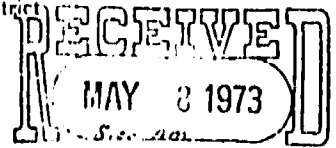


986-1

1. Considered JULY 18, 1973
2. Name of Applicant ROY O. PHILLIPS
3. Post Office Address NEW UNDERWOOD
4. Amount of water claimed 1.93
5. Source of water supply WEST ELM CREEK & PHILLIPS DRAIN
6. Water to be used for IRRIGATION
Acres to be irrigated 135
7. Water to be diverted and used in MEADE County
about 26 E 5 S miles of STURGIS
8. Proof of Publication
Received 7-5-73
Not Received _____
9. Application
Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

No. 986-1

Map No. 814-1 Water Division No. 1 BELLE FOURCHE RIVER
(Blanks to be Filled by the Engineer for the W. R. C.)



APPLICATION FOR PERMIT

STATE WATER RESOURCES COMMISSION
SIOUX FALLS, SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

(NOTE-Draw a line through items not applicable)

- Name of Applicant Roy O. Phillips
Postoffice address rural route, New Underwood, State South Dakota
If a corporation show date and place of incorporation Private
- Method of accomplishing work (contract, employment of others, or by direct labor) Direct labor and contract
- Name of diversion work Phillips West Elm and Phillips Draw Project
- Amount of water claimed (cubic feet per second) 1.93 cfs
- Source of water supply West Elm and Phillips Draw
- Location of point of diversion Between a point 1075' N 90° E of N 1/4 Cor., Sec. 6, T5N, R11E, BHM, and a point 990' S 0° E of E 1/4 Cor, Sec. 6, T5N, R11E, BHM.
BETWEEN POINTS TO THE NORTH AND SOUTH
County Mead
- Annual period or periods during which water is to be used April 1st to November 1st
- Use to be made of water. (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
- For irrigation use, Total number of acres to be irrigated 135

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.	Land Description	No. Acres Irr.

Attach sheet if more space is needed

- Time required to complete construction of water supply system Four years. Additional time required to complete application of water to the proposed beneficial use Four years.
- Choice of newspaper for Notice of Intent to Appropriate Water publication Sturgis Tribune, Sturgis, S. Dak.
- Principal Features of the Proposed Water Supply System.

Section 6, T 5 N, R 11 E, BHM.

A. Works proposed to divert water from its natural source.

Pump and spreader dams and dikes
Pump for West Elm

NE 1/4 NW 1/4	5
SE 1/4 NW 1/4	4
NW 1/4 NE 1/4	20
SW 1/4 NE 1/4	32
SE 1/4 NE 1/4	22
NW 1/4 SE 1/4	25
NE 1/4 SE 1/4	16
SW 1/4 SE 1/4	7
SE 1/4 SE 1/4	4
	<u>135</u>

B. Works proposed to transport water to place of use.

Pipe, Dikes and ditches

C. Works proposed to apply water to beneficial use.

Ditches and dikes

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
(See instructions concerning preparation.)

STATE OF SOUTH DAKOTA)
) ss.
County of Mead)

I, Roy O. Phillips the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

Signed Roy O. Phillips

Subscribed and sworn to before me this 12 day of March 1972

Carol M. Council
Notary Public (or other qualified officer)

PLAT OF THE PHILLIPS WEST ELK CREEK AND PHILLIPS DRAIN PROJECT

Located in Section 6, Township 5 North, Range 11 East of the 6th M., in Meade County, South Dakota, drawn and prepared as a part of the Application for Permit to appropriate water of Roy O. Phillips, New Underwood, South Dakota, to supply water for irrigation of areas as shown on this plat.

SURVEYOR'S CERTIFICATE

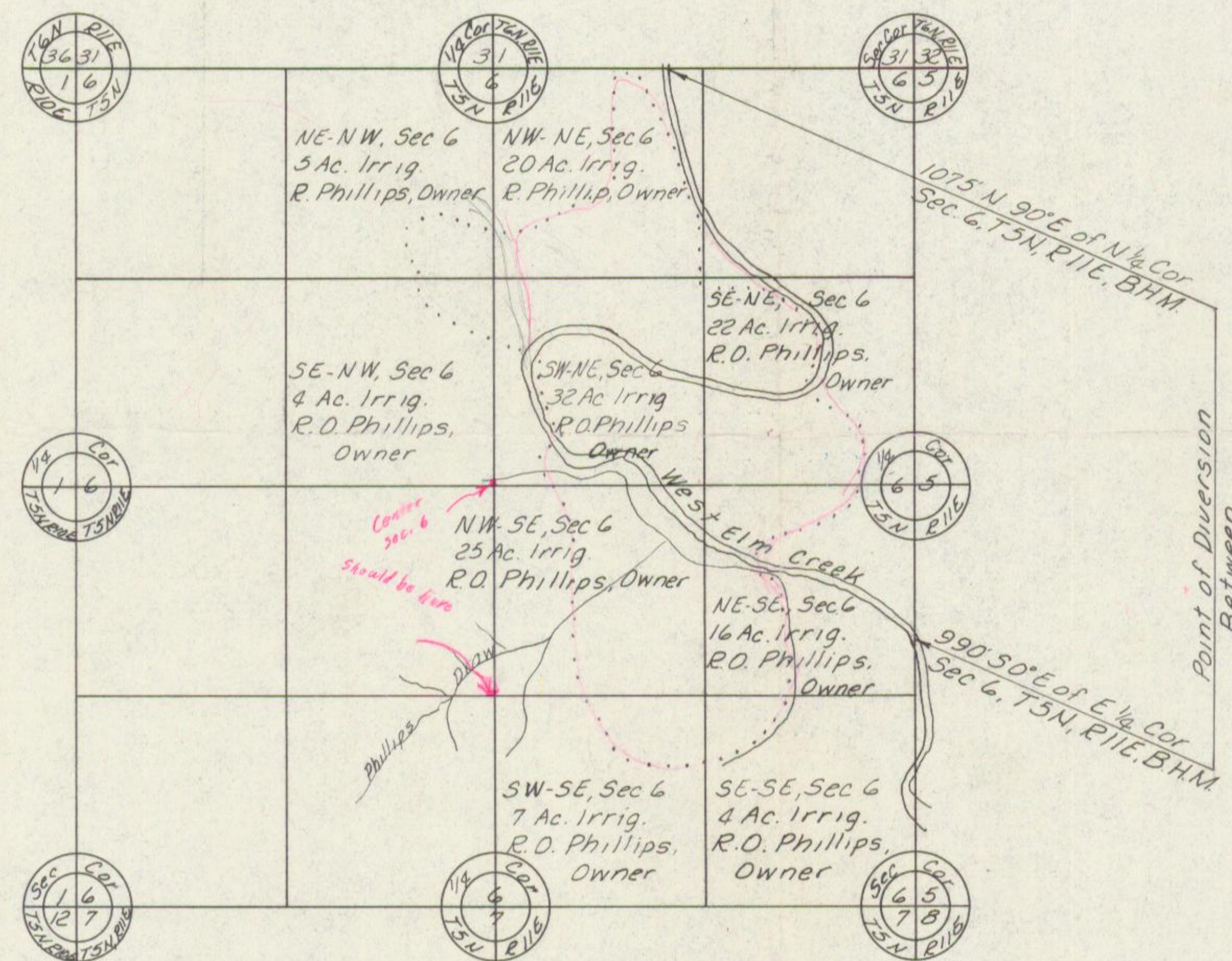
I, William C. Brengle, Registered Land Surveyor in and for the State of South Dakota, do hereby certify that at the request of Roy O. Phillips, I have made a survey and have prepared this plat as a part of his Application for a Permit to appropriate water for irrigation. I further certify that the bearings and lengths of all lines shown and their location with reference to the Government Land corners shown, are correct to the best of my knowledge and belief.

William C. Brengle
William C. Brengle
Registered Land Surveyor #1517 (SEAL)

Subscribed and sworn to before me this 23rd day of April, 1973.

Florence Brengle
Florence Brengle
Notary Public (SEAL)

FLORENCE BRENGLE
NOTARY PUBLIC - MEADE CO., S. DAK.
My Commission Expires Aug. 1, 1974



? Map in error. Center of Sec 6
is 1/4 Mile Too Far North.

N
Scale: 1" = 660'

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 986-1
ROY O. PHILLIPS RURAL ROUTE, NEW UNDERWOOD,
 (Applicant) (Post Office Address)
SOUTH DAKOTA With the following modifications:
 (State)

LOW FLOWS AS NEEDED FOR DOWNSTREAM DOMESTIC USE, INCLUDING LIVESTOCK WATERING, MUST BE BY-PASSED.

Date of first receipt of application MAY 8 19 73
 Date of return to applicant for correction, amendments or changes required --- 19 ---
 Date of receipt of corrected application --- 19 ---
 Approved JULY 18 19 73, Recorded in Book 12 Page 226

WATER RIGHT PERMIT NO. 986-1

The Water Resources Commission hereby grants and issues this Water Right Permit No. 986-1 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is MAY 8 19 73
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JULY 18 19 75
3. The whole of said work is to be completed on or before JULY 18 19 77
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JULY 18 19 81
5. The water appropriated shall be used for the purpose of IRRIGATION
6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 1.93 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before JULY 18 19 81; said water to be used during the following described annual period: APRIL 1 TO NOVEMBER 1

Witness my hand this 19TH day of JULY 19 73

WATER RESOURCES COMMISSION

By:

Donald D. Dineen
 Chief Engineer, Executive Officer

Certificate of Construction Issued --- 19 ---

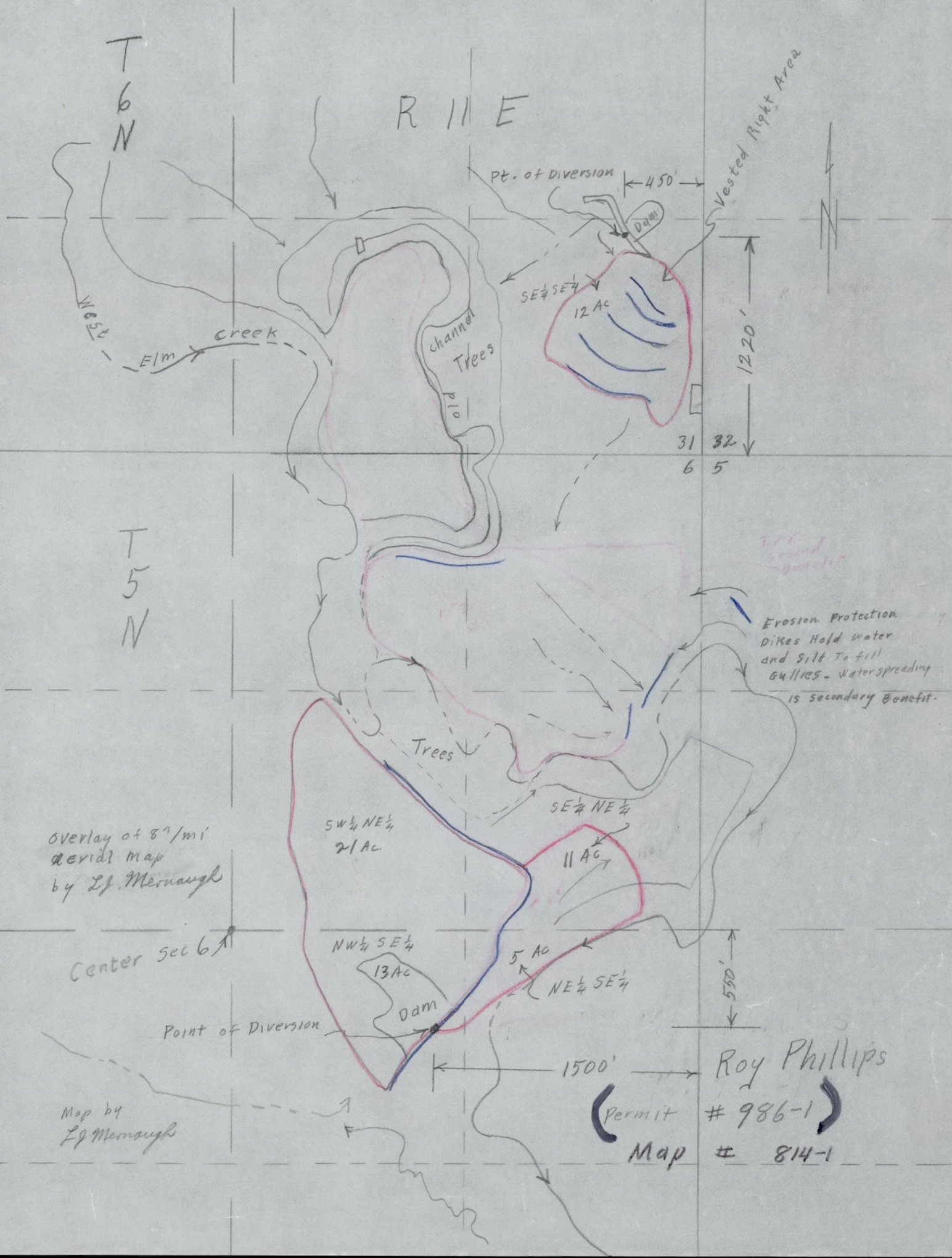
Water License Issued --- 19 ---

986-1 Prof. O. Phillips

10-8-80 Tallahassee Phillips about the
Permian-

11-25-81 Recheck ASCS records -
WR. Map is 1/4 mile off from
overlay which made out on
St. George

J. J. Mernagh



Form 8 - Proof of Publication - Notice of
Intent to Appropriate Water

No. 286-1

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Meade) ss.

I, Terese Shoun hereby

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

Water was taken from the Sturgis 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

B.H. Publishers of XXXXXXX Sturgis

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

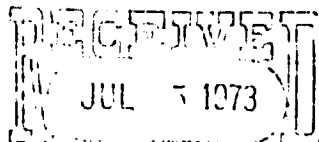
June 13, 20

Terese Shoun
(Signature)

Bookkeeper
(Title)

June 28, 1973
(Date Signed)

Baker



STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

No. 986-1
**NOTICE INTENT TO
APPROPRIATE WATER**
Pierre, South Dakota 57501
June 6, 1973
Notice is hereby given that Roy O. Phillips, whose post office address is New Underwood, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 1.73 cubic feet of water per second of time from West Elm Creek and Phillips Draw through the Phillips West Elm and Phillips Draw Project, the point of diversion of which is to be located between points in the NW 1/4 NE 1/4 and in the NE 1/4 SE 1/4 of Section 6, Twp. 3N, Range 11E. Said water to be used for the purpose of providing irrigation on portions of the following described land: SE 1/4 NW 1/4, NW 1/4 NE 1/4, SE 1/4 NE 1/4 and SE 1/4, Section 6, T3N, R11E.
This application No. 986-1 will be considered by the Water Resources Commission at their office at Pierre upon the 18th day of July, 1973, at 2 p.m. All interested persons may appear and be heard.
WATER RESOURCES COMMISSION, By: s. Burton F. Jones, BURTON F. JONES, Water Rights Specialist.

June 13, 20

Form 6 - Notice of Intent to Appropriate Water

986-1

Publish first publication, on or before July 4, 1973

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

June 6, 1973

Notice is hereby given that Roy O. Phillips

whose post office address is New Underwood, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use

1.93 cubic feet of water per second of time from the West Elm Creek and Phillips Draw through the Phillips West Elm and Phillips Draw Project, the point of diversion of which is to be located in the

between points in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and in the NE $\frac{1}{4}$ SE $\frac{1}{4}$

of Section 6, Twp. 5N, Range 11E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

E $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$, Section 6, T5N, R11E

This application No. 986-1 will be considered by the Water Resources Commission at their office at Pierre upon the 18th day of July, 1973, at 2:00 P. M. All interested persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

cc: Roy O. Phillips, New Underwood, S.D. 57761 (Rural Route)

986-1

PA 985-5262

Early #103070

Roy Phillips Star Rt., New Underwood
Oklahoma Map 1/2 mile off? Get ASCS overlay again.
May need to resubmit for the error

11-25-81

1st suppl

1st Water Sample and Check average. Check the
ASC'S about on this also SC'S if work has been done

7-6-82

Talked to Scott Phillips. Did not know whether
Roy had sent in water sample for Sec 26 or new
applications. Scott would inform him of this.
Some work by the SC'S has been done
in section 25. Has 3 small dikes. Filled
full and then grows good grass.

Tomorrow to check to see if water sample
for sec 26 has been sent in.

Call Roy Phillips to make sure if sec
if work in sec 31 can be sent in. Should
make contact with Roy to see if Map for #986-1
will be OK and can be renewed.

Permit No. 986-1Water Division 1 Battle Fourche River Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / FOSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by Roy O. Phillips
54761 of Star Rt. Box 18, New Underwood S.D. holder
 of Permit No. 986-1, bearing date of priority of May 18-8 by 84, 1973
 authorizing the diversion of 1-93 cu. ft. per second of the waters of West Elm + Phillips DRAIN
 for Irrigation purposes, in Meddle County.

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

The Water Use System consists of,

A. Works used to divert the water:

Diversion Dam on Phillips Drain

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

Diversion Pikes.

C. Works used to apply water to beneficial use.

Dikes for Flood IrrigationThe system is in the following condition: GoodThe point of diversion is located 500' S and 1500' W of E 1/2 Cor. of
Sec. 6, T 5 N R 11 E. (DB)The works are capable of diverting and conveying to the place of use 20 cfs. percu. ft. per second of water which is to be used for Irrigation

Water has been put to beneficial use to the maximum extent as follows:

All in Sec. 6, T 5 N R 11 E
SW 1/4 NE 1/4 - 21 AC. SE 1/4 NE 1/4 - 11 AC. NW 1/4 SE 1/4 - 13 AC.
NE 1/4 SE 1/4 - 5 AC.
comprising a total of 50 acres of land.
 Date July 19 1982
Leroy J. McNaught
 (Signature)

WATER LICENSE NO. 986-1 .

(1) WHEREAS, On the 8th day of May A. D. 1973 Roy O Phillips

made Water Right Application No. 986-1 for a permit to use 1.93 cubic feet per second of the waters of West Elm and Phillips Draw County of Meade State of South Dakota, for Irrigation purposes; and

(2) WHEREAS, On the 18th day of July A. D. 1973 Permit No. 986-1 with a date of priority of May 8, 1973 was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 18th day of July A. D. 1977 and for the application to beneficial use of said water on or before the 18th day of July A. D. 1981

and,

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 0.71 cubic feet per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent,

to irrigate the following land all in Section 6, T5N, R11E

SW¼ NE¼ 21 acres (AC)

SE¼ NE¼ 11 " (AD)

NW¼ SE¼ 13 " (DB)

NE¼ SE¼ 2 " (DA)

TOTAL 50 acres

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and conform to Roy O Phillips

St Rt, Box 18, New Underwood SD 57761

of _____ the holder _____ and owner _____ of said permit No 986-1 a water right dating from May 8, 1973

to use of 0 71 cubic feet per second of the waters

of West Elm and Phillips Draw

in the County of Headwaters and State of South Dakota, or so much thereof as may be necessary for the

purposes hereinafter mentioned, to be diverted at a point 500'S and 1500'W of E 1/4 corner,

Section 6, T5N, R11E (DB)

and conducted to and upon portion of land in Section 6, T5N, R11E
more fully described on the face of this License

for the purpose of Irrigation.

Subject to any limitations listed in Water Right Permit No. 986-1 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 17th day of February, A. D.
Nineteen Hundred and Eighty-three

WATER MANAGEMENT BOARD

By: John Hatch
Chief Engineer, Executive Officer
JOHN HATCH

Permit No. 986-1

Water Diversion No. 1 Belle Fourche River Water District
10120202

CERTIFICATE OF CONSTRUCTION

Roy O Phillips

This is to Certify, That _____

_____ its holder _____ of
Permit No. 986-1, issued upon Application No. 986-1, bearing date of priority of May 8, 1973
_____ authorizing the diversion of 1.93 cu. ft. per second of the waters of _____
West Im & Phillips Draw _____ Headen _____
_____ County of _____, State of South Dakota at _____
a point 500'S and 1500'W of E $\frac{1}{4}$ corner, Section 6, T5N, R11E (DB)

_____ for _____ irrigation

_____ s
purposes, has _____ complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 20.0 cfs cu. ft. per second of water.

Date February 17, 1983

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Division

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 9161

PIERRE, February 17, 1983

RECEIVED OF Roy Phillips, SR, Box 18, New Underwood, SD 57761

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

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for inspecting Construction, and Issuing Cert. of Construction No. 986-1	50	00
Fee for inspecting Beneficial Use, and Issuing Water License No. 986-1		
Fee for Issuing Location Certificate-Dry Draw, No.		
Fee for filling		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL	50	00

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer
JOHN HATCH (ms)

No. 986-1



Department of Water & Natural Resources

Joe Foss Building Water Rights Division
Pierre, South Dakota 57501

(605) 773-3352

February 17, 1983

Roy Phillips
SR Box 18
New Underwood SD 57761

Dear Mr. Phillips:

Enclosed herewith are, Water License No. 986-1 and Certificate of Construction.

Water License No. 986-1 is the final water right document completing your process of obtaining a water right.

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

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

enclosures

WNR-817-7/79
Transmittal of Water License



986-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 21, 1994

SECOND NOTICE
Permit Nos. 985-1
986-1
1264-1

William Scott Phillips
HCR 18, Box 17
New Underwood, SD 57761

Dear Mr. Phillips:

On August 2, 1994, notice was sent to you concerning the transfer of Water Right Nos. 985-1, 986-1 and 1264-1 in the name of Roy O. Phillips. To date, we have not heard from you on this matter.

Transfer forms were previously sent to you, enclosed are additional forms. Please sign, have notarized and return the forms to this office with the required filing fee of \$2.50 per transfer, a total of \$7.50. The water rights can then be transferred to your name. If you are not the present owner of the land covered under these water rights, please notify this office. It is very important that ownership records be kept current. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact Genny McMath, (605) 773-3352.

Very truly yours,

RON DUVALL
Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Division

enclosure

986-1



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 2, 1994

William Scott Phillips
HCR 18, Box 17
New Underwood, SD 57761

Dear Mr. Phillips:

Per your request, enclosed are copies of all your water rights/permits. Three of the water permits have not been licensed yet. However, all three have been inspected and are in the process of being licensed.

You also may have to change the names on three of your water rights to reflect the present ownership of the land and the water rights. I have enclosed partially completed transfer forms. Please review them for accuracy and sign them in the presence of a notary public and return them with the required filing fees. The filing fee for each transfer is \$2.50 (total of \$7.50).

If you have any questions, please do not hesitate to contact me.

Sincerely,

M. Rassool Ahadi
Natural Resources Engineer
Water Rights Division
(605) 773-3352

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Division, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 986-1

Date: Aug. 16, 1994



I\We request that Water Right No. 986-1

formerly owned by: Roy O Phillips

be transferred to: (name & address) Wm Scott Phillips, HC81 Box 17,
New Underwood, South Dakota, 57761 (Telephone No) 605-985-5573

Title to the following described land(s)/property has been transferred as described above:

50 acres - S½ NE¼, N½ SE¼, Section 6, T5N, R11E

I/We understand that the validity of Water Right No. 986-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file at the Division of Water Rights, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

County of Meade)

1/24 Wm. S. Phillips being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Wm Scott Phillips
(Signed)

Subscribed and sworn to before me this 31st day of August, 19 94

P. Brett Hines
(Notary Public)

My Commission Expires

NOTE: Water permits may be canceled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

Division of Water Rights

414339

South Dakota Department of Environment and Natural Resources

Pierre, November 22, 19 94

RECEIVED OF Wm Scott Phillips, IC 81 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 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. _____

Fee for Filing Transfer Form Water Right No. 986-1 2 50

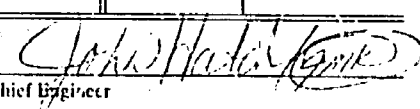
Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

By 
Chief Engineer



986-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 12, 1995

No. 985-1
986-1
1264-1

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

Dear Mr. Phillips:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Right Nos. 985-1, 986-1 and 1264-1.

Our records now show you as the owner of Water Right Nos. 985-1 and 986-1, and Helen Phillips as the owner of Water Right No. 1264-1.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

enclosure

c: Helen Phillips, HC 81, Box 8, New Underwood, SD 57761