to address our long term future, Congress has not met its trust obligation to fund basic essential infrastructure that supports tribal member safety and economic development. The result is that the Tribal government, with no tax base, is left with the responsibility for supplementing underfunded basic governmental services and disaster relief, including relief for flooding events caused by the Corps.

As the trustee for tribal nations and owner of the fee in all tribal trust lands, the United States has a unique trust responsibility to tribal nations and tribal members to ensure that our trust resources are not damaged by the federal government. I am here today to tell you that the federal government has fallen woefully short in its trust responsibility to manage the Missouri River and its tributaries in a way that protects and preserves our tribal trust lands.

## **THE OAHÉ DAM, THE “BIG MUDDY” AND ITS TRIBUTARY RIVERS**

### MOREAU RIVER – Breach of trust responsibility to manage Indian agricultural lands

In March 1997, the Cheyenne River Sioux Tribe and over 100 tribal member trust landowners experienced unprecedented and devastating flooding and sedimentation of their lands along the Moreau River. This flooding has been exacerbated nearly every year since then. This flooding and sedimentation has changed the way the land can be utilized. There are several reasons why this is happening, all related to the construction and operation of the Oahe Dam.

The flooding primarily occurred because of the so-called Promise Bridge, which is a bridge at the community of Promise near the mouth of the Moreau River at its confluence with the Missouri River. The Promise Bridge was designed and constructed by the Corps as part of the Pick Sloan Project in the late 1950s and early 1960s. This bridge is a main north/south connector that many people from our reservation use especially when traveling to the city of Mobridge. When it was designed by the Corps, it was supposed to be 140 feet longer and have an additional 70 foot span at either end to accommodate the level of water and sedimentation that would flow from the Moreau into the Missouri. However in the “interest of economy” and considering the “unimproved condition” of the lands immediately upstream – which were some of the most fertile and productive agricultural lands on our reservation – the Corps decided to shorten the span of the bridge. The total cost savings attributed to this decision was a mere \$100,000. Attached please find the 1960 memo recommending the design changes for this bridge, which the Tribe obtained from Corps archives. Based on the attached memo, the Promise Bridge ended up being built two spans shorter than recommended by the Corps’ own engineers. As a result a significant amount of silt has built up under the bridge since its construction, creating a bottle neck that has flooded and silted in many acres of land owned by members of the CRST as well as the Tribe itself. This problem is exacerbated when there are ice flows in the winter. The problem reached a critical point in 1997 when tribal members realized that the land had been forever destroyed for agricultural uses, but the flooding continues nearly every spring to this day. It was particularly severe in the spring of 2011.

When the flooding above the Promise Bridge occurs, it floods not only fertile agricultural land, but it also inundates a Catholic cemetery where many of my relatives are buried. It sickens my heart every time I know that it is going to flood along the Moreau, because I know the graves of my aunts, uncles, and other relatives will be under water.

The flooding also takes out, in several spots, a major BIA road that runs along the north side of the river. This road is a major artery for many tribal members to commute to work and school. When it floods and the road is closed, many people cannot get to work to earn their paycheck, and their kids miss critical days of education. There have been several years, including in 2011, when the Tribe has had to boat into to Tribal members’ homes along the river and rescue people from the flood.

All this to save \$100,000 and because someone within the Corps deemed the land “unimproved.”

At the time of the flooding in 1997, Tribal officials met with Corps officials to seek help in remediating the damage caused by the flooding. Corps officials’ response to the Tribe’s pleas for help was, in effect, “you will have to sue us because we have no funds to remediate the situation.” For that reason, in 2003 the Tribe and numerous individual tribal-member landowners filed a lawsuit in the US Court of Federal Claims against the US Army Corps of Engineers for the flooding along the Moreau River that occurred in 1997. The case was subsequently assigned to the Environment and Natural Resources Division of the US Department of Justice, as legal counsel to the Corps of Engineers. Since the case was filed representatives of the Corps of Engineers have had no contact with the Tribe on these issues. In September 2014, the Chairman of the CRST at the time met with Assistant Secretary Jo Ellen Darcy and Steven Kopecky in her office to discuss the pending lawsuit, the flooding, and the need to lengthen the span on this bridge. Because of the pending lawsuit, Assistant Secretary Darcy was constrained from talking about settlement options but she did indicate a strong desire to have the Corps take action that would prevent future flooding. To that end, and at Assistant Secretary Darcy’s direction, Mr. Kopecky put our team in contact with officials in the Omaha Office. I am saddened to say that no progress has been made since. Staff in Omaha simply refer to the pending lawsuit and use that as an excuse not to discuss anything with us. Regardless of the status of the litigation, it is in everyone’s best interest to prevent future flooding (and supplemental or future lawsuits) and to get the bridge replaced, or the Tribe will continue to experience 2011-like events every year.

The Promise Bridge is not a particularly large bridge so even if rebuilt according to its original design, it would not be an expensive proposition for the Corps to undertake. Since the Corps built it originally and since the Corps’ operation of Lake Oahe is a major factor in the siltation problem, we believe the Corps has responsibility to fix this situation by removing the silt and widening the distance or span between the bridge’s abutments or columns that are in the Moreau River. There are also nearby abutments from an abandoned rail line bridge that trees branches and ice get caught on, exacerbating the bottle neck and flooding situation. We ask Congress and the Corps to exercise their trust responsibility to protect and preserve Indian trust lands, and do what needs to be done at the Promise Bridge to prevent the repeated flooding due to sedimentation that we have seen since 1997.

#### CHEYENNE RIVER – Corps’ failure to protect against unlawful trenching on river

The Tribe is bounded on the south by the Cheyenne River, which runs from the sacred Black Hills to the Missouri River. Sometime between 2012 and 2014, the landowner on the south side of the Cheyenne River dug a 100 foot-wide by 2 mile long channel in a bend of the Cheyenne River. As explained on the attached BLM survey, the channel was cut directly across

accreted Indian trust lands. The trench has resulted in extensive erosion of Reservation land. It has also resulted in an unauthorized discharge of dredge, fill material, and toxic heavy metals, including arsenic, on Reservation land adjacent to the Cheyenne River. This threatens the health and welfare of our people and the health of our livestock and native flora and fauna. Further, the land adjacent to the trench and along the Cheyenne River is considered a wetland and the discharge unauthorized dredge and fill material is in violation of Section 404 of the Clean Water Act.

The creation of this 2-mile long man-made trench should have triggered enforcement activity by the Army Corps. When Tribal officials contacted Corps officials about this situation last year, the Corps indicated that it appeared likely that the landowner had, at the least, violated Federal law by dumping dredged material in a wetland without a permit and that various options were being considered to remediate that damage, including the potential of requiring him to remove the dredge spoils and to place them back in the trench he had dug. We were informed that no permits were sought from, or granted by, Corps prior to creation of the trench. Despite the fact that this landowner blatantly (and apparently knowingly) violated federal law by digging a lengthy trench on tribal lands without a federal permit, the Corps has done nothing to protect these Indian trust lands from damage by this illegal trenching activity. In allowing this trench to remain unfilled, the Corps is not only ignoring its federal trust responsibility, but it is acquiescing in blocking access to lands used for grazing cattle and creating various hazards including the potential of people and/or animals falling into the trench he dug. This trench has also undoubtedly unearthed mill tailings, arsenic, cyanide and heavy metals including mercury from the former Homestake Gold Mine that had settled in the sedimentation at the bottom of the Cheyenne River. The health hazards stemming from such resuspension of toxic metals are of great concern to my Tribe.

#### TRIBAL ADMINISTRATION BUILDING

One of the saddest days in the history of Cheyenne River Sioux people was in 1961 when the Army Corps of Engineers inundated 105,000 acres of the best lands we owned, and certainly our best agricultural lands, in conjunction with the construction of the Oahe Dam, turning the Missouri River into the Oahe Reservoir or Lake Oahe as it is called. Of course this was on top of the millions of acres of land lost by the Great Sioux Nation when we signed treaties with the United States only 80 years earlier in which the US promised that the remaining reservation lands would be for our exclusive use. So I hope you can understand that we all get a little emotional when discussing this issue.

In addition to our lands that were inundated, so too was the Cheyenne Agency, essentially a small town built by the BIA that included at least 24 structures ranging from a hospital, to the local Post Office, to schools and churches and the BIA Agency Headquarters. As a part of its responsibilities to mitigating for the inundation, the Army Corps essentially relocated much of Cheyenne Agency including the BIA headquarters to the town of Eagle Butte. The Corps built a

replacement BIA Agency Office headquarters building that has been doubling as space used by the Tribe as our main office space. We do not know the precise cause (some of our tribal members who were around at the time contend that building was constructed in an area that did not have good drainage and we do know that the roof leaked), but recently, that building was forced to close because it was overtaken by mold. A report commissioned by the BIA through an environmental consulting firm headquartered in Bismarck, ND and dated January 16, 2014 indicated mold spore concentrations in the building ranging anywhere from four times to 52 times higher than the control sample. The types of molds found at elevated levels included the *Aspergillus/Penicillium* and the *Cladosporium* species and the report included the following:

*The presence of certain fungi in indoor environments is significant because fungi can and will produce mycotoxins, metabolites that can cause adverse health effects in humans and animals. Symptoms due to exposure of mycotoxins include dermatitis, cold and flu symptoms, sore throat, headache, fatigue, diarrhea, and impaired or altered immune function, which may lead to opportunistic infection*

The building also contained much asbestos, which has its own set of health hazards. All of these findings forced the Tribe and BIA to close and vacate the building. We are now in a very difficult situation with Tribal elected officials and tribal employees being scattered in buildings all over Eagle Butte (including my office that is in an abandoned BIA girl's dormitory, built at the same time as the relocated Agency Office). Inter-tribal communication is severely strained as is our ability to provide service to our constituents.

We discussed this situation with Corps officials and explained that we need to build a new building to replace the one that we had to vacate. Perhaps the best option would be for the Tribe to construct a new building and lease a good part of it back to the BIA for their Agency Offices. We are hopeful that other Federal agencies with a presence on our reservation will also consider renting space which would then be used to help us pay off the debt of construction. We asked the Corps to assist us in constructing this facility and were pleased that Corps officials gave tentative approval to allocating \$135,000 toward this venture.

That was last year. Since then the Corps reneged on its promise. They have told us that the "Community Facility" funds once thought to be available are in fact unavailable because a tribal administration building – which would be the very epicenter of the Cheyenne River Sioux Tribe – is not considered a "community facility." This logic defies understanding.

## **CONCLUSION**

In conclusion, I thank you for this opportunity, and I ask that you require the Corps to put its Treaty and trust responsibility into action. The flood of 2011 was a devastating event for all of us, but for some of us, that event was but yet another in a series of failures by the Corps to protect Indian trust resources.

AIR MAIL

ENGCW-E(3 Mar 60). 2nd Ind  
SUBJECT: Oahe Reservoir, South Dakota; Design Memorandum No. MO-133-  
Moreau River Railroad and Highway Crossing (Dewey County)

Office, Chief of Engineers, Washington 25, D. C., 11 May 1960

TO: Division Engineer, U. S. Army Engineer Division, Missouri River  
OMAHA, NEBRASKA

Approved subject to the comments in the 1st indorsement and to  
consideration by the Division Engineer of the following comments:

a. Paragraph 9. The need for overflow sections wide enough  
to limit the velocity to 8.5 f. p. s. with the river channel completely  
filled with sediment is questioned. It is suggested the length of the  
bridges be substantially reduced in the interest of economy unless further  
justification of the proposed bridge length can be furnished. If each  
bridge is shortened one 70 ft. span on each end, the velocity above the  
assumed filled channel would be increased to less than 12 ft. per second.  
However, aggraded material probably would be scoured near the bridges so  
that this velocity would not be reached. Considering the severity of the  
aggradation assumed, it appears that the resulting increase in head above  
the bridges would not be critical because of the undeveloped area upstream.  
The estimated saving in cost would be over \$100,000.

b. Paragraph 11. It is noted that no salvage credit has been  
included for bridges to be removed but not reused.

FOR THE CHIEF OF ENGINEERS:

Incl w/d

/s/ F. B. Slichter  
F. B. SLICHTER  
Chief, Engineering Division  
Civil Works

4

AIR MAIL

US003497

## Land Surveyor Report

Final Determination by the Certified DOI Land Surveyor:

This report is being provided as a preliminary assessment of river movement and potential excavation trespass on tribal land in section 8 of T. 7 N., R. 21 E., BHM, South Dakota and is in response to a verbal request from Lonnie Wright, BIA.

A review of the above request has been completed and the following determination(s) has been made by the DOI Land Surveyor or Certified Federal Surveyor:

*(Check one)*

<input type="checkbox"/>	The [land description / land surveys] is/are acceptable for the stated purpose, see comments below.
<input type="checkbox"/>	The [land description / land surveys] has/have potential problems as noted below; however, the risk appears minor and the action within the stated purpose should not be affected.
<input type="checkbox"/>	The [land description / land surveys] has/have potential problems and should not be used for the stated purpose. The following errors and/or concerns as noted below need to be corrected/addressed before this/these [land description / land surveys] should be used.
<input checked="" type="checkbox"/>	A boundary survey is required. (See cost/time estimate below)

Recommendations/Comments/Concerns/Corrections:

Proclamation of February 10, 1890 established the center of the Cheyenne River as the southern reservation boundary.

The north side of the Cheyenne River in the subject area was originally surveyed in 1898 (plat approved 1900) and established Lots 3, 4, 5, and 6 of section 8. See attachment 1 of original survey plat.

In 1926 an Indian Trust Patent was issued to Violet Deane Standing Elk for the NW1/4SW1/4 and Lots 3 and 4 of section 8. See attachment 2 for trust patent.

The north side of the Cheyenne River was resurveyed in 1932 (plat approved 1933) which depicted the river moving slightly northerly and eroding a portion of section 8. Due to the river movement, this plat updated the land area and extinguished Lots 5 and 6 and established the NE1/4SE1/4 and Lots 7 and 8. See attachment 3 for resurvey plat.

Inspecting the 1948 aerial photography (attachment 4), the Cheyenne River was beginning to reverse its movement in front of Lot 3, section 8 and Lot 10, section 7 showing deposits of alluvion (sand) in front of said lots. Likewise a peninsula of alluvion was showing on the south side of the river. This accretion later establishes itself as upland by the establishment of permanent woody stem vegetation. The formation of these more pronounced bends is what begins the more dynamic movement of the Cheyenne River to where it exists today. As these bends establish, the water flowing into these bends must travel at different rates to reach the same place as it exits the bend. The water flowing around the outside of the bend must travel at a much faster rate and thus with more force on the outer bank to reach the same point exiting the bend as the water flowing around the inside of the bend. This dynamic sets the stage for more significant accretion and erosion. The water on the outside of the bend erodes the outer bank while the water flowing on the inside slows down, losing its capacity to carry sediment, thus falling to the bed and beginning the deposition of alluvion. As the water advances it exposes the fallen alluvion to become promulgated by seeds and the establishment of woody stem vegetation which constitutes accreted upland.

Inspecting the 1975 aerial photography (attachment 5), the bend in the Cheyenne River, in front of Lot 3, section 8 has begun to exhibit the river movement characteristics outlined above and has already advanced in a southeasterly direction.

This southeasterly movement of the Cheyenne River has continued until present day eroding the upland on the south side of the river and accreting a peninsula of land to the north side of the river in the specific area of section 8. This southerly erosion has brought the river increasingly close to a farm establishment located on the present day south bank of the Cheyenne River. This farm establishment was once over ¼ mile from the southerly river bank and this distance of movement is not considered unusual. See attachment 6 for 2012 aerial photography in Google Earth.

Examining the obtained aerial photography and the meander scrolls of vegetation on the latest aerial photography, this appears to be classical river movement or erosion and accretion. Under riparian law and 25 U.S.C. 176 that states Indian Lands shall be surveyed the same as Public Lands, the accreted land on the north side of the Cheyenne River in section 8 would belong to those owners who bordered the river at the time the accretion formed. Based on the tribal ownership records currently available to this office, the peninsula of accretion would be divided between an Individual Indian Allotment and Tribal Trust Lands, nonetheless Indian Land and within the Indian Reservation. According to the same riparian law, since the movement of the river is through erosion and accretion, the boundary of the Indian Reservation has also moved in this particular area and is the center of the Cheyenne River.

No field investigation was performed and only ground facts can determine what applicable conclusion of law shall be applied, therefore, this opinion is subject to change once an official survey is initiated and completed. Due to the indicators observed, it is not anticipated that the opinion will change.

Based on the aforementioned assessment, sometime between the 2012 and 2014 aerial photography, a channel has been cut across accreted lands to Individual Allotted and Tribal Trust Lands. This channel shows on the most current aerial photography or by viewing Google Earth (see attachment 7 for 2014 aerial photography in Google Earth). This channel acts just like a pressure relief valve that takes the pressure of the water off of the outside bend in the river, reducing its erosive

capability and advancement to the south, by diverting flow through the shortcut channel. This is a manmade channel that expedites that natural process that rivers go through if left alone. These rivers will form these bends until it reaches a point of an avulsive change, shortcutting its flow and leaving an abandoned channel in the once former bend.

Most often is the case when this office works with riparian boundaries is a great deal of confusion on what river movement does to land title. Most people do not fathom the idea of being subject to losing all of your land by the natural process of erosion, but such is the case when one of your boundaries is a fluctuating ambulatory boundary. Furthermore for an individual on one side of a river to gain land through accretion someone must lose it through erosion. It is presumed that the landowner who cut the channel will assert that the channel is cut within the same geographic confines of the originally surveyed and patented ground. It is true that the channel is cut within the former boundary lines of property on the former south side of the Cheyenne River, however this argument would ignore over 200 years of riparian land boundary laws of the United States.

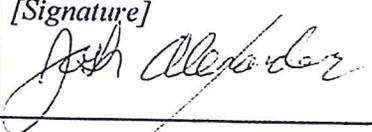
An official survey is required to solidify the conclusion made by this assessment and to document the finding of fact and conclusion of riparian land boundary law in a decision record of an official survey plat and notes. An official survey shall take the appropriate measures for a defensible decision, even if to the contrary of this assessment, and create a land description for any accretion due to the Individual Indian Allotment and the Tribal Trust Lands.

It is assessed that a channel has been excavated across Indian Lands.

A cost estimate for survey has previously been provided under separate email.

I certify that the parcel described on the attached document(s) contains N/A acres.

This report correctly represents the records and documents evaluated by me or under my direct supervision in conformance with the requirements of the Department of the Interior *Standards for Federal Lands Boundary Evidence*, of the parcel(s) of land identified.

<i>Name: DOI Land Surveyor, or Certified Federal Surveyor</i>	<i>Office, Title and Contact Information:</i>	<i>Date:</i>
[Signature] 	Josh Alexander BLM Chief Cadastral Surveyor for South Dakota	11/5/2015

This report correctly represents the records and documents evaluated under my direction and control and in conformance with the requirements of the Department of the Interior *Standards for Federal Lands Boundary Evidence*, of the parcel(s) of land identified.

<i>Name: Certified DOI Land Surveyor</i>	<i>Contact Information:</i>	<i>Date:</i>
<i>[Signature]</i> 	Josh Alexander BLM Chief Cadastral Surveyor for South Dakota 5001 Southgate Drive Billings, MT 59101 (406) 896-5123	11/5/2015

Authorized Officer:

- I concur with the above recommendation(s) and:
  - Additional funding is not required.
  - Funding for the recommended action(s) is authorized in the amount of \$ \_\_\_\_\_.
  - Cost code: \_\_\_\_\_
  - Funding for the recommended action(s) will be provided at a later date.
- I do not accept the above recommendation(s) for the following reason(s):

Comment:

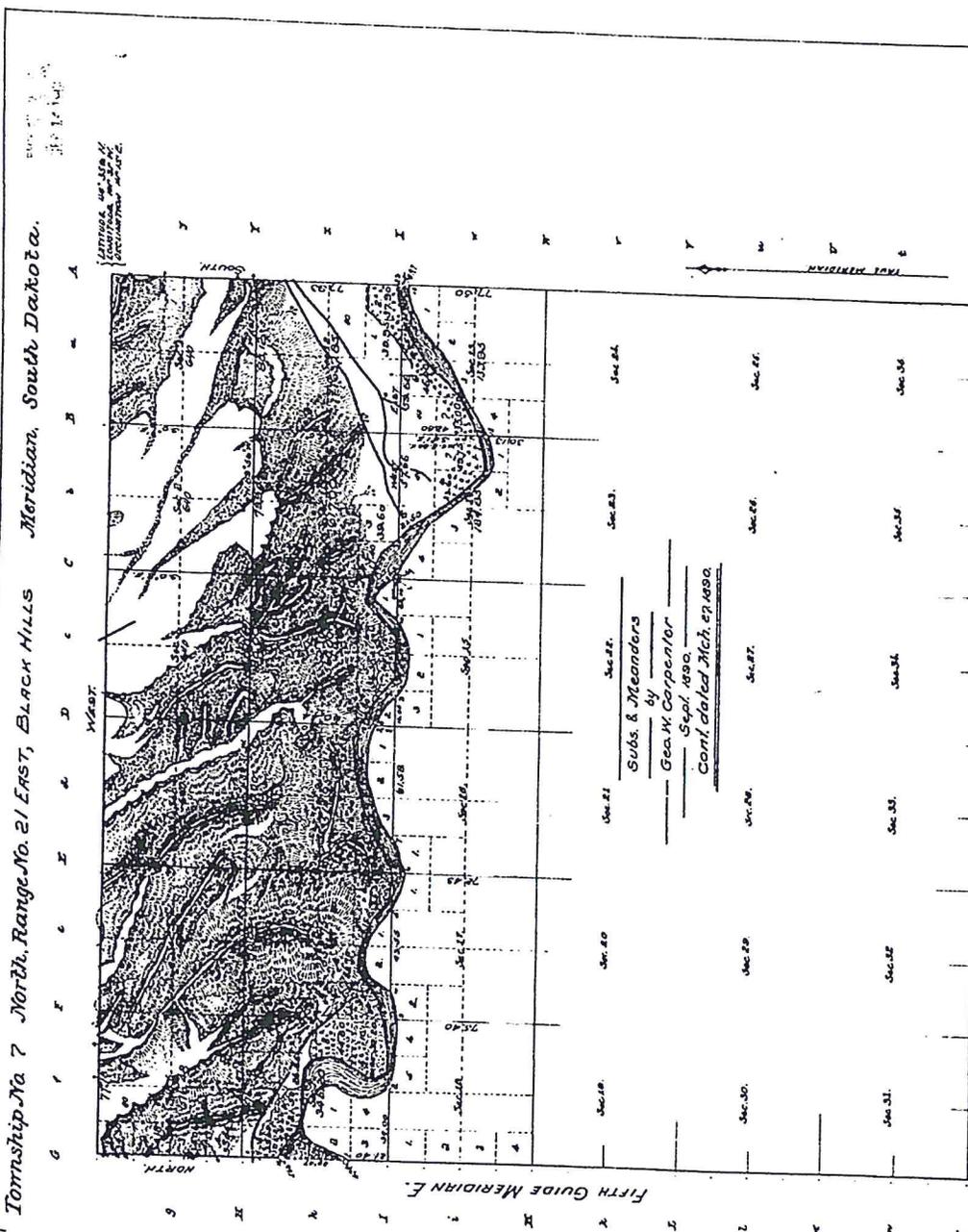
<i>Authorized Officer Name:</i>	<i>Office, Title and Contact Information:</i>	<i>Date:</i>
[Signature]		

*This report is to be retained in the official case file.*

At 2.18 P.M. Aug 20 1901

BLACK HILLS SOUTH DAKOTA

Attachment 1



Township No 7 North, Range No. 2 East, Black Hills Meridian, South Dakota.

Latitude  
Longitude  
Within one mile

Subs. & Meanders  
by  
Geo. M. Carpenter  
Sept. 1890  
Cont dated Mich 27 1890

From is same: Public Land.	Meridian.	Twp.	Rng.	Sec.	Area.
Survey by Geo. M. Carpenter.	Black Hills	7	2	21	1.72 Acs.
Subsidiary	Black Hills	7	2	22	1.72 Acs.
NE 1/4 L. 1890	Black Hills	7	2	23	1.72 Acs.
MEASURES	Black Hills	7	2	24	1.72 Acs.
	Black Hills	7	2	25	1.72 Acs.
	Black Hills	7	2	26	1.72 Acs.
	Black Hills	7	2	27	1.72 Acs.
	Black Hills	7	2	28	1.72 Acs.
	Black Hills	7	2	29	1.72 Acs.
	Black Hills	7	2	30	1.72 Acs.
	Black Hills	7	2	31	1.72 Acs.
	Black Hills	7	2	32	1.72 Acs.
	Black Hills	7	2	33	1.72 Acs.
	Black Hills	7	2	34	1.72 Acs.
	Black Hills	7	2	35	1.72 Acs.
	Black Hills	7	2	36	1.72 Acs.

The acreage of Township 7 North of Range No. 2 East of the Black Hills Meridian South Dakota is hereby made available to the holder of the survey thereof on claim that he shall have been examined and approved.  
W. J. Sawyer, Surveyor General.  
State of South Dakota, 1901

POOR COPY

1229113  
32592-26. I. O.  
4628

4-1063-B

# The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS, a schedule of allotments approved by the Secretary of the Interior has been deposited in the General Land Office, whereby it appears that Violet Deane Standing Elk, an Indian of the Cheyenne River Reservation,

has been allotted the following-described land:

The north half of the northeast quarter of the northwest quarter and the Lot four of Section six and the northwest quarter of the southwest quarter and the Lots three and four of Section eight in Township seven north of Range twenty-one east of the Black Hills Meridian, South Dakota, containing one hundred fifty-seven acres and nineteen hundredths of an acre:

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, has allotted, and by these presents does allot, unto the said Indian the Land above described, and hereby declares that it does and will hold the Land thus allotted (subject to all statutory provisions and restrictions) for the period of twenty-five years, in trust for the sole use and benefit of the said Indian and at the expiration of said period the United States will convey the same by patent to said Indian in fee, discharged of said trust and free from all charge and incumbrance whatsoever; but in the event said Indian dies before the expiration of said trust period, the Secretary of the Interior shall ascertain the legal heirs of said Indian and either issue to them in their names a patent in fee for said Land, or cause said Land to be sold for the benefit of said heirs as provided by law; and there is reserved from the lands hereby allotted, a right of way thereon for ditches or canals constructed by the authority of the United States.

This patent is issued in lieu of Patent No. 955952, dated March 23, 1925, and shall not operate to extend the trust declared in that patent.

IN TESTIMONY WHEREOF, I, Calvin Coolidge,

President of the United States of America, have caused these letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the TENTH day of SEPTEMBER in the year of our Lord one thousand nine hundred and TWENTY-SIX and of the Independence of the United States the one hundred and FIFTY-FIRST

By the President: *Calvin Coolidge*  
By *W. D. Coughlin*, Secretary.  
*John O'Connell*  
Acting Recorder of the General Land Office.

RECORD OF PATENTS: Patent Number 985027

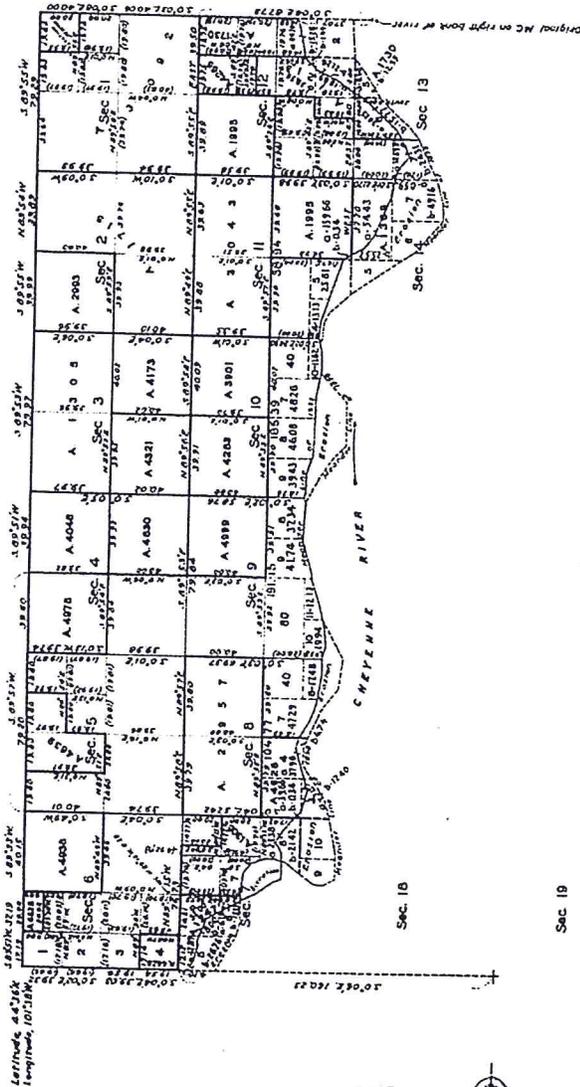
2-4173

GOVERNMENT PRINTING OFFICE

Attachment 2

**TOWNSHIP NO. 7 NORTH, RANGE NO. 21 EAST, OF THE BLACK HILLS MERIDIAN, SOUTH DAKOTA**  
 DEPENDENT RESURVEY WITH INDIAN ALLOTMENTS, CHEYENNE RIVER INDIAN RESERVATION

Attachment 3



**MEMORANDUM**  
 Resurveyed at the request of the Commissioner of Indian Affairs.

This plat of the resurvey of that portion of Township No. 7 North, Range No. 21 East of the Black Hills Meridian, South Dakota, within the Cheyenne River Indian Reservation, delineates a retracement and reestablishment of the lines of the original survey as shown upon the plat approved September 14, 1900, in their true original position according to the best available evidence of the position of the original corners, all differences between the measurements shown on the original plat and those derived in the retracement have been distributed proportionally between accepted corners in accordance with surveying rules. The survey is to be permanent at the newly measured points, the Cheyenne River, all former plat and subdivisions shown upon the original sections 9, 10 and 11 which are entirely changed in area as to warrant the issue of new lot numbers and actual areas. Where an allotted area is invaded by the river it is shown in two parts, "a" denoting land area and "b" denoting water area. These "a" and "b" areas are computed proportionally according to the original total area.

The sections have been subdivided as necessary in order to mark the boundaries and corners of Indian allotments. The latter are designated by the letter "A" with serial number.

**DUPLICATE PLAT**  
 The following conditions are met:  
 1. The duplicate is a true copy of the original.  
 2. The duplicate is a true copy of the original.  
 3. The duplicate is a true copy of the original.  
 4. The duplicate is a true copy of the original.  
 5. The duplicate is a true copy of the original.  
 6. The duplicate is a true copy of the original.  
 7. The duplicate is a true copy of the original.  
 8. The duplicate is a true copy of the original.  
 9. The duplicate is a true copy of the original.  
 10. The duplicate is a true copy of the original.

Office of U.S. Supervisor of Surveys  
 Denver, Colorado, March 15, 1932.

The above plat of Township No. 7 North, Range No. 21 East, of the Black Hills Meridian, South Dakota, is strictly conformable to the field notes of the survey thereof, which have been examined and approved.

LINES DESIGNATED	BY WHOM SURVEYED	DATE	MILEAGE		WHEN SURVEYED	
			HLS.	CHL.	BEGAN	COMPLETED
Boundary, N	Albinus R. Kimball	June 14, 1920	5	7322	Sept. 24, 1931	Aug. 11, 1932
Boundary, W	Leo M. Peterson	"	2	7053	Sept. 15, 1932	Sept. 24, 1932
Boundary, E	Kimball & Peterson	"	2	779	Aug. 19, 1931	Oct. 10, 1932
Subdivisional	Leo M. Peterson	"	16	2581	"	"
Remender	"	"	30	1077	"	"
			6	7111	"	"

*W. H. Johnson*  
 U.S. Supervisor of Surveys

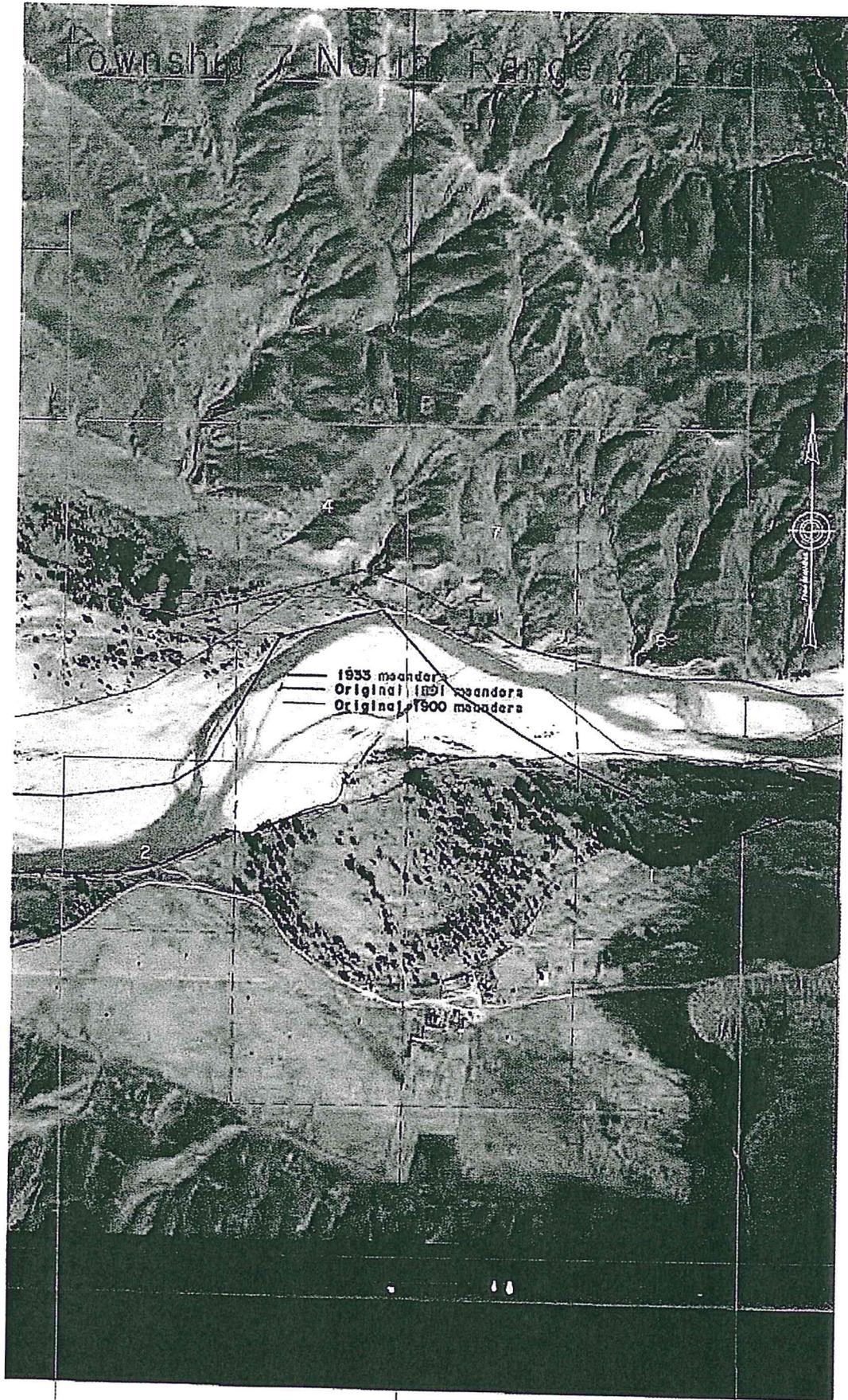
DEPARTMENT OF THE INTERIOR  
 GENERAL LAND OFFICE  
 Washington, D.C., October 4, 1932.

The survey represented by this plat, having been correctly executed in accordance with the requirements of law and the regulations of this office, is hereby accepted.

*Antoinette Tinsley*  
 Assistant Commissioner.

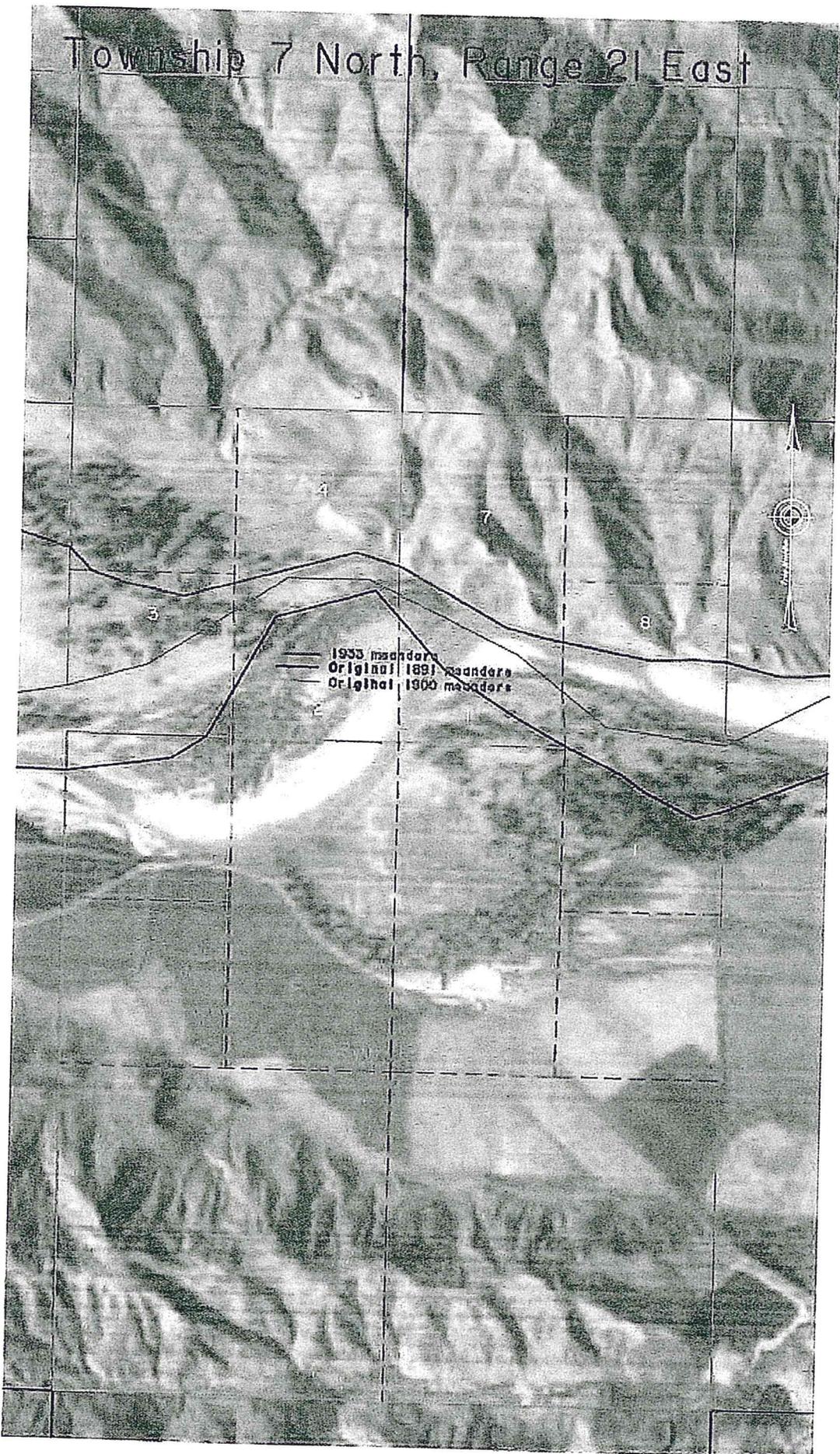
Sec 8 monuments

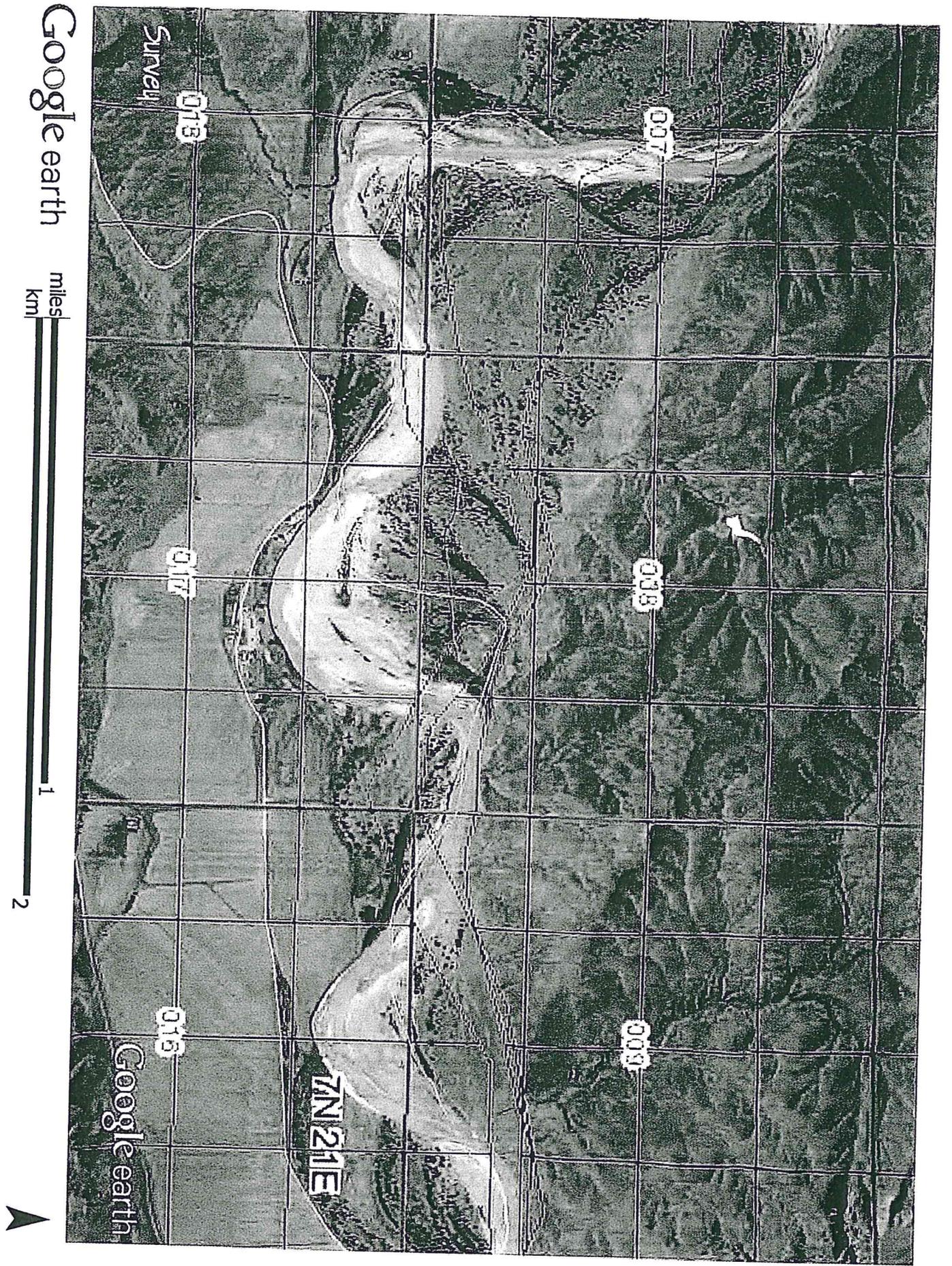
L.M.P. 49625, P.M.C.  
 G.M.C. T.M.C.



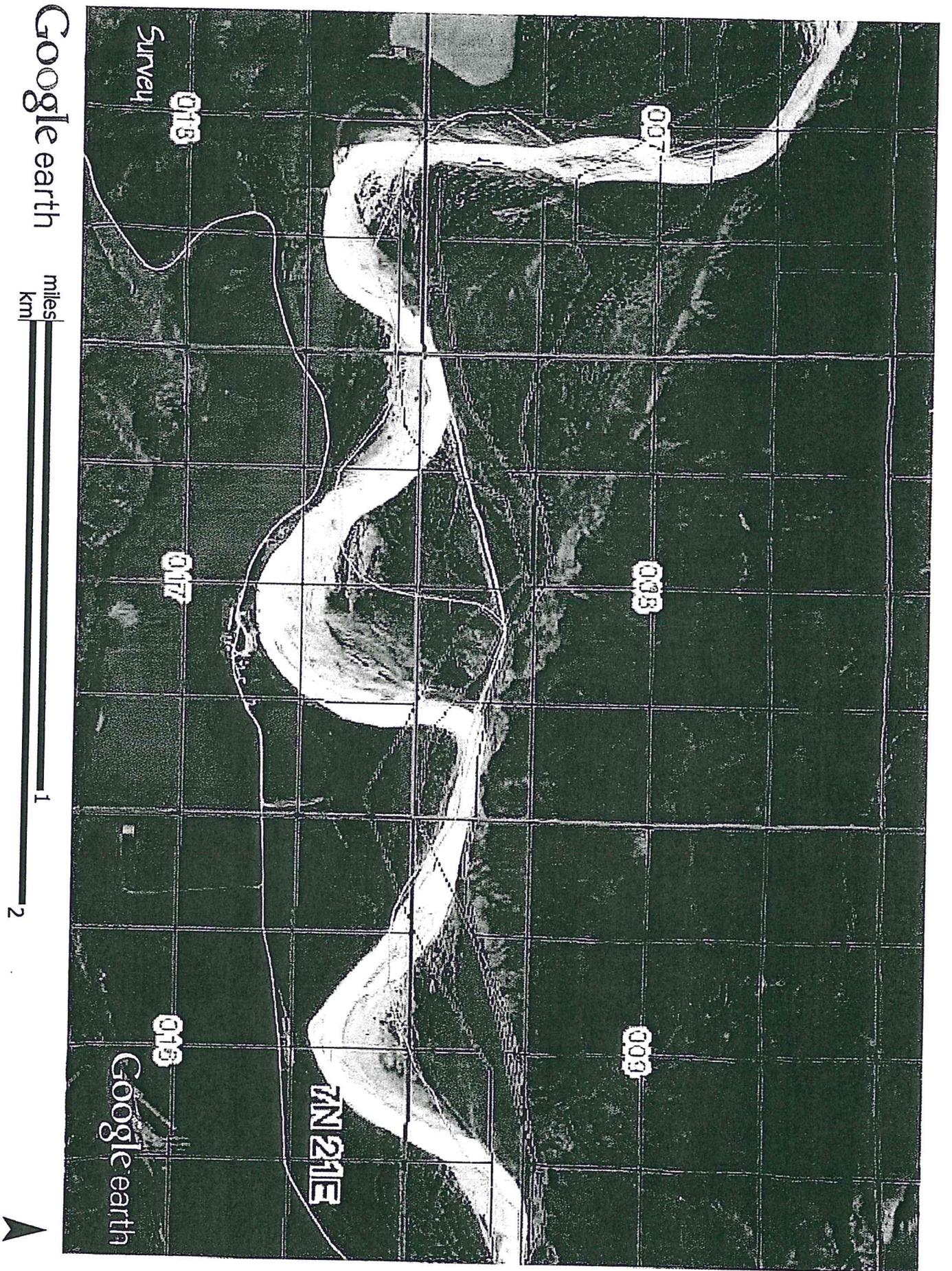
Attachment 4

Township 7 North, Range 21 East





Attachment 6



Attachment 7



