

Considered: _____

WATER PERMIT NO. 1448-1

HAP No. same 985-5573

Name of Applicant Wm. Scott Phillips

Post Office Address Star Route, Box 17, New Underwood SD 57761

Amount of Water Claimed 0.35 Total Acres 25

Source of Water Supply dry draw runoff

Water to be used for irrigation County Meade

About 34 miles E of Sturgis

PROOF OF PUBLICATION: Received 10/25/89 Not Received _____

APPLICATION: Approved 1/25/89 Subject to _____

F.F. & C.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY _____ Date Received March 10, 1988 Fee 150⁰⁰ Remarks revised

9/15/88 application submitted June 15, 1988

Corrected Application Received _____ Period of Annual Use Apr 1 - Nov 31

WATER QUALITY APPROVAL RECEIVED Sept. 15, 1988 APPROVED/CONDITIONAL (Circle one)

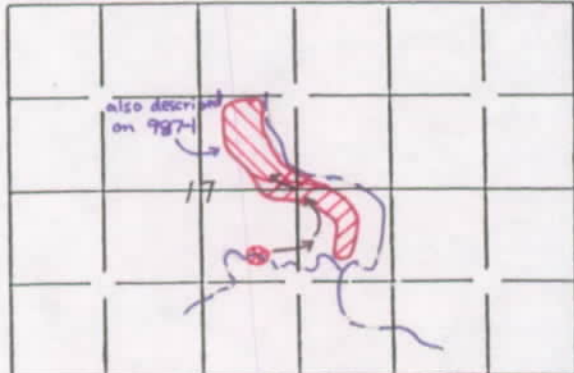
WI-1 Description same as Application YES ☒ NO _____ REMARKS _____

Diversion Point dry draw: NW 1/4 SE 1/4 section 17 -

TSN-R11E

Land to be Irrigated S 1/2 NE 1/4, N 1/2 SE 1/4

section 17 - TSN-R11E

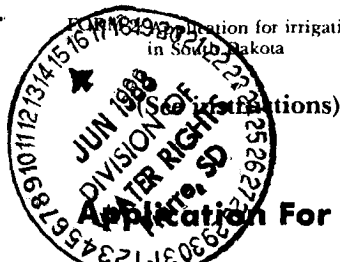


Well Log: Driller NA Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

Type of Map plat PREPARED BY Gerald T. Miller Reviewed and the Number

assigned on November 8, 1988 By Ron D. Small



Form 100 Application for irrigation (type or print)
in South Dakota

No. 1448-1 Hydrologic Unit 10120202
Basin Belle Fourche River
Newspaper Meade Co Times-Tribune, Box 69, Sturgis (wed)

Mail to: Water Rights Div.
DWNR, Foss Bldg.
Pierre, SD 57501
(605) 773-3352

Application For Soil/Water Compatibility Permit and Permit To Appropriate Water

Type of Application: ☒ New ☐ Vested Right ☐ Amend Permit No. _____
☐ Change Acreage ☐ Change diversion point(s) ☒ Add diversion point(s)
☐ Add Acreage ☐ Increase diversion rate ☒ Other See Permit No. 987-1

- Name of Applicant Wm. Scott Phillips Phone No. 985-5573
- Post Office Address Star Rt. Box 17 New Underwood, State SD 57761
(Street, RR or Box) (City) Zip Code
- Amount of water claimed (c.f.s) 0.5 0.35 Total acres irrigated 11.0 25
- Source of Water supply Dry draw runoff diverted by dam
- Location of point of diversion 101 rds N & 121 rds W of the SE Corner Sec 17 - 5 - 11
NW 1/4 SE 1/4
County Meade
- Counties where water will be used Meade
- Annual period during which water is to be used Spring, Summer and Fall April 1 - November 30
- List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
SW 1/4 NE 1/4 17 - 5 - 11	15
SE 1/4 NE 1/4 17 - 5 - 11	1
NW 1/4 SE 1/4 17 - 5 - 11	1
NE 1/4 SE 1/4 17 - 5 - 11	8

Attach sheet if more space is needed

Land Description	No. Acres Irr.

- Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: _____ Gun: _____ Other: Water-
(Specify) spreading
- Crops to be Irrigated: Grass and alfalfa
- Give a description of proposed project. (Attach sheet if more space is needed)

Runoff will be diverted from dry draw by a base grade diversion and will supply water to a new and existing dike waterspreading system. Base grade diversion will have a 30" pipe for control at inlet.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps, soils information and any other technical information.

STATE OF SOUTH DAKOTA)
County of Meade)^{ss}

I, Wm. Scott Phillips, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is truly representative of the water to be used, and that the matters stated in this application are true and correct.

Signed Wm Scott Phillips

Subscribed and sworn to before me this 10th day of June 1988

Carlene M. Bowman
Notary Public

SOUTH DAKOTA WATER PERMIT FOR IRRIGATION

Date of first receipt of application June 15, 1988

Date Soil/Water Compatibility Permit received September 15, 1988

Date of return to applicant for correction, amendments or changes required June 17, 1988.

Date of receipt of corrected application July 1, 1988 .

The Water Management Board approved Water Permit Application No. 1448-1

on January 25, 1989 for William Scott Phillips
(Applicant)

Star Route, Box 17	New Underwood	SD	57761
(Street, RR or Box)	(City)	(State)	(Zip Code)

authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 1448-1 appropriates 0.35 cubic feet of water per second from a dry draw for water spreading irrigation of 25 acres. The diversion dam (10 acre-feet storage capacity) is to be located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 17-T5N-R11E and the acreage to be irrigated in the S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{2}$ Section 17 -T5N-R11E.
2. The amount of the appropriation may not exceed 2 acre feet per acre per year or one-seventieth ($1/70$) cubic feet of water per second for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 - November 30.
3. The date from which applicant may claim the right is September 15, 1988.
4. One-fifth of the construction is to be completed on or before July 25, 1991.
5. All construction is to be completed on or before January 25, 1994.
6. Water is to be put to beneficial use on or before January 25, 1998.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Low flows as needed for downstream domestic use, including livestock watering must be by-passed.
2. Approval of this Permit authorizes storage of up to 10 acre-feet of water annually.
3. That the statutory limit of 1.0 cubic feet of water per second per 70 acres may not be exceeded when irrigating pursuant to Permits No. 987-1 and 1448-1 unless the time of each water application is reduced to a corresponding equivalent time period and the total amount of water applied does not exceed 24 inches per year.

WATER MANAGEMENT BOARD

By: [Signature]

Division of Water Rights
Dept. of Water and Natural Resources

MAR 10 1989

See revised application

FORM 2: Application for irrigation (type or print)
in South DakotaMail to: Water Rights Div.
DWNR, Foss Bldg.
Pierre, SD 57501
(605) 773-3359

(See instructions)

No. _____	Hydrologic Unit _____
Basin _____	
Newspaper _____	

Application For Soil/Water Compatibility Permit and Permit To Appropriate Water

Type of Application: ☒ New ☐ Vested Right ☐ Amend Permit No. _____

☐ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point ☐ Add Acreage ☐ Increase diversion rate ☐ Other _____

1. Name of Applicant Wm. Scott Phillips Phone No. 985-5573Post Office Address Star Rt. Box 17 New Underwood State SD 57761
(Street, RR or Box) (City) Zip Code2. Amount of water claimed (c.f.s.) 0.5 Total acres irrigated Waterspreading 33.93. Source of Water supply Dry Draw runoff4. Location of point of diversion 101 rds N & 139 rds W of the SE Corner Sec 17 - 5 - 11County Meade5. Counties where water will be used Meade6. Annual period during which water is to be used Spring, Summer & Fall

7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 17 - 5 - 11	1.6
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 17 - 5 - 11	0.6
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 17 - 5 - 11	14.7
NE $\frac{1}{4}$ SE $\frac{1}{4}$ 17 - 5 - 11	17.0

Attach sheet if more space is needed

Land Description	No. Acres Irr.

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: _____ Gun: _____ Other: Waterspreading
(Specify) _____ ing
9. Crops to be Irrigated: Grass & Alfalfa
10. Give a description of proposed project. (Attach sheet if more space is needed)

Runoff will be diverted from dry draw to ditch and dike waterspreading system, will also provide runoff for existing system.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps, soils information and any other technical information.

STATE OF SOUTH DAKOTA)
County of Meade)^{ss}

I, Wm. Scott Phillips, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is truly representative of the water to be used, and that the matters stated in this application are true and correct.

Signed Wm. Scott PhillipsSubscribed and sworn to before me this 2nd day of March 1988

Carlene M. Rosenbaum
Notary Public

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others _____

2. Dugout Information Estimates

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

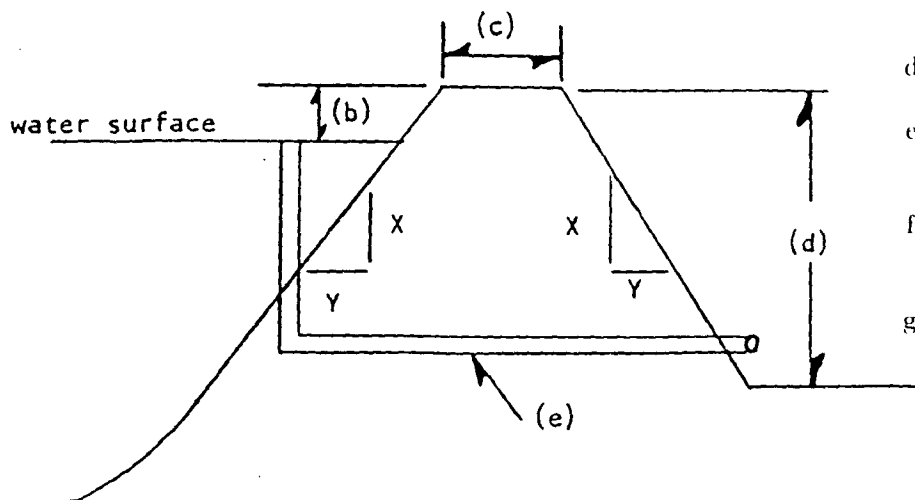
3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam please give their name and address Preliminary Design

Vince Seaman CET & Gerald T. Miller SCT

SCS 1425 Sherman St. Sturgis SD 57785



- b) Freeboard 3 feet
- c) Crest Width 12 feet
Crest Length 300 feet
- d) Height 15 feet
- e) Primary Outlet Capacity _____
If Pipe, diameter 24 to 36 in
- f) Secondary Spillway Capacity _____
Spillway width 150 - 200 feet
- g) X & Y Slope
Upstream 3:1 & 4:1
Downstream 2:1

Surface Area of Impoundment 2.36 ac.

Storage 10 acre feet
18 ac-ft to top of dam

Drainage area above dam 3945 ac

Signature of Applicant _____

(5-11)

T2266

T2262

11.0 ac

3.50 ac
1.50 ac

17

1960 ft

1600 ft

(I20)

(5-11)

T1280

T2266

T1281

① 20.8 N

NRThad

② 20.6 N

Natural Resources Engineer

③ 21.0 N

August 20, 1991

④ 20.6 N

⑤ 27.0 N

SwB - Swanboy clay - 2 to 6% slope

These soils have fine textured surface layers and very dense clayey subsoils.

They formed in materials weathered from clayey shales. Some of the soils contain concentrations of salts. Permeability is very slow. Soil is generally not suited for irrigation.

St - Stetter clay 0-2% slopes

These are deep, moderately well drained to poorly drained soils that have silty clay loam and silty clay surface layers. The underlying material is stratified silty clay, silty clay loam, and silt loam. Permeability is moderately slow to very slow.

Generally, these soils are suitable for irrigation with low salinity and low sodium water. Use of higher hazard water will require the use of internal drainage and salt tolerant crops.

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4280

WR#

OWNERS NAME: Wm. Scott Phillips

OWNERS ADDRESS: Star Rt. Box 17

New Underwood, SD 57761

COUNTY LAND LOCATED IN: Meade

PHONE: 985-5573

LEGAL DESCRIPTION:

☐ Well

☒ Surface

1. LOCATION 101 rods N & 121 rods W of the SE Corner Sec 17-T5N-R11E

Depth _____

Legal Description	Acres	Legal Description	Acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 17-T5N-R11E	15		
SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 17-T5N-R11E	1		
NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 17-T5N-R11E	1		
NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 17-T5N-R11E	1		

2. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: _____ GUN: _____ OTHER: Water _____ (Specify) _____

3. CROPS TO BE IRRIGATED: grass & alfalfa

WATER QUALITY:

4. WATER SAMPLE NUMBER: _____

7. ADJUSTED (SAR): _____

5. SALINITY (EC X 10⁶): _____

8. PERCENT SODIUM: _____

6. SODIUM (SAR): _____

Requirements:

The maximum allowable limits of salt and sodium buildup in the profile at the root zone (upper 12 inches of the soil profile) at the beginning of the growing season apply. They become applicable upon the issuing of a soil-water compatibility permit by the Division or the Commission.

If an application is made for a dry draw at a time during the year when water sample cannot be obtained, the division shall process the application and the applicant shall submit a water sample for analysis when water is available during the irrigation season.

Kath F. Harner
Director, Division of Conservation

7/12/1988
Date

☒ APPROVED
☐ DISAPPROVED
☐ WAIVER

Soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.



Water Rights Division - DWR
Conversation or File Documentation

File No. 987-1
1251-1
1448-1

NAME OF PERSON OR FILE: Wm Scott Phillips

ADDRESS: New Underwood, SD COUNTY Meade

DATE: April 13, 1989 TELEPHONE _____

RE: status of licensing for 987-1, 1251-1 and 1448-1

COMMENTS:

Permit Nos. 987-1 and 1251-1 were inspected for licensing purposes on October 20, 1987. Mr. Phillips paid the licensing fee on February 23, 1988.

Before the license was issued for 1251-1 (which would have incorporated 987-1), Mr. Phillips made an application for an additional diversion point and acreage to be irrigated (Permit No. 1448-1). This permit allowed Mr. Phillips an additional five years to construct.

Since all three permits could be incorporated into one, another inspection should be made of the water use system to determine if Mr. Phillips has completed his entire project. A license would be issued after that time.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Lenny Nemeth

See Revised map

CONSERVATION PLAN MAP

UNITED STATES DEPARTMENT OF AGRICULTURE

SOIL CONSERVATION SERVICE

cooperating with

Elk Creek

Conservation District



Owner Wm. Scott Phillips

Plan No. _____

Date _____

Operator Same

Scale 8" = 1 mile

Acres 33.9

Approximate

Approximate

Meade

County

South Dakota

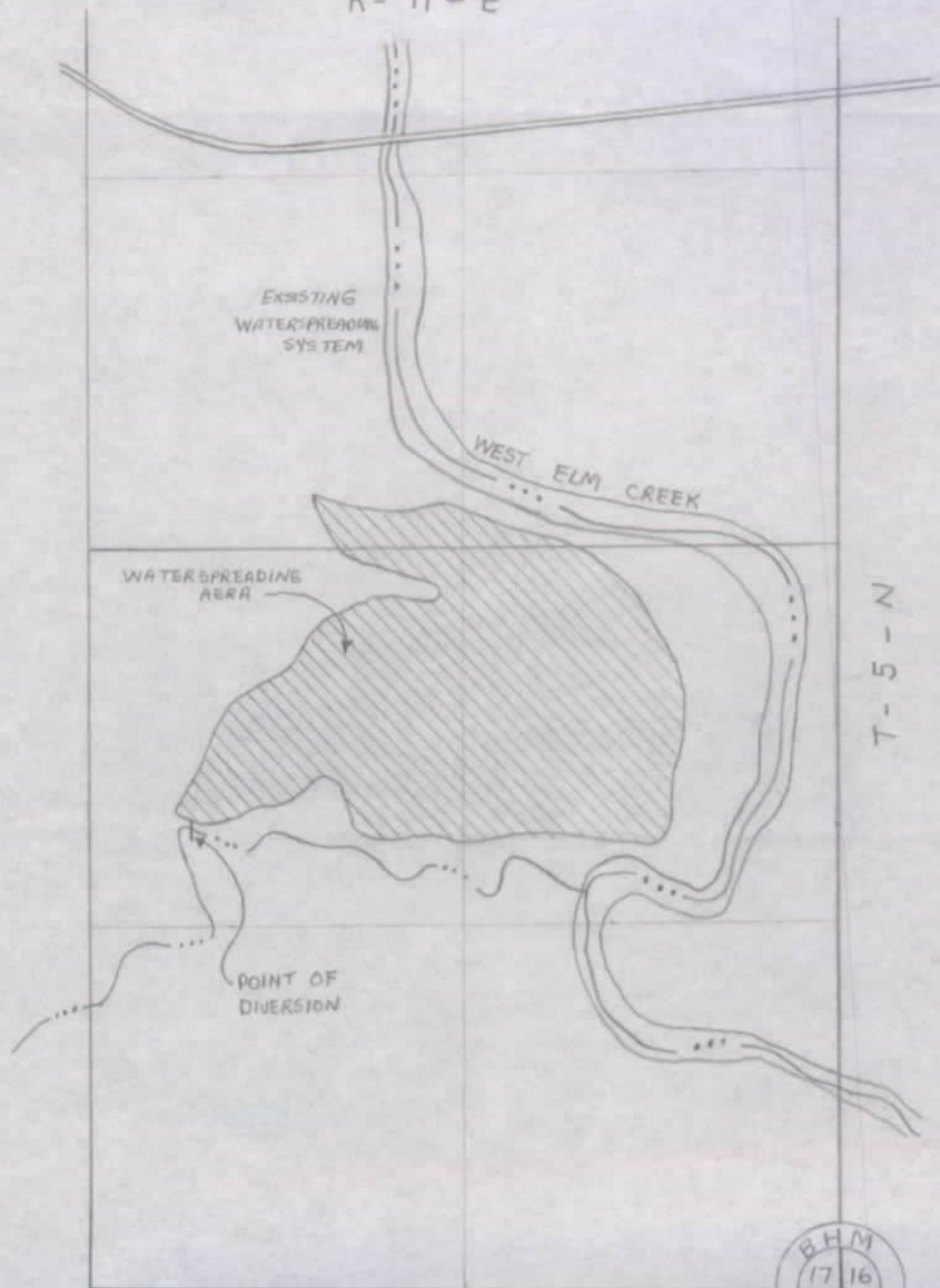
State

Photo No. _____

Drawn By: Gerald T Miller, SCT
Soil Conservation Service
Sturgis, SD

Location (Community, watershed, road & distance, etc.)

R-11-E



T-5-N



Revised map CONSERVATION PLAN MAP

UNITED STATES DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE

cooperating with

Elk Creek

Conservation District



Owner Wm. Scott Phillips

Plan No. _____

Date _____

Operator Same

Scale 8" = 1 mile

Acres 35.9 11.0

Approximate

Approximate

Meade

County

South Dakota

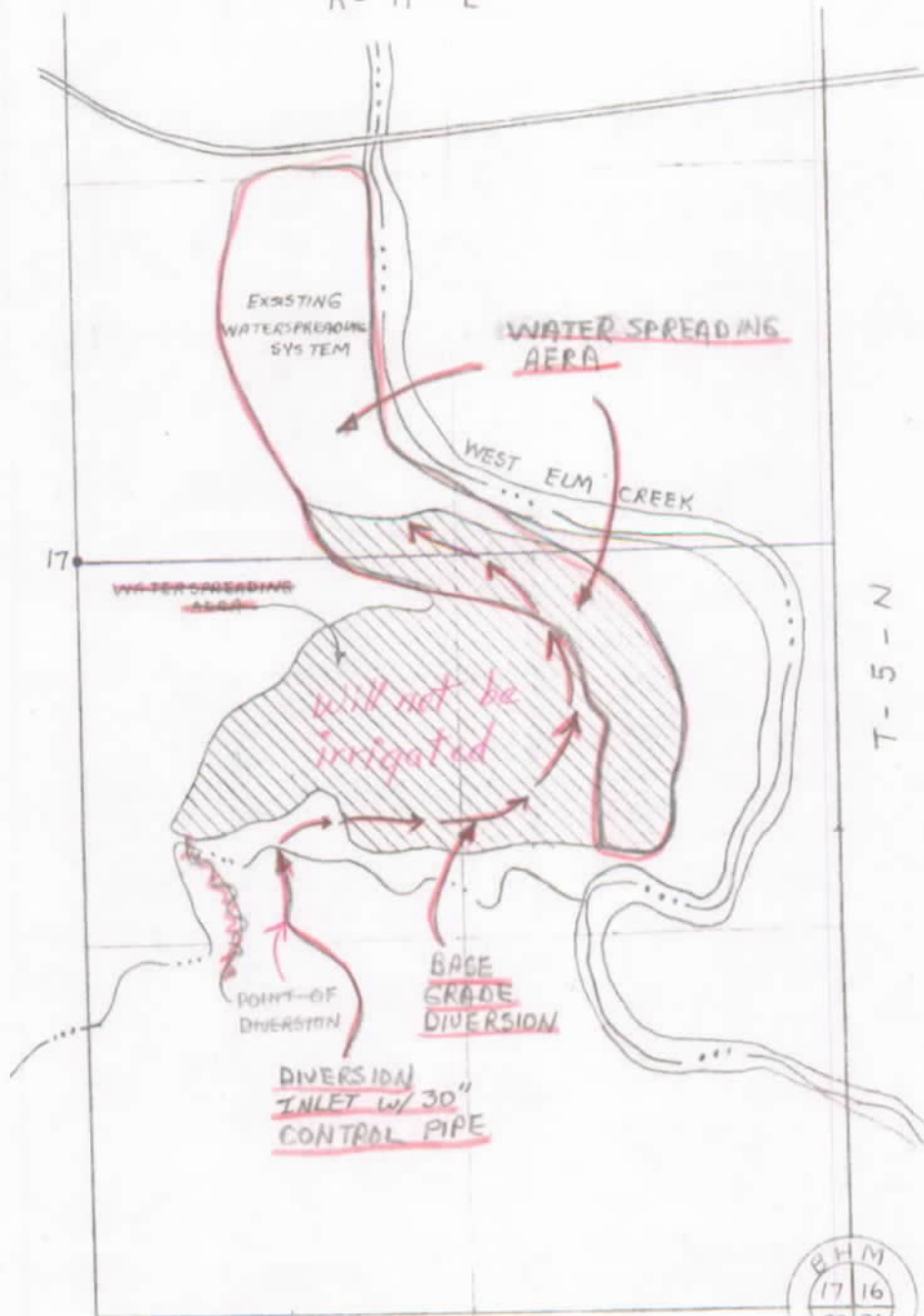
Photo No. _____

Drawn By: Gerald T Miller, SCT
Soil Conservation Service
Sturgis, SD

Revised by:
Gerald T Miller SCT

Location (Community, watershed, road & distance, etc.)

R-11-E

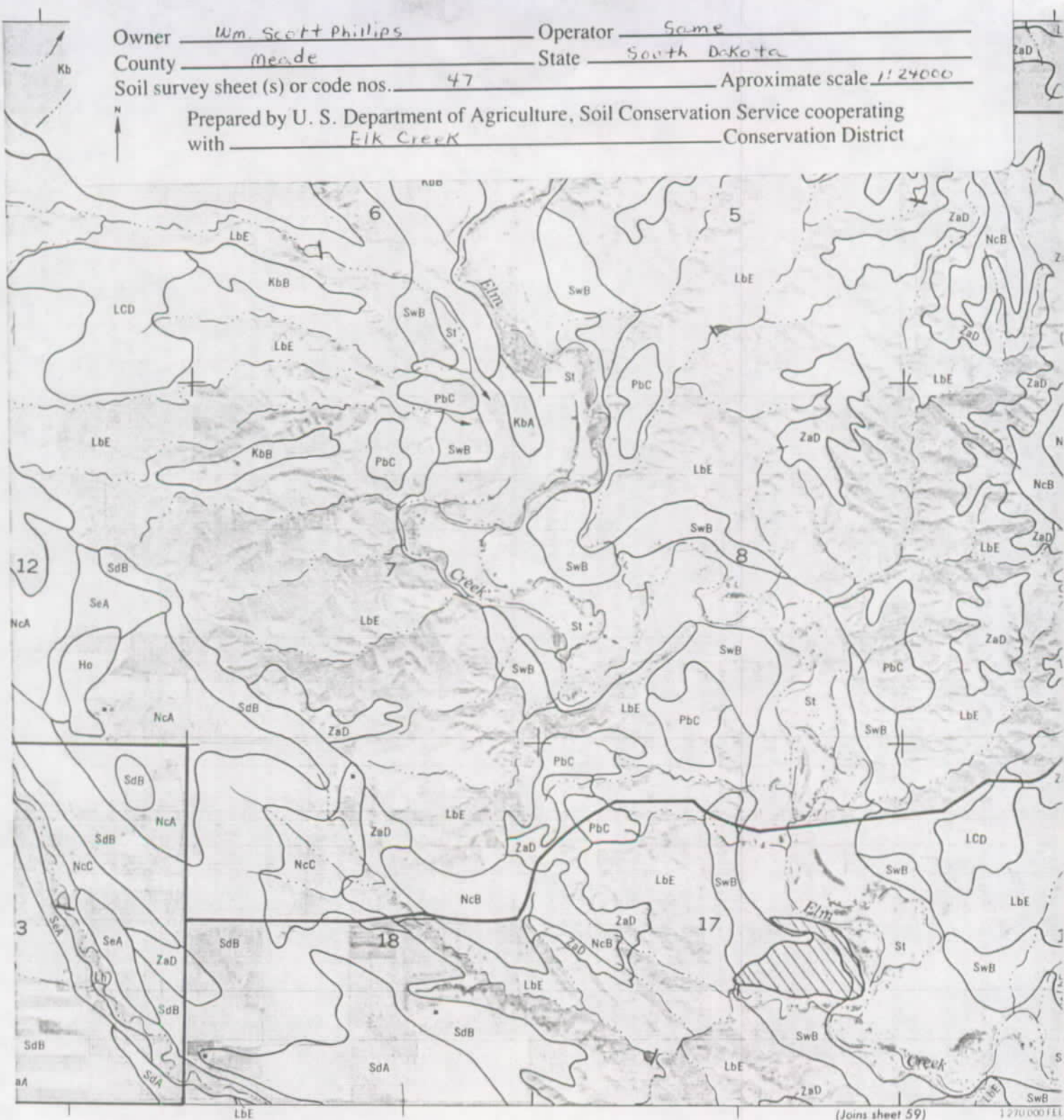


Appl. No. 1448-1

SOIL MAP

Owner Wm. Scott Phillips Operator Same
County Meade State South Dakota
Soil survey sheet (s) or code nos. 47 Approximate scale 1:24000

Prepared by U. S. Department of Agriculture, Soil Conservation Service cooperating
with Elk Creek Conservation District



March 3, 1988
New Underwood
So. Dak. 57761

Water Rights Division
Joe Foss Building
Pierre, S.D.



Dear Sir ;

A location notice for the diversion dam has been filed with the Register of Deeds in Meade county, and will be mailed later. My D.C. is mailing me some information on where it should be sent.

The water sample is not available at this time because the dry draw is not running. When water becomes available I will collect a sample and mail it to you.

Sincerely,
Wm Scott Phillon

Conversation or File Documentation

NAME OF PERSON OR FILE: Wm Scott PhillipsADDRESS: St Rt, Box 17, New Underwood COUNTY MeadeDATE: May 27, 1988 TELEPHONE 985-5573RE: Status of Water Permit Application

COMMENTS:

Wm. Scott Phillips called regarding the lands to be irrigated specified on^{an} application received March 10, 1988. Mr. Phillips stated the acreage to be irrigated was to be changed to other lands currently irrigated under Permit Nos 1251-1 and/or 987-1. The acreage is to be irrigated using an additional diversion point. I told Mr. Phillips I would send new application forms and that the fee would remain the same if the acreage did not exceed 60 acres.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Ron Darvall

ROUTING AND TRANSMITTAL SLIP

Date

6/14/88

TO: (Name, office symbol, room number,
building, Agency/Post)

Initials

Date

1. Water Rights Division DWR2. Ice Foss Building3. Pierre, SD 577514. Attention5. Ron Derral

Action	File	Note and Return
Approval	For Clearance	Per Conversation
☒ As Requested	For Correction	Prepare Reply
Circulate	For Your Information	See Me
Comment	Investigate	Signature
Coordination	Justify	

REMARKS

Enclosed is the revised form 2
and maps showing the change
in Wm Scott Phillips waterpooling
water right application. Your office
has already received Scott's filing
fee.

DO NOT use this form as a RECORD of approvals, concurrences, disposals,
clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post)

Room No.—Bldg.

Daniel J. Sturgis
347-4330

Phone No.



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

June 17, 1988

William Scott Phillips
Star Route, Box 17
New Underwood SD 57761

Dear Mr. Phillips:

This letter is in response to the revised permit application to irrigate 11 acres received on June 15, 1988. The following corrections are needed to complete the application:

- 1) The acreage to be irrigated from the new diversion point also needs to include the acreage currently being irrigated. I will change the acreage on the application as follows with your written permission (copy of application and map enclosed):

	ACRES
SW1/4 NE1/4 section 17-T5N-R11E	15
SE1/4 NE1/4 "	1
NW1/4 SE1/4 "	1
NE1/4 SE1/4 "	8

	25 total

- 2) The maximum diversion rate to irrigate 25 acres is 0.35 cfs based on the statutory provision for 1 cfs per 70 acres. Therefore, I also need to change the 0.5 cfs specified on the permit application to the 0.35 cfs allowed by law for irrigation of 25 acres.

The application can not be considered by the Water Management Board until the application is complete and the Soil/Water Compatibility Permit is approved. I will forward the soil/water compatibility over to the Division of Conservation as soon as a response is received to this letter. Please contact me if you have any questions.

Sincerely,

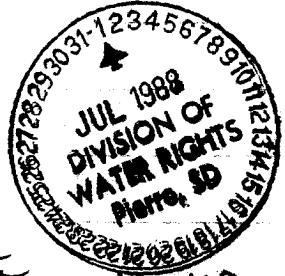
Ron Duvall
Natural Resources Engineer
605 773-3352

enc.



June 28, 1988
New Underwood, S.D.

Joe Foss Building
Pierre, S.D.



Dear Mr. Duwall;

In response to your letter of June 17, 1988, you have my permission to change the acreage on my application as you requested. The acreage will be as follows;

			Acres
SW $\frac{1}{4}$	NE $\frac{1}{4}$	section 17-T5N-R11E	15
SE $\frac{1}{4}$	NE $\frac{1}{4}$	"	1
NW $\frac{1}{4}$	SE $\frac{1}{4}$	"	1
NE $\frac{1}{4}$	SE $\frac{1}{4}$	"	8
total			25

You may also change the .5 cfs rate to 35 cfs.
Thank you for your concern.
Sincerely,
Wm Scott Phillips

Report on Application No. 1448-1
William Scott Phillips
November 10, 1988

Background

Application No. 1448-1 proposes to appropriate 0.35 cubic feet of water per second (cfs) to irrigate 25 acres. The land is located in the S1/2 NE1/4 and N1/2 SE1/4 Section 17, T5N-R11E, in Meade County. The water will be diverted by a dam to be constructed in a dry draw, a tributary to the West Elm Creek. The dam will be located in the NW1/4 SE1/4 Section 17, T5N-R11E, in Meade County. The dam will be 15 feet high, capable of storing 10 acre-feet of water at the spillway height and 18 acre-feet to the top of the dam. The water will then be applied to the land by a series of new and existing dikes.

Discussion

Mr. Phillips holds two other water permits in the area, Water Permit No. 987-1 and Water Permit No. 1251-1. A portion of the acreage (13 acres in the SW1/4 NE1/4 Section 17) on Application No. 1448-1 is covered under the Water Permit No. 987-1. The total combined diversion rate should not exceed 1 cfs for every 70 acres.

In accordance with the Safety of Dams Rules ARSD 74:02:08, the proposed dam (barrier) would be exempt from the rules due to its small size (less than 50 acre feet storage and height not exceeding 25 feet).

There are no other water rights downstream on West Elm Creek. The dry draw contains 3,945 acres of drainage area above the proposed dam. The drainage area is of sufficient size to provide the runoff waters necessary to fill the dam in most years.

Conclusions and Recommendations

1. Water is available from the dry draw for storage in the dam and the irrigation of 25 acres of land.
2. No other water right permits exist on this dry draw nor downstream on West Elm Creek.
3. Some of the acreage on Application No. 1448-1 is covered under Water Permit No. 987-1. The combined diversion rates for these permits should not exceed a rate of 1 cfs for 70 acres.

4. Approval of Water Right Application No. 1448-1 is in the public interest and constitutes beneficial use of the waters of state.
5. In accordance with Chapter 74:02:08, Safety of Dam Rules, the proposed dam is exempt due to its small size.
6. Water Right Application No. 1448-1 should be approved with following qualifications:
 - A) The combination of diversions for Water Permit Nos. 987-1 and 1448-1 should be limited to 1 cfs for every 70 acres.
 - B) The authorized storage should be stated to be 10 acre-feet.



Rassool Ahadi
Natural Resources Engineer

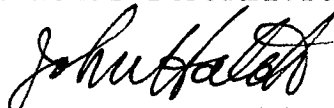
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1448-1, Wm. Scott Phillips

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 1448-1, Wm. Scott Phillips, Star Route, Box 17, New Underwood SD.

The Chief Engineer is recommending APPROVAL of Application No. 1448-1 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. Low flows as needed for downstream domestic use, including livestock watering must be by-passed.
2. Approval of this Permit authorizes storage of up to 10 acre feet of water annually.
3. That the statutory limit of 1.0 cubic feet per second per 70 acres may not be exceeded when irrigating pursuant to Permits No. 987-1 and 1448-1 unless the time of each water application is reduced to a corresponding equivalent time period and the total amount of water applied does not exceed 24 inches per year.

See the attached report for additional information.


JOHN HATCH, Chief Engineer
November 10, 1988



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

December 15, 1988

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.

Wm. Scott Phillips
Star Rt, Box 17
New Underwood SD 57761

Dear Mr. Phillips:

Your Application No. 1448-1 for a permit to appropriate water for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of your intent to appropriate water has been sent to the Publisher of the Meade Co. Times-Tribune printed at Sturgis SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Intent to Appropriate Water and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. We must receive Proof of Publication before the application can be considered by the Water Management Board.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures





Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

December 15, 1988

Meade Co. Times-Tribune
Box 69
Sturgis SD 57785

Dear Sir:

Enclosed is a Notice of Hearing on Application No. 1448-1 to be published twice. Please publish the first notice on or before December 21, 1988 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Wm. Scott Phillips, Star Route, Box 17, New Underwood SD 57761.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

TO: Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to
Appropriate Water by Application No. _____ which was first published in our issue
of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name _____

Newspaper _____



Instruction to Newspaper - Publish first Notice on or before December 21, 1988 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 1448-1 to Appropriate Water

Notice is given that Wm. Scott Phillips, Star Route, Box 17, New Underwood SD 57761 has filed an application for a water permit to appropriate 0.35 cubic feet of water per second (cfs) from a dry draw for water spreading irrigation of 25 acres. The point of diversion is to consist of a diversion dam (10 acre-feet storage capacity) to be located in the NW 1/4 SE 1/4 Section 17-T5N-R11E. The acreage to be irrigated is located in the S 1/2 NE 1/4, N 1/2 SE 1/4 Section 17-T5N-R11E. A portion of the acreage (13 acres) located in the SW 1/4 NE 1/4 Section 17 is irrigated from West Elm Creek as authorized by Water Permit No. 987-1.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 1448-1 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board at the Crossroads Hotel, Salon 1, 100 4th St SW, Huron SD on January 25, 1989 at 10:30 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by January 13, 1989. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped. If there are any petitions in opposition to Application No. 1448-1, the hearing will be delayed until the regular March 1, 1989 Board meeting. The meeting January 25, 1989 is a special Board meeting.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by January 13, 1989.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Meade) ss.

I, Joan Lewis hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Meade County Times-Tribune

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the _____

City Sturgis of _____

County of Meade and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

Dec. 21, 1988

Dec. 28, 1988

Joan Lewis
(Signature)

Billing Clerk
(Title)

12/28/88

(Date Signed)

Cost of Printing: \$46.60

SD Department of
Water & Natural Resources
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on Application No. 1448-1
to Appropriate Water

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Publ Dec. 21 & 28, 1988

Meade County Times-Tribune



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

MAR 10 1989

William Scott Phillips
Star Route, Box 17
New Underwood, SD 57761

Dear Mr. Phillips:

Enclosed is Water Permit No. 1448-1 as approved by the Water Management Board authorizing you to construct your water diversion system and put the water to beneficial use, not exceeding the limits as specified in Water Permit No. 1448-1.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

JH:mra

enclosure

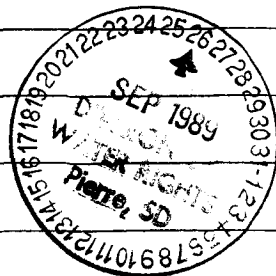
PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period - i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.

Please call me and
schedule an appointment.

If memory serves me
correctly we were planning
on combining three water
permits into one water
licence. I could be
available nearly anytime for
the inspection of my works.

Wm Scott Phillips





NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE

Date Sept. 22, 1989

TO: Water Rights Division, DWR
Joe Foss Building
Pierre SD 57501-3181

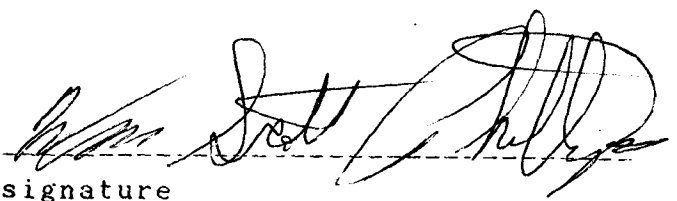
FROM: William Scott Phillips HCR 81 Box 17 New Underwood, S.D.
name address city

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 1448-1.

Water Permit No. 1448-1 states that the diversion system is to be constructed by L-25-94, and that the water it put to beneficial use by L-25-98.

The diversion system was completed on May 15, 1989.
Applying the water to beneficial use was completed on May 15, 1989.

You may schedule an inspection so that the Water License may be issued.


signature

Water District

Report Of Examination Of Works And/Or Application Of Water To Beneficial Use

TO: Chief Engineer, Division of Water Rights, DWNR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by William Scott Phillips
of HCR 81, Box 17, New Underwood, SD holder of
Permit No. 1448-1, bearing the priority of September, 15 ⁵⁷⁷⁶¹ 19 88 authorizing
the diversion of 0.35 cu. ft. per second of the waters of a dry draw
for irrigation purposes, in Meade County.

I have to report on the conditions of the same as follows:

A. Works used to divert the water:

A small barrier in the dry draw bottom to backup water. The dam proposed in the application was never constructed.

B. Works used to transport water to place of use:

Approximately 2640 feet of earthen ditch.

C. Works used to apply water to beneficial use:

Gravity system of irrigation is used to apply water to the land.

The system is in the following condition Very good

The point of diversion is located Approximately 1600 feet north, 1960 feet west from the Southeast corner of Section 17, T5N-R11E (NW $\frac{1}{4}$ SE $\frac{1}{4}$)

The works are capable of diverting and conveying to the place of use 0.23+cu. ft. per second of water which is to be used for irrigationWater has been put to beneficial use to the maximum extent as follows: All in Section 17, T5N-R11ESW $\frac{1}{4}$ NE $\frac{1}{4}$ 14.5 ac.NW $\frac{1}{4}$ SE $\frac{1}{4}$ 1.5 ac.comprising a total of 16.0 acres of land and the license should be issued for 0.23 cfsApplicable permit qualifications have been complied with X Yes NoExceptions to compliance are: None Date 6/19/91

(signature)



Priority date of April 15, 1982 - As follows

SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 8, T5N R 11 E = 4 Ac

SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 8, T5N R 11 E = 5 Ac

NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 17, T5N R 11 E = 4 Ac

Total. = 13 Ac

Remaining 73 Ac has priority date of May 8, 1973

LICENSE FOR PERMIT NUMBER 1448-1

1. Legal location of wells: NA

~~dam~~ structures: NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 17, T5N-R11E

2. Well Information: Well Drilling Firm NA

Completion Report Yes No No. of Wells Depth

Casing a) diameter Screen a) type

b) length b) length

c) type Static Water Level

Pump a) make Motor a) make

b) model b) model No.

c) size c) horsepower rating

d) capacity gpm

e) turbine pump - no. of stages

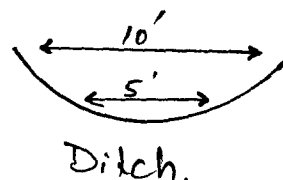
f) operating PSI

3. Distribution lines or canals

a) size

b) type Earthen

c) length Approx. 2640 feet



4. Dam Information:

a) height to crest m) Outlet tubes:

b) height to primary spillway 1) diameter

c) height to secondary spillway 2) type

d) crest width 3) valved (Y/N)

e) crest length 4) valve type

f) spillway length 5) location on structure

g) spillway width

h) approx. storage n) Category of Dam

i) approx. storage to crest

j) date constructed

k) inspection sheet completed (Y/N)

l) Name of Contractor

5. System Type a) sideroll:

- 1) length _____ feet
- 2) diameter of pipe _____
- 3) make, model & number of
sprinklers _____
- 4) spacing of sprinklers _____
- 5) nozzle size _____

c) gun

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____
- 4) hose size _____
- 5) hose length _____

e) gated pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

f) portable boom

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____

b) towline:

- 1) length _____ feet
- 2) make, model & number of
sprinklers _____
- 3) spacing of sprinklers _____
- 4) nozzle size _____

d) center pivot

- 1) make _____
- 2) number of towers _____
- 3) distance between towers _____
- 4) overall length _____
- 5) end gun (Y/N) _____
- 6) high or low pressure _____
- 7) make & size of nozzles _____
- 8) capacity (GPM) _____

g) siphons

- 1) size _____
- 2) number _____

NOTE: For Permits with additional wells or changes in well locations, record the following for each well: pumping capacity, date constructed, well driller and if a well log is available.

Indicate any other permit(s) which are associated with project _____

Yes	No	Check Items
<u>X</u>	___	1. Soil and water permit lands agree with lands being irrigated and lands listed on permit?
<u>X</u>	___	2. Special qualifications to permit being abided by?
<u>X</u>	___	3. All structures, wells and lands on map?
___	NA	4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period?
___	<u>X</u>	5. Is chemigation used?
___	___	6. If yes, does equipment comply with chemigation rules?

REMARKS:

Water Rights Program -- File Documentation

NAME: Wm Scott Phillips

ADDRESS: HC 81 Box 17 New Underwood, SD 57761

DATE: 10-9-97 **COUNTY:** Meade **TELEPHONE:**

RE: Incorporating and licensing 987-1, 1251-1, and 1448-1

COMMENTS:

License should be issued as to inspection reports of Rassool Ahadi and LeRoy Mernaugh

INVESTIGATION RESULTS:

License should be issued for the following:

Acreage all in T5N-R11E:

Priority date September 15, 1988:

NW 1/4 SE 1/4 Section 17 - 1.5 acres

Priority date April 15, 1982:

SW 1/4 SE 1/4 Section 8 - 4 acres

NE 1/4 NE 1/4 Section 17 - 2 acres

SE 1/4 SE 1/4 Section 8 - 5 acres

SW 1/4 NW 1/4 Section 16 - 2 acres

Priority date May 8, 1973:

NW 1/4 NE 1/4 Section 17 - 8 acres

NE 1/4 NE 1/4 Section 17 - 2 acres

SE 1/4 NE 1/4 Section 17 - 18 acres

NW 1/4 SW 1/4 Section 16 - 12 acres

SW 1/4 SW 1/4 Section 16 - 9 acres

NE 1/4 SE 1/4 Section 17 - 7 acres

SE 1/4 SE 1/4 Section 17 - 2 acres

SW 1/4 NE 1/4 Section 17 - 14.5 acres

NE 1/4 SW 1/4 Section 16 - 2 acres

Total = 89 acres

Points of diversion:

Priority date - September 15, 1988:

Point 1 - 1600 feet north and 1960 feet west from the SE corner of Section 17-T5N-R11E.

Priority date - May 8, 1973 and April 15, 1982:

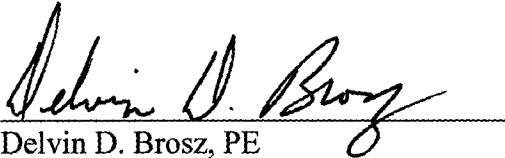
Point A - 1980 feet north and 1073 feet west from the SE corner of Section 8-T5N-R11E.

Between Point B - 1050 feet east of the N 1/4 corner Section 17 and Point C - 1320 feet

north and 600 feet west of the S 1/4 corner of Section 16-T5N-R11E.

Diversion rate:

1.27 cubic feet per second

A handwritten signature in cursive script, reading "Delvin D. Brosz", is written over a horizontal line.

Delvin D. Brosz, PE

Natural Resources Engineer

Water Rights Program

**GTAIN
FEEDS**
A HARVEST STATES COMPANY



This check is in
response to correspondence
dated 1-27-88 in regards
to licensing water
right # 1251-1

Wm Scott Phillips

RECEIPT

Division of Water Rights
South Dakota Department of Water and Natural Resources

411160

Pierre, February 23 1988

RECEIVED OF William Scott Phillips, SR. Box 17, New Underwood, SD 57761

the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. 1251-1

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for Certified Copy of _____

Fee for Print Copy of Map _____

Fee for Certifying _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

By

John Hatch

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 1448-1**

(1) Wm Scott Phillips, HC 81 Box 17, New Underwood, SD 57761 made Application No. 1448-1, June 15, 1988, for a water permit to divert 0.35 cubic feet of water per second (cfs) with storage of 10 acre feet of water annually from a dry draw, Meade County, South Dakota for irrigation purposes. Permit No. 1448-1, with a priority date of September 15, 1988 was approved January 25, 1989 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before January 25, 1994 and for the application to beneficial use of said water on or before January 25, 1998.

Water Permit Nos. 987-1 and 1251-1 were investigated for licensing purposes in 1987. Prior to licensing, the permit holder obtained Water Permit No. 1448-1 to cover an additional diversion point and additional acreage. The storage dam proposed under No. 1448-1 was not developed.

The applicable portions of Water Permit Nos. 987-1 and 1251-1 have been incorporated into this Water License No. 1448-1. The priority dates, as they pertain to the diversion points and acreage irrigated are described below.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.27 cubic feet of water per second for beneficial use. The location of the diversion points are:

- **Priority date: September 15, 1988 (No. 1448-1)**

Point 1 - dry draw: 1600'N and 1960'W of the SE corner of Section 17, T5N, R11E (NW¼ SE¼)

- **Priority date: May 8, 1973 (No. 987-1) and April 15, 1982 (No. 1251-1)**

Point A - dry draw: 1980'N and 1073'W of the SE corner of Section 8, T5N, R11E (NE¼ SE¼)

Between Point B - Elm Creek: 1050'E of the N¼ corner of Section 17 (NW¼ NE¼) and Point C - 1320'N and 600'W of the S¼ corner of Section 16 (SE¼ SW¼) all in, T5N, R11E

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land: **all in T5N, R11E**

Priority date: May 8, 1973			Priority date: April 15, 1982			Priority date: September 15, 1988		
Section 17	NW¼ NE¼	8.0 acres	Section 8	SW¼ SE¼	4.0 acres	Section 17	NW¼ SE¼	1.5 acres
Section 17	NE¼ NE¼	2.0 acres	Section 8	SE¼ SE¼	5.0 acres			
Section 17	SE¼ NE¼	18.0 acres						
Section 17	SW¼ NE¼	14.5 acres	Section 16	SW¼ NW¼	2.0 acres			
Section 17	NE¼ SE¼	7.0 acres						
Section 17	SE¼ SE¼	2.0 acres	Section 17	NE¼ NE¼	2.0 acres			
Section 16	NW¼ SW¼	12.0 acres						
Section 16	SW¼ SW¼	9.0 acres						
Section 16	NE¼ SW¼	2.0 acres						
Total acres irrigated 89.0								

continued

page 2

Water License No. 1448-1

Wm Scott Phillips

(4) Pursuant to South Dakota Water Law 46-5-30.1 Wm Scott Phillips, HC 81 Box 17, New Underwood, SD 57761 the holder and/or owner of Incorporated Water Permit No. 1448-1 is issued a license to appropriate water, the right to use 1.27 cubic feet of water per second from Elm Creek and dry draws with priority dates of May 8, 1973, April 15, 1982 and September 15, 1988 from the locations specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Incorporated Water Permit No. 1448-1 and subject to South Dakota State Law.



JOHN HATCH, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

NOV 12 1997

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 12 1997

Wm. Scott Phillips
HC 81 Box 17
New Underwood SD 57761

Dear Mr. Phillips:

Enclosed is Water License No. 1448-1 and receipt No. 411160 for \$50.00 which was assessed for the investigation and issuance of the license. The applicable portions of Water Permit Nos. 987-1 and 1251-1 have been incorporated into this Water License No. 1448-1. Water License No. 1448-1 is the final document which completes the process of obtaining a water right.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Also, enclosed is Water Permit No. 1606-1. A review of the water permit file indicates the permit has been investigated, but the \$50.00 which is assessed for the investigation and issuance of the license has not been received. Upon receipt of the \$50.00 fee, the Water License No. 1606-1 will be issued.

Please remit fee to: Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Program
605 773-3352

enclosures

ks